

PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES
PRESERVATION COMMISSION (PONC)

MINUTES-REGULAR SESSION

September 11, 2017

West Hawai'i Civic Center ♦ Building G Conference Room
74-5044 Ane Keohokalole Highway
Kailua-Kona ♦ Hawai'i 96740

Present:	Chairperson	Cynthia Nazara
	Vice-Chair	Kekaulike Tomich
	Commissioner	Timothy DeLozier
	Commissioner	Kai'ena Bishaw II
	Commissioner	Dr. Wayne Frank
	Commissioner	René Siracusa
	Commissioner	Rick Warshauer
	Commissioner	Susan Fischer
Absent:	Commissioner	William "Willy" Meyers
Others Present:	Commission Secretary	Maxine Cutler
	Deputy Corporation Counsel	Ronald Kim
	Property Manager, Finance	Hamana Ventura

CALL TO ORDER

The meeting was called to order by Chair Nazara at 10:08 a.m.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

BRUCE RAYE

Mr. Raye: As a member of Ka'ū Agroforestry Association, he advocates to the County to purchase Waikapuna for conservation. And it would be the best opportunity for the local community to have access to the land. He submitted his written statement and a draft of the management plan by email. He believes in a local sustainability program and has submitted a management draft plan that could benefit the Ka'ū community. He mentions that the local community could visit the area and work by doing gardening. There is great cultural significance and history in Waikapuna. He mentions working with various non-profit organizations to develop an infrastructure, to identify resources, to improve roads, to identify all the archeological sites that need protecting, to remove invasive species/plants, and replacing it with native plants and animals, and have community gardens.

OLIVIA LING

Ms. Ling: Born and raised in Waikiki, old Kalihi district. She talked about her photos rare birds, a honu, endangered species such as the Damsel Fly, flora and fauna, and some tide pools. She mentions the existence of cows on the property that need to be contained. She supports PONC and submitted a management draft plan from Ka'ū Agroforestry Association (KAFA) by email. The plan is to eradicate the goat, invasive plants, removal of the Hawaiian beach heliotrope, and plant bananas. She mentions that KAFA would love to be the ones to steward the lands.

MICHELLE GALIMBA

Ms. Galimba: A cattle rancher in Waikapuna with a lease of the land for more than 20 years. She goes on to describe her families involvement with ranching and how having the cattle there helps to keep the grass down and does not destroy the land and its archeological sites. She has managed the gates to the property for years and has given access to the community for sustainability and camping. She testifies in support of Ala Kahakai Trail Association be the management stewardship of Waikapuna. She mentions recent County Council passed with unanimously support of the Ka'ū Community Development Plan which strongly supports the acquisition of these coastline parcels with a ¼ mile set back. She testifies of a four mile access easement that hasn't been used for a very long time.

WENDY VANCE

Ms. Vance: She is a 40 yr. plus resident of the state and 20 yr. resident of Ka'ū and President of Ho'omalua Ka'ū, a non-profit community based organization. She is in support of Comm. 17-011 and asked the commission to make Waikapuna a priority. She read her one page written statement and submits it for our records.

JOHN REPLOGLE

Mr. Replogle: He was born in Laupahoehoe and moved to Naalehu at the age of three years old. He noted that Waikapuna is a special place as he grew up in Ka'u. He gave a brief historical background regarding the inhabitants of Waikapuna. In 1868, due to the eruption of volcanoes at Mauna Loa, the earthquakes moved the land and salt water got into the fresh water. Then, tidal waves came and killed a lot of people. Those that survived, move upland in Ka'u. Since then, the makai side of the highway was ranching and the mauka side was for sugar lands. Ranching kept many archeological sites in Ka'u intact because there was no moving of soil or development. The cows kept the grass down. Waikapuna has historically been rich in culture and

artifacts, many of which were stolen. One artifact was even sold on eBay. Waikapuna needs to be protected. He strongly supports a protection, care, and good management plan, which he supports Ala Kahakai Trail Association (AKTA) and their plan. He approves their current plan to put 500 acres of the lower or coastal acreage in conservation protection; the rest into agriculture. The upper would be for the expansion of Naalehu, keeping in conjunction with Ka'u Community Development Plan. He encourages the commission to support AKTA for the protection of Waikapuna, which is "inclusive of the community."

LINDA GALLANO REPRESENTING DEBBIE CHANG

Ms. Gallano: She is representing Debbie Chang and reads Debbie's letter to the commission. Ms. Chang is a resident of Hāmākua District, born in North Kohala. Ms. Chang mentions in her letter, Waikapuna is at risk of being sold to a private developer for development purposes. "Isolated sanctuaries of early Hawai'i, like Waikapuna, are vulnerable and rapidly disappearing. Please do what you can to protect this *wahi pana* for future generations. Ms. Gallano ends the reading of the letter and submits Ms. Chang's one page letter for our records.

LAAKEA SUGANUMA

Mr. Sukanuma: Testifies in support of Comm. 17-011 and read his statement. He tells a brief history of his 'ohana's genealogy, their ties to King Kalākaua, and their commitment to Waikapuna. In 1850, a family chant called, "Kalawai's-hōlon-i-ke-kai-o-Manāka'a" which translates to "The unskilled fishermen at the sea of Manāka'a. This chant gives an accounting of the fisherman's at Waikapuna, who "prayed to a female 'amakua. They were blessed with 480 fish that day. There is a great stone named Kanoa, where the sacred fishing Kapu was observed. Waikapuna flourished until the tidal waves and earthquake took the fishing in 1868 and many died. Since the family relocated upland, they still traveled to Waikapuna, stayed for months to fish and gathered salt to share with their 'ohana. Mr. Sukanuma ends with this council from his grandmother, "Laakea, the difference between the Hawaiians and the Western man is, the Hawaiians will sit on the beach and look at his surroundings, the ocean and all of nature and feel its beauty, feel the spirits of his ancestors, who lived and walked that same "Āina, that same land, before him, then think of those who will come after and he feels from deep in his heart, the need to care for the land that had been provided, aloha "Āina, while the Western man will sit on that very same spot and thing, "How can I make this work for me?" Mr. Sukanuma says, "This must not happen to Waikapuna." After he finished, he gave three pages of written testimony and submits it for our records.

LAURA KAAKUA

Ms. Kaakua: She testifies in support of Comm. 17-011 and she is the native land project manager for The Trust for Public Land, a non-profit organization was asked to assist Ala Kahakai Trail Association and lineal descendants of Waikapuna to protect Kahilipali'iki and Kahilipalinui. She gave brief information regarding the clarity of the difference between two proposals regarding acquisition of Waikapuna. She defines Comm. 17-011, Ala Kahakai Trail Association's plan is to purchase Waikapuna and the county to purchase a conservation easement which can restrict land use and create a management plan that will immediately allow the community and KAFA more flexibility in taking care of the land. She emphasizes that there is room for everyone to facilitate and be part of the management plan due to the size of that conservation easement of the property. She ends her testimony with an invitation to anyone to meet with her after the meeting to discuss any questions regarding the conservation easements or Ala Kahakai Trail Association's plan.

KEONI FOX

Mr. Fox: He reads his testimony and confirms, he is a board member on the Ala Kahakai Trail Association (Ka'u representative), supports of Comm. 17-011, and his family known as "Keanu Ohana" are lineal descendants of Kahilipali. He says that his family maintains a strong connection to Kahilipali and Waikapuna. He emphasis the importance of Waikapuna's rich in cultural history; natural resources; public access; sustainability for their 'ohana and the community; and keeping it as open space. This land is at risk of being developed. Mr. Fox testifies that many of his ancestors are buried there, and their 'ohana continues to maintain and monitor those burial sites, and malama the land. He states that Waikapuna is pristine, and stewardship of this land is his main concern. He then gave an explanation to the why his 'ohana reached out to Ala Kahakai Trail Association to help in this acquisition, which is at-risk of being developed. With the county's conservation easement, it would provide a management plan that would best suit everyone and defines the management plan of Ala Kahakai Trail Association has the capacity, knowledge, and resources to malama the land. He continues to read his testimony and summarize the background of Ala Kahakai Trail Association, its board members, moto, policy, and focus in cultural resource management. He closes his testimony with a reminder that Waikapuna is part of the "bigger picture" of protecting the 80 mile coastline of Ka'u, which is at risk of being developed.

MEGAN LAMSON

Ms. Lamson: She reads her testimony and confirms that she is a marine biologist for Hawai'i Wildlife Fund and is in full support of Comm. 17-011, a proposal put forward by Ala Kahakai Trail Association and The Trust for

Public Lands and development restrictions via a county conservation easement. She says that Waikapuna is the home of over 29 native plant species, dozens of fishes (41 counted by the NOAA Coral Reef Ecosystem Division Survey), and active native bird nesting grounds, particular the “Black Noddy” bird colony and the Great Frigate birds. She closes by saying that “together these two large coastal tracks [Waikapuna and Waiohinu] represent a huge step towards protecting native wildlife and cultural resources for these Ka’ū lands, and our Hawai’i Island communities.” She completed her reading and submitted her written statement to be filed.

Toni Withington

Ms. Withington: She represents the various groups of North Kohala. She gave testimony regarding the inaccuracy of the newspapers published article of the organizations she represents. She passed out to the commissioners a list of those organizations: North Kohala Community Access Groups, Kohala Lihikai, Maika’i Kamakani O Kohala, Malama Wahi Pana O Kohala, Malama Kohala Kahakai, Kamakani O Kohala Ohana Kako’o, and Kohala Historic and Cultural Preservation Group. These groups focus on protecting the North Kohala Coastline from development. She confirms that she is just a scribe for these organizations as she helps them with their nominations. She continues to encourage the PONC commissioners to get the county staff to move along with these nominations, especially Kapanai. She says in 2014, Stewart Hussey of Hussey appraisal Group Hawai’i, Inc., states in his appraisal of the highest and best use. She read an excerpt of that report pertaining to preserving the land in perpetuity for the public’s benefit and education. Ms. Withington closes her testimony with a reminder that important decisions are to be made. She ends her testimony and submits her list of organizations and the excerpt of the Hussey’s Appraisal Report to be filed.

Nohealani Kaawa

Ms. Kaawa: She starts her testimony with a short Ka’u olena no eiau. She was born and raised in Waiohinu ahupua’a. She continues to discuss her lineal direct relationship with Waikapuna, historical events, and how Waikapuna sustains her family because of the natural resources. Ms. Kaawa testifies in support of Comm. 17-011. She continues to testify on the Hawaiian significance and preserving this important part of history is important to Hawai’i and its people. She closes with a statement from Uncle George Helm, “We are in a revolution of consciousness. What we are looking for is the truth. There is man, and there is the environment. One does not supersede the other. Man is merely the caretaker of the land, which maintains his life and nourishes his soul. [Therefore, the “Āina] is sacred. The church of life is not in a building, it is in the open sky, the surrounding ocean, and the beautiful soil.”

APPROVAL OF MINUTES

Motion: Ms. Siracusa: motion to approve corrected minutes of July 10, 2017, regular session. Seconded by Mr. Tomich with all the corrections. all members voted aye, motion carried to accept the minutes with corrections

WRITTEN COMMUNICATION

Chair Nazara: Written Communication No. 17-016: Letter of Resignation from William "Willy" Meyers as Public Access, Open Space, and Natural Resource Preservation Commissioner for District 3.

Motion: Ms. Siracusa: motion to file Comm. 17-016. Seconded by Mr. DeLozier; no discussion; all members voted aye, motion carried.

Chair Nazara: Written Communication No. 17-017: Letter of Support for Comm. 17-010 from Dr. Jason P. Turner, University of Hawai'i Hilo to Ka'u Agro Forestry Association.

Motion: Ms. Siracusa: motion to file Comm. 17-017. Seconded by Mr. DeLozier; no discussion; all members voted aye, motion carried.

Chair Nazara: Written Communication No. 17-018: Email from Comm. 17-011, Laura Kaakua of Public Land and Ala Kahakai Trail Association for Waikapuna, descendants of Waikapuna defined.

Motion: Ms. Siracusa: motion to file Comm. 17-018. Seconded by Mr. DeLozier; no discussion; all members voted aye, motion carried.

Chair Nazara: Written Communication No. 17-019: Letter of Support and Community Management Plan for Comm. 17-011 from Aric Arakaki, United State Department of the Interior, National Park Service, Ala Kahakai National Historic Trail.

Motion: Mr. Tomich: motion to file Comm. 17-019. Seconded by Ms. Siracusa; no discussion; all members voted aye, motion carried.

Chair Nazara: Emailed Communication No. 17-020.

Motion: Mr. Tomich: motion to file Comm. 17-020. Seconded by Ms. Siracusa; no discussion; all members voted aye, motion carried.

Chair Nazara: Emailed Communication No. 17-021

Motion: Mr. Tomich: motion to file Comm. 17-021. Seconded by Ms. Siracusa; no discussion; all members voted aye, motion carried.

DEPARTMENT OF FINANCE REPORT

Mr. Bishaw asked if an Archeological Survey must be done before purchase of an easement. Mr. Ventura replied, "Yes." Summary discussion held with commissions and clarification of acquisition process which includes surveys and studies. These are necessary steps for stewardship.

Ms. Siracusa asked for the status of Vacationland Land Trust and the change in the sea level of the land. Mr. Ventura replied that the shoreline survey has been completed. There was a change of the shoreline. A shoreline certification was filed and showed the lands below sea-level reverted back to the state. The net area of Waiopae is approx. 251 acres. We are moving forward.

Mr. Ventura reports that two purchase contracts were presented, since last month's meeting.

OFFICE OF THE CORPORATION COUNSEL'S REPORT

Ms. Siracusa asks how to make an amendment to the charter, what is the process and asks Corporation Counsel to give a report for the next meeting. Ms. Siracusa's concerns regarding calendaring Ad Hoc visits, Evaluation of the Suggestion Forms "seemed backwards."

CHAIRPERSON'S REPORT

Chair Nazara has nothing to report.

NEW BUSINESS

PONC Ad Hoc Investigative Committee to provide a report for site visit for Comm. 17-010, 011, and 013

Mr. Warshauer, Ad Hoc Site Visit Report for Comm. 17-010, and 011. He reads and summarizes his two-page report and submits it for our records.

Mr. Warshauer, Ad Hoc Site Visit Report for Comm. 17-013. He reads and summarizes his three-page report and submits it for our records.

Chair Nazara, Ad Hoc Site Visit Report for Comm. 17-013. Chair Nazara gave her verbal report of the ad hoc site visit for IO Lani Trust. The Ala Kahakai Trail was well maintained, and you could see the fishes swimming below from the trail where I sat. My thoughts and observation were more

about how the native Hawai'ian's lived, their culture, their way of life. Chair Nazara states that the lele (ancient Hawai'ian prayer shrine) was illegally moved, due to the complaints of a neighbor. She says by moving it, you have lost the its significance of its meaning. Chair Nazara continues to share her verbal report to the commissioners focusing on the spirituality, its historical significance, practices of ancient Hawai'ian religion, and sustainability.

Ms. Fischer and Mr. Tomich: Nothing to report for Comm. 17-010, 011, or 013, for Ad Hoc Visit.

Mr. DeLozier: Summary discussion clarity of the three parcels for Comm. 17-010 (9-5-007:16, 08, & 05), in comparison to one parcel submission for Comm. 17-11. (9-5-07:16) It was clarified by Ms. Kaakua and Mr. Fox that two of the landowners are not selling. Only parcel 16, is for sell.

Mr. Warshauer: Summary discussion with KAFA regarding management plan. Mr. Rayle responded, that they are seeking funding to implement a management board that represents the community. Ms. Ling further gives testimony of what the management plan to include planting various fruits and plants.

Mr. Kim: Summary discussion held with the commissioners regarding existing leases, agricultural use, and conservation easement with existing leases for Waikapuna. Commissioners were seeking clarity regarding the present leasee, easement, and restrictions.

Ms. Kaakua and Mr. Fox: Explains to the commissioners regarding public access and the existing lease for Waikapuna. She clarifies the intent of the County's purchase of a conservation easement for Waikapuna, could give flexibility to issues such as easements, coastline protection, regulations, management plan, and restrictions. Mr. Fox explains that vehicular access and pedestrian access have flourished. He says that people are coming onto the property via the State's owned adjacent property. He continues to define the proper use of these accesses and management plan would be good for protection Waikapuna's pristine coastline.

Ms. Kaakua: Explains to the commissioners regarding the \$2 million grant funds from the Legacy Land Fund and with the help of Trust for Public Lands for Ala Kahakai Trail Association, its intended use in a partnering relationship with the county to help reduce the amount of the counties portion for the acquisition of Waikapuna via a conservation easement.

Chair Nazara: With no further concerns from the commissioners regarding the communications and testimonies, she moved to the next items on the agenda.

Mr. DeLozier: Request Ms. Cutler to make the map and the communication numbers consistent and transparent for next year and make sure it matches.

Mr. Kim: Summary discussion held with commissioners regarding the prioritizing the scoring of the suggestions and guidelines in the process.

Chair Nazara: Commission discuss the process of their scores in updating the 2017 Prioritized List. There being no motion or changes made to the present prioritizing list, final scoring was deferred for the October's PONC meeting.

Mr. DeLozier: Commissioners discussed and made assignments for the write-ups for the prioritizing list for the 2017 Annual Report to the Mayor. This would only be for properties scoring 50%. It was agreed that these reports are due by the next PONC meeting, October 9, 2017.

Chair Nazara: Commission to discuss, review, and revise deadline date of the Suggestion Form, Ad Hoc Visits, Ad Hoc Reporting, and Prioritizing List.

Mr. Ventura: Summary discussion to review, investigate, discuss, and evaluate the PONC Suggestion Form 2018 for changing of the deadline date. Property management can make recommendations to the commission, calendaring of the deadline dates for 2018.

Motion: Ms. Siracusa motion to property management to make recommendations to the commission by the next PONC meeting, their [commission] schedule moving forward into 2018 of calendaring deadline dates. Seconded by Mr. Bishaw, no discussions, motion carried.

Chair Nazara: Commission to discuss, review, and revise Criteria Form 2018, format and scoring.

Commissioners: Summary discussion held amongst themselves the difficult task of the criteria scoring. They emphasize on the total points to be rounded up to a whole number such as 50 or 100, instead of 48 total points. The commissioners also addressed the need for more categories and breaking the first category into two parts, there was redounds and needs further improvement.

Motion: Mr. Frank moved that one of the October's agenda items is to evaluate and update the Assessment Criteria Form. Seconded by Mr. DeLozier, no discussions, motion carried.

Mr. Ventura: Summary discussion held with the commission regarding updating the Stewardship Grant Application and its format. He clarifies with

the commission that the Stewardship Grant Application and its format falls under the Department of Parks and Recreation.

UNFINISHED BUSINESS

No old business discussed.

ANNOUNCEMENTS

- The next special meeting is scheduled for Monday, October 9, 2017 at 10:00 a.m. in Hilo Council Chambers 25 Aupuni St., Suite # 1401, Hilo, Hawai'i 96720
- Set agenda for Monday, October 9, 2017

ADJOURNMENT

Meeting adjourned at 2:17 p.m.

Respectfully submitted,

Maxine Cutler

Maxine Cutler
Commission Secretary