

BOARD OF APPEALS
COUNTY OF HAWAI‘I

PUBLIC TESTIMONY TRANSCRIPT

January 12, 2024

The County of Hawai‘i Board of Appeals opened the floor for public testimony at 9:33 a.m. This was a hybrid meeting held in person at the Hawai‘i County Council Chambers at 25 Aupuni Street, Hilo, HI 96720 and via the Zoom online platform. The meeting was called to order with Chair Stacey Aguiar presiding.

MEMBERS PRESENT: Stacey Aguiar (Chair), Richard “Ritchie” Henderson (Vice Chair), Scott Martin, Daina “Noe” Saiki, Scott Trefethen, and Lisa McNamarra.

MEMBERS EXCUSED: Cathy Lewis

ALSO IN ATTENDANCE: Sherilyn Tavares, Esq. (Deputy Corporation Counsel for the Board), April Surprenant (Staff to the Board), and Ashley DeVera (Board Secretary).

AGUIAR: At this time, the board will take public testimony for any item on the agenda and April or Ashley do we have any public testifiers at this time?

SURPRENANT: Yes, Madam Chair, right now we have five signed up for public testimony and I would call the first one as last name True. Next would be last name Edwards.

AGUIAR: Oh, thank you but hold on one second so we can make sure you’re speaking into the microphone and it’s on. And for all other public testifiers, when you come up, if you could please sit down because we’re also on Zoom if you could be in front of the laptop that’s recording and when you speak all you use is the on off button for this microphone.

TRUE: Hi, my name is Mary True, and I’ve owned a home in Pepekeo, I guess for thirteen or fourteen years. The reason I am here is extremely simple, I’m just asking that the County enforce its rules, laws, and regulations. I am going to read a short thing from Rory’s testimony to nail it down a little more, but he said please do the right thing and reverse the Planning Department’s decision to approve an SMA permit when the landowner refuses to comply with zoning ordinance 05-50. No development shall be approved under the SMA rules without consistency with applicable zoning ordinances. In this case, condition D requires that Hank removes the locked gate and fencing, blocking the vehicular access easement or applies for a zoning amendment.

I’m here to kind of represent the Kupuna contingent. My doctor wants me to get exercise, there are no sidewalks in Pepekeo, there are none, zero. And I and my boyfriend like to go down in the evening and watch the waves when the whales are here, watch the whales. There are six public access spots there and somehow since I moved here, thirteen or fourteen years ago, when the public access was accessible, we could go down there. There are actually a few picnic tables down below the plant, the grass was mowed, and over time I have watched the landowners claw back the coastal access from the Pepekeo community and it has gotten to the point that sometimes we drive down

there to take our evening walk, we call it our cocktail hour, but it's just half an hour down there you know enjoying the ocean front and we can't get anywhere. The that either there's mud up past our ankles, there's grass up over our heads, or in this case there, there's fences. There's even been some barbed wire.

I had one resident accost me and tell me I couldn't be down there after five o'clock. So, this is a much bigger problem than what we're addressing today, but I am asking you to please just have the County enforce their rules, laws, and regulations. Nothing should be able to move forward until these things are in compliance, so thank you very much.

AGUIAR: Thank you Ms. True. Do we have another public testifier?

SURPRENANT: Yes, we now have seven total. Last name Edwards and next will be Medeiros.

AGUIAR: And I did want to make sure everyone knows when you're giving public testimony, you will all have three minutes and Ms. Tavares will let you know when you're at the two-and-a-half-minute mark.

EDWARDS: Okay.

AGUIAR: And if you could please introduce yourself and, the item—

EDWARDS: Hi, my name is Greg Edwards and Happy New Year by the way. Always please a government service agents, have worked for the government and retired for thirty four years of service and I respect your service. My complaint is the same thing, I have been down there since 1999. I've seen the degradation of these trails constantly happening, barbed wire fences, locked gates, getting grassed to the point you have to walk right on the edge of the ocean. There's undercuts along the trails where it could cave in, there's areas I've had to stop fishing in because I could no longer get to them, so you know it's an issue and this is supposed to be, you know according to the contracts with the State, available access and maintenance.

I believe there's a resolution pass years ago that I voted for on, on a vote that these trails would be maintained by the County under private contract to help pay for individuals to keep these trails open. When I talked to the County, they said they only had money for Captain Cook at the time, so I don't know if this thing actually passed, or it's being enforced. I complained to the County in a letter last summer and I never got a response back and I was told that I would get a response back within sixty days and that never happened, so that's the reason I am here and that's you know, and we enjoy the exercise.

Tonight, I'm going down there to watch the whales. I go down there every weekend. I'm down there every weekend and you never know what's going to happen as far as access. Sometimes we can't get access, we just turn around. I've talked to people that used to go down there and they've given up because it's a fight to have access to the ocean, so I thank you for your time and that's all I have to say. Thank you.

AGUIAR: Thank you.

SURPRENANT: Last name Medeiros, next up would be Nakasato.

MEDEIROS: Happy New Year guys. Good morning, my name is Jaerick Medeiros Garcia. Thank you guys for your time, this is super important, agenda number right here. My name is Jaerick Medeiros Garcia and I'm the president for Makahanaloa organization formerly known as Makahanaloa Fishing Association now known as Makahanaloa Makaainana Association. I've been stewarding this land and I speak on behalf for about one hundred twenty people. My job as president is to make sure that there's no corruption when it comes to access to our shorelines.

You know the County is supposed to be taking care of it, but we took it into our own hands, and we took care of it. We've been cleaning those shorelines, preserving it, keeping it safe, providing security for the landowners that lives on the shoreline. We did a wonderful job and we just recently got pushed out of there because I'm the guy that speaks out on these issues and now, I'm a problem for them because they can't move forward with what they want to do, so we know only have a pedestrian access and now this access is a vehicular access that our people can drive right to the shoreline.

They want to claim it's dangerous, I don't know where or who and how they got that idea, but there was nobody that ever got hurt down there, the time that I've been managing it, as the president of Makahanaloa. The landowner put a fence, he put a lock, we never need that. It's, it's, it's set in Charter and stuff like that, so the concern is this issue should not be thrown out because we worked so hard to have our voices heard and they're just ignoring it.

This supposed, this should go to the Planning Commission because when they, if it goes there, then we would get to the bottom of it and the solutions will be then put in place. We just want this to be handled the right way, a lot of people can't access there because of that fence, and they claim that somebody has the combination. Well, I don't have the combination. I'm the—

TAVARES: Thirty seconds.

MEDEIROS: I have the combination for all the other gates, and we've been doing wonderful when I was the one managing that, but somehow, I was pushed out by Hank Correa and Heather Kimball. And so now we face this right here and I'm begging you guys, we need this thing to be pushed back to the Planning Commission. Windward Planning Commission needs to look into this because there is laws that have been broken and people need to be held accountable for it. We just want access back there, the right way, what it says for in Charter, that's all we want. Thank you.

AGUIAR: Thank you.

SURPRENANT: Last name Nakasato, next will be Cravalho.

NAKASATO: Do I have to press something?

AGUIAR: You're on, just your name and—

NAKASATO: My name is Debbie Nakasato and I am a member of the Makahana Fishing Association, but beyond that I'm that plantation kid that was born and raised on that shoreline. I know every part of that shoreline, every step, I have kupuna buried there, I have family ashes scattered there, like that is home and home is where you heal, home is where you grow, home is where you are nurtured, that is everything. We were taught everything down there and now and I want to be able to teach my kids the same things that I was taught, so I want you guys to please go ahead and hear our voices, like our blood, sweat, and tears are in that aina. Hear our voices, help us to get this to where there's a solution and we're able to still access this and still go down there and do what we, we would normally do. Thank you.

AGUIAR: Thank you, Ms. Nakasato.

SURPRENANT: Last name Cravalho, next will be Santos.

CRAVALHO: Aloha mai kakou, my name is Charles Cravalho. I'm a resident of Pepekeo. I'm here to express my concern for the shoreline. Being that I am an avid fisherman and I come from a long line of fishermen and divers, often go on the coastline to, you know fish, not only fish, but also malama aina yeah and I have four boys that they go and clean up rubbish you know, every so often, the opala there and you know just asking you folks to really, you know, look at this and do what is right, what is pono. It is our kuleana as our people to look after our resources, you know, our land, everything from mauka to makai and this area in Pepekeo is very important to us, our ohana and I just humbly ask for your support to, to just go through the proper channels, the proper steps to, you know, to really think things through, through all of this. I appreciate your guys time, mahalo nui.

AGUIAR: Thank you, Mr. Cravalho.

SURPRENANT: Last name Santos and next will be Kanaka.

SANTOS: Good morning, ladies and gentlemen. I'm Jeremy Santos, my family grew up from Hamakua, Honomu side and you know, I, I'm vice president for Makahanaloa, which is Makaainana now and I haven't been, we, we go mostly every weekend down there for the last ten, fifteen years and I haven't been down at the coastline for about four years now.

I used to go ahead and you know bring my own weed eater and gas, and you know cut grass when no one else is around and just try to keep it, you know, keep it down and I also change, chase you know drug people that did use you know, drug users, you know by myself and Jaerick and we don't even get the police officers really involved. So, we went to the length where they wasn't coming around anymore, you know, the neighborhood down there was, you know, being really happy about being safe and you know, like you said these, these wonderful people right here, you know, they walk along the coastline, you know and enjoy the view, enjoy the, you know, the ocean noise, you know and have a peace of mind and uh—.

I'm just really want you guys, you know to, you know help us out and voice you know, so we can keep this place, you know, and we can just keep taking care of it and you know, we don't really need the County or State or anybody to help us take care of it. We've been doing a great job for

many, many years and we just want the beautiness just to you know, fish and have fun, where our family has passed away, you know, a lot of fishermen of generations of my family, you know, they passed away fishing down there, so you know it really means a lot to us and you know, like, like we say you know blood, sweat, and tears, you know for that place down there, is just really sacred and this abundance of food, you know.

You regulate and you know you take care of what's being harvest and then you managed it, which we do, we manage and give all the fishermen a piece of paper stating, how much fish they caught, what did they catch, you know and, and it's, it's been great, it's been fulfilled and you know, a lot of people catch a lot of fish and there's always fish, there's always opihi and, and we know we can survive. If it comes to you know a really bad situation here, we don't have any food in our stores, we can go back and we will have fish and you know and things to eat, but yeah, that's, that's my where I come, where I stand and just hopefully you know can give us a hand and you know do something about it. Thank you, appreciate it.

AGUIAR: Thank you, Mr. Santos.

SURPRENANT: Kanaka and then Penn.

KANAKA: What work? She go? Okay, everybody said thank you for your time and this guy is sleeping over here, what, this guy right here. He sleeping on my time, so everyone is, oh thank you for your time, he sleeping. I pay taxes, follow you guys rules that you guys set, that's all I'm asking. Make it go back to the Planning Commission. Pau.

AGUIAR: Thank you, Mr. Kanaka.

SURPRENANT: Are there any other testifiers? Okay, Madam Chair.

AGUIAR: Do I have anyone online?

SURPRENANT: There is no one online.

AGUIAR: Okay, thank you. So that, thank you everyone for your public testimony, that does close the portion of public testimony at this time.

This matter concluded at 9:50 a.m.

Respectfully submitted,

Ashley DeVera, Board Secretary