

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

TESTIMONY TRANSCRIPT
FEBRUARY 2, 2023

Public testimony regarding the application of **APPLICANT: ACADEMIA SINICA INSTITUTE OF ASTRONOMY AND ASTROPHYSICS (PL-SPP-2022-000025)** was heard at 9:07 a.m. in the County of Hawai‘i Council Chambers in Hilo, 25 Aupuni Street, Hilo, Hawai‘i with Chair Dennis Lin presiding.

COMMISSIONERS PRESENT: Dennis Lin, Gilbert Aguinaldo, John C. Cross, Louis Danielle III, and Lauren Balog.

ABSENT AND EXCUSED: Wayne De Luz.

ALSO PRESENT: Sinclair Salas-Ferguson Esq. (Counsel for the Commission), Jeffrey Darrow (Deputy Planning Director), Clinton Mercado (Planner), Jessica Andrews (Planner), Janice Hata (Zoom Host), Maija Jackson Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary).

And fifteen members from the public in attendance.

APPLICANT: ACADEMIA SINICA INSTITUTE OF ASTRONOMY AND ASTROPHYSICS (PL-SPP-2022-000025)

Application for a Special Permit for the temporary operation of an array of ten (10) satellite dishes and a 50-foot x 50-foot dipole antenna array and related improvements to conduct research on Fast Radio Bursts (FRBs) on an approximately 2.0-acre portion of a larger 10.7-acre property in the State Land Use Agricultural District. The subject property is located approximately 1,375 feet southeast (makai) of the Wood Valley Road/ Makakupu Road intersection, Ka‘ala‘ala-Kapalapala, Ka‘ū, Hawai‘i, TMK: (3) 9-6-011:007 (por.).

Secretary’s Note: [indecipherable] indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

LIN: Okay, in that case. Zoom testifiers we will move, since they’re testifying on agenda Item #1, Item #1 then we will move on to agenda Item #1. Which is applicant Academia Sinica Institute of Astronomy and Astrophysics, PL-SPP-2022-000025. Application for a Special Permit for the temporary operation of an array of ten (10) satellite dishes and a 50-foot by 50-foot dipole antenna array and related improvements to conduct research on Fast Radio Bursts or FRBs on an approximately 2.0-acre portion of a larger 10.7-acre property in the State Land Use Agricultural District. The subject property is located at approximately 1,375 feet southeast (makai) of the Wood Valley Road/Makakupu Road intersection, Ka‘ala‘ala-Kapalapala, Ka‘ū, Hawai‘i, TMK: (3) 9-6-011:parcel number 7 a portion of. Please note that this agenda item Commissioners Cross and Daniele have expressed a conflict of interest and are recused themselves from this item. Therefore, we do not have quorum to proceed with this

agenda item and will be heard at a later commission hearing. However, I will be taking public testimony for this item.

So, Commissioners Cross and Daniele if you could please recuse yourself and leave the hearing room for now. *[At 9:09 a.m. both commissioners left the Council Chambers]* And due to a conflict of interest with Planning Director Zendo Kern, Deputy Planning Director Jeffrey Darrow will be representing the Planning Department.

So, let's begin with Zoom testifiers. Janice?

HATA: Yes, our first testifier on Zoom is Noa Caiserman. Mr. Caiserman if you could turn on your camera and audio, you'll have three (3) minutes to provide your testimony. Thank you.

CAISERMAN: Um' can you hear me?

LIN: Yes, *[indecipherable crosstalk]* I'm sorry but I also have to swear you in, and actually could I swear in all 3 of the Zoom testifiers at one time, is that possible?

TAYLOR: Hello, my name is Stefan Taylor and I've been talking to —

LIN: Mr. Taylor?

TAYLOR: Yeah.

LIN: If I could swear all of 3 testifiers first and then you'll have your turn.

TAYLOR: Yes, I think that another testifier is having a trouble with audio, Ms. Sandra Reha. So, I'm going to try to instruct her how to call in. Just to let you guys know. Thank you.

LIN: Okay, but can everybody hear me?

TAYLOR: Yes.

LIN: Okay. If you could please raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

TESTIFIERS ON ZOOM: Yes.

LIN: Okay and then we'll start with, sorry Janice, which was the first testifier?

HATA: Noa Caiserman.

LIN: Okay, Noa Caiserman, you may please —

CAISERMAN: Yeah, can you hear me?

LIN: Yes, yes. Please go ahead, you have 3 minutes.

CAISERMAN: Hi, I'll try to be brief, but, from my heart. Aloha to all and respectful to all. I've lived here for 40 years and 22 years on upper Wood Valley and now only one mile for the last 18 years to exactly where you're proposed planning to do this project. So, because this a natural agricultural advancement about where the proposed plan is scheduled to the best soil for raising animals. It's silent and beautiful environment using natural agriculture to feed us. I apologize, I have some difficulty speaking sometimes so, please be patient.

I'm asking why would you come to one of the most fertile zones here on the Big Island. When there are other places that are already desecrated with that sort of thing. I'm not saying desecrate other places. But I'm saying this is an honorable and awesome area that has no electricity. It's remote. It's silenced. The best agriculture for animals, growing, cattle I said that already and without frequency of wavelengths, radio frequency, the FRS. It is most people's highest desire of a wonderment of a place to live. This is why I raised my children here and that's why they are amazing children. They're not into the internet, they're not into all of that stuff. They're natural! Just like this whole surrounding. I send love to all of you. We know you want the most quiet but that's why we live here. Less electric advances.

If I'm not mistaken, you want to put two 20-foot containers as well as all of those things that you just mentioned and 20-foot 10-foot-wide satellite that receive radio frequency and more. This raises my heartbeat, not only changes my mood, and makes me shake. I want to stay here because of the remoteness beauty and quietness and non-advanced in the electronic new world that we live in. Electronic, electro and cellular radio frequency. It's abhorrent. It's a desecration to this beauty where I live. I hope I expressed myself. Although, it upsets me and makes me angry I will say that but not to each person. I'm sending love to all of you, love from my heart. Please consider what I'm saying, it's really a desecration what your plan is.

LIN: Thank you Ms. Caiserman. Thank you for your testimony. Can we go on to the next testifier, please.

HATA: Yes, the next testifier is Stefan Taylor.

TAYLOR: Hello County Council. Thank you for hearing me. Can you hear me, okay?

LIN: Yes, go ahead, you have 3 minutes Mr. Taylor.

TAYLOR: Thank you sir. Well thank you all for your time in directing this meeting. This has been an unfortunate presentation to our community. I am a resident up in Wood Valley and it seems it's been my mission to represent other folks who don't have the technological education in order to gather materials, get notarized and apply a CCH for something like this through the EPIC portal. We are just not trained to that so; it seems I am the representation of other community members. There's concern that as a historically agricultural zoned area this

could very well open the door for similar explorations and permits on a commercial level. Our main concern is that this area would evolve further from something that would be a land that serves its people. And as Noa mentioned an exploitation of this quiet isolated arguably sacred space.

Imagine this area that was once occupied by historic sugar agriculture and founding community turning into a space known for these metal structures. Instead of an organic Mamaki tea farm which is actually thriving these days, grazing cattle and agricultural stimulation that exists today. It could be something that what looks like has happened on South Point Road or Upper Road. This road between we call it Upper Road in between Pāhala and Na‘ālehu where similar satellite structures have been placed. Are now sites for gawking, where you know, other travelers, tourists, locals come to see and disturb the local area. We pride ourselves in being able to be diligent in our work. We are in a very isolated space, so we're vulnerable to vandalism and theft.

There's been a previous permit that has taken place or an application that was taking place last spring, that was denied by the Commission due to public concern. We weren't able to get as many constituents involved in contesting because of the time of the year that it was placed, and the sign was hard to noticed on the side of the road. The last conclusions of the past the recommendation of the Planning Department for the same issue proposed that it would not promote effectiveness of the objective Chapter 205.

HATA: Stefan, I'm sorry you have 30 seconds, thank you.

TAYLOR: Thank you so much. The request would be contrary to General Plan of Ka'ū Community Development Plan which has been historically placed within this area. It will work against preservation of important agricultural land elements that I can list but do not have time to. It would also and this involves with Policy 38 to reinforce existing protections and to create areas where economy can be created within this agricultural zone. And it will adversely affect the surrounding properties. That's my 3 minutes, I was timing myself so, shoot. Thank you for taking the time to listen to this.

LIN: Thank you for your testimony.

TAYLOR: Thank you sir.

LIN: Janice if we could move to the next testifier, please.

HATA: Yes, the next testifier is Michelle Weil.

LIN: Ms. Weil —

WEIL: Hi.

LIN: — you have 3 minutes. Thank you.

WEIL: Thank you so much for letting me speak today. My family owns about 50 acres in Wood Valley on North Road, almost directly across the street from where this proposed project is. I want to register my opposition to this project for a couple of reasons that maybe not exactly in line with the other people who had the opportunity to speak here today. But also, just things that are important to us. For one, being across the street, and having our property go up the hill from that area. We would be able to see the satellite dishes, and the shipping containers from our location. I am just aesthetically it's not aligned with the existing agricultural heritage of the area. So, we are quite concerned with the aesthetic impact. I know that they'll be trying to cover the area from the road so it won't be quite visible from the road, but it is visible from some the locations like across the street.

Another really important thing what I wanted to register is that when we heard Dr. Chen speak about the project. He said the main reason they selected this area is because of the lack of cell service and the lack of existing radio waves and signals in the area. I understand completely, I'm fully in support of science, but I just am opposed to having this in this area. In part because it precludes any sort of advancement in terms of bringing cell service to the area in the future. Currently, there is no cell service there, we've tried Verizon, AT & T, and different services. You can't get cell service, which means in an emergency you can't contact the outside world. We're also very subject to vandalism and theft on our property. Personally, we have had a lot of items stolen and bringing more awareness to the area and bringing more visitors I think will increase the prevalence of that. So, that's all I have to say. Thank you so much for hearing me and I hope that you'll deny this project.

LIN: Thank you so much for your testimony. Janice, are there any other testifiers on Zoom?

HATA: Not at this moment. We have one testifier Sandra Reha. She wasn't able to connect so I'm not sure if she will be testifying today. Other than her, we don't have any testifiers in the Zoom room.

TAYLOR: If I can approach the Council here, I gave her one of the Zoom numbers and the code to try to dial in through the phone.

LIN: Okay. Do we see her on the Zoom yet, Janice?

HATA: No, not yet.

LIN: Okay. I will —

TAYLOR: I have a question if it's —

LIN: Yes.

TAYLOR: — it's at all possible. We weren't informed of deadlines in submitting our contested cases. Was there a deadline for this for this issue?

LIN: I will refer that question to Planning Department's staff or Deputy Planning Director.

DARROW: There is a deadline. It's normally seven (7) days prior to the first hearing. This is the second hearing on the matter, but both hearings have been, we've not had quorum and so it is not, I mean, we are trying to kind of determine if that qualifies as a first hearing or not. Based on the fact that we did not have quorum to hold the meeting which is normally not the fault of the applicant. It's just circumstances that happen. You're petitions have been received and that question is being posed to our Corporation Counsel to be able to determine whether they are timely. Hopefully, in our March, Windward Planning Commission hearing we will have quorum to be able to work on this agenda item and at that time if it is opined that the contested case petitions are timely then they will be brought up at time.

TAYLOR: Sir if I may ask what qualifies as timely.

DARROW: Prior to 7 days from the first hearing on the matter.

TAYLOR: And so, you're trying to determine, you're determining if this is a official hearing or not. Am I correct?

DARROW: First meeting. I'm sorry. Yes, we're trying to determine —
[*indecipherable*]

TAYLOR: Yes.

DARROW: This guy, Stefan, is it Mr. Taylor.

SALAS-FERGUSON: Hi Mr. Taylor, this is Deputy Corporation Counsel Sinclair Salas-Ferguson. I advised the Windward Planning Commission there will be determination made on the petition that you submitted at the next meeting.

TAYLOR: Okay and that's in March, Sir?

SALAS-FERGUSON: That's correct.

TAYLOR: Okay, thank you so much for your attentiveness. Thank you for receiving my question. I was able to get Sandra Reha, she called me on my device. Is it possible for her to give a testimony through my connection with you guys cause I can hear her talking right now.

LIN: If we can hear her properly Mr. Taylor then that will be sufficient. But if we cannot hear her then it would be hard to receive her testimony.

TAYLOR: Okay, if I can just have 5 seconds to tell her to turn her volume down so you'll be able to hear her on her device. I'll get right with you. Thank you.

REHA: Oh.

TAYLOR: Alright, this is Sandra, County Council men and women.

REHA: Is that working now?

LIN: Yes, ma'am, please go ahead. You have 3 minutes.

TAYLOR: You have 3 minutes left, here we go.

LIN: Oh sorry, sorry ma'am I do have to swear you in. So, if you could please just respond to my question here. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

TAYLOR: As we're swearing you in here. Can you get your right hand up for the screen my friend.

LIN: I'll would just need a yes or no. It's a little difficult to see.

TAYLOR: Can you say yes for us please.

REHA: I'm trying, am I in?

TAYLOR: Yes, and you're being sworn in. You have to agree to being sworn in.

REHA: Oh, okay.

TAYLOR: If you can say yes.

REHA: Alright.

TAYLOR: Maybe she needs to hear it one more time sir.

LIN: Okay, can you hear us ma'am?

REHA: Yes.

LIN: Okay, do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

REHA: Yes, I do.

LIN: Okay, you may start testimony. You have 3 minutes.

REHA: Alright, thank you. This means so much to me and so all the people around here really, it's frustrating because we don't have the skills to get on this. Anyway, I've been involved several times now with events that Mr. Olson has attempted to offer, and one was

the biofuel locale right there on the corner of his property by the Coffee Mill. And there was a lot of effort put into it, but he saw that there was so much dissension in the community in Pāhala, all Wood Valley, all around that he cancelled it. Then we had another like [*indecipherable*] he offered that space so that we could go and have ceremony and there were moments the most beautiful moments up there. But there were people that complained about it, and he cancelled it.

So, I would hope that he, I'm not sure of his involvement at this point but I hope that he knows this area and that is all Ka'ū. We aren't just talking Wood Valley, Pāhala, Na'ālehu, it's the whole thing and the community development commission worked years and years to establish all this as and the benefits of honoring this as an agricultural zone. It needs to be perpetuated. We don't know what's going to be happening. I've heard that we get 85% of our food from outside the island. Well, it's ridiculous. We should be the most self-sufficient. We should be sending it out to everybody else not the other way around and in times where there might be problems with the boats getting here, with the planes getting here. We need to be more self-sufficient. Not offering our land out to other things that might come in and once we open up to that who knows what will be next. It's not right. It's not what we are about. It's not what we believe in. It's not why we're called there to live and to have our crops and all the agricultural things. We need to enlarge this. We need to make it a greater —

HATA: I'm sorry Sandra, 30 seconds remaining.

REHA: — and gee I had some other things, but I didn't know I was going to speak. So, now, again, so anyway I just hope, I hope that you're listening and that this committee does not even begin to think that they have the right to change this agricultural zone. I don't think anybody does at this point. Thank you.

LIN: Thank you so much for your testimony. Any other testifiers on Zoom, Janice?

HATA: No, there are no other testifiers in the Zoom room.

LIN: Okay. Seeing that there are no other testifiers on Zoom, public testimony for this item is closed and as stated due to a lack of quorum this agenda item will be heard at a future Windward Planning Commission hearing.

The item ended at 9:31 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Apr 7, 2023 09:32 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission