

KA‘Ū COMMUNITY DEVELOPMENT PLAN
ACTION COMMITTEE
COUNTY OF HAWAI‘I

FINAL MINUTES
August 14, 2024

CALL TO ORDER

Chair Masters called the Ka‘ū Community Development Plan (CDP) Action Committee (AC) meeting to order at 5:03 p.m. A quorum was established with seven members in attendance. This meeting was held in person at the Na‘alehu Community Center and online via the Zoom platform.

The full YouTube video of this meeting can be found here:
<https://www.youtube.com/watch?v=3bokLcIX0H0>

ROLL CALL

Members Present (in person): Jason Masters (Chair), Pernell Hanoa (Vice Chair), Leina‘ala Enos, Ka‘ohinani Mokuhali‘i, Jesse Ke, and Catherine Williams.

Members Present (via Zoom): Babette Morrow

Members Absent: Kaweni Ibarra

From the County (in person): Maryam Palma and Kawelo Kalili (Planning Department Staff); Jean Campbell (Deputy Corporation Counsel for the Committee)

There were approximately 20 members of the public in attendance (15 in person and 5 via Zoom).

APPROVAL OF MINUTES

Vice Chair Hanoa motioned to approve the minutes from the July 11, 2024 meeting. Committee member Mokuhali‘i seconded the motion. The motion passed unanimously.

BUSINESS

- 1. Letter to the Windward Planning Commission regarding the Black Sands Beach, LLC SMA application (PL-SMA-2023-000046)** – Discussion and decision-making on submitting the letter to the Windward Planning Commission.

This item was called to order at 5:08 p.m. [SEE YOUTUBE TIMESTAMP 5:14]

Public testimony by Land Use Planning Consultant Daryn Arai on behalf of Black Sands Beach LLC in response to the committee’s letter to the Windward Planning Commission regarding the Black Sand Beach, LLC Special Management Area (SMA) application (PL-SMA-2023-000046). [SEE YOUTUBE TIMESTAMP 5:40]

Public testimony by Savory Yarrow in opposition of the Black Sands Beach, LLC SMA application (PL-SMA-2023-000046). [SEE YOUTUBE TIMESTAMP 12:05]

Public testimony by Candace Ka‘awa in support of the Black Sands Beach, LLC SMA application (PL-SMA-2023-000046). [SEE YOUTUBE TIMESTAMP 15:35]

Chair Masters provided a brief recap on the purpose of discussing Communication No. 2024-04 Letter to the Windward Planning Commission regarding the Black Sands Beach, LLC SMA application (PL-SMA-2023-000046). [SEE YOUTUBE TIMESTAMP 21:00]

Committee member Morrow made a motion to approve Communication No. 2024-04 Letter to the Windward Planning Commission regarding the Black Sands Beach, LLC SMA application (PL-SMA-2023-000046) as is. The motion was seconded by committee member Enos.

The Action Committee discussed whether to amend Communication No. 2024-04 to consider Land Use Planning Consultant Daryn Arai's written and verbal testimony. [SEE YOUTUBE TIMESTAMP 23:37]

Daryn Arai provides a perspective on the Action Committee considering his rebuttal in their testimony to the Windward Planning Commission. [SEE YOUTUBE TIMESTAMP 45:30]

The Action Committee continued discussing individual perspectives and determining the best course of action for submitting the written testimony on behalf of the committee. [SEE YOUTUBE TIMESTAMP 47:50]

Deputy Corporation Counsel Jean Campbell explained that the Planning Commission will consider the AC's testimony alongside other submissions before making a decision on whether to approve or deny the SMA application. If the applicant anticipates that the Planning Commission might deny their application based on testimony received, they may request a pause in the decision-making process to reconsider and adjust their proposal. [SEE YOUTUBE TIMESTAMP 58:23]

The committee took a roll call vote regarding the motion to approve Communication No. 2024-04 testimony regarding Black Sands Beach LLC application (PL-SMA-2023-000046) as is. Committee member Hanoa voted nay. Committee member Mokuhalī'i voted aye. Committee member Enos voted aye. Committee member Williams voted nay. Committee member Ke voted nay. Committee member Morrow voted aye. Chairman Masters voted aye. The motion did not pass with 4 ayes and 3 nays. [SEE YOUTUBE TIMESTAMP 1:02]

Chairman Masters motioned for the committee to consider Mr. Arai's response to the AC's drafted letter for further discussion and decision-making at the September 19th AC meeting. Committee member Hanoa seconded the motion. [SEE YOUTUBE TIMESTAMP 1:05]

The committee reviewed communication protocols to ensure compliance with the Sunshine Law. Corporation Counsel Jean Campbell provided guidance on permissible actions, noting that while committee members may engage in individual discussions with those outside the committee, they must avoid serial communication. She advised each member to independently review Mr. Arai's response letter and speak directly with him before the next meeting. Members can then bring their findings and concerns to the September 19th meeting for discussion and resolution. [SEE YOUTUBE TIMESTAMP 1:06]

The committee took a roll call vote regarding the motion to consider Mr. Arai's response to Communication No. 2024-04 and to discuss concerns at the September 19th AC meeting. Vice Chair Hanoa seconded the motion. The motion passed unanimously. [SEE YOUTUBE TIMESTAMP 1:14]

This item closed at 6:18 p.m.

77 **2. Egress and Ingress at Green Sands Subdivision Regarding Ka' CDP policy 118, Section**
78 **5.7.2** – Discussion and decision-making on prioritizing Policy 118 regarding hazard mitigation
79 and evacuation routes.

80 This item was called to order at 6:18 p.m.

81 Committee member Morrow asked about the process for forming a Permitted Interaction Group
82 (PIG). Corporation Counsel Jean Campbell explained the PIG process. [SEE YOUTUBE
83 *TIMESTAMP 1:16*]

84 Committee member Williams moved to create a PIG to investigate Business Item #2. Chairman
85 Masters seconded the motion. The committee will include Chairman Masters, Vice Chair Hanoa,
86 Committee Member Williams and Committee Member Morrow. The goal is to meet with the Fire
87 Chiefs to address the evacuation and mitigation routes for Green Sands subdivision. The
88 committee took a roll call vote. The motion passed unanimously. [SEE YOUTUBE *TIMESTAMP*
89 *1:18*]

90 This item concluded at 6:25 p.m.

91 **3. Pāhala Water Bottling Facility** – Discussion and potential decision making on findings
92 regarding the Pāhala Water Bottling Facility.

93 This item was called to order at 6:25 p.m.

94 Committee member Morrow moved to discuss potential decision making for the Pāhala Water
95 Bottling Facility. The motion was seconded by Chairman Masters.

96 Chairman Masters suggested that the AC invite the property owner, the Department of Health
97 (DOH) and the Department of Land and Natural Resources (DLNR) to give an update on the
98 current status of the proposed development.

99 Public testimony by Gwen Sorensen regarding concerns of the committee's actions on this
100 business item. [SEE YOUTUBE *TIMESTAMP 1:31*]

101 Planning staff Maryam Palma explained that the property is zoned for industrial use and does not
102 require a special permit, as it is already authorized for that purpose. She also recommended that
103 the committee reach out to the DOH and DLNR regarding water rights.

104 Committee member Morrow withdrew the initial motion, along with Chairman Masters' second.

105 Committee member Enos moved to have Vice Chair Hanoa and committee member Williams
106 conduct fact finding regarding the Pāhala Water Bottling Facility. This includes reaching out to
107 the DOH, DLNR, and the applicant to inquire about the status of the proposed development, as
108 well as taking other relevant actions related to the project. The motion was seconded by committee
109 member Mokuhal'i. The motion passed unanimously.

110 This item concluded at 6:49 p.m.

111 **4. Ka Lae Coastline Access & Resources** – Review and amend draft letter regarding protecting
112 cultural sites and natural resources in the greater Ka Lae area, particularly Mahana Bay.

113 This item was called to order at 6:49 p.m.

114 Public testimony from Paul Makuakane suggesting that the AC contact the planners at the
115 Department of Hawaiian Home Lands (DHHL) for more information on the natural resources in
116 Ka Lae. [SEE YOUTUBE TIMESTAMP 1:46]

117 Public testimony from Dean Kaniho regarding issues with land management by DHHL in Ka Lae.
118 [SEE YOUTUBE TIMESTAMP 1:51]

119 Committee member Morrow addressed the public's concerns and shared that the committee put
120 together a letter to DHHL to develop vehicular roadways to manage access to Mahana Bay and
121 offered other recommendations. Communication No. 2024-05 will advise the Planning Director to
122 take actions on the proposed projects.

123 Public testimony from Tissy Kaniho on illegal activity happening in Ka Lae affecting Ka'ū youth
124 and the community. [SEE YOUTUBE TIMESTAMP 1:51]

125 Committee member Enos made a motion to forward Communication No. 2025-05, which
126 addresses concerns from the Ka'ū community about the protection of cultural sites and natural
127 resources in the greater Ka Lae area, particularly around Mahana Bay, to the Planning Director
128 with copies sent to all relevant agencies and departments. The motion was seconded by committee
129 member Williams. The motion passed unanimously.

130 This item concluded at 7:08 p.m.

131 **5. Discussion of Action Committee Meeting Cadence** – Discussion and decision-making
132 regarding the scheduling, logistics, and format of future meetings.

133 This item was called to order at 7:09 p.m.

134 The AC discussed meeting scheduling and logistics. All members agreed to meet every other
135 month rather than quarterly, given the volume of material that needs to be discussed by the
136 committee. Committee member Enos requested that the next meeting in September be at Na'alehu
137 Community Center to accommodate for Ocean View residents. The committee agreed to start the
138 new cadence in October. They will plan to meet on Wednesdays in September, October and
139 December of this year. [SEE YOUTUBE TIMESTAMP 2:07]

140 This item concluded at 7:19 p.m.

141 **AGENDA FOR NEXT MEETING:**

142 Public testimony by Gary Davis on the operating hours of local transfer stations, noting that every
143 district except Ka'ū has one open seven days a week. He urged that at least one Ka'ū transfer
144 station should operate daily to help reduce illegal dumping in the area. [SEE YOUTUBE
145 TIMESTAMP 2:16]

146 Public testimony by Wilmet Lorenzo regarding water accessibility on South Point Road, stating
147 that there have been no infrastructure updates in the past 30 years to improve residents' access to
148 water. Lorenzo expressed concern about the ongoing lack of progress in this area. [SEE YOUTUBE
149 TIMESTAMP 2:20]

150 Committee member Enos motioned for Vice Chair Hanoa and Committee member Ke to conduct
151 fact finding for water accessibility for residents in South Point. The motion passed unanimously.

152 **ADJOURNMENT:**

153 Chairman Masters adjourned this meeting at 7:33 p.m.
154 These minutes and all related documents are available in the Planning Department's Ka'ū
155 Community Development Plan Action Committee folder via the [County of Hawai'i Public](#)
156 [Documents Repository](#). These documents may also be requested from the Planning Department
157 by calling (808) 961-8288 or emailing cdp@hawaiiicounty.gov.