

BOARD OF APPEALS
COUNTY OF HAWAI‘I

PUBLIC TESTIMONY TRANSCRIPT
October 11, 2024

The County of Hawai‘i Board of Appeals opened the floor for public testimony at 9:39 a.m. This was a hybrid meeting held in person at the West Hawai‘i Civic Center Council Chambers, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i 96740 and via the Zoom online platform. The meeting was called to order with Chair Cathy Lewis presiding.

MEMBERS PRESENT: Cathy Lewis (Chair), Daina “Noe” Saiki (Vice Chair), Rachel Able, Stacey Aguiar, Scott Martin, Lisa McNamarra, and Scott Trefethen.

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

WAN: I’ll just note for the record that the two cases have been called. The Board has received notification of two testifiers who would like to testify in these matters.

LEWIS: April’s going to facilitate that for us, thank you.

SURPRENANT: Yes, thank you. We do have two, one here in person and one on Zoom. Jim Medeiros, you could step over to the witness table—to your yes, thank you.

WAN: So, if you could please—

LEWIS: It would be good if you could use the microphone for purposes of the recording and so forth. Take your time—somebody want to give him a hand? Is it working? Okay.

MEDEIROS: Thank you.

WAN: If you state your name, you’ll have three minutes.

MEDEIROS: My name is Jim Medeiros. I am a descendant of these lands that are going to be impacted by your decision, and I’m also the president of Protect Keopuka Ohana who was once in delegation with Hokuli‘a and at this point today, I am in support of what their motion to deny this road being built.

My testimony is that, twenty-four years ago, the consciousness of our community was different from the consciousness of today. That road is not needed, we went through a lot to just get the bypass, pass and that road serves South Kona and North Kona. We don’t need another road that will speed up the urban sprawl in Kona and avoid—we need to avoid digging up more Hawaiian kupunas. The bypass already impacted our kupunas graves and we don’t need that happening again on the road that’s not needed because the bypass serves its purpose. It provides access to these areas.

And I also want you to deny this request for the petitioner because there was a runoff that happened several years already, that came from that property of the petitioner from doing groundwork on the property and that run off came into Hokuli‘a. It destroyed a section of the Alaloa Trail and it

polluted the water. This all has been brought forward to the County trail, State trail, and all of these pieces.

Sometimes justice moves slow the law, but it will catch on and the fact is there's no trust from the petitioner. We don't trust him at all because if you go and you destroy the Alaloa from your own actions and you no take no steps to repair it. No steps to step forward and address it, but yet you come to this board expecting to make more damage by allowing you to make another road that is not necessary, but yet you have no integrity—

WAN: Thirty seconds remaining.

MEDEIROS: And take care of the damage you did, that we repaired, the descendants. So, I'm asking of you to deny this proposal because we don't need this road, and we don't need no more Hawaiian kupunas be dug up in it because you guys have such an important position.

Your decisions will affect the past, the present, and the future because this decision will dig up graves, that will be on you, because your—allowing this road to go through. Now that you have been put on notice, that this is serious business. Our kupuna's we don't want to see any more dug up. And the Hokuli'a now is not the Hokuli'a of twenty-four years ago because the consciousness has changed. The Hokuli'a of now complies with every single rule and every single thing and they have don't a great job in complying with all of the issues that surround it—

WAN: Can you please wrap up?

MEDEIROS: I see no action taken by someone who is applying for a new road that he doesn't even take care of the damage he created now, so in my conclusion, I don't know I'm three minutes already—

WAN: Yeah.

MEDEIROS: Thank you for letting me testify and again I request you deny this because it will cause so much more division of this community and because we are going to stand up for protecting all of these resources and the things that make Kona better.

WAN: Thank you for your testimony.

SURPRENANT: Chair, we now have Walter Kelly online.

KELLY: Yes, good morning, can you hear me well?

LEWIS: Yes, thank you.

KELLY: As a central litigate in the 2000 lawsuit, Kelly versus 1250 Oceanside Partners, Protect Keopuka Ohana, and ourselves, take this current issues very seriously. As you may recall that lawsuit which effectively shut down the Hokuli'a project was initiated after floodwaters poured off the project in September 2000 and muddy the pristine waters in the [*indecipherable*] Bay. Since that time, 1250 Oceanside Partners and their successor 1250 Oceanside LLC have invested considerable time and expense in designing flood control basins and minimizing pave surfaces within the fifteen hundred acres project. These actions have successively prevented any runoff from entering the ocean for nearly twenty-four years.

An integral element of that success has been the reduction of paved surfaces on the Hokuli'a project allowed by variance 10-027, which are central subjects to this action. The variance was sought to minimize excessive grading in order to mitigate potential environmental hazards and to address concerns at the grading of the steeply sloping lands within Hokuli'a. Coupled with a full pavement of the right-of-way would increase potential for storm water runoff, reducing the pavement by one-half to two-thirds was a smart thing to do and had PKO's full support and still does.

PKO as well as the developer are deeply invested in seeing that our flood control efforts continue to work and that historic and cultural resources, such as the Alaloa Trail, are preserved and protected from damage. PKO has worked in partnership with 1250 Oceanside Partners and 1250 Oceanside LLC, hand in hand for all the years since the litigation to help ensure that the projects many historical and cultural sites are treated with the highest respect. Measures to preserve and protect the cultural landscape at Hokuli'a have always been foremost in our minds during the ongoing development of the property.

Coupe's play in this drama, I feel, is totally in its own self-interest. It seems to us that their only interest is to open up the connector road, road C to public access, creating an entrance into the future subdivision at no cost to them—

WAN: Thirty seconds remaining.

KELLY: Saving the considerable expense of connecting to the Māmalahoa bypass, which they fought for nearly a decade. We call on the County Board of Appeals to reject the feeble self-serving arguments brought forward by the Coupe Trust in initiating this action, which is costing the taxpayers of the County precious time and money. Thank you very much.

I also submitted written testimony which talks about the flood initiated from the Coupe property in 2021 that damaged the Alaloa Trail, which we have repaired since then. Thank you very much for your time.

WAN: Thank you for your testimony.

LEWIS: Thank you, sir.

Testimony concluded at 9:44 a.m.

Respectfully submitted,

Ashley DeVera, Board Secretary