From: Melissa Fletcher
To: Planning CDP
Subject: Written Testimony for CDP meet Dec 5th.
Date: Monday, December 2, 2024 1:18:33 PM

Re: Business Item #2, Presentation by Patti Pinto

Aloha, my name is Melissa Fletcher. I am currently the president of the Fern Forest Community Association, entering my 4th, final consecutive year in this position. I apologize I could not make this meeting and speak in person.

I salute all of you working the CDP, for your efforts to get these critical phases in motion. I am fully in support of Highway connectivity/Alternative routes throughout Puna. As a resident in Upper Puna for nearly 20 years, there have been countless times where this critical need has become apparent and we have been lucky that catastrophe hasn't struck any harder. Our dependency on this one route, Highway 11, comes clearly into play when large storms hit, or volcanic eruptions cause fissures crossing our only through route, or a major collision, fallen Eucalyptus, or power lines shut down the road. These occurrences happen regularly; It is not a simple matter of inconvenience to residents, it is a matter of safety. Being limited to one through route without any connecting alternative routes in remote areas creates an inability for help to arrive and prevents proper egress for residents during emergencies, much like we saw in Maui during the Maui Fire. One-through-route designs have been proven time and again, world wide, to be catastrophically poor planning in community design, let alone in areas like Volcano (with an Active Volcano) or Lower Puna, where lava flows occur periodically without much warning.

My reason for commenting is to deal more specifically with some of the proposed routes through private subdivisions and the issues that come with those proposed routes.

Fern Forest, Eden Roc, and most other subdivisions in Puna are private subdivisions, which means they are not County owned, maintained, nor covered by county or state funds in any way. Each property owner there has to pay a mandatory fee each year, on top of their state and income taxes, to maintain their private, commonly owned roads. The requirement that Fern Forest residents pay mandatory road fees for commonly owned property is based in Federal case law as well as State law (Civil No. 87-519 Third Circuit Court of Hawaii). The need for that ruling came from the way the County allowed developers to subdivide the land in Puna back in the 70's and earlier. It worked well for State and County then - and has for many years, since none of our tax dollars ever need to be spent on the roads throughout some of our largest subdivisions, saving millions of dollars of their funding.

The problem becomes clear pretty quickly: If the County or State wants to now use these ignored private subdivision's roads/property as their solution to necessary alternative routes/Highway connectivity, then
a) How do they get them all to agree without major legal battles? Will they try force? Eminent Domain?
b) How do they propose to ensure that the residents of these private subdivisions aren't footing the bill <u>in any way</u>, not only for implementation of a high traffic road, but also for the longer term effects such as road and easement maintenance, proper signage and markings, regular clean up of illegal dumping on easements, enforcement of speed limits on these routes through these communities, etc?

There are further concerns that, while these proposed mid-subdivision routes would increase subdivision connectivity, which can be good, it would also provide more access and escape routes to the rampant thieves and criminals that our State and County have a poor track record of holding accountable/protecting its residents from. I sincerely hope that some thought is being put to those valid concerns as well when planning alternative routes that best serve our communities.

In lieu of this plan to run connectivity through the middle of several large, private subdivisions, I suggest some alternatives:
-Put separate, state/county owned roads to the fronts or backs of these subdivisions. -Do not add new entries/exits that the subdivisions and its members don't approve of, but plan to connect to their existing main roads. For instance, in Fern Forest, you can run a road parallel to Highway 11, catching the front of Eden Rock, Fern Acres, Hawaiian Acres and only connect to the subdivisions via roads that already connect: Glenwood/Ala Kapena, S. Kopua, S. Kulani, etc.
-Better yet, run a new alternative route at the backs of these areas for even wider access/more spread out connectivity, granting the communities and our district a true benefit by adding true egress options to the subdivisions and a new, truly alternative route that aren't clustered near the existing main routes. This is a similar concept that has been tossed around for years with HPP and it makes sense in so many more ways. Would you go through HPP as an alternative route? No! To the back makes more sense.

I've spoken to many of our local, private subdivision boards and long-timers about this topic. There is clear consensus that there is a battle ahead with proposed routes through private subdivisions and that there are too many long term challenges currently unaddressed. I believe there are better options, some listed above, if we can 'zoom out' our lenses enough to see them and refocus.

Thank you,
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