

BOARD OF APPEALS
COUNTY OF HAWAII

HEARING TRANSCRIPT
NOVEMBER 14, 2008

The following is public testimony provided by **MARTY HALBRITTER** regarding the appeal of **KOHALA PRESERVE CONSERVATION TRUST, LLC (BOA 08-000070)** was called to order at 10:24 a.m. West Hawai`i Mayor's Office, Conference Room, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai`i, with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel
Charlene Hart
Peter Hendricks
Karen Maedo
Kim Tavares

ABSENT AND EXCUSED: David Drury

Renee Schoen, Counsel to the Board
Alice Kawaha, Staff to the Board

Joel Kam, Esq. representing Appellant
Christopher Yuen, Planning Director
Amy Self representing Planning Director

And three people from the public in attendance.

PETITIONER: KOHALA PRESERVE CONSERVATION TRUST, LLC

(BOA 08-000070) - Continued hearing, including consideration on the Petition to Intervene filed by Kamakani O Kohala Ohana (KAKO`O), on the Appeal of Decision by the Planning Director dated July 3, 2008, to defer action on the application for proposed subdivision and approval of preliminary plat map. The project area consists of approximately 365.5 acres and is located in the vicinity and north of Mahukona Harbor, Kapaaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai`i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.

M. HALBRITTER: Aloha. My name is Marty Halbritter. My address is, let's see, we just got a new one, it's 56-105 Old Coast Guard Road. But we started in Mahukona Park. My wife and I had lost everything in a fire. We found ourselves wanting to go back to the islands. We lived on Guam. We found this beautiful little park at Mahukona, after and during some rain at Laupahoehoe that was unbelievable. So we have a special fondness for Mahukona; and we've watched the deterioration of it now for the past 10 or 15 years. We have some photographs. This one was taken ten years ago. This one was taken, that's '91. And this is another 2001. And you can see that the vegetation has shrunk down to zippy doo da, there's no place to camp any longer. The plants that are there are weeds that's sticking to everything you own and go home with you when you leave the park. I have lots of it to attest to.

But what we find is our park has, it looks like it has been deliberately neglected. Our community has gone together, a number of us, and purchased paint, volunteered to paint it. Other members

of the community came in in the last three months after -. My wife and I actually have had three parties at Mahukona that were in excess of probably 250 people. The floors were jiggling so bad that the community activists involved in the earthquake damage came in and shored up the whole front of the building with the aid of about 10 or 12 other carpenters in our community that volunteered their time. The Makule League has brought in the waterline into Mahukona Park because the County didn't do it and we needed water. They got in trouble for that. The park keeper actually drew a little heat over that because he kind of talked to the Makule League about helping out about the water.

With this neglect we lose participation from our community. There's no reason to go to Mahukona Park any longer if you're from here because it's not the beautiful spot we had before. We understand that it's a very difficult spot to take care of, as is Kapaa. We were there at Kapaa for the full moon party which we hold every month. And there were people from Waikoloa, there were people from Alaska, there were people from Kona, all picnicking at the pavilion at Kapaa with no real restroom there. The restrooms at Mahukona are so bad my wife doesn't want to go in there any more. She put the mirror up in there herself because there was none. We feel that this is possibly a deliberate thing, to discourage the use because of what the developers want to put there. No park, no music, no people, it's a lot easier to control. And it's a sad thought that that might be what's going on. We see that our community has been left out of a lot of this. This is the first time I ever heard of Chalon not being Chalon and now it belongs to somebody from Delaware at this meeting today. This is how little information is put out to our community for us in general knowledge through either mail or come knock on my door please. But we've been left out, and over and over again we've been left out. It's time that we are included. And, you know, I looked at the plan as it shows and it shows 35 parking stalls. Well, with 250 people at my party, well, those are all gone; and if there are any campers there we're really in trouble. And a lot of times it's Audubon with their school bus load of people coming and camping there. So we need some help with out parks, we need a park. We need to expand it. To compress it into this small area is disgusting. We have no birds in that park. You go there any time of day, there's not a bird one in that park; but boy we've got kitty cats all over the place. And there's this group of ladies that have been coming in from actually Waikoloa and taking them, capturing them, neutering them and impining their ears so they know which ones they've done. We need more help than that. We need a park that's good for the wildlife, it's good for us. We have friends that won't go to Mahukona any longer because of respiratory problems that they have from the kind of dirt that dusts up from your feet scruffing the dirt. It's an inspirational place, it's beautiful, it's our home. It's all of our home. We love it. We hope you'll help us with it. Thank you.

The testimony concluded at 10:27 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawaii Secretary