

BOARD OF APPEALS
COUNTY OF HAWAII

HEARING TRANSCRIPT
NOVEMBER 14, 2008

The following is public testimony provided by **LUCY PASCO** regarding the appeal of **KOHALA PRESERVE CONSERVATION TRUST, LLC (BOA 08-000070)** was called to order at 10:18 a.m. in the 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, Kapaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai'i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.

PASCO: Good morning. I'm Lucy Pasco; and my address is PO Box 637, Kapaau, Hawaii 96755.

Mr. Chairman and the Members of the Board, I am Lucy Pasco and I'm a lifelong resident of Kohala. I remember the shorelines where we used to harvest, and we used to go there just for recreation. It was something to be kept and passed on to our children, our grandchildren, our next generations. Over the past two years I've helped write out the North Kohala Community Development Plan that was adopted into law October 22nd of this year. I served on the public access group, focus access group. And my intentions were to be ears, eyes, where one could say something and try to preserve our coastline. We've got a beautiful coastline. And, you know, people from all over had shared that coastline either to harvest or to just go to relax and enjoy the shoreline. And I feel rights of the people should be thought about and considered. I had attended meetings with the Steering Committee, also while on this focus group. I am submitting

to you sections of our CDP document that are directly relevant to the issue before you, the Mahukona resort subdivision. They are the exact words of the CDP. Included is a map that shows the coastal lands that the community has recommended public purchase for preservation. Mahukona is one of them.

Lack of community participation in decisions of Mahukona, public access was one of the prime reasons that the community chose to make public access a major issue in the Community Development Planning, Development Plan, I'm sorry.

Mahukona has been a highly used public area throughout the entire history up to 1990 when the new owners locked the jeep road to which the community had court-ordered vehicle access.

Chalon was required in 1993 to provide three things for the public:

1. A Plan for Shoreline Public Access providing lateral trails and vehicular mauka-makai access to parking areas near the shore.
2. A recordable agreement dedicating the 39 acres of shoreline conservation district land to public use.
3. Plan and build improvements to Mahukona and Kapa'a parks as required by the permits.

You know, one looks at the parks and say, well, it's okay. But it is not. If you would go there and visit it and look at it, you'll understand that you wouldn't even want your grandchild to get into restrooms that are not fully equipped. I don't, anyway.

All of these plans have taken place without public participation. And when I say public participation, you know, I even remember people wanting to build, construct or whatever it is, they used to come to the senior club and they said, oh, you kupunas are the ones that are here that are an example of the land, the people, we want knowledge out of you. But, you know, for all of this that had gone on to Mahukona, we were like left out of it, really left out. You only hear it or if ones like I that go to public hearings that are maybe like for certain people but you stick yourself in and then you get to know what's going on there.

All of this has been approved by the Planning Department, not only without public participation but also without public notice. The folks in Kohala do not know what their access to this place, highly used public shoreline, might be under these plans.

The words of the CDP demand that the community be part of the decision for public access and public use in this district. The words of the CDP say "Community spokespersons have been adamant in their desire to amend and implement specific public accesses that have been agreed to by land owners or court-ordered, but for various reasons were never finalized." Mahukona is one of these. The public was left out of decisions key to our use of the shoreline and parks. I say please help us.

I agree the agreements made by the Planning Department must not be approved by the County until the community has had a chance to review and make recommendations about the rights to the shorelines and parks. If you have not visited the Kohala shoreline please come and visit it. It is unique and it's something that we have to save, not only for ourselves that we are here today but for our children, our grandchildren, our great grandchildren. I've got a great grandson that loves fishing as much as his great grandpa does, and they have visited the shoreline. It's

something that should be thought about. And I wish you would because once lost we all know that you can never get it back. To preserve it and to share should be something that we should all consider. And I thank each and every one of you. Thank you.

The testimony concluded at 10:23 a.m.

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Respectfully submitted,

Sharon M. Nomura, East Hawaii Secretary