

LEEWARD PLANNING COMMISSION  
COUNTY OF HAWAI'I

HEARING TRANSCRIPT  
AUGUST 28, 2009

A regularly advertised hearing on the **PLANNING DIRECTOR'S INITIATED AMENDMENT TO LAND USE PATTERN ALLOCATION GUIDE (LUPAG) MAP 11 OF THE COUNTY OF HAWAI'I GENERAL PLAN** was called to order at 11:35 a.m. in the King Kamehameha's Kona Beach Hotel, Ballroom I, 75-5660 Palani Road, Kailua-Kona, Hawai'i with Chairman Rodney Watanabe presiding.

PRESENT: Rodney Watanabe  
Brandi Beaudet  
Lani Bowman  
Frederic Housel  
Wayne Iokepa

ABSENT & EXCUSED: Geraldine Giffin

Brandon Gonzalez, Deputy Corporation Counsel  
BJ Leithead Todd, Planning Director  
Norman Hayashi, Planning Program Manager  
Phyllis Fujimoto, Staff Planner  
Jeff Darrow, Staff Planner  
Maija Cottle, Staff Planner

And approximately 17 people from the public in attendance

**INITIATOR: PLANNING DIRECTOR**

Amendment to Land Use Pattern Allocation Guide (LUPAG) Map 11 of the County of Hawai'i General Plan (Ordinance No. 05 25, as amended) by changing the land use designation from "Urban Expansion" to "Open" for the area affecting state-owned lands in the vicinity and south of the Honokōhau Harbor, Kealakehe, North Kona, Hawai'i.

WATANABE: Our last agenda item, the initiator is the Planning Director. It's an amendment to Land Use Pattern Allocation Guide, LUPAG, Map 11. And so, oh, you are handling this also?

COTTLE: Yes.

WATANABE: Busy day. Maija.

COTTLE: Thank you. This item is a Planning Director initiated General Plan amendment. Specifically, it's amending Map 11 of the LUPAG Map, and this is in the Kealakehe area and the Honokōhau Harbor area. The Planning Director held two public workshops to give the public an opportunity to provide comment on the proposed amendments. Those workshops were held in Kona on July 7<sup>th</sup> and in Hilo on July 10<sup>th</sup>. About 15 members of

the public showed up at the Kona workshop and around five people showed up at the Hilo workshop.

This is a shoreline photo aerial view of the General Plan amendment area. This is the National Park, the Kaloko-Honokōhau National Park is in this area here. And the amendment area runs along the southern border of the park from the shoreline all the way to Queen Ka'ahumanu Highway, which is in the upper portion of the slide. You can also see the harbor area, and their parking lots are within the amendment area. You have the 'Ai'ōpio fish trap here off in the water, and there is also a heiau next to the fish trap here. This area is actually Park property. So the amendment would affect along this line south including the harbor area. And let me just move forward to -. This is what the Director is proposing; so she is proposing to return the LUPAG designation to the 2005 map layout, which had the area hatched in red as Open. And so just to go back to the shoreline slides, where I was pointing out the line from the highway to the shoreline along the southern Park boundary is here, and then the amendment area runs along the shoreline and creates like a boot, or a little shoe, here. So I'll go back and kind of point that out on the slides. So it would run along the shoreline inland a little bit. You can see the Kealakehe Wastewater Treatment Plant in the top right portion of the slide. So the boot area would actually encompass that, and that would run around here and the curve up and in. The State owns most of this property over here, and the Department of Hawaiian Home Lands owns this property in this area here. And they both provided comments on the proposed amendment. Again, you can see the Wastewater Treatment facility here, and there are some natural resources in this area. There are some anchialine ponds right around in this area here.

This is a LUPAG Map from 1971. Again, you can see the southern boundary of the Park. The harbor and these red areas were designated Resort areas. The dark is Open and then the crosshatch was Urban Expansion. And it's the same layout as what shown here on the 1989 LUPAG Map; you have the Open area, Urban Expansion and the three Resort areas.

And then in 2005 during the comprehensive General Plan update, the Resort areas were removed, those three Resort areas were removed. One of them was changed to Open and then two of them were put into, I'm sorry, two of them were changed to Open and one was changed to Urban Expansion right here.

And then in 2006 the Planning Director initiated an interim amendment to the LUPAG Map, and removed all of that boot area, or shoe area, that was designated Open and to Urban Expansion.

So again, the Planning Director is recommending approval of the amendment to the LUPAG Map in this layout here. And just to also let you know the State Land Use designation for the area is Urban except right along the coastline that's Conservation. And the current zoning designation, the County zoning designation for the area is Open. That's shown here in dark green.

You should have received two letters of public testimony this morning. And one of them, I think, is from Mr. Nelson and he is replacing it with testimony that he had provided earlier; he made some changes. Are there any questions?

WATANABE: Staff? Okay, thank you. Thanks, Maija. Let's see, there is no applicant in this case, so why don't we move onto the public testimony. I have nine individuals who have requested to provide public testimony. I'll call them up in the order that they signed up. We do have four chairs up there, four seats up there, so I'll call you up four at a time. I have Geri Bell, Diane Aoki, Richard Nelson and Debbie Hecht. May I swear you in? Ms. Hecht, you were already sworn in, so go ahead. Raise your right hand, please. Do you swear or affirm to tell the truth now before the Planning Commission?

TESTIFIERS: I do.

WATANABE: Thank you. And I believe you are Geri Bell?

BELL: I am.

WATANABE: Yes? So Ms. Bell, would you state your name and address for the record, and then you may begin your testimony. Because we do have nine people, I'm going to request that the testifiers be concise, not be overly redundant. If you have handed in like, you know, a letter of testimony that's five or six pages long, please don't read the whole thing to us. We can read. Instead, contain your testimony to three minutes and just highlight your thoughts, okay? We'd appreciate your cooperation in this. With that, Geri?

BELL: I will. I'm Geri Bell. I'm at 73-4786 Kanalani Street, Kailua-Kona. And Mr. Chair and Members of the Commission, I brought my water up with me because I have cold and I might need it during my testimony, and because my voice may either sound sexy or hoarse.

But anyway, thank you for the opportunity to provide comments on this agenda item. Again, I am Geri Bell, the Superintendent at Kaloko-Honokōhau National Historical Park. And the Park's southern boundary adjoins the lands included in the proposed amendment to Map 11, including 15 and a half acres of State-owned lands in the Kealakehe ahupua'a. And Kaloko-Honokōhau is one of 391 areas in the National Park System established by Congress for its nationally significant cultural and natural resources.

So I'm going to skip down because you do have my testimony. The Park was created in 1978, through the efforts of this community, to preserve, interpret, and perpetuate traditional Hawaiian activities and culture. The community was concerned that this place of great significance to Hawaiians would be lost to urban development. And the citizens prevailed in 1978, but even today the imminent threat to the Park's resources from urban development continues. Any large-scale development project on lands adjacent to the National Park will significantly impact its cultural landscape, traditional and customary practices by native Hawaiians in the Park, and its resources.

Again, I'd like to reiterate that the National Park Service is seriously concerned that urban development projects on lands adjacent to the Park, which is also a National Historic Landmark, especially cumulative effects of these projects, will result in long-term degradation of the Park, threaten the integrity of the Honokōhau Settlement National Historic Landmark, and diminish the rapidly disappearing Hawaiian cultural landscape. As you know, large-scale urban development adjacent to any National Park will fundamentally alter the water, air, sounds, sights,

and traditional and customary practices of native Hawaiians. And water, we are particularly concerned with water quality and quantity that will forever, would be altered forever by fresh and brackish groundwater withdrawals.

You know, the urban expansion foreseen by the Advisory Commission 35 years ago is now underway. This proposed amendment of the General Plan provides a rare opportunity for outright protection and preservation of the last remaining undeveloped coastal lands and resources around the Park to the benefit of all the citizens of Hawai'i and the United States.

As you are all well aware, commitment of coastal lands for development has irreversible and far-reaching consequences. The National Park Service greatly appreciates your careful consideration of zoning of these sensitive and fragile lands. The National Park Service strongly supports the proposed amendment, and we respectfully urge the County of Hawai'i to take a further step and increase the proposed area of Open designation in the General Plan to more closely reflect the current zoning of Open for makai coastal lands. Preservation of coastal open space will benefit the quality of life in the Kona community, native Hawaiian values and traditional and customary practices, and nationally significant natural and cultural resources. Mahalo for the opportunity to speak to you on this important issue. Thank you.

WATANABE: Thank you, Ms. Bell. Fellow Commissioners, do we have any questions of Ms. Bell? Seeing none, Diane? Name and address first, please.

AOKI: Okay. Diane Aoki, P.O. Box 991, Kealakekua 96750. I am a 4<sup>th</sup> and 5<sup>th</sup> grade teacher at Kealakehe Elementary School. And I was first introduced to this area called Alula through hula. My kumu, Keala Ching, would have us to here for hi'uwai, a cleansing ceremony, prior to any ho'ike or at the beginning of the new year. He has written oli and hula about this place, and we have danced there to honor the area several times.

I was concerned when, a few years ago when that area was planned to be developed. And I did not know what I could do as a citizen, but as a teacher, I felt that I could teach my students about special places in their own community, if not in their own ahupua'a. So three years ago I started to bring my students to the area to study the anchialine ponds there. This year will be my fourth year. The bay itself is lovely and unique, laden with archaeological evidence of ancient Hawai'i but undetected or unknown by untrained eyes. When I point out the stones that mark the house sites or the heiau to people who go there almost regularly but have never really seen the sites there, they are pretty much surprised.

Last year when we went to do our studies there, we did, like a service project, we tried to clear out pickleweed and fish out the mosquito fish. It's our goal to restore the place, which is a monumental task. But as long as I plant seeds in the kids that they can try to make a difference, they can try to make their communities a better place, then that's my goal. The area is just so rich in learning experience for the kids – not only the anchialine ponds, the tide pools, the archaeology. And we have a chance now to keep this place for our children and for the future generation, so that this kind of education can continue into the future. Anchialine ponds, as you might know that their unique ecosystems have been diminished over the years mainly due to development. And we have a very unique opportunity to preserve them for perpetuity.

I had an assignment with my kids to write letters if they had direct experience with the area. And this is the first time I've ever testified for public testimony; so I didn't know about the none copies each. I'm hoping that – and there are 43 letters so that would have been a lot of paper – but I'm hoping that they can be entered into the public record somehow, so that the kids will know that, you know, they did contribute to the discussion. I'll just read a few of them, and just, just cute little, you know, their writing and their thought process. This is the third paragraph:

“I heard you want to build a hotel over the anchialine pond. I really don't want you to build hotel because most hotels have golf courses and golf courses ruin anchialine ponds. Because lots of hotels already did, so I want to save them.”

“This is a fun place to relax in Alula Bay, a beautiful beach. We came here to clean the pond to help the ʻōpaeʻula by cleaning the pickleweed and taking out the guppies. And can you not kill and destroy the anchialine pond. You will take away the ʻaukuʻu nests and Alula Bay and the habitat of all these species, and will put more pollution and cut oxygen. And can you keep this place how it is? Why do you want to take down all the nature? There are a lot of hotels already.”

Anyways, they go on and on and on. There was only, actually to just show that I did not tell them what to write – I said that you can have an opinion one way or the other, just got to back it up with evidence – so this is my one that's different from all the rest. So I just wanted to be fair. It says, “I think you should make hotels without making it on the ponds because if there are hotels, then they might know how to have fun so then they might have a job over there.”

So anyways, I just wanted to let you know that I wasn't, you know, brainwashing them, you know, I really wanted them to give their honest and evidenced opinions. So thank you very much.

WATANABE: Thank you. Do we have any questions for Ms. Aoki?

HOUSEL: Quick one.

WATANABE: Yes.

HOUSEL: How old are your students?

AOKI: They are nine and ten.

WATANABE: Thank you. Ms. Bowman.

BOWMAN: I just, I want to thank you very much. I do similar things in Kohala, and it really does make a difference in their lives. And you know, testimony like this is something cute.

WATANABE: Seeing that there are no other questions, Mr. Nelson?

NELSON: Aloha. My name is Richard Alihilani Nelson. P.O. Box 2245, Kealahou, Hawai'i.

As a Hawaiian born on this -. Incidentally, you have a copy of my report; so I'll just sort of highlight it and -.

WATANABE: Thank you.

NELSON: Move on because a half of the people here were listening to it the other day. So we can speed this thing up.

But anyway, as a Hawaiian born on the shores of Kālia, Waikīkī in 1933, it was a place where pristine shoreline, an abundance of fish, and roads without traffic snarls – a place that I could vividly remember to this day.

Today, there is nothing left to remind me of that place of birth. The Hawaiian Village, the 'Ilikai Hotel and the Waikīkī Yacht Club dominate the landscape. Vehicle traffic is horrendous during the daylight hours, as well as into the evening. And there's no more sustenance fishing. The waterway is cluttered with pleasure boats and tourists. The once progress got there for our benefit it has replaced the natural beauty that I once remembered by. Over time I chose to move to a place called Kona, which reminded me of my childhood memories. It was rural and uncluttered with "progress." As we all know, Kona's steadfast climate, calm waters and an attractive shoreline ecosystem is being challenged today with "progress" designed to enhance our lifestyle and community.

In 1974 the Honokōhau Study Advisory Commission recommended the establishment of the Kaloko-Honokōhau National Historic Park. That recommendation was fulfilled. There are significant cultural resources within the Kaloko-Honokōhau National Historic Park, including Kaloko Fishpond, burial sites, heiaus, anchialine pools and other sacred sites. Our Hawaiian rights are protected by the Hawai'i Constitution that are practiced within the area I described, including pole, spear and net fishing, the gathering of limu, wana, 'opihi and he'e.

A few years ago the State Land Use Commission concluded that Kaloko-Honokōhau National Historic Park is a "natural and cultural resources of the utmost value both to the State of Hawai'i and the nation as a whole representing some of the State's most important natural systems, habitats and cultural, historical and natural resources."

In 2006 Hawai'i County re-classified the adjacent to and south of Kaloko-Honokōhau National Historic Park from "Open" to "Urban Expansion." This change to the General Plan failed to properly consider impacts to traditional and customary practices and to public trust resources. The change simply reflected a desire to accommodate the demands for development and failed to be based on all the studies documented as a deterrent to destroying the natural resources and cultural beauty of this area. Consequently the Jacoby Development proposed, in partnership with Hawaiian Home Lands, to build a marina and timeshare project. That capital investment for profit is no longer on the table for consideration.

Well, Kaliko Chun and I are part of a lawsuit challenging the County's failure to protect native Hawaiian rights and public trust resources, as well as its failure to plan properly. Hawai'i County Planning Director Bobby Jean Leithead Todd is proposing to reclassify the area back from "Urban Expansion" to "Open" – a classification that will better protect the natural and cultural resources of the area.

As a concerned community member, and in particular a Hawaiian indigenous to these islands, I fully support Hawai'i County Planning Director Bobby Jean Leithead Todd's proposal to reclassify the area in question from Urban Expansion to Open. Thank you.

WATANABE: Do we have any questions of Mr. Nelson? Thank you. Ms. Hecht? You-

HECHT: My name is -.

WATANABE: Need not to state your name and address. You already did -.

HECHT: Okay. My name -.

WATANABE: So go ahead.

HECHT: Is Debbie Hecht, and I do support the rezoning (sic) from Urban to Open. The Kona workshop was poorly attended because there was a whole another meeting on another zoning issue over at the, another hotel. So I think they would have been more focused and it's too bad that they weren't, but you know, it's just how it worked out.

The Kaloko-Honokōhau National Park is a jewel for Kona and our island. They have wonderful plans for an extensive Hawaiian cultural center. The surrounding area should be preserved as much as possible to protect and buffer the park. I would hope the County would provide a no-build buffer zone in that area. If you look at the aerial photo here, you can see how already the area to the north of the harbor has been graded and grubbed. And that is pretty, I think, it's pretty close to where the Park is. So you can see how encroaching an industrial area – that is an industrial area, there is boat finishing areas, there is a sailing club, there is harbor, there is parking – has encroached on the Park. And for any more development on that area will affect the ponds and the anchialine areas, so I would, I think that should just be preserved as a no-build, no-anything buffer area.

It was mentioned in the public meeting that the property adjacent to the harbor in north may be used to expand the industrial area. That is a really bad idea. There are already some septic systems in the area that are suspected to be faulty; there is one at the restaurant, there are restrooms at the small beach on the south side, the fuel dock restrooms, there's sewer or restrooms in the industrial area, not sure how many, there's, the sailing club has restrooms, and there're standalone restrooms for the fish cleaning area. Nitrate leaking from these faulty septic are increasing algae and, according to ocean scientists, have caused a diatom bloom. When the algae increases, it increases the turtles which, and the turtles attract sharks; this is obviously a safety issue. The Kaloko Ponds are also be impacted.

Again, I think it would be a great idea for the County to just institute a buffer overlay zone in that area to further protect the Park. That's pretty much it. So I hope the County -. I mean I do applaud Bobby Jean taking the step to downzone the area, and I hope that the County would even take one step further and put a buffer overlay zone around that area to protect the Park further. Thank you.

WATANABE: Any questions, fellow Commissioners? Seeing none, thank you. You may be seated. Let's move on to the next four testifiers: Shannon Rudolph, Charles Flaherty, Janice Palma-Glennie, Kaliko Chun. Do we have a Kaliko Chun?

CHUN: Yes, I -.

WATANABE: Yes. Okay, may I swear the four of you in? Mr. Flaherty, again, just like with Debbie Hecht, you don't need to do it, yeah? Okay. Do you swear or affirm to tell the truth now before the Planning Commission?

TESTIFIERS: Yes.

WATANABE: Thank you. And shall we begin with you, ma'am?

RUDOLPH: Okay. Aloha -.

WATANABE: Name and address, and then -.

RUDOLPH: My name is Shannon Rudolph, and I live in Hōlualoa at Post Office Box 243, 96725. And for the sake of brevity, I just want to say I support this zoning change (sic). And I want to reiterate what Debbie said about the surrounding area, keeping it pristine, because I think as more people move in to the area, we're going to need more places like this for people to come and get away from concrete. Thank you.

WATANABE: Any questions for Shannon? None? Mr. Flaherty, no need for address, just -.

FLAHERTY: Aloha. And I'm so sorry I didn't say aloha to Members of the Leeward Planning Commission and Bobby Jean. I want to also say I really appreciate Bobby Jean supporting and proposing this amendment and also the efforts of the individuals who have been working to have this area declared as Open.

As it had been mentioned earlier, this was in the 1989 General Plan. There were certain rezone ordinances that had been proposed for this area. And then in 2006 this area was, a General Plan amendment was proposed as part of a number of General Plan amendments, and that have made this Urban Expansion. That proposal had actually been made by Virginia Isbell and it was to help facilitate the development of the Kona Kai Ola development, which as Dickie Nelson has previously said, was a joint-venture of the State of Hawai'i, Department of Hawaiian Home Lands and a private developer. That fell apart when Menhune Development, which had signed the lease with the Department of Hawaiian Home Lands and Jacoby, went bankrupt.

In addition the harbor was proposed to be expanded. And you can't see it here – you can see the harbor here – but it was proposed to be expanded to the south, and they were going to blast to the south to basically put in luxury slips that would have provided additional income, and the State had actually had plans for this project to help fund improvements for harbors on all of the islands in the State of Hawai'i. So there was an economic reason for the proposed development plans.

Unfortunately, this area is the second largest outflow of freshwater, which you don't see is that there is water flowing under the ground here. All on the coast of the leeward coast you have this. The largest is down at Umi's Well in Kealahou Bay, but this is the second largest freshwater outflow from the coast. The USGS, the United States Geological Services, has done studies and has proven this. And so what is interesting is that the offshore water monitoring from the National Park is showing that there is a plume of polluted water that's coming out from this area, which we believe is related to the sump where they are putting in untreated – well, it's only treated once – water from the Kealahou Wastewater Treatment Plant further mauka. But we are not certain; it could be related to harbor activities as well.

There was a study done in 2006 that Chris Yuen had asked to be done in response to a Supreme Court ruling, which said that the County had an affirmative duty to protect the near shore water quality of our island. That study, the findings of that study was that over the past 15 years near shore water quality along our coastline has deteriorated substantially, and that we are on the verge of environmental, extreme environmental degradation offshore. And these are supposed to be Class AA waters for 300 meters offshore, which means that the waters are not influenced by human activity. So obviously we've got a problem that's developing here.

I also wanted to point out that the Kona Community Development Plan process, there were 109 meetings that were held over about four months. In those meetings thousands of comments were taken. Working Groups were then formed by citizens and we basically boiled down these comments into final themes. And one of the themes was protect, no development in the near shore area. Then we had some public charrettes where people actually were able to draw on maps. And the majority of people at those stated they did not want any development between Queen Ka'ahumanu Highway and the coastline, recognizing the importance of this near shore area. That's another reason why I think that the proposed amendment has community support.

Ms. Hecht has said that there had not been much public attendance as far as support of this particular amendment. But back in 2006 when this General Plan amendment was being proposed, there was huge community outpouring at County Council meetings against this. The reason that it passed was because the County Council refused to split the different General Plan amendments out, and so they had to vote on the whole thing all together. And so that's how it got thrown in.

Referring to Ms. Aioli's (sic) testimony, there are, I actually have been a part of Na Wai Iwi Ola, the halau, that has been using the Alaula beach area, which is not shown here -.

WATANABE: Mr. Flaherty, can you -?

FLAHERTY: Okay, I'll summarize, I'm sorry. Let's see if there is anything else I haven't missed. I guess that's -. Oh, the one thing is regarding Geri Bell and as far as adjacent

development, that is a huge concern as far as you've got major industrial development going on to the east of the National Park. This area, you've already seen the development here right to the south of the National Park, and to north is Kohanaiki development and they are already having issues with the SMA Permit on as far as the amount of, they are not supposed to be raising the elevation more than five feet on their house lots or house pads that are being built above that adjacent to the National Park; so it's looking down some of those lots into the, actually looking into the National Park. So that's an issue at this time. Thank you very much.

WATANABE: Okay. Do we have any questions of Mr. Flaherty? None? Thank you. Janice? Is that correct?

PALMA-GLENNIE: That's right. Good morning and aloha, Commissioners. My name is Janice Palma-Glennie, and I live in Kailua-Kona. I provided written testimony previously on this issue. But I'm speaking today again in support of the General Plan amendment that would right a wrong that was done a few years ago – one that would have opened a highly sensitive, natural and cultural area to urban development.

By giving a positive recommendation for this corrective amendment, Planning Commissioners will be supporting a true win-win land use decision. First, supporting the current amendment honors the wishes of Kona residents. When the current General Plan became law, the land in question was an Open protective designation. The 2006 ad hoc Planning Director initiated Urban change but nothing but grief to the Kona community. When Bill 309 to upzone the area was before the County Council, there was a huge public turnout, as Chuckie had mentioned, and almost all if not totally unanimous testimony was against that change of land use classification. Second, the current amendment honors Hawaiian host culture, as you've heard much about today. Third, a decision in favor of the amendment honors the Kona Community Development Plan mandate, again, as Chuckie mentioned. Community support for protecting coastal lands to the highest degree including 1,000-foot shoreline setbacks for development is clear from avalanche of input provided during the ongoing KCDP process. On Wednesday, in fact, as you probably have heard, the KCDP Action Committee voted unanimously to support this amendment and protection of this coastal area and an effort to follow what is now County law. Fourth, last thing, supporting the amendment honors the Federal mandate that the land surrounding the Kaloko-Honokōhau National Park be ultra-protected due to the Park's highly sensitive, natural and cultural resources. This decision is made easy for Commissioners since the amendment protects crucial coastal resources and supports Federal and local law without the complication of a takings issue.

In closing I ask the Commissioners to follow the lead of the thousands of people who have worked since the 1970's to protect this area, and I ask that you vote in favor of this win-win General Plan amendment. Mahalo.

WATANABE: Do we have any questions of the testifier? None? Okay. Kaliko Chun.

CHUN: Good morning. I am Kaliko Chun. And in particular to this morning's appearance I've been involved with Richard Dickie Nelson in this legal action that was provoked by -

WATANABE: Ms. Chun, could you state for the record your address?

CHUN: Oh, I'm sorry. Kaliko Chun. My residence is Post, resident of Kona, Post Office Box 823, Kailua-Kona.

WATANABE: Thank you.

CHUN: With Dickie Nelson involved in a legal action provoked by the lease to the Jacoby Development Company by the Department of Hawaiian Home Lands and the Department of Land and Natural Resources of the area just south – you can see some of it back toward the highway and then just beyond the harbor – because of the extremely negative impact to this extremely sensitive area. And I appreciate very much the Planning Director's proposal to change the classification, as you've heard from the others that have appeared, back to Open space. And that it was changed to Urban Expansion only in 2006 in order to accommodate the development in lease of lands. Now that lease has been cancelled by the DLNR and the Department of Hawaiian Home Lands, it is vitally necessary to protect this area and to do this by this designation of returning it to Open.

My family and I became involved with the care and preservation of this area now known as Kaloko-Honokōhau National Park and the abutting area in the early '70's and late '60's. When the harbor was proposed – you might think that, well, the harbor is here, so why not have urban – well, the harbor went in under vehement community protest and objection, and even with the 1962 National Landmark designation of the Honokōhau settlement. So it behooved all of us as a community to do what we could to preserve this area. And in 1972, it was advocacy of family members and the community and Congress the Federal Honokōhau Study Advisory Commission was created and appointed 14 Hawaiian members. And they went to every island to find people and families who lived in this area, who could remember how they lived, the traditions and practices, and do they carry it on, which is held in a large book in the Federal Register, and the families said yes. Even though they might be living in Kaua'i or Moloka'i, that they came from this area. They recounted their growing experiences and many members said they still engaged in them. So the Advisory Commission completed its work and recommended an area of over 1,000 acres to preserve that goes just to this end, the great Kaloko Fishpond believed to be from the 16<sup>th</sup> century and demonstration of extremely skilled engineering skills, and the fishpond here. The anchialine ponds are just that side, the south side. A study teams from MIT, the University of Maine and, I understand, TUFs have come to look at these anchialine ponds. And if you haven't seen them, they are like land lop just within the shoreline, I mean, back from the shoreline, and are endangered ecosystems within themselves.

The Spirit of Kaloko Honokōhau, which is the report written by the Study Commission, opens with a poem, and part of that poem is, "Bound by the spirit of Honokōhau to our kupuna, Who settled in the sacredness of the living honua." This area has, as I say, it's culturally sensitive, critically important. America described it as nationally significant resources; it has anchialine ponds, fishponds, artifacts, burials, flora and fauna, natural habitats, heiau, historical sites, ocean and land, offshore and onshore habitats, offshore geological resources. The Park extends 600 acres into the ocean for two reasons: One, Hawaiians lived ahupua'a from the mountains to the sea, there are protection and preservation -

WATANABE: Ms. Chun -.

CHUN: They realized the importance of the ocean and lived that way – I will – and two sites are offshore. I just want to say that personally I go there and observe the rising of the makali‘i at makahiki time and at other times, and I’m always aware of the spirit of this place. From birth to burials Hawaiians have observed and practiced rites, they’ve lived lives there, traditions and practices ongoing that we enrich what we call a living. And it is very much a living honua. And we all can be, and we all should be, concerned with this sacred spirit that is Honokōhau, Kaloko-Honokōhau. Thank you very much.

WATANABE: Okay. Do we have any questions of Ms. Chun? Okay, the three of you may be seated. Then I have one last person who signed up to testify – that would be Isaac Harp. Mr. Harp? May I swear you in, sir? Do you swear or affirm to tell the truth now before the Planning Commission?

HARP: Yes, I do.

WATANABE: Thank you. And then name and address, please.

HARP: My name is Isaac Harp. I’m here representing Makani Hou o Kaloko-Honokōhau, and the mailing address is Post Office Box 437338, Kamuela, Hawai‘i 96743. I’m here presenting this testimony on behalf of the president of Makani Hou o Kaloko-Honokōhau, Mr. Fred Cachola. And before I do that, I would like to provide some comments from myself.

I’m a lineal descendant of this area. My mom was the last generation to have spent time living in this area. And as a young girl she caught her what they called “candy,” the little fishes in the ‘Ai‘ōpio fish trap. ‘Ai‘ōpio literally translate into food for the children. They built what they call ‘ahua into the water, which is stone piles; they piled up stones all around in the ‘Ai‘ōpio and surrounded that with their net, after the stones were sitting for quite a while to gather fish and then they broke down the stone piles to catch fish in their net, take it out and dry it and that’s what the candy was for the kids down there back in the old days. Unfortunately, the family was evicted from the area shortly after the bombing of Pearl Harbor, as most families along the coast were, as a matter of national security, I guess, at that time. So my mom ended up moving to O‘ahu. And she returned several decades later, and we went down to the Park and visited the area, and she broke down in tears, seeing the harbor built there. They had a pet turtle, a giant female turtle and by the name of Daisy; and she said that’s where Daisy lived, and she just broke down in tears and cried for about an hour before she was able to recover.

And I have worked as a cultural monitor for James Greenwell and Lanihau Production, or Lanihau Property; they are developing the area mauka of the highway just to the left of the screen here to continue the light industrial area development from Costco going back south. And I was hired to protect the burial because some of our family burials are located there. They’re primarily tube, lava tube burials. So I sealed all of the burial tubes and created some buffer all the way around. I feel those are generous provisions for buffers, like 50 feet from the burial sites. And I hope that serves as sort of a model for future development where they bring cultural monitors in and protect the burial sites and things. And he also contributed a culturally rich area, a lot of historical sites and things, basically to the families – a five-acre cultural preservation area

that he donated out of the kindness of his heart. So hopefully, future developers will follow the same path.

But anyway, let me go ahead and read this testimony from our president, Fred Cachola.

“Aloha Planning Commissioners and Action Committee Members. And Madam Planning Director, thank you for introducing this proposal, which is I believe a very beneficial proposal if adopted for the entire community.

Mahalo for the opportunity to comment on the proposed amendment to Map 11 of the Land Use Pattern Allocation Guide Map of the County of Hawai‘i General Plan. The lands in the proposed amendment area adjacent to the Kaloko-Honokōhau National Historical Park and extend south of the Honokōhau Small Boat Harbor in the ahupua‘a of Kealakehe, North Kona.

This testimony comes from the Makani Hou o Kaloko-Honokōhau, a Kona/Kohala community-based volunteer group incorporated in the State of Hawai‘i and currently seeking a 501c3 tax status with the IRS. We are working cooperatively with the Kaloko-Honokōhau National Historical Park to provide kōkua to its Superintendent Geri Bell to plan, establish and manage a Hawaiian Cultural Live-In Center at the Park as envisioned by the 14-member native Hawaiian advisory commission appointed by the Department of Interior in 1972 to study the feasibility and desirability of establishing a National Park at the Honokōhau Settlement National Historic Landmark (designated in 1962). Congressional action in 1978 created the Park generally in accordance with guidelines provided by the native Hawaiian commissioners in their 1974 report entitled ‘The Spirit of Kaloko-Honokōhau.’ I was honored to be a member of that commission and was one of three members who delivered and discussed the ‘Spirit Report’ at the Department of Interior in 1974.

The Makani Hou o Kaloko-Honokōhau strongly supports this amendment to change the land use designation from ‘Urban Expansion’ to ‘Open’ for these reasons:

1. The amendment is an excellent acknowledgement that the National Park Service and the County of Hawai‘i share a common commitment to mālama (care for), protect and preserve the Kaloko-Honokōhau cultural and natural resources for the people of Hawai‘i, the nation and the world. We note that the native Hawaiian commissioners in 1974 were very concerned that the rich cultural legacy at Kaloko-Honokōhau would be overwhelmed and lost to urban development. Their ‘Spirit Report’ of 1974 (page 54) states:

‘... since most of the land in the ahupua‘a of Kealakehe is owned by the state. Its use will have a direct impact on Kaloko-Honokōhau ... lands that are designated or owned by the state in the area should be given special zoning limited’ – I believe he meant ‘limiting’ – ‘their uses to activities compatible to a cultural park. The County General Plan and zoning ordinances of the area should limit the uses of the lands immediately surrounding Kaloko-Honokōhau to compatible activities -.’

WATANABE: Mr. Harp -.

HARP: 'Lands further mauka should be restricted to density in order to preserve the integrity of the Park and protect its water resources.'"

WATANABE: Mr. Harp, actually we have his letter, yeah?

HARP: Yes.

WATANABE: So, okay, I realize it is important to you, and the bulk of the te-, well, not the bulk, all of the testimony was for, yeah, so -.

HARP: I think it's most important to Fred since he has spent over 30 years on this effort.

WATANABE: Yeah, but can you summarize his thoughts?

HARP: I guess in summary we support the plan and I hope you do too as well. Thank you.

WATANABE: Thank you. Okay, this concludes the public testimony. So we are now closed for the public testimony. Just for the record I'd like to indicate that Commissioner Beaudet has rejoined the Commission; so he is not recused from this particular item. You are available to vote. Madam Director, you have some comments then?

LEITHEAD TODD: I just wanted a couple of comments. This is initiated as a result of the settlement of a lawsuit, and the agreement on the settlement did not require me to support the amendment; it only required me to initiate. I could have chosen to remain neutral, I could have chosen to recommend denial, I could, in this case I chose to recommend approval of the proposed amendment. And in part it's because, you know, all of us have a history, and I have to fess up I was one of the original people back in '71 and '72 as a Hawaiian study student who came down to Kaloko-Honokōhau to protest the proposal to develop this area into a hotel/resort area, and joined with many other residents throughout the island to ask that this be set up as a park and be preserved; so I have that history with the land. And also, in order to try and decide whether I would remain neutral or make a recommendation, I went to the land – and I know this isn't like professional planning perspective, it's just that I wanted to walk the land and I wanted to have the land speak to me – and I felt that this was consistent with the area, and that the earlier proposal to move it to Urban Expansion was premature, and that if there were a proposal by DLNR or DHHL to do industrial, commercial, you know, hotel types of activities in those areas, that they should be required to come with a full-blown proposal and go through the process of presenting that proposal to the County for any amendments. I have to admit I would generally be opposed to significant activity in the area, and part of that is because of the proximity not only to the National Park but also the proximity to the County sewage treatment facilities, which I don't think are compatible with heavy resort commercial types of activities that had been some of the proposals in the Jacoby. And I just felt that it was premature, and that reverting to the prior designation was the appropriate thing to do at this time.

WATANABE: Ms. Bowman.

BOWMAN: I have a question. Can we, could we see the LUPAG map again? And Conservation is, is there any Conservation? Along this shoreline, right?

COTTLE: This would be Open.

BOWMAN: Uh huh. Okay, but no Conservation per se.

COTTLE: No, the Conservation was the State Land Use designation and it's just a strip along the coastline.

BOWMAN: Okay. And that Conservation area, the big one?

COTTLE: This?

BOWMAN: Yeah.

COTTLE: This is the Queen Lili'uokalani Trust land just south of the amendment area.

BOWMAN: Okay. I guess my question is, because of the sensitivity and cultural and historical significance, why isn't it Conservation?

LEITHEAD TODD: That would be a question for the State of Hawai'i and the Land Use Commission because they are the ones that would classify Conservation or Urban. I think that this was probably, generally when they were looking at this entire area, they were looking at most of it for urban uses, and DLNR and DHHL subsequently had thought that this would be revenue generation properties for them.

BOWMAN: And the Park is not, the National Park is Open; it's not Conservation.

LEITHEAD TODD: I think the National Park for some strange reason actually has Urban classification from the State -.

BOWMAN: Yeah, that's what looks like there. I just -. Okay, thank you.

WATANABE: Mr. House.

HOUSEL: Yes, I had a question of the Planning Director. With this, if this is approved to, you know, revert this back to Open and which includes -.

LEITHEAD TODD: Maija, can you back up the slides?

HOUSEL: Which, the Open area would include all of the harbor areas, is that correct?

LEITHEAD TODD: Yes.

HOUSEL: Okay. Now, there are existing commercial and industrial uses in the harbor area. How would those and which would, those do not, are not allowed in the Open classification. How would those -?

LEITHEAD TODD: Those areas were built when this was Open anyway. They just went ahead and did it. I don't think it will impact those activities.

HOUSEL: Okay.

LEITHEAD TODD: Most of this designation impacts areas that they have not developed. And in Open you can have, you know, some recreational types of activities. So you know, I'm not really happy with the location of the small boat harbor, but it's already there.

HOUSEL: Right. So this would, the Open classification would limit any future commercial or industrial use of that area?

LEITHEAD TODD: It will probably boil down to a legal battle between the State and the County in that the State frequently, as well as DHHL, takes the position that the County doesn't really have authority over their lands. I have a different view of that, and part of that is if the State is going to lease it to private entities, then those private entities, I believe, have to conform to the County General Plan. And similarly I believe if DHHL is going to lease land to private entities as opposed to beneficiaries of the estate, I think that those lessees should have to conform to the County General Plan.

HOUSEL: Thank you.

WATANABE: Any further discussion? Is anyone ready to make a motion?

BOWMAN: I would -.

WATANABE: Ms. Bowman.

BOWMAN: Be honored to make the motion that we approve the amendment to the Land Use Pattern Allocation Guide Map 11 of the County of Hawai'i General Plan, Ordinance No. 05 25, as amended, by changing the land use designation from "Urban Expansion" to "Open" for the area affecting state-owned lands in the vicinity and south of the Honokōhau Harbor, Kealakehe, North Kona, Hawai'i.

WATANABE: This is, forward favorable, I think, yeah?

HOUSEL: Yeah, this is a recommendation to the Council.

WATANABE: Not approve, forward favorable -.

BOWMAN: Favorable.

WATANABE: Thank you.

HOUSEL: I'll second that.

WATANABE: Thank you. Any further discussion? Maija?

COTTLE: Thank you, Mr. Chairman. Commissioner Bowman?

BOWMAN: Aye.

COTTLE: Commissioner Housel?

HOUSEL: Aye.

COTTLE: Commissioner Beaudet?

BEAUDET: Aye.

COTTLE: Commissioner Iokepa?

IOKEPA: Aye.

COTTLE: And Mr. Chairman?

WATANABE: Aye.

COTTLE: Okay, the motion passes, five-zero.

The discussion ended at 12:33 p.m.

Respectfully submitted,

Noriko Sauer, Secretary  
Leeward Planning Commission