

KILAUEA NEIGHBORHOOD ASSOCIATION

POST OFFICE BOX 328, KILAUEA, HI 96754

MINUTES OF MONTHLY GENERAL MEETING

DATE/TIME: Tuesday, May 4, 2010, 7:00pm

PLACE: Kilauea Neighborhood Center

DIRECTORS PRESENT: Shann Hashimoto, Chris Jaeb, Michael Kaplan, Keone Kealoha, Tamra Martin, Gary Pacheco, Linda Sproat, Karen Tang, and Rae Ann Yadao-Butac.

DIRECTORS ABSENT: John Constantino, Nicki Pignoli, Nanea Sproat-Armitage, and Lea Weldon

I. CALL TO ORDER

- a. President Keone Kealoha called the meeting to order at 7:19pm

II. TREASURER'S REPORT

- a. Accrual balance as of May 5, 2010: \$5,706.79.
b. (By the end of the meeting, balance is \$4,764.30 after all motions are made.)

III. COMMITTEE AND COMMUNITY REPORTS

- a. **Kilauea Community Outreach Program (KCOP):** Rae Ann Yadao-Butac
- i. Easter Egg Hunt and event went great last month! They boiled and made 1,500 real eggs (as opposed to plastic ones).
 - ii. Thank you to all families and individuals who helped make the event a reality and who donated the Easter Baskets, which were used as prizes.
 - iii. Since the April KNA meeting was canceled due to lack of quorum, KCOP was unable to request the \$300 needed to host the event. The money was used to purchase eggs and other supplies from the Oriental Trading Company.

Upon motion duly made by Linda Sproat, seconded by Karen Tang, and carried unanimously, it was:

RESOLVED, for the Kilauea Neighborhood Association to donate \$300 to the Kilauea Community Outreach Program to retroactively contribute to its 2010 Easter Egg Hunt and event.

- iv. KCOP's next event will be Halloween and they will be requesting ~\$300 for it.
- b. **Waele:** None.
- c. **Kahili Beach Report:**
- i. Next clean up date is unknown, as no one as heard from the clean up's organizers this month. Michael Kaplan volunteered to find out when the next clean up is before each KNA meeting so that it can be announced.
- d. **Seniors:** None.
- f. **Kilauea School PTSA:** Shann Hashimoto
- i. The Chili Cook-Off is this Saturday, May 8, 2010! 11:30am-4pm at Kilauea School. Tickets are \$8 tickets.

- ii. Mayor Bernard Carvalho, Councilman Jay Furfaro, and a Lions Club member who is a former cook will be the chili judges.
- iii. Keone Kealoha is donating the sound system and Linda Sproat is donating food equipment and supplies, both in the name of KNA.
- iv. There were discussions that KNA should perhaps also make a monetary donation.

Upon motion duly made by Karen Tang, seconded by Linda Sproat, and carried with 8 in favor (Chris Jaeb, Michael Kaplan, Keone Kealoha, Tamra Martin, Gary Pacheco, Linda Sproat, Karen Tang, and Rae Ann Yadao-Butac) and 1 abstention (Shann Hashimoto), it was:

RESOLVED, for the Kilauea Neighborhood Association to donate \$250 to the Kilauea School PTSA in support of their Annual Chili Cook-Off Fundraiser.

- g. **North Shore Council:** Keone Kealoha
 - i. The North Shore Council will likely host a Governors' Forum with all the gubernatorial candidates somewhere on the north shore in June. They are still confirming dates and locations and will hopefully announce at the next meeting.
- e. **Water Committee:** Hope and Tim Kallai
 - i. Save Our Seas is hosting a free movie at Hanalei's Second Saturday event on May 8, 2010. The film focuses on green sea turtles and coral reefs and the event is free.
 - ii. Phase II Investigation of the Ka Loko Dam Breach has been completed. The State DLNR is supposed to release the report in June.

IV. **OLD BUSINESS**

- a. **Ka`aka`aniu/Lepeuli Beach Access (Larsen's Beach)-** Carl Berg, Judy Dalton, Hope Kallai, and Rayne Regush
 - i. Community member Carl Berg is former KNA VP many years ago. A scientist and active community member, he represents Surfrider Foundation in the appeal against Paradise Ranch's CDUA permit to put up fence, in which KNA is also part appellant. Surfrider has two main missions that both apply in this appeal:
 - 1. To protect ecosystems and biodiversity.
 - 2. To protect beach access.
 - ii. As such, he and Surfrider's goal in this case is to point out to state how environmentally important Lepeuli is.
 - iii. There are four major areas of concern/cause for protection at Lepeuli:
 - 1. Reef: The reef there is extremely biologically significant and abundant with diverse fish and lobsters. There are also so many beautiful shells found there.
 - 2. Birds: This is a place where nesting albatross and wedge-tailed shearwaters hang out. Albatross come back to the same exact spots each year, so these areas need to be protected. Thus, their nesting spots cannot end up within pastureland. A letter submitted from Kilauea Lighthouse talks about this particular issue in the appeal. Furthermore, these birds and native plants are incompatible with the proposed cattle that will be here.
 - 3. Turtles: Turtles nest there and have been recorded by Don Heacock of Sierra Club, as well as other individuals. There are very few places in Kaua`i, or across all the main islands in general, where there are nesting turtles. Green turtles are a protected species.

4. Monk Seals: Because of its natural beauty and reef abundance, this beach area is a preferred pupping ground for the endangered Hawaiian monk seals. In fact, in trying to research more information for the appeal regarding this aspect, Carl B. went through all the lists of known nesting areas for turtles and monk seals, and Lepeuli was the *only place* where there are both turtles and monk seals together. No other experts were able to point out another place where this happens, either, indicating that Lepeuli is one of the most natural places we have left where reef animals, birds, turtles, and monk seals all come to nest in peaceful harmony. For that reason alone, this beach is extraordinary. This is why Surfrider Foundation is going to great lengths to protect it.
- iv. Chris Jaeb asked how many monk seals are left right now.
 1. Hope Kallai states that there are only about 73 left in all the main Hawaiian islands.
- v. Michael Kaplan asked how the cattle proposed in the CDUA permit affects these nesting areas.
 1. Hope K. and Carl B. stated that the biggest issue is the diseases carried by the cattle themselves or in their waste (Leptospirosis has killed monk seals before). Of course, cattle may also just step right onto birds, turtles or seals and hurt them in that manner.
 2. Community member Janice Lyon also pointed out that cattle normally have cattle dogs around, as well, which can also be disruptive to sensitive environmental areas.
- vi. Karen Tang asked what the appeal is specifically asking for—to push back the permitted fence line so that it is away from the coast, or to revoke the permit entirely?
 1. Hope K. responds by first giving a recap of the entire case to begin with, and goes over many correspondences between the private landowners, the State, and the County that resulted in the issuance of this CDUA permit without a public hearing. She submits some files for KNA’s record, since KNA is a fellow appellant, and will also email many more files.
 2. The highest goal of all the appellants, including Linda Sproat in her own separate appeal, is to eliminate the permit and plan for pastureland entirely. But, realizing that is it difficult to get the State DLNR to revoke anything, at the very least we want answers to as why the decision to grant the permit was made without all the proper information.
- vii. Rayne Regush also added that Paradise Ranch’s conservation plan on record with the NRCS *disallows* pasture use on the coastal 18-acres that the proposed fenceline and pastureland that is in the CDUA permit, so if NRCS didn’t allow it, why would DLNR think it OK to do so? NRCS’ Lex Riggle even said that these specific 18-acres are not significant to Paradise Ranch’s overall plan.
- viii. Michael K. asked how many acres Paradise Ranch is.
 1. The plan encompasses over 600 acres. It seems crazy to be fighting over this small little area, especially because it seems like it won’t affect their plan.
- ix. Hope K. is also concerned that area in which ‘iwi were re-interred there may now become pasture. Nancy McMahon admitted that there are burials here, but said that there is “no affect on historical property.”
- x. Next Thursday, May 13, 2010, is the appeal before the BLNR. As discussed above, the principle arguments that will be presented by our lawyer, Colin Yost, are:
 1. Protecting rare ecosystem and biological area

- 2. Recognizing and protecting cultural significance
- 3. Maintaining public beach access
- x. The appeal has been very costly. Sierra Club has donated about \$5,000 to date, and has also raised public donations of about \$2,000. Surfrider Foundation has put in \$3,500. All funds have been spent on the legal fees for the appeal and they are here to ask for funds from KNA, who is an appellant. The outstanding bill as of May 4, 2010, is \$642.49, with the appeal to generate more costs.
- xii. Keone K. knows that KNA signed on as a named party and due to the expedient nature of the paperwork, had requested that we be named for support only, with no fiduciary. However, now that we know more, we can open up discussion for KNA to contribute financially.

Upon motion duly made by Shann Hashimoto, seconded by Michael Kaplan, and carried unanimously, it was:

RESOLVED, for the Kilauea Neighborhood Association to contribute \$642.49 to cover the current outstanding balance of lawyer Colin Yost's legal fees for the DLNR appeal of Paradise Ranch's CDUA permit.

- xiii. After the appeal occurs next week, we will know where we stand. If they do not rule in our favor, we still have a contested case option, which would cost more money and require any appellants who want to be involved to be listed anew. At that time, all appellant groups, including KNA, would need to reassess where they stand in terms of time and finances to see if they can commit further.
- b. Film Shoot at Kahili Beach/Kilauea Falls- Karen Tang**
- i. The film crew completed road maintenance on Kahili Rock Quarry Road in late April. It is now much smoother and wider, with no potholes. However, they never received a response from Fish & Wildlife, so they had to stop the road maintenance at their boundary line, which means the last several yards are still in bad shape.
 - ii. Shooting dates at this time are planned for May 21st, and May 24th-27th.
- c. Kilauea River Dredging- Karen Tang**
- i. Since community member Patra Hebson brought up the subject again several months ago, Karen T. spoke to Ron Agor to confirm some facts about the Kilauea River Dredging project. Ron A. explained that the State had come across some Federal funds as a result of the American Recovery Act, specifically aimed at cleaning up the Kilauea River, which still retains debris from the Ka Loko Dam breach. Federal funds would cover 75% of the project and State funds would pay for the remaining 25% of the \$4.2 million project (not \$42 million as we had previously heard). However, the first setback came when many of the landowners along the river were uncomfortable with signing off on the indemnity agreement and the required insurance that the State demanded from each of them in order to proceed with the project. Almost no landowners agreed to this, so the State Attorney General managed to eliminate the insurance requirement; however, landowners still had to sign an indemnity agreement, and many still refused, so the project came to a long standstill. Finally, in mid-March 2010, the DLNR sent out notices to landowners on the Kilauea River, stating that the project to dredge the river will be canceled due to landowners not signing the work agreement. The Federal funds will have to be returned, as well.

- ii. On the May 5, 2010, agenda for the County Council, there was an item listed regarding the Kilauea River, but it is uncertain whether it has anything to do with the dredging project.

d. New Board Members- Keone Kealoha

- i. Larry Hinkel resigned from the KNA Board earlier this year, and Lea Weldon has indicated that she may resign, as well. So we need to seek more people to join KNA— Please ask around!
- ii. Karen T. asked Tom Pickett and Joe Halassey, both of whom respectfully declined.

V. NEW BUSINESS

a. KNA Banner- Keone Kealoha

- i. It would be nice to have a standard KNA banner to hang up at events that we sponsor so that people in town know what we are involved in and what we do (i.e. all the holiday events, the Kilauea School Chili Cook-Off, etc). Shann H. will look into how much a simple banner would cost to print, and how long it would take.

b. Bus Endorsement- Keone Kealoha

- i. As part of the Kaua`i Energy Sustainability Plan, Malama Kaua`i and many other local groups are asking County Council to increase the operating budget for the Kaua`i Bus in the 2010-2011 year. An increased budget would make things like weekend service or extended night time hours an options. KNA may want to endorse this letter, as well. Keone K. has already spoken to all the Council members and the Mayor`s office about this, so the support is known.

Upon motion duly made by Karen Tang, seconded by Michael Kaplan, and carried with 7 in favor (Shann Hashimoto, Michael Kaplan, Tamra Martin, Gary Pacheco, Linda Sproat, Karen Tang, and Rae Ann Yadao-Butac) and 2 abstentions (Chris Jaeb and Keone Kealoha), it was:

RESOLVED, for the Kilauea Neighborhood Association to endorse the letter, written by Malama Kaua`i and attached herewith, to the County Council, expressing support for an increased operating budget for Kaua`i Bus for the 2010-2011 year.

c. Kilauea Pavilion- Jonathan McRoberts

- i. Kilauea community member Jonathan McRoberts expresses that two years ago, he was present at a presentation of plans for Anaina Hou and the Kilauea Pavilion for the Rotary Club of Hanalei. He was in favor of the project at the time, and knew that fellow Rotary Club member and project neighbor Joe Halassey is also in favor of it. Recently, though, he received an unsigned flyer in his mailbox expressing an opposing view, and shortly after that, some negative emails were circulated about the project, so he wanted to get some clarification on the project facts:
 - 1. Are KNA Board member Michael Kaplan and Karen Tang in conflicts of interest by being on a Board that endorses the project and also the project managers? Keone K. explained that both Michael K. and Karen T. were not on the Board when they first presented the project to KNA in 2007, and were asked to join later; additionally, they have abstained from any Board votes regarding the project, which is standard procedure when any Board member is involved in an issue up for discussion (as demonstrated today, above).

2. How many seats are in the Pavilion: Michael K., acting as Anaina Hou project manager and not as a KNA Director, explained that there are 250 seats in the indoor theater and another 250 seats in the outdoor theater, with an open lawn surrounding those seats. However,
3. What is the zoning for the property? Michael K. explained that the area for the Pavilion is now zoned Open, which just occurred about four months ago. They had to rezone that particular portion of the land from Light Industrial back to Open, which took years, which is why that aspect of the overall Anaina Hou project was not permitted with the rest of the project in "Phase I" (the miniature golf course with gardens, the nursery, and the park-and-ride).
 - ii. Linda S. commented that she personally has worked with both Michael K. and Karen T. on the project since the beginning, being one of the first ones to tell them to go out and find something beneficial for the community, which they did, and now most of the community is very excited, including the senior citizens.
 - iii. Keone K. added that his perspective is that the owner does not have to put anything there at all, but they went and asked a lot of people what they wanted to see on that Kilauea property. The Pavilion was a result of that, so he is just grateful.
 - iv. Michael K. explains that, as with any project, he recognizes that there are issues, and they are working on them.
 - v. KNA voted on a second letter of support for the Pavilion from an email that Keone K. sent out on April 21, 2010, but the motion needs to be ratified. As the letter is not present today, the action to ratify will occur next month.

d. KNA Brick at the Kilauea Lighthouse- Gary Pacheco

- i. KNA's donated brick was laid at the Kilauea Lighthouse last week! Go take a look!

VI. ANNOUNCEMENTS No announcements this month.

VII. APPROVAL OF MINUTES

Upon motion duly made by Keone Kealoha, seconded by Michael Kaplan, and carried unanimously, it was:

RESOLVED, to approve the March 2010 minutes with the noted corrections.

VIII. NEXT MEETING/ADJOURNMENT

- a. The next KNA monthly meeting is June 1, 2010, at 7:00pm, in the Kilauea Neighborhood Center.

Upon motion duly made by Keone Kealoha, seconded by Chris Jaeb, and carried unanimously, it was:

RESOLVED, to adjourn the May 4, 2010, KNA meeting at 9:02pm.