### SPP No. 12-000138 CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL AND COMMUNITY BASED EDUCATION SUPPORT SERVICES

**EXHIBITS/EXHIBIT LISTS** 

### SPP No. 12-000138 CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL AND COMMUNITY BASED EDUCATION SUPPORT SERVICES

CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL AND COMMUNITY BASED EDUCATION SUPPORT SERVICES EXHIBIT LIST AND EXHIBITS

PAGE NO. 1

# COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO./APPLICATION: Special Permit Application No. 12-000138; TMK(3)2-5-006:141 Kaumana, South Hilo, Island of Hawaii, County and State of Hawaii

PARTY: Joint Submission by Connections New Century Public Charter School AND Community Based Education Support Services

## LIST OF EXHIBITS

EXHIBIT	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
Al	Special Permit Application (See Record 1 to 2205)		
A2	Special Permit Application and Agency Comments		
	(See Record at 1 to 404)		
A3	County of Hawaii Planning Department Background		
	Report (See Record at 419 to 772)		:
A4	County of Hawaii Planning Department		
	Recommendations (See Record at 773 to 787)		
A5	County of Hawaii Planning Department REVISED		
	Recommendations (See Record at 881 to 896)		ì
A6	County of Hawaii REVISED Conditions (See Record		
	at 1227 to 1231)		
A7	Proposed Additional Conditions of Approval (See		
-	Record at 1890 to 1891)		

# COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO./APPLICATION: Special Permit Application No. 12-000138; TMK(3)2-5-006:141 Kaumana,

South Hilo, Island of Hawaii, County and State of Hawaii

PARTY: Joint Submission by Connections New Century Public Charter School AND Community Based **Education Support Services** 

## LIST OF EXHIBITS - REVISED

Preliminary Estimates of Potable Water Consumption (See Record at 1678 to 1684)	Relationship to Land Use Land and Objectives (See Record at 1315 to 1328)	Abbreviated Study of the Traffic Impact on the Greater Hilo (See Record at 1329 to 1339)			Curriculum Vitae – Kevin Luoma, Senior Engineer	Curriculum Vitae - Eric B. Guinther, Botanist	Curriculum Vitae - Reginald E. David	Curriculum Vitae – John J. Ida, Architect	Curriculum Vitae – David Miranda, Horticulture	Curriculum Vitae – Dennis I. Hirota, Civil Engineer	Curriculum Vitae - Steven Montgomery, Biologist		Approval, letter dated April 11, 2013 (no historic	nronerties were affected)
A8 Pr	A9 Re	A10 AI	A11 CI	A12 Ci	A13 Cu	A14 Cı	A15 Cu	A16 Cı	A17 C	A18 C	A19 C	A20 St	¥	-

### CELIA SHEN Senior Planner Wil Chee – Planning, Inc.

Ms. Shen holds a BArch (1991), a Graduate Certificate in Historic Preservation (2000) and a MURP in Urban and Regional Planning (2004) from the University of Hawai'i at Mānoa. Her 14 years of professional experience includes working as a land use planner and as an independent consultant specializing in the research and preparation of nomination forms for the Hawai'i Register of Historic Places. She has additional experience as a University of Hawai'i graduate research assistant where she conducted traffic safety studies and a marine aquaculture siting study, both of which required the extensive use of GIS. Ms. Shen joined Wil Chee – Planning, Inc. (WCP) in April of 2004.

### Work Experience

### April 2004 - current Wil Chee - Planning, Inc.

Ms. Shen's responsibilities at WCP include land use, conceptual, and master planning; space/facility planning; permitting; and environmental impact documents. While at WCP, she has been involved with educational facility projects for St. Francis School, St. Louis School, Connections Public Charter School, and the University of Hawai'i. She was the lead planner for several master planning projects for new resorts and residential developments in China and headed a team that prepared two Environmental Assessments (EAs) for a road reconstruction project in Aceh. Indonesia, following the disastrous tsunami of December 2004. Her background in preparation of National Environmental Policy Act (NEPA) and HRS Chapter 343 documents is extensive, having been involved in EAs and Environmental Impact Statements (EISs) for a wide range of project types.

### Key projects at WCP include:

- 2011 Project manager and lead author for the 202K Grow the Force EA, Marine Corps Base Hawai'i Kāne'ohe
- 2011 Project Manager for the MILCON Projects P-749 and P-750 Bachelor Enlisted Quarters Supplemental EA, Marine Corps Base Hawai'i Kāne'ohe
- 2011 Project planner and contributing author for the Construction of a Flood Mitigation Project (PN 56024) at Fort Shafter Flats EA
- 2011 Project planner and contributing author for the Technology Demonstration for Remotely Operated Underwater Munitions Recovery System (ROUMRS) and Energetic Hazard Demilitarization System (EHDS) EA. Ordnance Reef, Wai'anae, Hawai'i
- 2010 Project manager and lead author for the Long Range Development Plan Revision and Update, and Supplemental EIS, University of Hawai'i Center West Hawai'i
- 2010 Project manager and lead planner for the Conditional Use Permit for St. Francis School
- 2010 Planner and primary author for the Bachelors Enlisted Quarters Feasibility Study, Marine Corp Base Hawai'i - Kāne'ohe
- 2009 Project manager and lead planner for the Minor Modification and Zoning Variance for the St. Louis School Ching Technology & Learning Center
- 2009 Project manager and lead planner for the University of Flawai'i Holmes Hall Facility Renovations, Technical Assistance to Prepare a Proposal Package to the Recovery Act NIST Construction Grant Program
- 2009 Project manager and lead author for the MILCON Projects P-749 and P-750 Bachelor Enlisted Quarters EA, Marine Corps Base Hawai'i - Kāne'ohe



Celia Shen Curriculum Vitae Page 2 of 3

- 2008 Project Manager and primary author for the Proposed Construction of the Joint POW/MIA Accounting Command Facility EA, Hickam Air Force Base
- 2008 Project planner and contributing author for the Central O'ahu Wastewater Facilities Plan EIS
- 2007 Lead planner for the St. Louis School Lower School Space Study
- 2007 Lead planner for the St. Louis School Classroom Study
- 2007 Lead planner and primary author for the Kuntz Ballfield Area Site Survey Report, Hickam Air Force Base
- 2007 Project planner and contributing author for the Integrated Cultural Resources Management Plan, Marine Corps Base Hawai'i
- 2005 Project planner and primary author for the John Rodgers Tank Farm Phase I Environmental Baseline Survey Report
- 2005 Project planner and primary author for the Band Aceh to Meulaboh Road Reconstruction and Rehabilitation Project Phase 1 and Phase 11 EAs, Island of Sumatra, Indonesia

### Jan 2001 - May 2003 University of Hawaii, Dept. of Urban and Regional Planning (Honolulu, HI) Graduate Research Assistant

Aquaculture Feasibility Study - Responsible for conducting the literature review; collecting oceanographic data from various government agencies, researchers, etc.; modifying data for use in a geographic information system (GIS); generating spatial data layers; generating a demonstration model; and writing the final project report (Using Geographic Information Systems to Survey Offshore Aquaculture Sites in Hawaii).

<u>Bicycle Observation Study</u> - Responsible for conducting the literature review, analyzing data collected from field observations, and writing the final project report (*Bicycle Observation Study*).

<u>Pedestrian Observation Study</u> - Responsible for conducting the literature review, collecting observational data in the field, analyzing observational data, and writing the final project report (Assessing the Potential for Utilizing Video Technology in Pedestrian Studies).

### Aug 2001 - Aug 2003 Independent Consultant

Responsible for researching and preparing State Register of Historic Places nomination forms.

Completed nomination forms for the Andrews, Miller, Potter, Reed, Snyder, and Davis Residences
as part of the College Hills thematic nomination; and the Petersen Residence for The Contemporary
Museum. All residences were successfully nominated to the Hawai'i Register of Historic Places.

### Nov 2000 - Jan 2001 Independent Consultant

Assisted the O'ahu Metropolitan Planning Organization in carrying out various activities related to the public input process undertaken to complete the 5-year update of Oahu's 25-year transportation plan (*Transportation for Oahu Plan 2025*).

- Assisted participants at public input and focus group meetings to complete public preference surveys, and compiled post-meeting summaries that highlighted critical issues, concerns and ideas raised during these meetings.
- Compiled, analyzed and organized for publication, the survey data gathered during the public input meetings.

Apr 1997 – Aug 1997 Historic Preservation Division, State of Hawai'i (Honolulu, HI) June 1998 – Aug 2000

Historic Preservation Specialist Intern

Celia Shen Curriculum Vitae Page 3 of 3

Responsible for maintaining the historic architectural properties database. Assisted in the research and preparation of nominations to the State Register of Historic Places.

- Implemented the successful conversion of the historic architectural properties database into Access and enhanced the inventory's usability and accessibility.
- Cataloged the architectural properties photograph collection and added it to the historical architectural properties database.
- Assisted in the preparation of State Register nomination forms including the University of Hawaii's East-West Center.

### Apr 1992 - Dec 1995 Alexander & Baldwin Properties, Inc. (Honolulu, HI)

### Land Planning Analyst

Responsible for the development of land use alternatives, objectives, design concepts, written narration and supporting graphics in order to aid management in developing land planning strategies and evaluating land use options.

- Coordinated the preparation of zoning amendment petitions for the Port Allen Industrial Expansion (Kauai) and the Grocery Warehouse lot (Kaua'i), and assisted in the preparation of the Kukui'ula Planned Community Revised Phase 1 (Kaua'i) zoning amendment petition. All three projects received County approval for a change in zoning.
- Coordinated the preparation of the Kaunoa II Agricultural Subdivision (Maui) SMA application.
   Project received County approval of the SMA permit.
- Contributed to the development and refinement of A&B Properties' Port Allen/Eleele Master Plan (Kaua'i) for company-owned lands in the region.
- Prepared Capital Expenditure Requests (CER) requiring executive management approval, to facilitate the progression of land development projects. CER amounts ranged from \$15,000 to \$170,000.

### Education

University of Hawai'i at Mānoa

Major: Architecture

Degree: Bachelor's of Architecture, December 1991

University of Virginia - Charlottesville

Major: Urban and Environmental Planning, 25 graduate semester credits completed

University of Hawai'i at Mānoa

Major: Historic Preservation

Degree: Graduate Certificate in Historic Preservation, May 2000

Major: Urban and Regional Planning

Degree: Master's of Urban and Regional Planning, May 2004

**Professional Affiliations** 

American Planning Association - National and Hawaii Chapter

### PHILLIP J. ROWELL, P.E.

Principal, Phillip Rowell and Associates

**EDUCATION** 

BS, Civil Engineering, 1971, Clemson University

MS, Civil Engineering (Transportation & Traffic Engineering), 1972, Clemson University

REGISTRATION

Professional Civil Engineer in California (1975) & Hawaii (1989)

MEMBERSHIPS

Institute of Transportation Engineers (Life Member)

### **EXPERIENCE RECORD**

### 1995 to Present

Phillip Rowell and Associates, Honolulu, Hawaii

Principal of consulting firm specializing in transportation planning and traffic engineering projects in Hawaii and California. The following are representative recent projects:

- Piilani Promenade (Kihei)
- Saddle Road Extension TIAR
- KIC Resort Area 26 TIAR (Kailua-Kona)
- Puunene Heavy Industrial Subdivision
- Cosco, Lihue, Kaual
- Fort Shafter Flats Drainage Improvements Traffic Management Plan
- Kapa'a Light Industrial Park (Oahu)
- Stryker Brigade Combat Tem Facilities at MCBH
- Onizuka Space Center Museum at Keahole Airport
- Hyatt Regency Master Plan (Kaanapali)
- Target (Salt Lake)
- Puunene Avenue-Mokulele Highway Widening
- · UH West Hawali Campus
- Oahu Commercial Harbors 2020 Master Plan
- NMFS Honolulu Laboratory Renewal
- Pico-Union Neighborhood Traffic Protection Plan (Los Angeles)
- American Dental Association Convention Traffic Management Plan (Honolulu)
- Lions Clubs International Convention Traffic Management Plan (Honolulu)
- First Hawaiian International Auto Show Traffic Management Plan
- No. 1 Capital District Building Traffic Impact Analysis
- China U.S. Center Traffic Impact Analysis (Hilo)

### 1995

Parsons Engineering Science, Inc., Honolulu, Hawai'i

Senior Traffic Engineer - Responsibilities included business development in the areas of traffic engineering and transportation planning and coordination of traffic studies with other disciplines and offices. Manager of traffic engineering projects conducted by the Honolulu office. Manager of traffic engineering projects conducted by the Honolulu office, including traffic studies for:

- Hawai'i Convention Center Traffic Analysis
- Walmart Traffic Impact Study, Waiakea, Hilo, Hawaii

### 1989 to 1995

Barton-Aschman Associates, Inc., Honolulu, Hawai'i

Principal Associate - Manager of the Honolulu office and project director for all projects conducted in that office Served as Project Manager on the following representative projects:

- · Castle Junction Interchange Study
- Aloha Tower Traffic Study
- Maui Business Park, Phase 2, Kahului, Maui
- · Maui Lu Traffic Study, Kihei, Maui
- Makena Resort Master Plan Traffic Impact Study
- Kona Coast Resort TIS and All'i Drive Design. Kona
- Kahului Town Center TIAR and Basis of Design Study, Kahului, Maul
- Aloha Tower Traffic Impact Studies, Honolulu
- Traffic and Parking Studies for Honolulu International Airport
- Traffic and Parking Study for Guam International Airport Expansion
- Construction Traffic Management Plan for Honolulu International Airport

1984 to 1989

Barton-Aschman Associates, Inc., Pasadena, CA

Senior Associate - Performed traffic impact and parking studies in California, Hawai'i, Arizona, and Nevada, Representative projects include,

- General Telephone Co. HQ Traffic Study, Thousand Oaks, CA
- Citywide Traffic Impact Mitigation Fee Study, Carlsbad, CA
- Ave. R/Ave. S Corridor and Impact Fee Study, Palmdale, CA
- HUSITE Transportation Planning Study, Las Vegas, NV
- CBD Redevelopment Transportation Study, Las Vegas, NV
- Harbor Galeway Transportation Study, Los Angeles, CA
- West Hollywood City-wide Parking Study, West Hollywood, CA
- Hollywood Parking Study, Los Angeles, CA
- Tucson Mall/Tucson Place Traffic Study, Tucson, AZ

1982 to 1984

Department of Transportation, Beverly Hills, CA

City Traffic Engineer and Assistant Director of Transportation -Beverly Hills, CA - Responsibilities included the day-to-day operations of the engineering and parking sections of the DOT; review of all traffic impact studies submitted to the City; installation and maintenance of traffic signals; independently conducting traffic studies for City projects; and implementation of the City's street and alley lighting program, public shuttle bus programs, and Street Master Plan.

1980 to 1982

Wilbur Smlth and Associates, Kuala Lumpur, Malaysia & Hong Kong

Project Design Engineer - Conducted traffic studies and prepared preliminary geometric plans for 11 interchanges along the Jitra-Bulterworth Tolt Road in Malaysia. Subsequently prepared final plans for the interchanges. In Hong Kong, prepared plans for a new interchange connecting mainland China with Hong Kong.

1978 to 1980

Wilbur Smith and Associates, Lexington, Kentucky

Project Design Engineer - Prepared plans and specs for the following

- Main Street Interchange, Lexington, KY
- Edgewood Boulevard, Lansing, MI
- I-40/I-640 Interchange, Knoxville, TN
- Kenwood Subdivision, Lexington, KY

1974 to 1978

Wilbur Smith and Associate, Los Angeles, CA

Senior Transportation Planner - Major projects worked on were:

- Walt Disney World Transportation Study, Orlando, Florida
- City-Wide Circulation Study, Santa Maria, California
- San Gabriel Valley Transit Study for SCRTD, Los Angeles, CA
- West Lns Angeles Transit Study for SCRTD, Los Angeles, CA

1974 to 1974

Wilbur Smith and Associates, Columbia, SC

Design Engineer - Representative projects include:

- South Mountain Retirement Resort, Burke County, NC
- · Waccamaw Plantation, Waccamaw, SC
- Monroe Downtown Redevelopment Project, Monroe, NC
- Seaboard Park Redevelopment Project, Columbia, SC

1971 lo 1972

Civil Engineering Department, Clemson University, Clemson, SC

Graduate Teaching Assistant - Graduate teaching assistant in the Civil Engineering Department

Classes included transportation planning and traffic engineering

Curriculum Vitae



### Kevin Luoma PE LEED® AP

Senior Engineer Associate WSP Hawaii, Inc.

### Career Summary

Kevin brings over 10 years of experience and a proven ability to apply his mechanical and sustainable design knowledge to a broad range of projects.

Kevin's skills and his dedication to clients and their complete satisfaction makes him a strong contributor on any design team.®

### **Professional Qualifications**

B.S. Mechanical Engineering, University of Michigan

Licensed Professional Engineer - Mechanical - Hawaii (#13191) & California (#32388)

LEED® - Accredited Professional, US Green Building Council

### **Professional Memberships**

Board of Governors, American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE) Member, Hawaii Chapter of the US Green Building Council

### Selected relevant experience

### Project Experience

### Education

- · Malama Learning Center, Kapolei, Maui
- Lanai High School 6 Classroom Building, Lanai, Hawaii
- Morgan Stanley Tenant Improvement, Honolulu, Hawaii
- University of Hawaii IT Services Building, Honolulu, Hawaii
- University of Hawaii Culinary Institute of the Pacific, Honolulu, Hawaii
- King Kekaulike High School Auditorium
- Wailuku Elementary School, Wailuku, Hawaii
- Hawall Pacific University New Chiller Plant and Academic Center Renovation, Kaneohe, Hawaii
- Hawali Baptist Academy High School Expansion, Honolulu, Hawaii
- Iolani School Innovation Center, Honolulu, Hawaii





Curriculum Vitae

### Commissioning

- Lokelani Intermediate School, Kihei, Hawaii
- University of Hawaii Webster Hall School of Nursing, Honolulu, Hawaii
- Waianae High School, Waianae, Hawaii

### Sustainable / LEED®

- Malama Learning Center, Kapolei, Maui
- Pacific Beach Hotel LEED EBOM Study, Honolulu, Hawaii
- Kauai Federal Credit Union, Kauai, Hawaii
- Lanai High School 6 Classroom Building, Lanai, Hawaii
- Morgan Stanley Tenant Improvement, Honolulu, Hawaii

### Healthcare

- Queen's Medical Center, Honolulu, Hawaii
- · Prentice Women's Hospital, Chicago, Illinois
- Northwestern Memorial Hospital, Chicago, Illinois
- Northwestern Memorial Hospital Outpatient Imaging Center, Chicago, Illinois
- Rush University Medical Center, Chicago, Illinois
- Bollingbrook Medical Center, Bollingbrook, Illinois
- · Guam Surgery Center, Tumon, Guam
- Mahelona Memorial Hospital, Kapaa, Kauai, Hawaii

### Retail/Restaurant

- Mobi PCS, Nanakuli, Hawaii
- Burberry Duty Free Shop, Honolulu, Hawaii

### Office

- Ali'i Place, Honolulu, Hawaii
- Pacific Guardian Center, Honolulu, Hawaii
- ABN AMRO Plaza, Chicago, Illinois
- Dearborn Center, Chicago, Illinois
- Waterfront Plaza, Honolulu, Hawaii

### General

- Abbott Labs Daycare Facility, Gurney, Illinois
- Omori Residence, Honolulu, Hawaii
- DOW Agrosciences, Kauai, Hawaii



### ERIC B. GUINTHER AECOS Inc.



Eric B. Guinther is an ecologist/botanist and aquatic biologist with over 40 years of experience conducting environmental studies throughout the central Pacific Basin. His responsibilities at *AECOS* include: conducting field surveys, producing environmental survey reports, and making plant and animal identifications (taxonomy). As president and chief biologist at *AECOS* Inc., he plays a role in corporate/project management and directs a team of seven fellow biologists with specialties in marine biological surveys (certified for SCUBA), stream and lake surveys, wetland surveys and delineations, and terrestrial biological surveys, including botanical surveys. As chief editor, he is responsible for quality control over all reports prepared by the *AECOS* biologists.

Mr. Guinther's educational background emphasized ecology, encompassing zoology, botany, geology, and water quality. He has worked extensively in marine, freshwater, and terrestrial environments—mostly throughout the Hawaiian Islands. However, he has conducted surveys in many parts of the western and central Pacific, including Guam, Tinian, Saipan, American Samoa, Western Samoa, Kwajalein Atoll, Canton Atoll, Fanning Atoll, Christmas Island, Yap, Palau, and Japan, He has experience in collecting field data using Trimble GNSS and processing GIS data with ArcView/ArcMap.

In the last two decades, Mr. Guinther's field work has involved mostly surveys assessing the distribution of terrestrial plants to document potentially sensitive species (rare native or listed species) for client projects, and conducting wetland inventory and delineations of jurisdictional waters. In his free time he grows native Hawaiian plants in a home nursery for out-planting at a native planting site on windward O'ahu at Nā Pōhaku o Hauwahine, a state park reserve.

### Education

University of the Pacific, B.A. Biology, 1965.
University of the Pacific, graduate studies, 1965-1967.
University of Hawaii, graduate studies, 1967-1973.

### Positions and Experience

1983 to present - Principal and President, AECOS, Inc.

1982 to 1983 - Principal and Corporate Treasurer, AECOS, Inc.

1974 to 1981 - Biologist and Vice President, AECOS, Inc.

1972 to 1974 - Marine Benthic Biologist, AECOS, Inc.

1970 to 1973 - Research Assistant, University of Hawaii.

1967 to 1970 - Teaching Assistant, University of Hawaii.

1964 to 1967 - Teaching Assistant, University of the Pacific.



### Reginald E. David

Rana Biological Consulting PO Box 1371 Kailua-Kona, Hawaii 96745 Phone: (808) 329-9141 Cell: (808) 937-0124 e.mail: rdavid@ilhawaii.net

Employment: President, Rana Biological Consulting 2009 - present

1975-2009: President, Rana Productions, Ltd.

### Professional Experience:

Over the past 26 years I have worked as a terrestrial vertebrate biologist in Hawai'i and the Tropical Pacific.

Between 1986 and the present I have conducted over 1000 faunal surveys for the USFWS, the State of Hawaii, and numerous private concerns, on all of the main Hawaiian Islands as well as on Midway, Nihoa, Necker and Kure Atolls. I have extensive field experience in New Zealand, Tahiti, Kiritimati, Guam, Saipan, Tinian, Gilbert Islands, Vanuatu, Republic of Palau, Eastern Siberia, Korea and the western United States. I am also experienced in the radar tracking of seabirds and bats as well as ultrasonic censusing of bats. I have authored over 20 peer-reviewed papers, one book and over 375 technical reports on birds and mammals.

I have a good working knowledge of USFWS, State of Hawai'i, and the Federal Department of Transportation environmental laws and regulations. I am experienced in preparing Biological Assessments (BA's) required under Section "7" of the Endangered Species Act (ESA) and in negotiating mitigation under Section "7" of the ESA with the USFWS. I am also experienced in preparing Habitat Conservation Plans, and Section 10 and State 195D HCPs. I also have experience in preparing Natural Resource Management Plans (NRMP's) and DoD, Integrated Natural Resource Management Plans (INRMP's) as well as State of Hawai'i Section 343 Environmental Assessments. I also have over 10 year of experience in consulting on behalf of entitles on USFWS Critical Habitat and endangered species delineations.

Over the past 18 years I have functioned as the senior biologist on several large projects, responsible for overseeing all biological work performed by scientists covering the full spectrum of biological disciplines from geology to wetlands and marine sciences. I have also performed as the lead biologist representing federal and State of Hawai'i clients before state and federal regulatory agencies on complex projects like the Federal Highways Administration, Saddle Road Project.

A 40-page list of my publications, and technical reports is available upon request.

### Related Activities:

- US Fish & Wildlife & DLNR, Newell's Shearwater Working Group.
- US Fish & Wildlife & DLNR, Hawaiian hoary bat Technical Working Group
- State of Hawai'i Department of Land and Natural Resources, Natural Areas Reserve Commission (NARS) Commissioner: 1999 - 2004
- Moderator HawaiiBirding chatline and website: 2002 -present
- Hawai'l Natural Heritage Program, Ornithological Advisory Committee.

Exhibit A.

### Reginald E. David

- The Mauna Kea Management Board Environmental Committee.
- US Fish & Wildlife Service, 'Alala Recovery Team Member: 1994 Present.
- National Audubon Society: Board of Directors member: 1993-1996
- Hawaii Audubon Society: Board of Directors member: 1989 1996, 1998
- Hawai'i Audubon Society: Treasurer 1998
- Hawai'i Audubon Society: President 1990-1994
- US Fish & Wildlife & DLNR, Hawaii Endangered Waterfowl Recovery Team Advisory Committee

### Membership in Professional Societies:

- · American Ornithologist's Union,
- Association of Field Ornithologists,
- · Cooper's Ornithological Society,
- · Wilson's Ornithological Society,
- The Wildlife Society.

### John J. Ida, AIA, CSI

Role Technical Advisor Education 1969 University of Hawaii Bachelor of Architecture	John Ida is a cofounder and managing partner at Urban Works, an architectural firm in Honolulu which specializes in medical-dental, educational, housing and community-related projects. He habeen active in the architectural community since 1980, following the completion of his gradual education and subsequent employment in Seattle John received a Bachelor of Architecture from the University of Hawaii and his Master of Architecture from the University of Washington		
1969-1972	Selecte	ed Projects	
Officer, United States Army  1973  University of Washington Master of Architecture  Registrations Hawan	ongonig 2012 2004 2000 1992	Education Hale Aloha, Manono Campus, University of Hawaii Hilo Palamanui Campus, Phase 1 & 2, Hawaii Community College New Elementary Campus, Mid-Pacific Institute Gateway House Renovation, University of Hawaii Renovation to Municipial Building & Orvis Auditorium, University of Hawaii	
Washington CSI Accredited Professional	2012 2007 2004	Programming / Master Planning University of Hawaii Center at West Hawaii (UHCWH) Manono Campus, Long Range Development Plan, University of Hawaii West Hawaii Civic Center, County of Hawaii	
Professional Experience	1999 1982	Lihue Police Station & Emergency Operations Center, County of Matin Master Plan for East-West Center, University of Hawaii	
1984-		Institutions	
Urban Works, Inc.	2004	Chong Family Chinese Cultural Center	
1981-1983 TRA	2002	Oceanic Institute Hatchery & Nursery Facility, Hawaii Pacific University	
*****	2012	Medical 8th Floor Joint Center, Queen's Medical Center	
1974-1981 Mithun	2010 2005 2004	Queens Center Cancer Center, Queen's Medical Center Hawaii Medical Library, Queen's Medical Center Kinau I Building, Queen's Medical Center	
Professional Affiliations	2003 2003	Queens Medical Center Master Plan New Addition to Doctor Transcription Area, Queen's Medical Center	
Ala Honolulu President Elect, 2014  Ala Honolulu Treasurer, 2012	2000 1999	Queen's Medical Center Iolani Building Master Plan Queen's Patient Rooms on Iolani II	
Meals on Wheels, Board of Directors Board Chair, Walalae Iki V	ongoing	Performing Arts Diamond Head Theatre	
	2013 2012 2012 2007 2007 2004 2003 1996	Industry / Infrastructure  East Kapolei Fire Station, City & County of Honolulu  Middle Street Intermodal Center, City & County of Honolulu  Honolulu Zoo Now Entry and Gift Shop, Citty & County of Honolulu  Honolulu Zoo Learning C enter, Citty & County of Honolulu  Middle Street Handi-Van Facility & Maintenance Shed, City & County of Honolulu  Hina Mauka, Citty & County of Honolulu  Juvinite Detention Facility, DAGS  Hana Airport Master Plan & NCP, State Department of Transportation  Residential / Hospitality  Kaka'ako Lofts, Honolulu, HI	
	2007	Mile Mile I and Colle Describe	

2007 Hilton Waikatoa Lagoon Grille Renovation

2002 Hamai Residence 1999 Waialae Iki 5 Residential





### DAVID MIRANDA

David Miranda received a B.S. degree in Horticulture Technology in 1978 from the University of Hawai'i at Mānoa. He has worked in a variety of horticulture enterprises and has undertaken botanical surveys for the National Park Service, Connections PCS and AECOS. David currently owns and operates his own native plant/gardening business and works part time for AECOS and on-call for Connections PCS. His part time work for AECOS, includes conducting botanical field surveys and stream water quality monitoring. David has over 35 years of experience in the field of horticulture and botany. His experience includes:

- Identifying native and ornamental plants in the field.
- Using taxonomic keys to identify plants not easily identifiable in the field.
- Surveying in remote and varied terrain throughout the state of Hawai'i.
- Developing propagative methods for native plants and ornamentals.
- Evaluating and monitoring crops for disease and nutrient problems through observation and experimental plots.
- Navigating varied terrain with compass, map and GPS (familiar with Trimble and Garmin).
- Collecting water samples and performing field measurements for stream monitoring programs on the island of Hawai'i.
- Assisting with aquatic and riparian stream and shoreline flora and fauna surveys.
- Basic knowledge and use of Microsoft Word and Excel.

Recent projects that David has completed for *AECOS*, Inc. include botanical surveys for the Auwahi Wind Farm, botanist for the Waikoloa Military Training Area soil sampling project, biological survey and water quality for the Kapiolani Road extension project, and botanist for the Pahala Timber project. Recent projects completed for Connections PCS included miles of transect surveys and trails on the Connections PCS Kaumana project site.

David has completed the 40-hour basic health and safety training required for hazardous waste workers under OSHA 1910.120.

David has a keen interest in Hawaiian and biblical history and archaeology. He has an avid interest in the natural history of Hawai'i and is adept at sighting and identifying rare native plants and native birds. He is an avid hiker and hunter of feral pigs and promotes hunting and gun safety. David shares his knowledge and mentors teens and young adults interested in the natural history of Hawai'i, hunting and native plant propagation.



### Dennis I. Hirota, PhD, PE, LPLS President, Civil Engineer/Land Surveyor Sam O. Hirota, Inc.

Dr. Dennis Hirota is the President of Sam Hirota Inc., a third-generation family operated civil engineering and surveying consulting company, founded by his father 50 years ago.

### **Work Experience**

### January 1971 – current Sam O. Hirota, Inc.

Dr. Hirota was appointed President in 1986. His responsibilities include all operations for the firm for land surveying, civil engineering and digital imaging. He has extensive experience in the use of in-house computers and software for mapping, planning and site civil engineering work. Civil engineering work includes master planning, subdivisions, roadway design, earthwork, drainage, water and sewer systems.

He was the 2009 "Engineer of the Year" award by the Hawaii Society of Professional Engineers.

### Recent civil engineering projects on the Island of Hawaii

Current	Hualalai Maintenance Complex, Kailua-Kona, Hawaii
Current	Hualalai Mauka Subdivision, North-Kona, Hawaii
Current	Hualalai Commercial Lot Subdivision
Current	The Shores at Kohanaiki Resort Subdivision, North-Kona, Hawaii
Current	Kaupulehu Development Lot 45 & 46 Subdivision, North-Kona, Hawaii
Current	Kona Village Resort, Kailua-Kona, Hawaii
2009-2012	Kealakaa Street Extension Study, Kailua-Kona, Hawaii
2006-2010	Hienaloli Extension Study, Kailua-Kona, Hawaii
2004-2011	Waikoloa Employee Housing, Kamakoa Vistas, Waikoloa, Hawaii
2004-2011	Ka Milo at Maunalani Resort, Maunalani, Waikoloa, South Kohala, Hawaii
2004-2012	Stroud Subdivision, North Kona, Hawaii
2003-2008	Maniniowali Subdivision, Kailua-Kona, Hawaii
2003-2205	Kukio Golf Course & Maintenance Facility, Kailua-Kona, Hawaii
1999-2005	Kukio Subdivision, Kailua-Kona, Hawaii

1968 – 1971 USAF Weapons Laboratory, Kirtland AFB, New Mexico, Capt, USAF, Sr. Environmental Engineer - Experience with Civil and Environmental Engineering site support for complex USAF installations. Specific experience in solving problems concerned with water distribution; wastewater collection and treatment; and industrial waste treatment for major US Air Force maintenance and scientific facilities.



### Education

University of Michigan

Major: Civil Engineering

Degree: Bachelor of Science, Civil Engineering -1963

University of Michigan

Major: Civil Engineering

Degree: MS, Sanitary Engineering -1964

University of Michigan

Major: Civil Engineering Degree: PhD-1970

### **Professional Registrations**

Registered Civil Engineer, Hawaii/1973/#3377 Registered Land Surveyor, Hawaii/1997/#9141 Registered Land Court, Hawaii/2004/#289

### **Professional Affiliations**

American Council of Engineering Companies of Hawaii Hawaii Land Surveyors Association Society of American Military Engineers

### Board

University of Hawaii, Board of Regents - 2004-2008, Vice Chair 2008

### Steven L. Montgomery, Ph. D.

94-610 Palai Street Waipahu, Hawai'i 96797-4535 USA tel: (808) 676-4974 fax: (808) 677-3721 cell: (808)-342-6244 email: manninga001@hawaii.rr.com

### **BIOLOGICAL CONSULTING**

Experienced field collector of invertebrates and plants in Hawai'i and the Pacific

- experienced with land and fresh water ecosystems
- especially successful at locating extremely rare species
- discovered 30+ new species; many new state records, localities, re-discoveries

### **EDUCATION**

1984	Ph. D. (Entomology), College of Tropical Agriculture, University of Hawai'i, Manoa Lepidoptera
1973	Master of Science (Entomology), College of Tropical Agriculture, Univ. of Hawai'i Drosophila
1969	B. A. (Biology), Grinnell College, Iowa

### **WORK EXPERIENCE**

prese	nt -	Biological Consultant, self-employed: provides scientific expertise on Hawai'i and the Pacific to private landowners, government agencies (surveys, collecting, identifications, checklists, and reports)
1988	-82	Researcher, Hawai'i State Legislature Rep. James Shon - Committees - Ocean and Marine Resources, Health Sen. Anthony Chang - Committees - Environment, Judiciary
1980	)	Biological Consultant, Cooperative National Park Resources Studies Unit. Examined stomach contents from native Hawaiian birds to identify food items using partial remains (e.g., caterpillar jaw or fly wing)
1979	)	Assistant Botanist, Island Forest Bird Census Team, U.S. Fish and Wildlife Service
1978	1	Field consultant, co-author, Unique Wildlife Ecosystems Concept Plan, U. S. Fish and Wildlife Service
1977	·-72	Natural Areas Specialist, Dept. of Land and Natural Resources, Natural Area Reserves System Commission, State of Hawai'i
1972	!-64	Employed in biological projects and programs in Hawai'i, Oklahoma, Louisiana, and Michigan for U.S. Public Health Service, U.S. Department of Agriculture, Notre Dame University, and University of Hawai'i



2

### FIELD EXPERIENCE

since 1967	Extensive experience in the Hawaiian Islands of Ni'ihau, Kaua'i, O'ahu, Maui, Moloka'i, Lāna'i, Kaho'olawe, Hawai'i, Northwest Hawaiian Islands, off-shore islets
1988 and 1977	Scientific expeditions to several Pacific Islands, including the Marquesas, Tuamotu and Society Archipelagoes
1988	Scientific coordinator, Fatu Hiva Expedition in the Marquesas
since 1964	Field work in divergent environments: New Zealand; Easter Island; New Guinea; Japan (Kyoto, Osaka, Tokyo), Ogasawara Islands (Chichi Jima, Ha ha Jima); Indonesia; French Polynesia; Palau; Cook Islands; British Columbia, Grenada - West Indies, Puerto Rico; Alaska, Arizona, Indiana, Iowa, Louisiana, Michigan

### **COMMUNITY NETWORKING and SERVICE**

since 1979	Research Associate in Entomology, Bishop Museum, Honolulu, HI
2002-2006	Land Use Commission, Governor's appointee, State of Hawaii
2000-1993 1971-1970	Natural Area Reserve System Commission, Governor's appointee, State of Hawaii
1994-1976	Agriculture Department, Advisory Subcommittee on Plants

### Examples of activity at decision making level:

- 'Ahahui Malama I Ka Lokahi current Board member
- National Wildlife Federation 1995 elected Board of Directors, Western states; 28 years Hawaii representative; chaired national committees, including International Affairs
- Conservation Council for Hawai'i (National Wildlife Federation affiliate) Hawaii representative, 20 years; chaired several national committees

### Recognition: selected awards

2010	Hawai'i Nature Center, 20 year volunteer recognition
2003	Hele Wawae Mamao Award, Hike Leader of the Year, Sierra Club High School Hikers
2002	Unsung Hero, Hawaii's Thousand Friends
2002	Koa Award, Conservation Council for Hawai'i
2000	Coral Reef Award, Conservation Council for Hawai'i
1998	Outstanding Citizen Wildlife Contributor of the Year, Western Association
	of Fish and Wildlife Agencies
1997	Hawai'i Environmental Education Association, Award of Excellence
	Conservationist of Year, Earth Day Celebration Award
1996	Annual Conservation Service Award, Environmentalist of the Year,
	Rotary Club of West Honolulu; State Senate & Honolulu City Council resolutions
	Conservation Award, Hawai'i Audubon Society
1984	State House of Representatives, Resolution for Wildlife Week Service
1983	National Wildlife Federation, Conservation Service Citation
1980	Rep. Morris Udall, Alaska Coalition, Letter of Commendation
1971	National Science Foundation grant, Student Originated Studies,
	Project Director - Hawai'i Dryland Ecology study with 9 member team

### **PUBLICATIONS and REPORTS**

- "Survey of Terrestrial Invertebrate Resources at Weliweli, Kōloa, Kaua'i Island." July 2011, report to AECOS for CIRI Land Development Company.
- "Survey of Terrestrial Wildlife Resources at Kahuku, Ka'ü, Hawai'i Island." February 2011, report to PBR Hawai'i & Associates for Nani Kahuku 'Āina, LLC. 73pp.
- "Survey of Terrestrial Invertebrate Resources on agricultural lands at Honokōhau, North Kona, Hawai'i Island." Nov 2010, report to PBR Hawai'i & Associates for Lanihau Properties.
- "Survey of Terrestrial Invertebrate Resources at Honokōhau Makai, Honokōhau, North Kona, Hawai'i Island." Nov 2010, report to PBR Hawai'i & Associates for Lanihau Properties.
- "Regional Study Area Report for O'ahu, terrestrial invertebrate resources, for Hawaiian Electric Big Wind O'ahu Interconnection Project," May 2010, report to CH2M Hill, Honolulu, for Hawaiian Electric Company, Inc.
- "Weed and Pest Prevention and Response Plan for Rogers Ranch, Pu'u Wa'awa'a, Hawai'i," April 2010. With Anita Manning.
- "Results of survey for *Manduca* on *Nicotiana glauca* along Mamalahoa Highway (Route 190), Island of Hawaii." February 2010, report to Parsons Brinckerhoff for Hawai'i State Department of Transportation.
- "A Reptilian Smoking Gun: First Record of Invasive Jackson's Chameleon (Chameleo jacksonii xantholophus) Predation on Native Hawaiian Species," *Biodiversity & Conservation*, 2010. 19(5): 1437-1441. Brenden S. Holland, Steven L. Montgomery, Vincent Costello.
- "First recorded Hawaiian occurrence of the alien ground beetle, *Agonum muelleri* (Coleoptera: Carabidae), from the summit of Mauna Kea, Hawaii Island," Dec 2009. J.K. Liebherr, S.L. Montgomery, R.A. Englund, and G.A. Samuelson. *Proc. Hawaiian Entomological Society*, 41: 97-103.
- "New Immigrant Drosophilidae in Hawaii, and a Checklist of the Established Immigrant Species." Dec 2009. L. Leblanc, P.M. O'Grady, D. Rubinoff, and S.L. Montgomery. *Proc. Hawaiian Entomological Society*, 41:121-127.
- "Survey of Invertebrate Resources West Makaīwa, Hāmākua Ioa, East Maui Reservoir Areas." Sept 2009, report to Department of Water Supply County of Maui.
- "Drosophila Survey Notes," for Environmental Division, Directorate of Public Works, U.S. Army Garrison, Hawai'i. June 2009 Identification of rare Drosophila on Army lands.
- "Survey of Invertebrate Resources at Anini, near Princeville, Hanalei District, Kaua'i," May 2009, report to Princeville Prince Golf Course, LLC.

Invertebrate sections in "Biological surveys for the University of Hawaii Center at West Hawaii, North Kona District, Island of Hawaii," April 2009, report to AECOS Consultants.

"The Little Things That Run Hawaii: Na 'Enuhe", presentation to Nahele Dry Forest Symposium, Hawai'i Island, Feb 27, 2009.

"Survey of Invertebrate Resources at Kaūmana, Hawai'i Island," Feb 2009, report to AECOS Consultants for Wil Chee Planning for Connections New Generation Public Charter School, Hilo, Hawai'i.

"Survey of Invertebrate Resources at Koa Ridge Makai, 'Ewa District, O'ahu, Hawai'i," Feb 2009, report to Helber Hastert & Fee for Castle & Cooke Homes Hawaii.

"Survey of Terrestrial Invertebrate Resources at Kaloko Makai, Kaloko and Kohanaiki, North Kona, Hawai'i Island," Nov 2008, report to Wilson Okamoto Corporation for Stanford Carr Development, LLC.

"Survey of Terrestrial Invertebrate Resources at 'O'oma, North Kona, Hawai'i Island," Nov 2008, report to PBR Hawaii & Associates, Inc for 'O'oma Beachside Village, LLC.

"Survey of Invertebrate Resources at Waimanalo Gulch Sanitary Landfill Expansion Area, O'ahu, Hawai'i," Sept. 2008, report to AECOS Consultants for R. M. Towill Corporation and City & County of Honolulu, Department of Environmental Services.

"Survey of Native Invertebrate Resources at site of future expansion of Hawaiian Memorial Park, Kāne'ohe, O'ahu," August 2008, report to Helber Hastert & Fee for Hawaiian Memorial Life Plan Ltd..

"A Survey of Invertebrate Resources for the Shell WindEnergy Inc. Auwahi Parcel, Ulupalakua Ranch, Hana District, Island of Maui." April and June 2008, report to CH2M Hill, Honolulu, for Shell WindEnergy Inc. Identified presence of *Manduca*.

"Survey of Native Invertebrate Resources at Lā'īpala Heights, North Kona, Hawai'i Island," May 2008, report to Group 70 International, Inc. for Kona Heights LLC.

Drosophila briefing for Naval Facilities Engineering Command, Pacific, entomologists. Apr 24, 2008

"Survey of Invertebrate Resources at Waiawa, 'Ewa District, O'ahu, Hawai'i," March 2008, report to Wilson Okamoto Corporation for Castle & Cooke Properties.

Drosophila Survey Guidelines. 2007 (revised 2008). With Anita Manning. A how-to methods handbook for Environmental Division, Directorate of Public Works, US Army Garrison-HI, and US Navy Naval Facilities Engineering Command, Pacific (EV22).

"Survey of Terrestrial Invertebrate Resources, 'Akulikuli Water Tunnel, Kawaihau District, Kaua'i," 2008, report for AECOS and SSFM International, Inc.

"Survey for Drosophila and Other Invertebrates, Saddle Road-East Side Corridor, Hawaii Island," April 2007, report for Rana Productions and Okahara & Associates.

"Survey of Terrestrial Invertebrate Resources on Makaīwa Hills Project Site, 'Ewa District, O'ahu, Hawai'i," November 2006, report for Rana Productions and Group 70.

"Survey of Terrestrial Invertebrate Resources as part of a biological assessment within the Pan-STARRS Project area, Mauna Kea Summit, Island of Hawai'i", September 2006, DRAFT, report for Rana Productions and Group 70. Project on hold due to court action.

"Status Report on Terrestrial Invertebrate Resources as part of a biological assessment of Kanaha Pond Wildlife Sanctuary, Kahului, Maui, Hawai'i," Nov 2005, revised May 2006, report for Wil Chee Planning and AECOS Associates.

Invertebrate sections in, "Biological surveys for the University of Hawaii Center at West Hawaii Main Street Collector Road, North Kona District, Island of Hawaii," Aug 2005, report to AECOS Consultants, for Mitsunaga & Associates, Inc.

"Survey of native terrestrial and stream fauna near Koloa Landing, Po'ipu, Koloa District, Island of Kaua'i", 2005, report for Po'ipu Beach Villas, LLC.

"Results Of 2004 Wekiu Bug (Nysius wekiuicola) Surveys On Mauna Kea, Hawai'i Island Final Report" (with R.A. Englund, A. Ramsdale, M. McShane, D.J. Preston, S. Miller) Feb 2005. For Office of Mauna Kea Management, No. 2005-003 Hawaii Biological Survey.

"Survey of subterranean invertebrate resources on Po'ipu Beach Villas property Po'ipu, Koloa district, Island of Kaua'i," Jun 2004, report for Michael Thompson.

"Survey of Terrestrial Invertebrate Resources in Keauhou Mauka, North Kona, Island of Hawai'i," 2004, report for Kamehameha Development, Geometrician Associates and Rana Productions.

"Multiple Mortality Factors for Stowaway Pests in Sealed Solid Waste Bales, an analysis." Memo report to Ross Environmental / Pacific Rim Environmental Services, Goldendale, WA. Jan 2004.

"Survey of terrestrial faunal resources on Po'ipu Beach Villas property, Koloa district, Island of Kaua'i," 2003, report for Michael Thompson.

"Survey of terrestrial invertebrate resources in proposed Kuhio Highway-Kapa'a Relief Route, Līhu'e and Kawaihau districts, Island of Kaua'i", 2003, report for Kimura International, through Rana Productions.

"Survey of Terrestrial Invertebrate Resources in Marine Corps Jungle Training Area, Waikane Valley, Island of Oahu," June 2003, *report* for US Army Corps of Engineers through AECOS Associates.

"Survey of Invertebrate Resources (Snails, Insects And Other Arthropods) of Opana Point and Makawao Gunnery Range, Island of Maui", 2003, report for U. S. Army Corps of Engineers through AECOS Associates.

"Survey of Terrestrial Invertebrate Resources, mid-slope Mauna Kea, S. Hilo District, Island of Hawai'i", 2002, report for Koa Timber, Inc., Honolulu, Hawai'i.

"Survey of Invertebrate Resources at 'Ouli and Puako, South Kohala District, Island of Hawai'i", 2000, report for Donaldson Enterprises Inc., Honolulu, Hawai'i.

"Surveys of Lava Tube Arthropod Resources at Keopuka, South Kona, Island of Hawai'i," 2000, report for PBR Hawai'i. With Reginald E. David.

"Ecology and Evolution of *Drosophila ambochila*, A Rare Picture-Winged Species Endemic to the Wai'anae Range of O'ahu, Hawaiian Islands," (with Kambysellis, Craddock, Kaneshiro, Edwards and Carson) Pacific Science, 2000, 54:2, 169-181.

"Preliminary assessment of potential, opportunistic terrestrial arthropod use of dredged sediment, Waipi'o Peninsula CDF, Pearl Harbor, Hawai'i, O'ahu", 1999, report for Helber Hastert & Fee.

"Fauna Survey (Arthropod, Diptera Resources) of Waiakea Prison site, Island of Hawai'i," 1999, report for Bishop Museum, Honolulu, Hawai'i. In Cowie, R. H., F. G. Howarth, D. J. Preston, R.J. Rundell, F. D. Stone & S. L. Montgomery. 1999. Proposed new Hawai'i Island Correctional Facility, Waiakea, South Hilo, Hawai'i Island: assessment of potential impacts on invertebrates. Final report submitted to Wilson Okamoto & Associates, Honolulu.

"Fauna Survey (Arthropod Resources) of Mauna Kea Summit Zone, Island of Hawai'i," 1998, report for Bishop Museum, Honolulu, Hawai'i. [for results see An Arthropod Assessment within Selected Areas of the Mauna Kea Science Reserve, F. G. Howarth, G. J. Brenner, D. J. Preston, 1999]

"Natural Resources Survey & Report for 17<sup>th</sup> Area Support Group installation, Japan: Fauna Investigations", (contributor to Eric B. Guinther, et al.) 1998, report for AECOS / Wil Chee Planning, Inc., Honolulu, Hawai'i.

"Community Monitoring of Butterflies at Arfak Mountains, Irian Jaya and Palu, Sulawesi with Recommendations for Project Enterprises," 1997, report for World Wide Fund for Nature Indonesia Program, and Biodiversity Conservation Network.

"Flora and Fauna Survey, Waikoloa Maneuver Area, Waimea, Island of Hawai'i, Hawai'i: Arthropod Resources", (with Eric B. Guinther) December 1996, report for AECOS / Wil Chee Planning, Inc., Honolulu, Hawai'i.

"Native Arthropod Resources of Queen's Beach and its Coastal Flats on East O'ahu," February 1996, report for Helber Hastert, Honolulu, Hawai'i.

"Invertebrates of Ka'ala Natural Area Reserve Summit Cloud Forest," July 1994, report for Department of Land and Natural Resources, State of Hawai'i.

"Review of Effects on Native Arthropods: Master Plan for Kealakekua Ranch Lands", May 1994, report for Kealakekua Development Corp.

- "Animals on the Earth: Moths" (translated), Asahi Shimbun, 1992, 78:181.
- "Population Ecology of the Kamehameha Butterfly (Lepidoptera: Nymphalidae)", Annals of the Entomological Society of America, (with B. E. Tabashnik, W. D. Perreira, and J. S. Strazanac), 1992, 85(3):282-285.
- "Subzero Temperature Adaptations in Arthropods from the Summit of Mauna Kea, Hawaii," (with John G. Duman), *The Journal of Experimental Zoology*, 1991, 259:409-12.
- "Carnivorous caterpillars: the systematics, behavior, biogeography and conservation of *Eupithecia curtis* (Lepidoptera: Geometridae) in the Hawaiian Islands", Thesis (Ph. D.), University of Hawaii at Mānoa, 1984, 141 pp.
- "Carnivorous Caterpillars: The Behavior, Bio-geography and Conservation of *Eupithecia* Geometrids in the Hawaiian Islands," *GeoJournal*, 1983.
- "Predatory Inchworms and Aggressive Mimicry in the Hawaiian Islands," *Anima*, 1982, 106:50-56 (translated to Japanese).
- "Biogeography of the moth genus *Eupithecia* in Oceania and the evolution of ambush predation in Hawaiian caterpillars (Lepidoptera: Geometridae)", Journal series (Hawaii Agricultural Experiment Station), 1982, 2329: [27]-34.
- "Biogeography of Moths in Oceania and Evolution of Ambush Predation by Geometrid Caterpillars," *Entomologia Generalis*, 1982, 77:1-9.
- "Hawaii's Natural Area Reserves System: A Conceptual Plan and Status Report," British Columbia Museum Heritage Record, 1981, 10:20-33.
- "Records of Mummified Leiothrix from the Summits of Mauna Loa and Mauna Kea," (with F. G. Howarth), *Elepaio*, 1980, 41(4):30-33.
- "Notes on the Ecology of the High Altitude Aeolian Zone on Mauna Kea," (with F. G. Howarth), *Elepaio*, 1980, 41:21-22.
- "Notes on Birdlife and Nature Conservation in the Marquesas and Society Islands," (with W. C. and B. H. Gagné), *Elepaio*, 1980, 40:152-155.
- "Citizen Conservationists in Tahiti, French Polynesia," Elepaio, 1978, 38:83.
- "An Analysis of Crop Sugars in the Oriental Fruit Fly and Correlation with Possible Food Sources," (with F. Chang, et al.), *Proceedings Hawaiian Entomological Society*, 1977, 22:461-9.
- "Caterpillars (Eupithecia spp.) as Obligatory Ambush Predators: A Unique Adaptive Shift in the Hawaiian Islands," *Proceedings*, First Conference in Natural Sciences, Hawaii Volcanoes National Park, 1977.

"Ecology of the dry land forest at Kānepu'u, island of Lāna'i," (with G. Spence), Newsletter of the Hawaiian Botanical Society, 1976, 15(4-5):62ff.

"Comparative Breeding Site Ecology and the Adaptive Radiation of Picture-Winged *Drosophila* in Hawaii," *Proceedings, Hawaiian Entomological Society*, 1975, 22 (1):65-103.

"Botanical Resources Along North Kona's Ancient Coastal Trail," Na Ala Hele: Trails for Walking, 1973, Department of Planning and Economic Development, State of Hawai'i.

"Ecology of the Hawaiian drylands: Forests - Hawaii, " (with R. Ahuna And C. S. K. Ching), Abstract Reports, presented at the meeting of the American Association for the Advancement of Science, Philadelphia, PA, December 28-29, 1971, pp. 292-299.

"The Need to Regulate Alien Animal Importation to the Hawaiian Islands," 1970, Report for the Hawaii State Legislature, Committees on Agriculture, Ecology and Environmental Protection.

9

### DISCOVERIES - a partial record

NEW SPECIES Hawaiian Islands

flies Drosophila montgomeryi, Wai'anae, O'ahu

D. antopocerus n. species, South Kona, Hawai'i
D. touchardiae, on Olona shrub above Kahana, O'ahu
D. toxochaetae on Olona at Mapulehu, Moloka'i

D. paucicilia, Wai'anae, O'ahu

D. obatae D. reynoldsiae

D. ohemakai Moloka'i D. pulipes, Hawai'i

Asteia montgomeryi, N. Kona Wiliwili Branch Fly

Limonia hardyi [flightless crane fly]

Campsicnemus n. sp. [Mt. Ka'ala, O'ahu flightless long-legged fly]

moths Agrotius n. sp. [summit ice cutworm noctuid]

Eupithecia n. sp. [East Maui orange]

E. new species #8 [Moloka'i, Maui, O'ahu bristly caterpillar]

Aumakua omaomao, Maui & Moloka'i populations

other Nysius wekiuicola [Wekiu vampire bug] with F. G. Howarth insects Plagithmysus montgomeryi [akoko longhorn wood borer]

plants Remya montgomeryi, Kaua'i [aster family]

Stenogyne campanulata, Kaua'i [woolly mint]
Perottetia n. sp., Mōhihi wet forest, Kaua'i [Olomea]

Hedyotis n. sp., Manono shrub Nāpali cliffs

Chamaesyce elenorae, Kalalau [cliff akoko or spurge]

Hibiscadelphus woodii, Kaua'i, with K. Wood

Pacific Islands

moths Gymnoscelis montgomeryi on Clematis flower,

Ogasawara Islands [dimorphic looper]

Cleora sp., Ogasawara Islands [looper]

Asymphorodes montgomeryi, Marquesas Is. [micromoth]

flies Chloropid n. sp., Orohena, Tahiti [flightless fly]

10

REDISCOVERIES

Hawaiian Islands Cookeconcha, Koloa, Kaua'i

snails Newcombia, on pua, Oloku'i, Moloka'i

insects Micronus cookeorum, flightless brown lacewing, Maui

Eupithecia niphoreas [ambush predatory behavior]

Theridion grallator, Happyface spider [notice of markings on back]

Caconemobius schauinslandii, Pu'ukoa'e, Kaho'olawe

plants Chamaesyce olowaluan, a tree akoko, with S. Perlman

Marquesas Trichometra, flightless water measurer bug

**NEW LOCALITIES** 

Hawaiian Islands Euphorbia haeleeleanum, akoko, Ha'ele'ele Valley on Kaua'i

plants Caesalpinia kavaiensis, uhiuhi, Koai'e, Kaua'i

NEW STATE and ISLAND RECORDS partial record

arthropod Schizomida, Manoa Quarry cave, O'ahu, with F. G. Howarth

insects Hydrellia tritici, rice leaf miner, Maui and Hawai'i

Antiota Ephydridae, shore fly

Agonum muelleri (Herbst) (Coleoptera: Carabidae) Mauna Kea summit

NER ABERCROMBUE





### HISTORIC PRESERVATION DIVISION DEPARTMENT OF LAND AND NATURAL RESOURCES

601 Kamokila Boulevard, Smite 555 Kapolei, III 96806 WILLIAM J. ATLA, JR.; page 1916 of the control of the second of the control of th

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April 11, 2013

Mr. Paul Nash, P.E. Atlas Engineering, LLC, P.O. Box 11188 Hilo, Hawai'i 96721 (c/o zp\_nash@yahoo.com) LOG NO: 2012,3020 DOC NO: 1304TD01 Archaeology

Dear Mr. Nash:

Subject:

Chapter 6E-42 Historic Preservation Review -

Hawai'i County Grading Permit for Construction of a Property Boundary Fence

Ponahawai Ahupua'a, South Hilo District, Island of Hawai'i

TMK: (3) 2-5-006: 141

Thank you for requesting our review of the proposed application, which was received in our office October 9, 2012. We apologize for the delayed response. The permit is for after the fact work to install a fence along the property boundary of an approximately 41-acre portion of the 72.34-acre parcel. The parcel is owned by the State of Flavaii and leased to Connections Charter School. The work consisted of grading and grubbing along a 25 foot wide path to allow access for wire fence installation around the area identified as the lower campus. Total area affected by the work was 4.3 acres.

The project area was subjected to an archaeological field survey, during which no historic properties were identified (Reeve & Cleghorn 2010). Dense vegetation restricted surface visibility during the survey; however, the entire parcel is situated on a late 19<sup>th</sup> century lava flow, which limits the likelihood of surface archaeological resources. Our office previously requested that the full extent of a known lava tube system (Kaumana Cave) be examined beneath this parcel in order to verify whether historic properties are presence in subterranean contexts (Letter dated September 24, 2009, Log 2009.3291, Doc. 0909TD2). Additional fieldwork was conducted within the cave, and it was concluded that the cave was beneath the upper campus area only, and that no historic properties were present within the portions of the cave that run beneath the upper campus area (Reeve 2010).

Given the negative findings of the surface survey, and the absence of any newly discovered cave openings during the subject ground work, we believe that no historic properties were affected by this project.

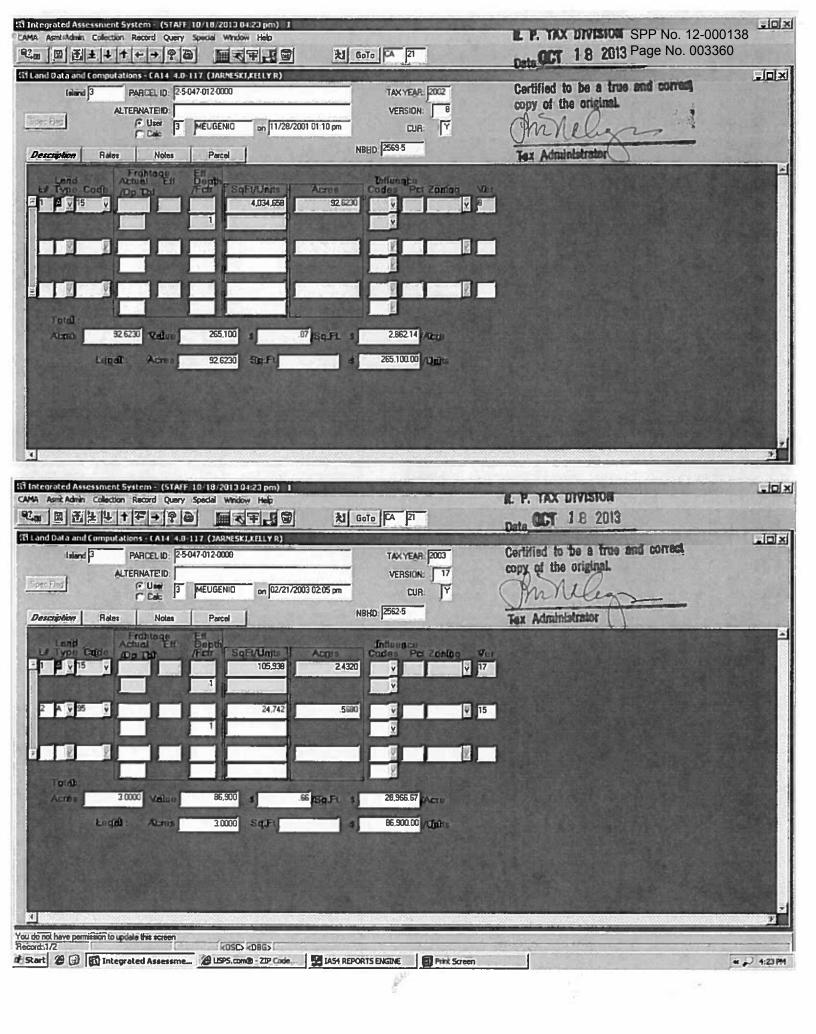
Please contact Theresa K. Donham at (808) 933-7653 if you have any questions or concerns regarding this letter.

Aloha,

Theresa K. Donham Archaeology Branch Chief



SPP No. 12-000138 Page No. 00\$359 Certified to be a true and correct copy of the original. Date OCT 1 8 2013 R. P. TAX DIVISION Sea Administrator A Comment of (E) (O) **(1)** 23 feery Erack 0 20,000 Ac. (1) -31 (3) THE PROPERTY OF





### Title Guaranty Escrow Services, Phys. 12-000138

HILO OFFICE, 450 KILAUEA AVE. HILO, HI 96720 Tel:(808) 935-6638 Fax:(808) 989-6982 Email:hilo@tghawall.com P. TAX DIVISION

5/26/2011

Date\_OCT 1 8 2013)

Certified to be a true and correct

copy of the original.

DIRECTOR OF FINANCE

AUPUNI CTR

101 PAUAHI ST STE 4

HILO HI 96720-4679

ESCROW NO.: T13023405

SELLER

: JARNESKI, KELLY R/JOANNE M : KONG 2005 TRUST, CLIFFORD Y

BUYER RECORD DTE: 5/26/2011

PROPERTY : 23 AKOLEA RD

RB: TMK NO. 3/2/5/047/012

CPR NO.

FORMER OWNER: JARNESKI, KELLY R/JOANNE M K

All future billings and assessment notices should be mailed to:

CLIFFORD YIN JONG KONG 2005 TRUST CLIFFORD YIN JOHN KONG TRUSTEE

23 AKOLEA ROAD HILO HI 96720

Should there be any questions, please contact the undersigned.

Mahalo,

Debra N. Tomono

Senior Escrow Officer

dtomono@tghawaii.com

DNT:dnt

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Form P-64A (Rev.2009)

STATE OF HAWAII — DEPARTMENT OF TAXATION
CONVEYANCE DIAKITORER TIFICATE
(Please Type of Print)
Date OCT 18 2013

Doc 2011-084329	
MAY-26-2011 08:01 AM-	

. Certified to be a true and correct	2,01	
PARTI CODY OF THE OFFICIAL	THIS FORM TO DOCUMENT TO BE RECOR	
1. TAX MAP KEY INFORMATION: 0 C 1	E BUREAU OF CONVEYANCES. DO NOT STA	•
TAX MAP KEY (MY VUCK)	be completed. If any area-is-incomplete. Form	P-64A will-not-be-accepted.
Z S PLATERY AFRANCE HIGH CPR NO.	Before completing this form, please read the ins	structions for Form P-64A and
	P-64B. To obtain the Instructions, go to the De	
ISLAND HAWAII APT.NO.	www.hawall.gov/tex.or call_the Departme	nt to request forms at
	808-587-4242or 1-800-222-3	3229 (totl-free).
2. NAMES OF PARTIES TO THE DOCUMENT: SELLER(S)/TRANSFEROR(S)/GRANTOR(S), ETC.		
KELLY R JARNESKI	PURCHASER(S)/TRANSFEREE(S)/G	
JOANNE M K JARNESKI	CLIFFORD YIN JOHN K	JMG 2005 TRUST
		- 10 of 15
3. REAL PROPERTY TAX INFORMATION:		
If the document will not be recorded, please provide: (1) land area;	and (2) address or short legal-description	of:property:
Please provide mailing address for assessment notice (do not enter		
MR CLIFFORD YIN JOHN KONG TRUSTEE, 23 AKOLE	ADDRESS	POSTAL/ZIP CODE 96720
Please provide real property tax billing address, if different from a		
NAME	ADDRESS	POSTALIZIP CODE
PART II, TAX COMPUTATION AND BALANCE DUE:		
DATE OF TRANSACTION (for Transactions deted prior to July 1, 200)	9 see instructions for rates.) 1.	5/19/14
2. Amount from Page 2, Part IV, line 1, 2c, 3c, or 4c		
3. Less: personal property included in amount on line 2, l'applicable		
	V4 00 00 00 00 00 00 00 00 00 00 00 00 00	
4. Difference — Actual and full consideration (line 2 minus line 3 )	4	500,000,00
5. By checking this box and signing below, the Purchaser(s)/Transferee(s		
that this transaction, is EITHER:		
Not a sale of a condominium or single family residence OR'  The appropriate In EURITE for a constant and a sale of a condominium or single family residence OR'		
<ul> <li>The purchaser is ELIGIBLE for a county real property tax homeower</li> <li>Enter the applicable Conveyance Tax Rate: ffor Transactions dated p.</li> </ul>	ter's exemption with respect to the property-co	inveyed 5. >
	<b>的 的人们 ( ) 自由</b>	0
THE RESERVE OF THE PARTY OF THE	<b>中央的</b> 1000年1000年1000年1000年1000年1000年1000年100	E E
Less than \$600,000	.0010 -	
\$1,000,000 or more but less than \$2,000,000	0030	× <b>0.</b> 0010 _
\$2,000,000 or more but less than \$6,000,000 a.g. 17,000,000	.0070	
\$4,000,000 or more but less than \$8,000,000 0085 \$5,000 but services 5.5 less than \$1,000,000 0085 0000 \$10,000,000 or more 0.125	.0100	
<ol><li>Conveyance Tex (Multiply line 4 by line 6 and round to the nearest tan</li></ol>	cents (\$.10)	500.00
8s. Penalty. For late filing (See Instructions)		2
out interest To late payment (550 insubutila)	8b.   8.	<del></del>
r ·		
9. Total Balance Dus (Add lines 7 and 8)	············· 9.	500,00 /
1 Add dates and the second sec	4 44 15 18 18 18 18 18 18 18 18 18 18 18 18 18	
DECLARATION (We) declare, under the persities prescribed for false declaration in section 23 been examined by me (u.e.) and, to the best of my (our) irrowledge and belief, in a	true, correct, and coinclate curtificate, muste in good falls, for the goo	ast and full consideration paid on the
conveyance to which this cartificate is appended, purisuant to the Conveyance To		
SIGNATURE(S) - Sellers(s)/Transferor(s)/Grantor(s), Etc. (If agent is signing, print or type name below signature)	SIGNATURE(S) - Purchaser(s)/Tra (If agent is signing, print or type	insferee(s)/Grantse(s), Etc.
(ii egant is sithand; bittit or type retire betw sitherme)	1 10 10	0. 12 M 00 KI
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<u> </u>	<u> </u>	(i) (ii)
	72.0	<del></del>
&, &		
DAYTIME PHONE NO.: ()	DAYTIME PHONE NO.: ()	
E-MAIL ADDRESS:	E-MAIL ADDRESS:	
1-302-3405 47010 DNT:DNT		Form P-64A (Rev. 2009)

RP FORM 19-71 (Rev 11/09) DEPT. OF FINANCE

### COUNTY OF HAWAI'I REAL PROPERTY TAX DIVISION

		——/Daga Na	002262
CASE	NO.	642311°	-

	TAX MAP KEY/PARCEL ID						
ISLE	Z	S	PLAT	PARCEL	CPR		
3	2	ی	047	012	0000		

CLAIM FOR HOME EXEMPTION (FILE SEPARATELY IF NOT HUSBAND AND WIFE)

Please read the instructions on the back before completing u	
NOTE: THE TIPLE IS IN MY TRU	155's NAME:
CLUFFORD VIT KONG VERIFIED THE NAME OF THE	457
CLIFFORD Y-J KONG VERIFIED THE DATE OF THE  (Print Claimant's Name) TRUST VS 1/30/09	(Date of Birth)
SHORON M. KONG VEDIETED	
(Print Spouse's Name)	(Date of Birth)
Street Address 23 AKOLEA Ro HIND, HAWAII 96720	
Mailing Address 23 Akokea Ro Hilo Hawaii 96720	
W CEFT PRONE	
Business Phone Residence Phone	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
1 is there more than one dwelling unit on the property? [ Yes [X] No	
If yes, draw a plot plan on back of this form. Designate which dwelling other dwelling(s).	g is your residence, and who occupies the
2. Is any portion of your gronerly used for rental or for business purposes?	[ ]Yes [×]No
If yes, designate floor area of property used for rental and/or business	sq. Tt.
Type of business: Location on property: 3. I am a legal resident of: USA Hawa!!	Hino, Hi
Sinta	County
4 Do you claim home exemption elsewhere? [ 1Yes [>] No / HAV	VE SOLD MY DAHU PROPERTY AND MOVE
The indicate tay year number of other names indication: ////////////////////////////////////	TO THE CHARGE TO A TOP A SOL
This is authorization to cancel my previous exemption	n and apply it to this new parcel.
5. Submit this claim with xerox copies of proof of age for each owner-occupa	ant, acceptable proofs are driver's license,
state ID, birth certificate, or senior citizen ID, etc.	
CERTIFICATION	*
CERTIFICATION	the not used for more energy temporary
I (we) certify that I own and occupy this residence as my principal home. The proper or vacation purposes and is my true, fixed, permanent home and principal establishment.	ment. Any individual who files a fraudulent
eister for exemption or attacts to any false statement. With the intent to delicate of to	BASIGE THE DEALTHOUS OF FOUR DELLA DELLA
thereof, or who in any manner intentionally deceives or attempts to deceive the Department of the Depa	artment of Finance, shall be fined \$1,000.
	c c
Date MAY 26.8011 20//	· · · · · · · · · · · · · · · · · · ·
Clikton 16 m Com	
// Claimadr's Gignature	Spouse's Signature
(FOR TAX OFFICE USE ONLY	7)
Date Received (U.S. Postmark): Muy 31, 2011	R. P. TAX DIVISION
1 m 1 m M 1	OCT 1.8 2013
By:	-
Input Date: SEP 3 0 2011 - 244	Certified to be a true and correct copy of the original.
By: Mutler	2001 a)
	(IVALICULA)
9	Tex Administrator
PITT 5 OVR/PITT 9 EX CD EF CARD # 1	BUILDING % 10 D LAND % 10 D
PITT 5 OVR/PITT EX CD EF CARD #_ [	COILDING /01-

PARID: 250470120000

**KONG, CLIFFORD YIN JONG 2005 TRST** 

Parcel Data

Site Address Unit No. **Property Class**  23 AKOLEA ROAD

**AGRICULTURAL** 

Call the Planning Department at (808) 961-8288

Zoning Owner

Owner KONG CLIFFORD YIN JONG 2005 TRST Address 23 AKOLEA RD City HILO

State HI

Country

Zip Code 96720

Sales

Sale Amount \$500,000

Recordation Date 05/26/2011 12/24/1998

04/16/1992

11/01/1988

Instrument Date 05/19/2011 03/21/2002 12/18/1998

12/01/1998

02/22/1991

08/04/1988

Land Court Doc#

Transfer Certificate of Title#

11-084329

9800193165

9200058007 8800152969

**Permits** 

\$298,164

Date 03/13/2001 07/12/2001 11/29/2005 Permit No 010311 010842 B2005-3290H

Reason for Permit New Dwelling Storage Building New Dwelling

Amount \$165,000 \$8,000 \$240,000

R. P. TAX DIVISION

Date OCT 1 8 2013

copy of the original.

Tex Administrator

Certified to be a true and correct

Residential

**Property Class Building Card** Story Height **Exterior Wall Type** Framing Roof Design

**Roof Structure** Roof Material Style **Total Rooms** Occupancy **Full Baths** Half Baths

Attic Bedrooms Foundation Floor Construction Flooring

Interior Wall Structure Interior Wall Material Interior Ceiling Year Built Eff. Year Built **Building Class** Grade Shape

Percent Complete First Floor Living Area **Total Living Area** 

PLYWOOD DOUBLE WALL HIP WOOD METAL RANCH SINGLE-FAMILY

2

CONCRETE CONCRETE SLAB

DOUBLE WALL PLASTER BOARD PLASTER BOARD 2008

113 RES-SFD FAIR

1784 1784

Condo

Floor Level % of Interest Vlew Type

**Additions** 

Lower FLoor

1st Floor

PCH CD REC OPN

Area 1784 64

524

Астевде

588

2.432

3rd Floor

2nd Floor

GAR WD CONC FL

Land

**AGRICULTURAL** AGRICULTURAL

Property Class

Square Feet 24742 105938

Agricultural Use

Tax Bill Information

Period 2013-2 Description Real Property Tax Orig. Due Date 20-FEB-14

Tax

Penalty 561.50

Interest 0.00

Other 0.00

0.00

Total

581.50

Total:					561.50	0.00 0.00	0.00	561.50
Tax Details 20	)12							
Description		Period	Tax	Paid / Adjust	Penalty Paid	Interest Paid	Other	
Beginning Tax		2012-1		497.29	0.00	0.00	0.00	0.00
Payment		2012-1		0.00	-497.29	0 00	0.00	0.00
Beginning Tax		2012-2 2012-2		497.28 0.00	0.00 -497.28	0.00 0.00	0.00	0.00
Payment	Tota			994.57	-497.25	0.00	0.00	0.00
		*					2.00	
Payment Sum	_							
	Payment#		Date	Tax	Penalty	Interest	Other	
	2893263		27-JUL-12		-497.29 -497.28	0.00	0.00	0.00
2012 Total	3021595		25-JAN-13		-997.25 -994.57	0.00	0.00	0.00
Tax Details 20			440	Bard & Barrier	Daniel Daie	harana Pala	00	
Description Beginning Tax		Period 2011-1	Tax	Paid / Adjust. 1,457.50	Penalty Paid 0.00	Interest Paid 0.00	Other 0.00	0.00
Payment Payment		2011-1		0.00	-1.457.50	0.00	0.00	0.00
Beginning Tax		2011-2		1,457,49	0.00	0.00	0.00	0.00
Adjustment		2011-2		0.00	-959.99	0.00	0.00	0.00
Payment		2011-2		0.00	-497.50	0.00	0.00	0.00
	Total			2,914,99	-2,914 99	0.00	0.00	0.00
Payment Sum	nmary							
Year	Payment#		Date	Tax	Penal	ty Interest	Other	
2011	2663771		31-JUL-11		-1,457,50	0.00	0.00	0.00
2011	2805444		01-FEB-12		-497.50	0.00	0.00	0.00
Total:					-1,955.00	0.00	0.00	0.00
Tax Details 20	010							
Description		Period	Tax	Paid / Adjust	Penalty Paid	Interest Paid	Other	
Beginning Tax		2010-1		1,568.55	0.00	0.00	0.00	0.00
Payment		2010-1		0.00	-1,568.55	0.00	0.00	0.00
Beginning Tax		2010-2		1,568.55	0.00	0.00	0.00	0.00
Payment	Total	2010-2		0.00 3,137,10	-1,568.55 -3,137.10	0.00 0.00	0.00 0.00	0.00
	i diat.			3,137,10	*3,137.10	0.00	0.00	Ų.UU
Payment Sum	nmary							
Year	Payment#		Date	Tax	Penalt		Other	
2010	2473464 2610391		19-AUG-10 17-FEB-11		+1,568.55 -1,568.55	0.00	0.00	0.00
2010 Total:	-		17-4-60-11		-3,137.10	0.00	0.00	0.00
Tax Details 26		Period	Tax	Paid / Adjust	Penalty Paid	Interest Paid	Other	
Beginning Tax		2009-1	1 (6.6	1,620.24	0.00	0.00	0.00	0.00
Payment		2009-1		0.00	-1,620.24	0.00	0.00	0.00
Beginning Tax		2009-2		1,620.23	0.00	0.00	0.00	0.00
Payment		2009-2		0.00	-1,620.23	0.00	0.00	0.00
	Total			3,240.47	-3,240.47	0.00	0.00	0.00
Payment Sun	nmary							
Year	Payment II		Date	Ťax	Penalt	y Interest	Other	
2009	2251115		18-AUG-09		-1,620.24	0.00	0.00	0.00
2009	2376125		19-FEB-10		-1,620.23	0.00	0.00	0.00
Total	\$0.				-3,240.47	0.00	0.00	0.00
Tax Details 2	800							
Description		Penod	Tax	Paid / Adjust	Penalty Paid	Interest Paid	Other	
Beginning Tax		2008-1		1,629.13	0.00	0.00	0.00	0.00
Payment Tax		2008-1		0.00	-1,629.13	0.00	0.00 0.00	0.00
Beginning Tax Payment		2008-2 2008-2		1,629.12	0.00 -1,629.12	0.00	0.00	0.00
r aynroit	Total:	2000-2		3,258.25	-3,258.25	0.00	0.00	0.00
Payment Sun	THE RESERVE OF THE PARTY OF THE		Date	T-	Penell	y (nterest	Other	
Year 2008	Payment # 1984061		14-AUG-08	P. TAX DIVISION	-1,629.13	0.00	0.00	0.00
2008	2116409			OOT 10 0040	-1,629.12	0.00	0.00	0.00
Total			Date	OCT 18 2013	-3,258.25	0.00	0 00	0.00
Tax Details 2007 Certified to be a true and correct								
Tax Details 2	007	Dened			Penalty Paid	Interest Paid	Other	
Description		Period		y of the original.	remaily read	and on Fala	One	
			- /	1	1747)			

Hawaii	County						SPP No. 12 Page No. 0	
Beginning Ta	ax	2007-1	1,651.22	0.00	0	0.00	0.00	0.00
Payment		2007-1	0.00	-1,651.22	2	0.00	0.00	0.00
Beginning To	ax	2007-2	1,651.21	0.00	0	0.00	0.00	0.00
Payment		2007-2	0.00	-1,651,21	1	0.00	0.00	0.00
	Total	l;	3,302,43	-3,302 43	3	0.00	0.00	0.00
Payment	Summary							
Year	Payment #	Date	1	ax	Penalty	Interest	Other	
2007	1738166	09-AUG-07			-1,651.22	0.00	0.00	0.00
2007	1887785 Total	15-FEB-08			-1,651.21 -3,302.43	0.00 0.00	0.00	0.00
Tax Deta	ils 2006							
Period 2006-1	Description	Tax	Paid / Adjust 823.31	0.00	Penalty Paid	Interest Paid 0.00	Other 0.00	0.00
2006-1	Beginning Tax Payment		0.00	-823.3		0.00	0.00	0.00
2006-2	Beginning Tax		823.31	0.00		0.00	0.00	0.00
2006-2	Payment		0 00	-823.3		0.00	0.00	0.00
2000-2	Total		1,646.62	-1,646.62		0.00	0 00	0.00
	Summary	55220	33		02000	VARTER	200	
Year	Payment#	Date		Гах	Penalty	Interest	Other	0.00
2006	1510248 1637647	21-AUG-06 12-FEB-07			-823.31 -823.31	0.00	0.00	0.00
2006	Total:	12-FEB-07			-1,646.62	0.00	0.00	0.00
Tax Deta	ils 2005							
Period	Description	Tax	Paid / Adjust		Penalty Paid	Interest Paid	Other	£
2005-1	Beginning Tax		468.86	0.00		0.00	0.00	0.00
2005-1	Payment		0.00	-468.86		0 00	0.00	0.00
2005-2	Beginning Tax		468.86	0.00		0.00	0.00	0.00
2005-2	Payment Total:		0.00 937,72	-468.86 -937.72		0.00 0.00	0.00	0.00
Payment	Summary							
Year	Payment#	Date		Тах	Penalty	Interest	Other	
2005	1279366	15-AUG-0			-468.86	0.00	0.00	0.00
2005	1382810 Total	15-FEB-0	6		-468.86 -937.72	0.00 0.00	0.00	0.00
Tax Deta	.u_ 2004							
Period	Description	Tax	Paid / Adjust		Penalty Paid	Interest Paid	Other	
2004-1	Beginning Tax		427.00	0.00		0.00	0.00	0.00
2004-1	Payment		0.00	-427.00		0.00	0.00	0.00
2004-2	Beginning Tax		427.00	0.00	)	0.00	0.00	0.00
2004-2	Payment		0.00	-427.00		0.00	0.00	0.00
	Total:		854.00	-854.00	)	0.00	0.00	0.00
Payment	Summary							
Year	Payment #	Date		Tax	Penalty	Interest	Other	
2004	1045475	19-AUG-0			-427.00	0.00	0.00	0.00
2004	1161624 Total::	11-FEB-0	5		-427,00 -854.00	0.00 0.00	0:00 0:00	0.00
Tax Deta	ils 2003							
Period	Description	Tax	Paid / Adjust		Penalty Paid	Interest Paid	Other	ò
2003-1	Beginning Tax		130.15	0.00		0.00	0.00	0.00
2003-1	Payment		0.00	-130,15	5	0.00	0.00	0.00
2003-2	Beginning Tax	(	130.15	0.00	)	0.00	0.00	0.00
2003-2	Payment		0.00	-130.15	5	0.00	0.00	0.00
	Total:		260.30	-260.30	D .	0.00	0.00	0.00
5/5/2/5/20	t Summary	202			27.000	2020	0,4000	
Year	Payment #	Date	-	Tax	Penalty	Interest	Other	
2003	832549	08/18/200			-130.15	0.00	0.00	0.00
2003	924264	02/13/20			-130.15	0.00	0.00	0.00
	Total		R. P. TAX	DIVISION	-260.30	0.00	0.00	0.00
			Date_OCT	1.8 2013				

Certified to be a true and correct copy of the original.

AA501HI



### COUNTY OF HAWAII REAL PROPERTY TAX DIVISION 101 PAUAHI ST., STE 4 HILO, HI 96720-4224 74-5044 ANE KEOHOKALOLE HWY, BLDG D, KAILUA-KONA, HI 96740

#### MARCH 15, 2013 REPRINTED 2013 REAL PROPERTY ASSESSMENT NOTICE

KONG, CLIFFORD YIN JONG 2005 TRST 23 AKOLEA RD

HILO HI 96720

TMK/PARCEL ID: 2-5-047-012-0000

LAND AREA:

3.000 Acre(s)

LAND CLASS:

HOMEOWNER

#### **ASSESSED VALUATION**

	VALUE	EXEMPTION	<b>NET TAXABLE</b>
BUILDING	216,000	170,700	45,300
LAND	137,300	0	137,300
TOTAL	353,300	170,700	182,600

#### **OWNERSHIP DATA**

**FEE OWNER** 

LESSEE/ASSIGNEE

KONG, CLIFFORD YIN JONG 2005 TRST

#### **GENERAL PROPERTY DATA**

1. 2012 assessed valuation as of :

Building:

211,700

Exemption:

169,800

Land: 137,300

- 2. County Council will adopt the 2013 tax rates on or before June 20, 2013.
- 3. Property Address: 23 AKOLEA ROAD
- 4. Exemption Allowed: HOME EXEMPTION
- 5. Special Assessment:
- 6. Last Year's land classification, if different was:

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE REAL PROPERTY TAX OFFICE HILO: (808) 961-8201 / 961-8354 or KONA: (808) 323-4880 / 323-4881 DEADLINE TO FILE APPEAL TO BOARD OF REVIEW IS APRIL 9, 2013

THIS NOTICE IS A COURTESY REPRINT OF THE ORIGINAL NOTICE

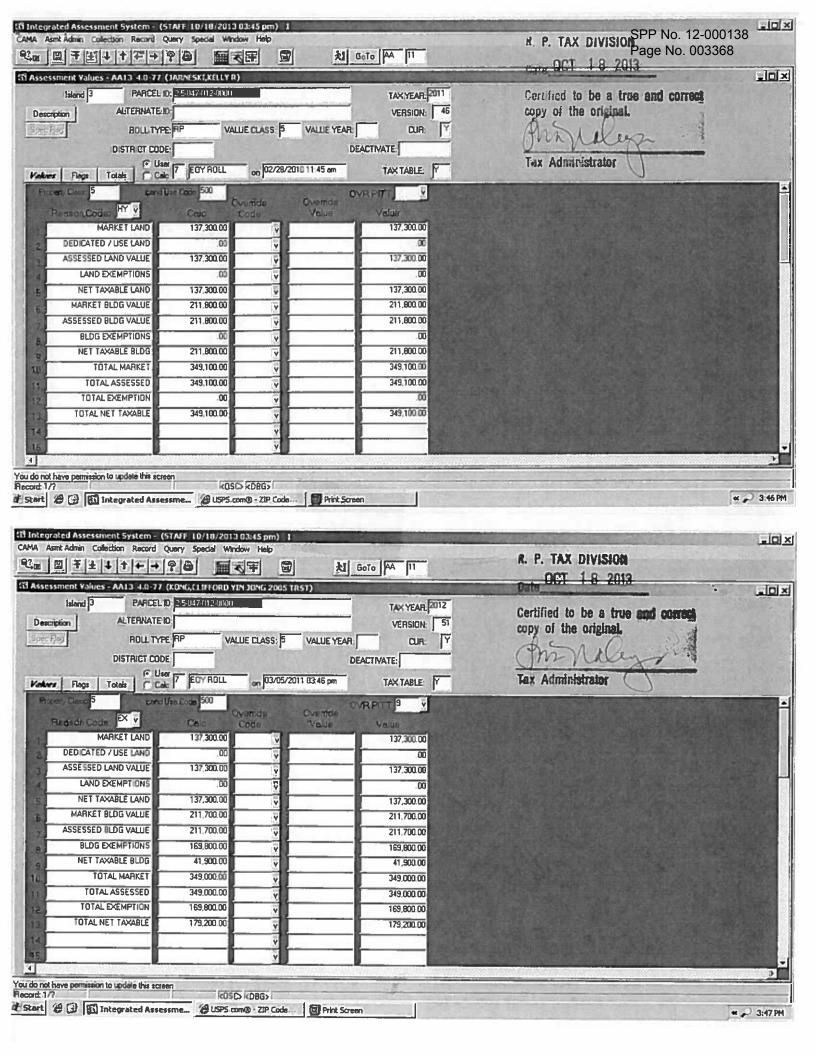
E. P. TAX DIVISION

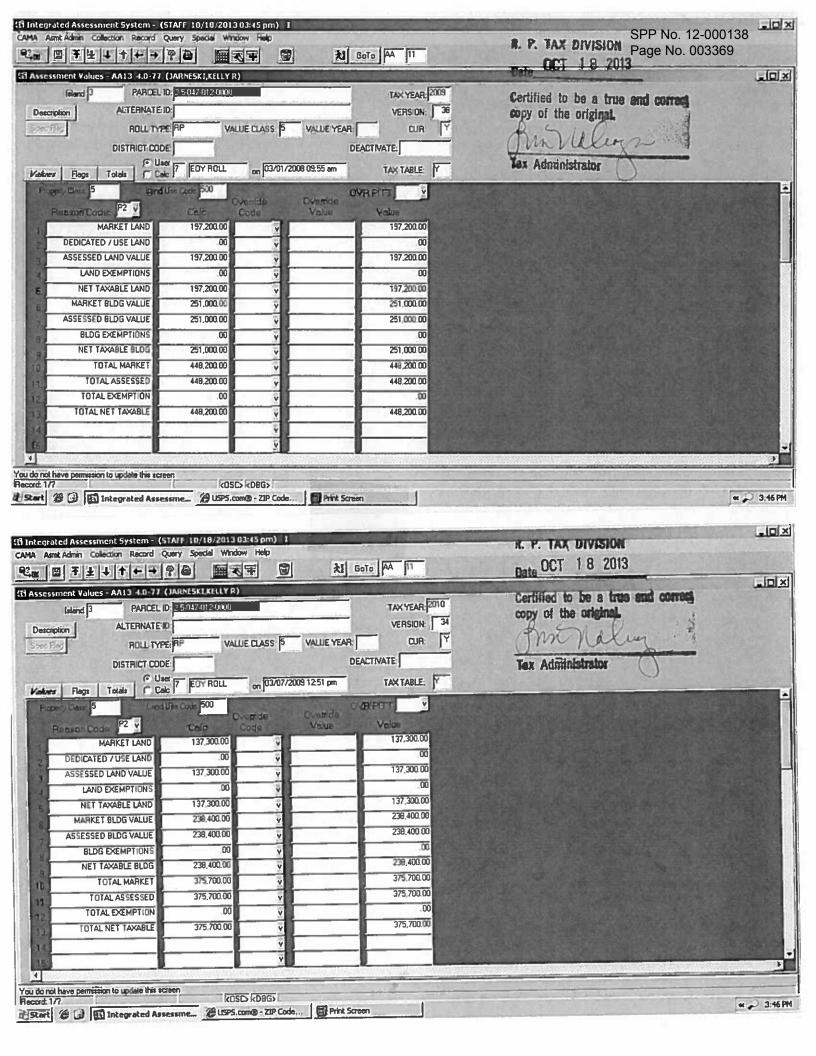
Date OCT 1.8 2013

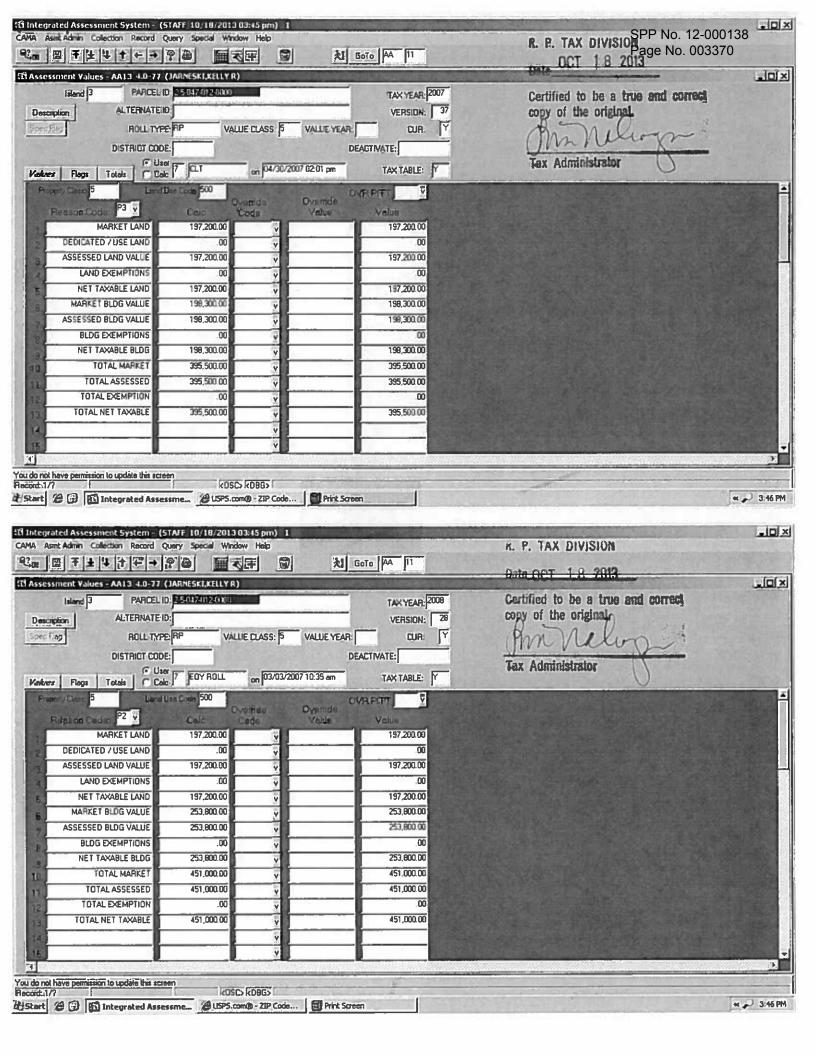
Certified to be a true and correct

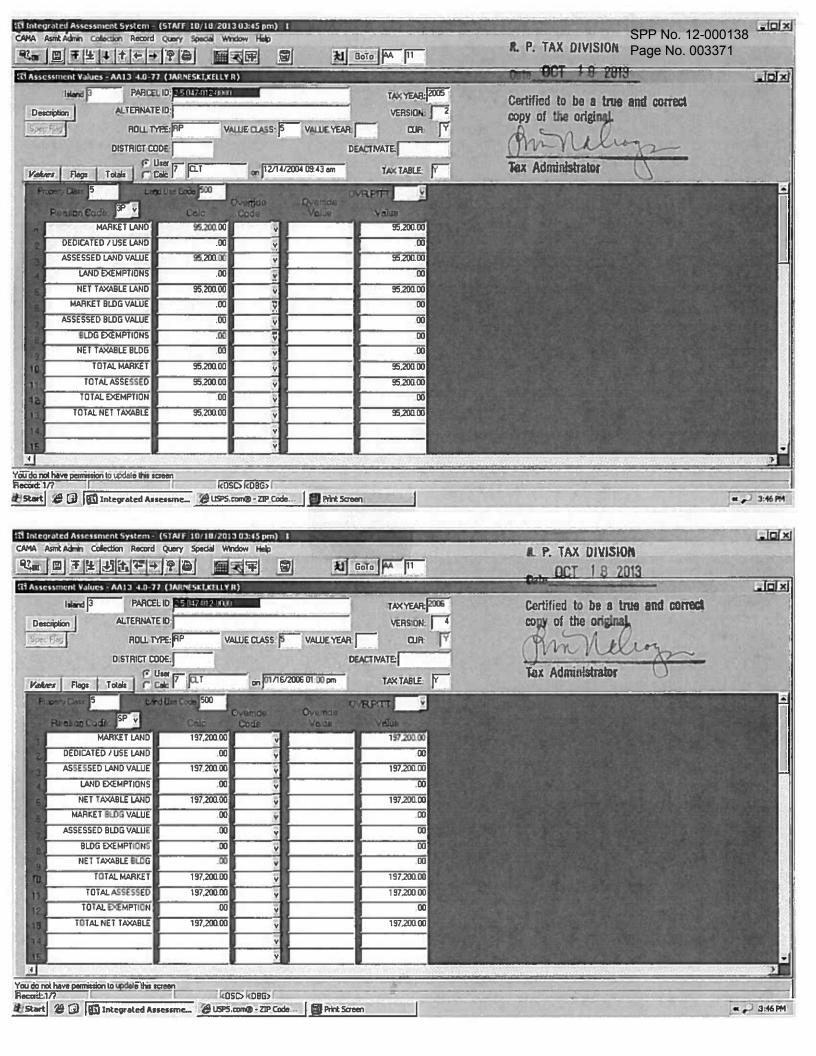
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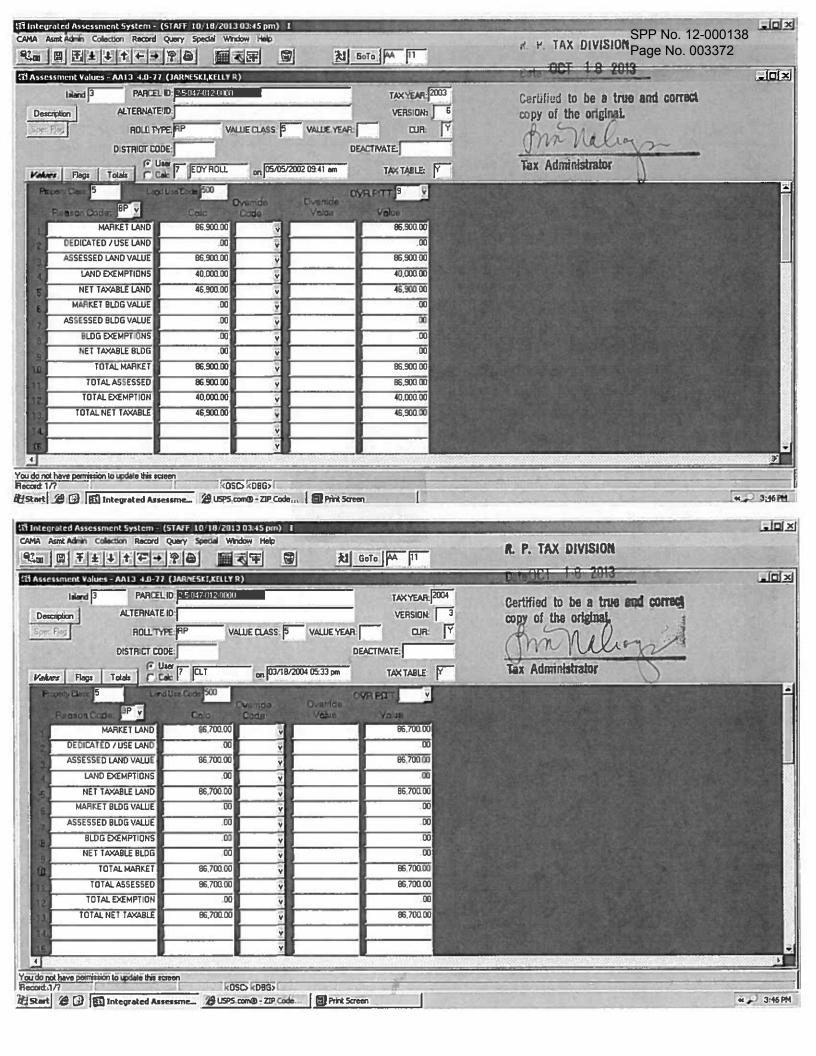
Cax Administrator

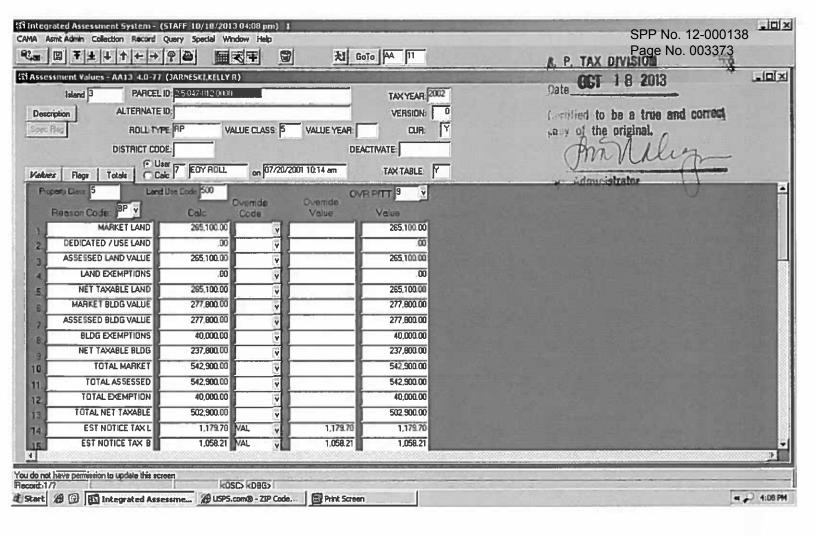


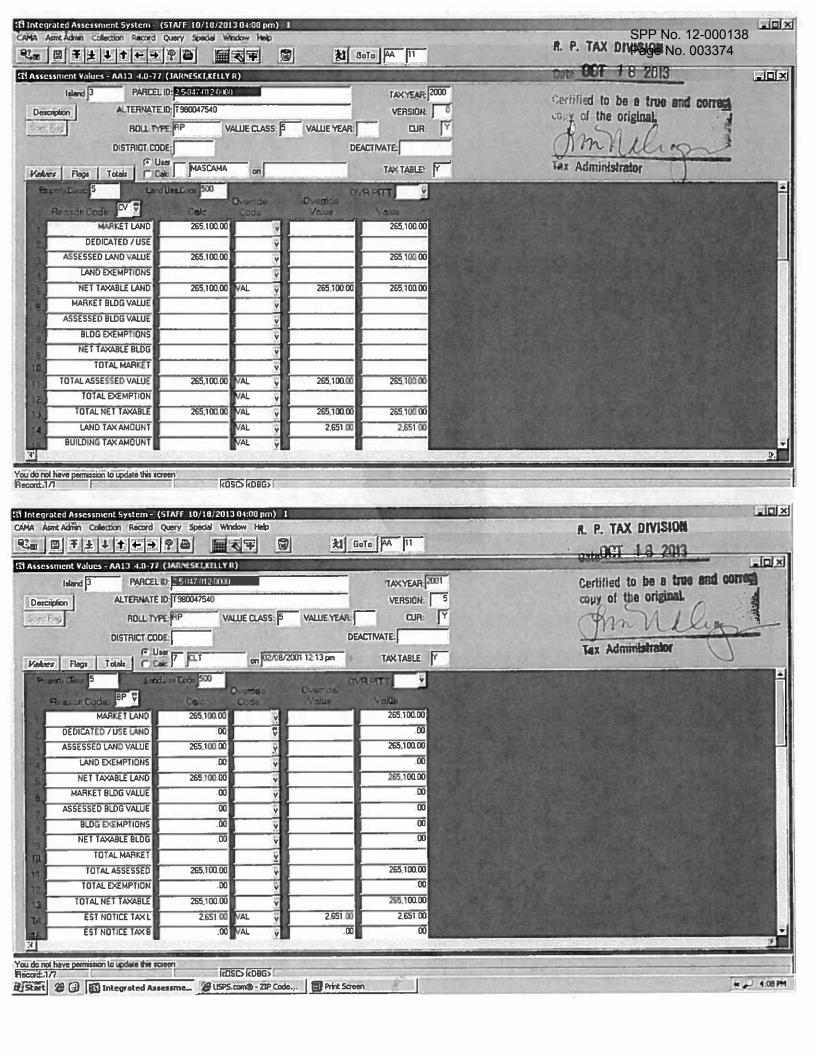


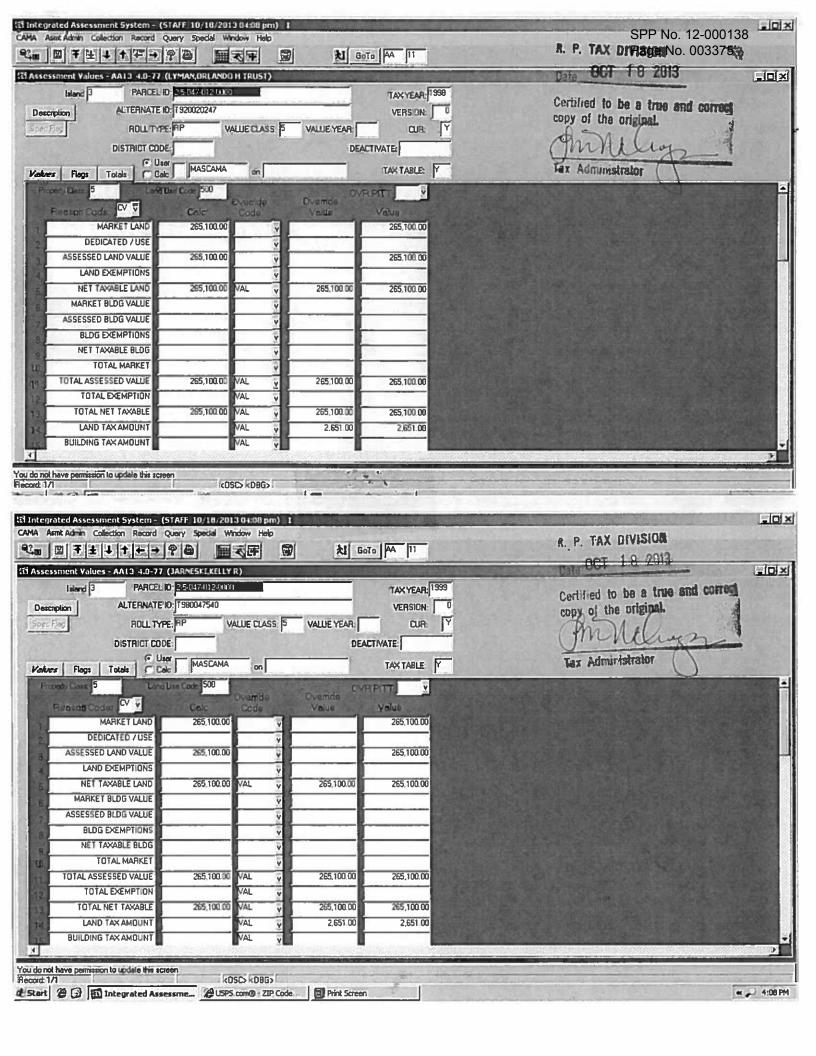












OCT 18,2013 OCT 18					8	COUNTY OF HAWAI'I	I,					PAGE: 1
NOTE   NAME	OCT 18,2013 03:45 PM		CURRENT	T AND DELINQUENT	REAL PROPER	ITY AND SPECIA,	L ASSESSMENT : EMBER 31, 2099	TRIAL BALANCE	- DETAIL			ТВ102НI Совьо
KONG,CLIFFORD YIN JONG 13    561.50	PARCEL ID / TMK OWNSEQ#	OWNER NAME	YR	DEBIT	CREDIT	BALANCE	PENALTY	INTEREST	OTHER PROJ#	ថ	XOCUMENT	BATCH TRN. DT EFF. DT
DEBITS CREDITS BALANCE PENALTY INTEREST OTHER TOTAL TOTAL 1,123.00 -561.50 561.50 81.50 R. P. TAX DIVISION DB4e OCT 18 2013	2-5-047-012-0000 KONG	CLIFFORD YIN JONG		561.50 .00 561.50 1,123.00		\$61.50 .00 \$61.50 \$61.50	00.	00.00	00.	444	ъ-9/714	07/01/13 07/01/13 9 07/30/13 07/29/13 07/01/13 07/01/13
1,123.00 -561.50 561.50 .00 .00 .00 R. P. TAX DIVISION R. P. TAX DIVISION Date OCT 18 20		DE		CREDITS		BALANCE	PENALTY	TNI	EREST		THER	- 1
	GRAND TOTAL :	21.1	 	-561.50		561.50	00.		00.	ec C	P. TAX	561.50 DIVISION 1 8 2013

Tax Administrator

Certified to be a true and correct copy of the original.

			O	COUNTY OF HAWAI'I	H				00000
OCT 18,2013 D3:44 PM		CURRENT AND DELINQUENT	ENT REAL PROPE	REAL PROPERTY AND SPECIAL ASSESSMENT TRIAL BALANCE - DETAIL	ASSESSMENT 1	TRIAL BALANCE	- DETAIL		TB102HI
			-	JANUARY 01, 1960 TO DECEMBER 31, 2099	ZMBER 31, 2099				Combo
PARCEL ID / TWK OWNSEQ#	2# OWNER NAME YR	DEBIT	CREDIT	BALANCE	PENALTY	INTEREST	OTHER PROJ# CY DOCUMENT	CY DOCUME	INTEREST OTHER PROJ# CY DOCUMENT BATCH TRN. DT EFF. DT
2-5-047-012-0000	2-5-047-012-000D KONG.CLIFFORD YIN JONG 12	497.29	00.	497.29	00.	00.	00.		07/01/12 07/01/12
c			-497.29	00.	00.	00.	00.	1 LB-7/537	537 7 07/31/12 07/27/12
	173	49	00.	497.28	00.	00.	00.	2	07/01/12 07/01/12
0	12		-497.28	00.	00.	00.	.00	2 LB-2/90	0 2 01/28/13 01/25/13
1	**BALANCE**	66	-994,57	00.	00.	00.	00.		
	DEBITS	S CREDITS		BALANCE		,	INTEREST	OTHER	OTHER
GRAND TOTAL :	994.57	7 -994.57		00.	00.			00.	00.
									R. P. TAX DIVISION

Certified to be a true and correct copy of the original

Tax Administrator

Date OCT 18 2013

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CURRENT AND DELINGUENT REAL PROPERTY AND SPECIAL ASSESSMENT TRIAL BALANCE - DETAIL FROM JANUARY 01, 1960 TO DECEMBER 31, 2099

BATCH TRN. DT EFF.

OTHER PROJ# CY DOCUMENT

INTEREST

PENALTY

BALANCE

CREDIT

DEBIT

χĸ

OWNER NAME

PARCEL ID / TMK OWNSEO#

OCT 18,2013 03:44 PM

2-5-047-012-0000

0

Compo PAGE: 1 TB102HI

11/10//0 11/10//0 14 08/03/11 07/31/11 14 12/10/11 07/31/11 07/01/11 07/01/11 12/10/11 12/10/11 5 02/08/12 02/01/12 TOTAL LB-14/1060 LB-14/1060 AA\45454 LB-5/322 OTHER - 0 0 0 8 8 8 8 8 8 8 INTEREST 8888888 PENALITY .00 1,457.49 497.50 .00 1,457.50 BALANCE -1,457,50 -1,457.50 -959.99 -497.50 CREDITS .00 1,457.50 1,457.49 1,457.50 4,372.49 DEBITS **#####** \*\*BALANCE\*\* JARNESKI, KELLY R

Date CCT 1 8 2013 R. P. TAX DIVISION

capy of the original.

Fax Administrator

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COUNTY OF HAWAI'I

CURRENT AND DELINQUENT REAL PROPERTY AND SPECIAL ASSESSMENT TRIAL BALANCE - DETAIL FROM JANUARY 01, 1960 TO DECEMBER 31, 2099

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#### MELVIN YOKOTA, P.E. PROJECT MANAGER

#### YEARS OF EXPERIENCE 40

#### **EDUCATION**

> B.S., Electrical Engineering, Colorado State University, Ft. Collins, Colorado, 1971

#### **AREAS OF EXPERTISE**

- Substations (up to 138 kV)
- > Steam based power generation (including biomass fired, heavy oil and diesel fired, geothermal and municipal waste energy)
- > Small hydroelectric power generation
- > Closed and open cycle ocean thermal energy conversion demonstration facilities
- > High and low speed diesel reciprocating engine prime and standby power generation
- > High altitude astronomical observatory facilities
- > Electric, water and wastewater SCADA systems
- > Industrial process control systems
- > Military fuel facilities
- > Military waterfront and drydock facilities
- > Military aircraft maintenance facilities
- > Military missile launch and tracking facilities

#### LICENSING

> P.E., Electrical: Hawaii

#### **SPECIAL TRAINING**

Westinghouse Electric Corp.

> Power Systems Seminar

#### General Electric Co.

- > Low Voltage Protector Application Seminar
- > Protective Relay Application Seminar
- > Advanced Power System Protection Workshop
- > Industrial Power System Protection

#### **EXPERIENCE SUMMARY**

Mr. Yokota is a Project Manager whose work history has spanned multiple decades. He began his career as a staff engineer, and has held various positions ranging from project engineer, project manager and principal engineer on a wide variety of commercial, industrial, municipal, utility and Department of Defense projects. He has provided design and engineering for power generation, substations, recreational, wastewater, astronomical observatories and water pumping facility projects.

He has provided a wide spectrum of electrical power systems engineering functions from initial scoping, fee proposals, negotiations, design, specification writing, cost estimating, procurement phase services, construction phase services, startup support and closeout, and has handled projects as both an electrical subconsultant as well as a prime consultant. Mr. Yokota has worked on several "once in a lifetime" type projects, and is especially adept at solving challenging engineering problems that may be involved with those unique projects.

#### PREVIOUS WORK HISTORY

- > Harold H. Miura, Inc./HHMI Corporation, Vice President/Principal Electrical Engineer, Hilo, HI
- > W.A. Hirai & Associates, Electrical Engineer, HI

#### Previous Project History:

Repair Pumps and Piping System, Tsurumi Fuel Terminals OU-1 & OU-2, FISC Yokosuka, Japan

Project Electrical Engineer for preparation of plans and specifications (SPECSINTACT) for replacement of electrical power distribution system and transfer pump controls for Tsurumi Operating Units 1 and 2, FISC Yokosuka, Japan.

Tsurumi Operating Units 1 and 2 are waterfront jet and diesel fuel receiving terminals which receive and store military fuels for issue to NAF Atsugi and Yokota Air Force Base via rail and truck.

Replace Low Pressure Air System, Building 149, Pearl Harbor, Hawaii

Project Electrical Engineer for preparation of plans, specifications (SPECSTINTACT), and cost estimate (SUCCESS) for replacing electrical equipment supporting the replacement of the Low Pressure Compressed Air System which consisted of air compressors, air dryers, cooling tower, heat

University of Wisconsin - Milwaukee/Madison

- > Planning, Procurement, & Installation of SCADA Systems
- > Design of Transmission Line Structures and Foundations

Oregon State University - Extended Campus

> Dynamic Stability and Transient Motor Starting

Utility University: Distributech Conference and Exhibition 2012

- > Smart Substations: Protection, Communications, Control, Wide-Area Measurements, Enterprise Integration and Applications
- > Substation Automation and Enterprise
  Data Management to Support Smart
  Grid: Design Issues, Alternative
  Approaches and Cyber Security
  Considerations

Power Line Systems., Madison, WI > PLS-CADD, PLS-Pole, Tower and SAPS Training

Maintenance Training Association of the Americas

> Arc Flash Protection & Electrical Safety

#### **AFFILIATIONS**

- > National Society of Professional Engineers, Member
- > Institute of Electrical & Electronics Engineers, Member
- > National Fire Protection Association, Member
- > Construction Specifications Institute, Member
- > Illuminating Engineering Society of North America, Associate Member

exchangers, chemical treatment system and associated pumps and selected lighting in Building 149. New electrical equipment included a 12 kV switchgear and a 480V motor control center with 12 kV solid state reduced voltage motor controllers for new air compressor induction motors.

#### FY 11 OMA Repairs Elevator Car, Bldg 1580, East Range, Schofield Barracks, Oahu, Hawaii

Project Electrical Engineer/Project Manager for preparation of a performance-based RFP for design and construction of a new inclined elevator system in an underground water pumping complex.

Kwajalein Island Generator, USAKA/RTS Power Plant, U.S. Army Kwajalein Atoll/B. Reagan Test Site

Project Electrical Engineer/Project Manager for the electrical design for installation of a 1.82 MW generator in the USAKA RTS power plant. This was a design-build project to replace an existing Caterpillar 4 MW 3616 frame generator set with a C280-6 frame generator set. The smaller unit permits plant operational flexibility for increased fuel efficiency during low load conditions.

RM09-0314 Electrical and Mechanical Repair at Building 400, Makalapa, Hawaii

Project Electrical Engineer/Project Manager for preparation of plans, specifications (SPECSINTACT), and cost estimate (SUCCESS) for upgrading the air conditioning system of the 1st, 3rd, 4th, and 5th floors of Building 400 and for the replacement of existing 1100 kW generators and 500 kVA uninterrupted power supply (UPS) units in Building 401

FY08 MCON P-587 Sub Drive-In MSF, Beckoning Point, Pearl Harbor, Hawaii

Project Electrical Engineer for preparation of plans, specifications (SPECSINTACT), and cost estimate (SUCCESS) for 11.5 KV switchgear and high custom build one-of-a-kind current rectifier systems for drive in submarine magnetic silencing facility. This project constructed a facility that will be used to demagnetize the hulls of all of the submarines in the U.S. Navy's Pacific Fleet. Periodic "deperming" is necessary to avoid magnetic detection of submarines by mines, ships and aircraft.

FY08 MCON P-173 Construct Communication Center, Naval Station Pearl Harbor (NCTAMS PAC), Hawaii

Project Electrical Engineer for preparation of plans and specifications for electrical work for new Navy Switching Station, site 11.5 kV underground distribution, Facility substation, standby generators, and uninterrupted power supply systems. The Communications Center is a critical communications hub for the U.S. Navy in the Central Pacific.

FY2007 AJJY336546 MILCON Project Global Hawk Aircraft Maintenance and Operations Complex, Andersen Air Force Base, Guam

Project Electrical Engineer for preparation of plans and specifications for Global Hawk Hangar facility electrical systems. The maintenance and operation complex is a hurricane hardened hangar and operations facility that launches and recovers Global Hawk unmanned reconnaissance aircraft.

FY08 P-262 Wastewater Treatment Plant Repairs and Upgrade, Apra Harbor Wastewater Treatment Plant, Naval Base, Guam

Project Electrical Engineer for preparation of plans and specifications for electric work for repairs and upgrade to existing wastewater treatment plant, including site distribution, motor control centers, distributed control systems, and building electrical repairs.

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#### **HHMI** Corporation

Company Background & Description

**Industry:** Commercial & Residential Construction , Construction

Company Description: HHMI Corporation (HHMI) was founded September 1975. We are an independent consulting electrical engineering firm providing electrical engineering services mainly in the areas of electrical power generation, transmission, distribution, and utilization. The firm's primary business involves the preparation of electrical plans, specifications, and cost estimates for the procurement of electrical equipment and the construction of electrical work. The firm has the expertise and capability to select appropriate equipment and control devices and perform necessary calculations for determination of protective device settings for effective and coordinated protection of circuits and apparatus. We also perform electrical power systems studies (covering system arrangement, load and fault flows, protective relaying, equipment evaluation, arc flash hazard, expansion and modification, power quality, reliability, and maintenance) and provide assistance in job site observation of electrical construction, testing and start up of electrical equipment and systems, troubleshooting, power quality monitoring and data collection, and instruction and training of operators. HHMI prides itself on the quality and accuracy of our finished products be it a design for a power plant, a water treatment facility, a wharf, a munitions storage facility, a fuel loading rack, a distribution substation, an astronomical observatory, or a missile launch site. In the Hawaiian Islands and throughout the northern Pacific Ocean, HHMI's name is synonymous with quality. Please think of HHMI the next time you expand, upgrade, or need assistance with your electrical system. We're confident you will be pleased with our excellent services.

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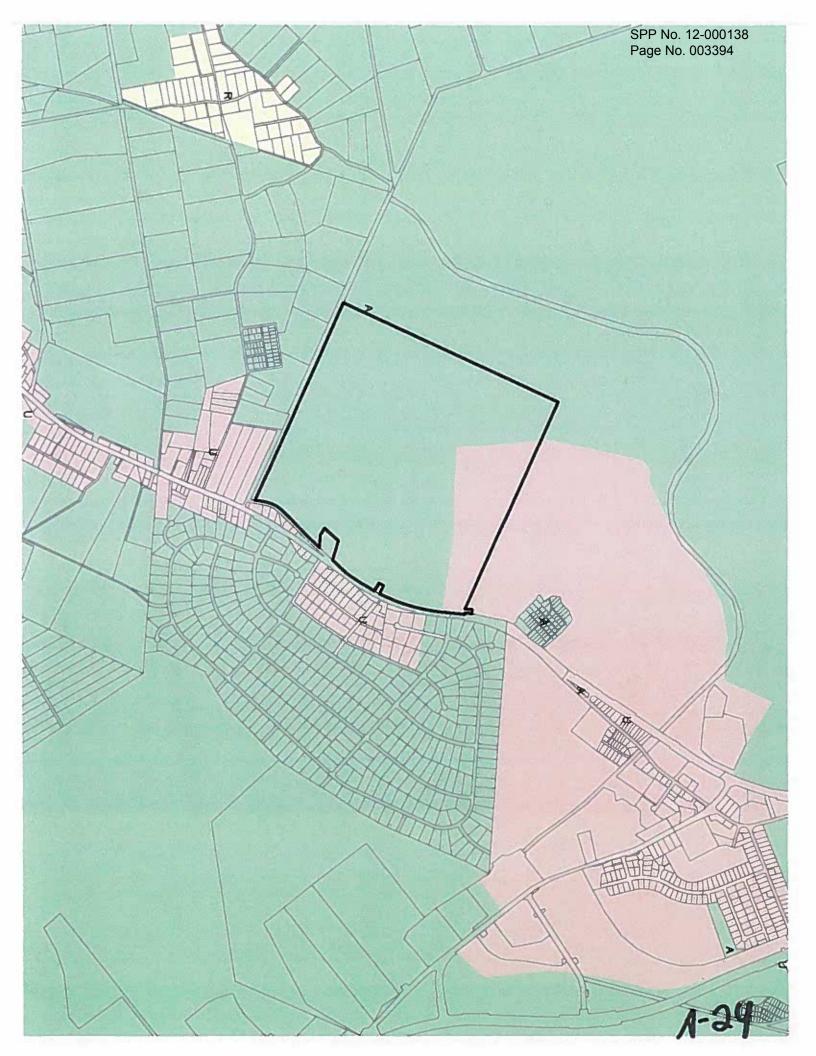
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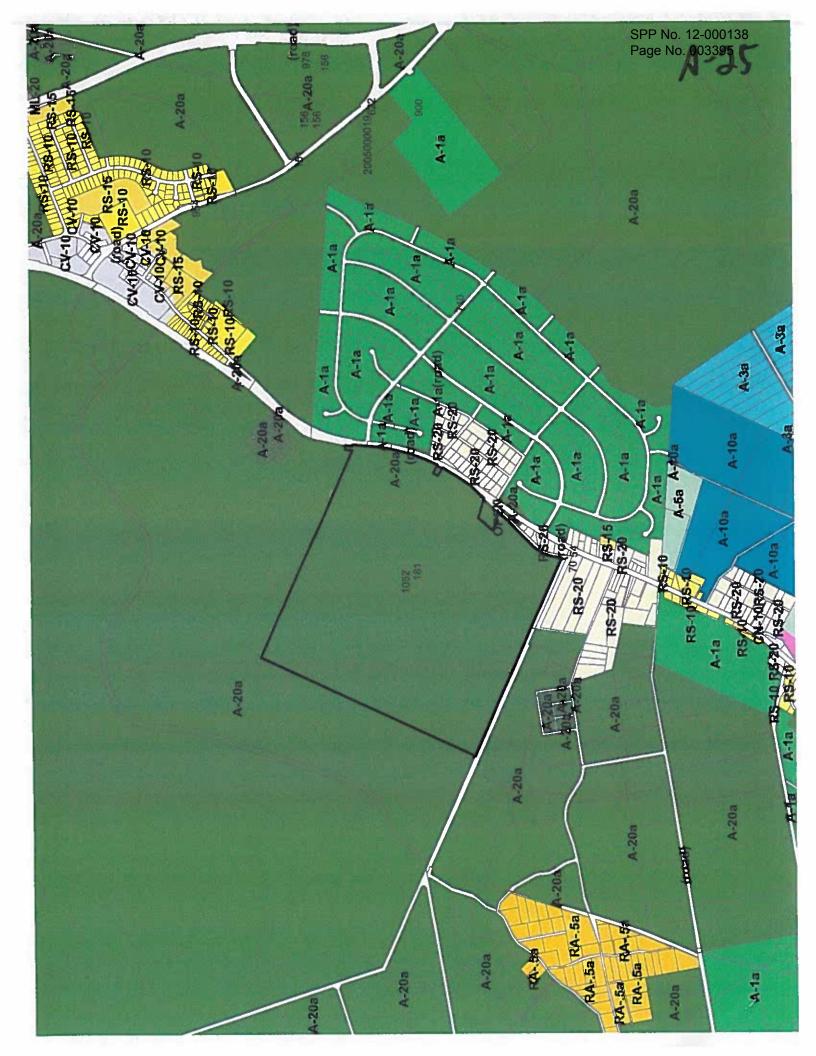
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BENJAMIN J. CAYETANO GOVERNOR



ESTHER UEDA EXECUTIVE OFFICER

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#### STATE OF HAWAII

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

#### LAND USE COMMISSION

P.O. Box 2359 Honolulu, HI 96804-2359 Telephone: 808-587-3822 Fax: 808-587-3827

December 6, 1999

Ms. Virginia Goldstein, Director Planning Department County of Hawai'i 25 Aupuni Street, Room 109 Hilo, Hawaii 96720

Dear Ms. Goldstein:

Subject:

Application:

Special Permit Application (SPP 99-014)

Use Permit Application (USE 99-005)

Applicant:

Kamehameha Schools Bernice Pauahi Bishop

Estate (KSBE)

Request:

Development of a Permanent East Hawaii Campus

TMK:

1-6-003: Portion of 012

We have reviewed the subject application forwarded by your transmittal dated November 15, 1999, and we confirm that the proposed project is designated within the State Land Use Urban and Agricultural Districts. The approximately 236 acre portion of the project area in the Agricultural District will require a special permit to establish a school facility as mentioned in the subject application on page one of Section One and depicted in Figure 2.

Based upon our review of the subject applications to develop a permanent East Hawaii Campus for KSBE, the approximately 64-acre portion of the project area in the Urban District was subject of a State Land Use Boundary Review. The Office of State Planning filed a petition for Land Use District Boundary Amendment (Docket No. BR93-699) on November 18, 1993 and amended the petition on February 24, 1994 to reclassify approximately 660 acres of land owned by W. H. Shipman, Ltd. identified as Tax Map Key Nos.: 1-6-003: portion (por.) 3, por. 7, por. 8, por. 11, por. 12, por. 13, por. 14, por. 15, por. 68, por. 76, and por. 84, situated at Keaau, District of Puna, Island of Hawaii, State of Hawaii.

EXHIBIT

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01.1 82

Ms. Virginia Goldstein December 6, 1999 Page 2

The Commission approved Docket No. BR93-699 and issued the Findings of Fact, Conclusions of Law, and Decision and Order on July 18, 1994. The Commission imposed twenty-four (24) conditions on the Petition Area (A copy of the Commission's Decision and Order is attached).

It is our understanding that these conditions are still in effect for the portion of the project area in the Urban District, and the Applicant should be aware that compliance shall continue when they acquire title to the project area from W. H. Shipman, Ltd.

We have no further comments on the applications.

If you have any questions in regards to this matter, please contact me or Russell Kumabe of my staff at 587-3822. Thank you for your cooperation in this matter.

Sincerely,

ESTHER UEDA Executive Officer

EU:aa

**Enclosures** 

cc: Office of Planning



ON JAN 14 PM 3 07

January 7, 2000

Ms. Ester Ueda
Executive Officer
State of Hawaii
Land Use Commission
P.O. Box 2539
Honolulu, Hawaii 96804-2539

RE: SPECIAL PERMIT APPLICATION (SP99-014)

**USE PERMIT APPLICATION (USE99-005)** 

KAMEHAMEHA SCHOOLS BISHOP ESTATE EAST HAWAII CAMPUS

KEAAU, HAWAII TMK: 1-6-03:POR 12

Dear Ms. Ueda:

We write on behalf of Kamehameha Schools Bishop Estate ("KSBE") in response to your letter of December 6, 1999 to Virginia Goldstein, Director, Planning Department of the County of Hawaii, providing your comments to KSBE's application for a special permit and a use permit for a school facility. KSBE is aware that an approximately 236 acre portion of the project area is in the State Land Use Agricultural District and the remaining 64 acre portion of the project is in the State Land Use Urban District. KSBE is also aware of the conditions imposed by the Land Use Commission on a reclassification of the portion of the project area to the State Land Use Urban District.

KSBE intends to submit a motion to the Land Use Commission to amend or release the present conditions on the portion of the project area in the Urban District in order that the Commission substitute the conditions to be imposed by the County of Hawaii Planning Commission in approving a Use Permit, and by the Land Use Commission in approving a Special Use Permit for the adjoining portions of the project area in the Agricultural District. KSBE desires that the Land Use

Win, Frank Brandt . Thomas S. Witten . R. Stan Duncan . Russell Y. J. Chung

HONOLULA OFFICE

1001 BISHOP STRIFT, PACHIC TOWER, SUITE 650 (RONOLULE HAWAH968) 3/3/29

TELEPHONE (808) 5215631 - TAX (808) 5234492 - LAMM, philogalolicius

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SPP No. 12-000138 Page No. 003399

Ms. Ester Ueda

RE: SPECIAL PERMIT APPLICATION (SP99-014)

**USE PERMIT APPLICATION (USE99-005)** 

KAMEHAMEHA SCHOOLS BISHOP ESTATE EAST HAWAII CAMPUS

KEAAU, HAWAII TMK: 1-6-03:POR 12

January 7, 2000

Page 2

Commission impose a single set of conditions directly related to the proposed use of the entire 300 acre project area for school purposes. A more detailed explanation of this request will be submitted to the Land Use Commission in the near future.

Sincerely, PBR Hawaii

James M. Leonard, AICP

Managing Director - Hilo Office

cc: Virginia Goldstein

Yukio Takemoto William W. L. Yuen

Frank Brandt

SPP No. 12-000138 Page No. 003400

## SPP No. 12-000138 CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL AND COMMUNITY BASED EDUCATION SUPPORT SERVICES

PLANNING DIRECTOR'S EXHIBIT LIST

# COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO./APPLICANT:

SPP-12-000138

Connections New Century Public Charter School and Community Based Education Support Services

County of Hawai'i Planning Department PARTY:

# LIST OF EXHIBITS

ADMIT						
PARTY: OBJECTIONS						
DESCRIPTION	COH Planning Department's Background Report (Record at 419-772)	COH Planning Department's Revised Recommendation (Record at 881-896)	Connections New Century Public Charter School/CBESS Special Permit Application No. 12-000138 (SPP 12-000138) Revised Conditions (Record at 1227-1231)	25		
EXHIBIT NUMBER	PD1	PD2	PD3		*	

# SPP No. 12-000138 CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL AND COMMUNITY BASED EDUCATION SUPPORT SERVICES

JEFFREY GOMES
EXHIBIT LIST AND EXHIBITS

# COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO / APPLICANT: SPP-12-000138

Connections New Century Public Charter School and

Community Based Education Support Services

PARTY: <u>leff Gomes</u>

# LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY OBJECTIONS	ADMIT
JG1	Hoary Bats on Edita Street		
JG2	Dry Well on Edita Street		
JG3	Bull Dozing on Edita Street		
JG4	DLNR 121026-minutes.pdf		
<u> JG</u> 5	DLNR Report 11 14 12-0001.pdf		
<u> 1</u> 26	EDSPECS HIGH SCHOOLS Dec 2006.pdf		
167	Water Requirement Dept of Water.pdf		
JG8	Big Island Police Arrest Two in Puna Robbery Incident that		
	Happened in July – Seeking Third Suspect		
6 <b>9</b> [	Big Island Police Charge Hilo Man With Burglary That Was Caught		richah (anamah mu
	on Tape		

PAGE NO. 2 of 2

# COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO / APPLICANT: SPP-12-000138

Connections New Century Public Charter School and

Community Based Education Support Services

PARTY: Jeff Gomes

# LIST OF EXHIBITS

JG10Big Island Police Charge Pahoa MaFrom Last YearJG11Big Island Police Searching for MaJG12Big Island Police Seeking 21-Year-Recent BurglariesJG13NO TRESSPASSING.jpgJG14Connections charter school may be fiJG15Charter school project advances.pdf	DESCRIPTION	PARTY OBJECTIONS	ADMIT
	Big Island Police Charge Pahoa Man in Connection with Burglary		V-V-V-V-V-V-V-V-V-V-V-V-V-V-V-V-V-V-V-
	Big Island Police Searching for Man Who Assaulted Police Officer		
			************************
	Big Island Police Seeking 21-Year-Old Wanted for Questioning in		
			<del>Lannonnas mo</del> nun
	8d		
	Connections charter school may be fined Tribune Herald.pdf		
	ct advances.pdf		Additional deformance of commission of commi
JG16 SPACE to please its case today	ase today Tribune Herald.pdf		

JG17	JG17 SPACE has time to shape up Tribune Herald.pdf
JG18 WCP Inc.	

#### EXHIBIT JG1

#### VIDEO OF HOARY BATS IN KAUMANA

(CD available in the original record)

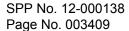
# EXHIBIT JG2 VIDEO OF DRYWELL EDITA STREET

(CD available in the original record)

#### **EXHIBIT JG3**

#### VIDEO OF BULLDOZING ON EDITA STREET

(CD available in the original record)





## MINUTES FOR THE MEETING OF THE BOARD OF LAND OF NATURAL RESOURCES

DATE:

FRIDAY, OCTOBER 26, 2012

TIME:

9:00 A.M.

PLACE:

KALANIMOKU BUILDING

LAND BOARD CONFERENCE ROOM 132

1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813

Chairperson William Aila called the meeting of the Board of Land and Natural Resources to order at 9:06 a.m. The following were in attendance:

#### **MEMBERS**

William Aila, Jr.
Jerry Edlao
David Goode

Rob Pacheco John Morgan Dr. Sam Gon

#### STAFF

Ed Underwood/DOBOR Sam Lemmo/OCCL Nelson Ayers/DOFAW Dan Quinn/PARKS Steve Soares/PARKS Russell Tsuji/LAND
Paul Conry/DOFAW
Eric Kawashima/DOFAW
Curt Cottrell/PARKS
Carty Chang/ENG

#### OTHER

Julie China, Deputy Attorney General (AG)
Rick Fried, D-11
Mark Roy, D-6
William Milne, D-5
Ted Hong, D-2
Sena Short, D-2
John Thatcher, D-2
Jeffrey Kalani Gomes, D-2
Bill Cooper: K-1, K-2
Andrew Nelson: K-1, K-2

Bill Wynhoff, Deputy AG Gary Oda, D-11 Peter Young, D-6 Steven Lim, K-3 Tedd Selden, D-2 Dakota Helfrich, D-2 Susan Lee Loy, D-2 Dewey Kim, D-2 Wendy Wichman, K-1

Mr. Tsuji presented item D-9 and said he had nothing to add that Department of Transportation (DOT) was here.

The DOT representative didn't have anything to add.

Member Morgan moved to approve as submitted. Member Gon seconded it. All voted in favor.

Unanimously approved as submitted (Morgan, Gon)

Item D-2 Enforcement of Violation on Unencumbered Public Lands, Unauthorized Land Clearing, Construction of Perimeter Fence and Removal of Ohia Timber by Connections New Century Public Charter School, Kukuau, South Hilo, Hawaii; TMK (3) 2-5-06:141 portion.

Written testimony from Jan Yokoyama; Allen Novak; Patsy Iwasaki; Henry Lee Loy, M.D.; Nadezna Ang, M.D.; Melvin Yokota; Layne Novak and Elise Yamamoto submitted written testimonies to the Board members.

Mr. Tsuji reported that item D-2 is an enforcement action against a charter school which this Board had previously gave final approval of a lease to be issued for use of public lands. The lease has not been executed. There was some delay of staff receiving the documentation of maps and when it was received, currently, the request for a legal document or a lease is with the Attorney General's (AG) office. He discussed the submittal with his staff and we did not actually receive a complaint that this was a self-report situation. Staff got a call from Ted Hong who represents the School and reported the incident to us. Staff went out and inspected the site noting the grading and fence and some work that appears to be evidence other than what is in the submittal had been done over the cave. Mr. Tsuji noted in the environmental assessment (EA) that makes certain representations about a buffer of 100 foot from the entrance of the cave and the cave was not damaged. After discussing with his staff, Mr. Tsuji didn't think the facts they had before us warranted a maximum fine of \$5,000.00 for a first time offense and recommended the fine be reduced to \$500.00 and still proceed with the administrative costs. Mr. Hong and some of the students are here. Staff and the Board received a flood of testimonies from residents in the Kaumana community and his take on their testimonies is they are asking that the Board not approve the lease, but what is before the Board is an enforcement action and not the lease.

Member Pacheco said he thinks they are asking to rescind the lease from what he has read. Mr. Tsuji said again, that is not before the Board right now.

Member Morgan asked how he feels about sticking to the recommendation of the removal of the fence. Mr. Tsuji said he discussed that with staff as well and he described the fence. His question was if they had a lease and had gone through all the departments IE plans and specs, would it have been approved and the comment was yes. He wants to take out that recommendation. It sounds like hearing from the community maybe the fence is better to be around there and he thinks the applicant would want to retain the fence.

Member Gon asked the staff said the lease even though it was ...Mr. Tsuji said was waiting for it to come back from the Department of the Attorney General (AG). When it was submitted to the AG's office for a final exclusion they had to wait for the leaps and bounds on the map to be prepared.

Member Pacheco asked when the lease was in affect what would they have to do with the Department to build the fence. Mr. Tsuji said anything they build would need plans to be submitted to the Department; staff would review it, comes to his desk, to the Chair's desk and would recommend a signature. Member Pacheco asked whether that would not normally be a Board action. Mr. Tsuji said no, staff tries to handle that administratively on the staff level and they make sure it complies with the lease and the intended use of the lease.

Member Edlao asked why are you reducing the fine. Mr. Tsuji said #1 this was a self-reported incident. Number 2, he knows a large part of this submittal was talking about the construction and grading that occurred apparently over the Kaumana Caves. His manager Gordon Heit went out there and the submittal was written from his viewing that it looks like the grading occurred over the Kaumana Caves and that is the extent of the evidence staff got, but the Kaumana Caves were not damaged. On the representation on the EA that they would provide a 100 foot buffer from the entrance of the cave, Mr. Tsuji did not see looking back on the Board submittals that in the approval of such a lease that they comply with all representations and warranties made in the environmental document. He doesn't believe we are the ones to enforce if representations and warranties were made in the EA if something was not complied with, he doesn't believe they are the ones to enforce it. Not for the Land Division to bring forward on something like that. Member Pacheco asked who would. Mr. Tsuji said good question.

Member Edlao pointed out that they (the Charter School) proceeded even without the lease. Mr. Tsuji said they did proceed without the lease; they did not have a construction right-of-entry...

Member Pacheco asked whether they had a grading permit from the County. Mr. Tsuji said they did not have a grading permit and what he understands, his staff checked it out, there is a violation pending for grading. Member Pacheco said it is significant grading for a fence line. As far as the Kaumana Cave which he knows really well, other than busting through the top the other damages are the biota which he described unless the fence line happened to run along on top of the cave. Crossing the top of the cave would be minimal effect to the cave and he can't imagine this project having any impact on the cave.

Member Gon said unless large ohia trees were removed from over the cave entrance, but over the course of the cave. Member Pacheco agreed and said that was only if the line of the bulldozing ran along the line of the cave. If it transected the cave it would be a minimal amount. There are areas in that cave where dense roots are coming in, but in most cases it's not. It would be difficult to quantify the damage. Mr. Tsuji said for recommendation #4 it does reserve the right to impose additional fines if they should have additional information upon further investigation. His staff thought there was some urgency to bring this before the Board because there was no right-of-entry, there was no lease in place and this was an entity that got final approval for a lease and there was significant grading and construction on the site. Again, you could go with the maximum fine. He is just saying he has seen more egregious situations in the past where

staff wrote letters and the letters are ignored and they continue on, but here they self-reported. As he knows everything has stopped and issued a cease and desist, but he will leave the fine situation to the Board. Staff has had situations where they get complaints or they had to hunt them down which wasn't the case here as to the School.

Ted Hong representing Connections Public Charter School introduced himself, Principal John Thatcher, Eric Boyd – Executive Assistant for the School, Ted Seldon, Shawna Short, Dakota Helfrich, Halau Lokahi under the instruction of Kumu Hina and Dewey Kim the former Executive Director for Charter Schools. On behalf of Connections Public Charter School we want to apologize that we are here before the Board on this violation. We want to accept responsibility for what had happened and what was done on the cave on the property. Keep in mind we are talking about 2 separate properties. There is a mauka parcel divided by a road and the lower parcel. The fencing was done on the lower road. When we talk about any bulldozing over the caves it was probably done on the southernmost lower portion toe of that particular property. It did not follow the Kaumana Caves on the lower part of the property. The Kaumana Cave ends on the mauka parcel at Adeja Street and when they constructed Adeja Street they blocked off the rest of Kaumana Cave. And, we agree with the amended recommendations. Mr. Tsuji mentioned the \$500 assessment and administrative costs and they would like to keep the fence up. Mr. Hong said that they brought a bound version of their submittal with supporting exhibits for the Board members.

Ted Seldon testified that he is a 14 year old 8<sup>th</sup> grader who is here to support his school so he can have a better education. He related his sister's health situation where the teachers at Connections Public Charter School worked with her so that she could continue her education in the hospital on the mainland that the school fund raised for them and welcomed them back home. When he was in kindergarten no school would accept him because he had autism and only Connections got him help at the school. It makes him sad that the Kaumana residents don't trust their students because they come from poor families, but they deserve a better school. He is here to fight for his school.

Sena Short testified that she represents the 6<sup>th</sup> grade. They at Connections thought they had permission to build the fence around the property because they already had the lease and Connections did not know the fence company was chopping down the ohia trees and did not inform them that they would do that. As soon as the principal found out the trees were cut down he notified the police immediately. She asked to reduce the School's fine from \$5,000 to \$500.

Dakota Helfrich testified that she is a senior at Connections. A fenced was placed at Kaumana because of the concerns of trespassers' and the possibility of future students wandering off campus. Connections administration was not aware that those contracted to build the fence intended to clear away an unnecessarily large portion of the forest. Now that it has been done there are plans to replant what has been destroyed. The fence was the single alteration made at the property simply as a precautionary measure and not as a claim for entitlement. The Kaumana community is against this Charter School being built because of their concerns that their students are from Puna and are thieves and will break into homes. She takes great offense of people accusing her and her peers that they are unworthy of a new campus because they are not trust worthy. Their school has the most creative, intelligent and minded students because Connections

is one of the few schools where individuality is a treasure to be nurtured. They are not bad kids and have no intention to vandalize the homes of others. Their school is trying to provide them better facilities. She noted that the opposing party vandalized their school in the Kress Building last week and made personal attacks on their principal questioning him. This campus would be an asset to our community and she wished the Kaumana community would give them the chance to prove that.

Mr. Hong said in terms of the circumstances regarding the fence the primary reason for putting it up was to protect the asset and that property. The reason was when the lease was first granted and Mr. Thatcher walked the property line he noticed and reported people growing marijuana on State land. He testified at the Hawaii County Grand Jury to prosecute these individuals. When they walked the property line a lot of trash was found on State land - used tires, construction stuff all dumped on State land. They noticed some neighboring property owners encroaching on State land using it for their own purposes – kennels, fighting chicken coops and things like that. They had 4 community meetings; they walked the neighborhood door-to-door with our conceptual plans of our development and talked to anybody that we could. In those community meetings several community members said you should fence the property to protect it and they did that. They acknowledge and accept that responsibility and apologize. One of the questions they had of staff was reforestation within 60 days and they wanted to know whether they had to start within 60 days or complete it within 60 days because they engaged David Miranda in Hilo and he says it will take 4 to 6 months for him to propagate a similar ohia species and other native plants so they can start the reforestation project. Connections will use this reforestation project as part of their curriculum. Mr. Hong introduced Sue Lee Loy from his office who is working closely with Connections.

Member Gon noted that recommendation #3 has been amended to say to remove the fence line and/or restoration work is clear to him when restoring the land to satisfaction of the Department it's speaking of restoration of the plant species of that area. No one could expect to restore a forest within a 60 day time period, but it is unclear on what the parameters would be and asked him to elaborate more on the whole situation in breach of process. Anytime you deal with leased or even owned land in the conservation district it requires a great deal before a fence is built and to explain how that happened without the permits. Mr. Hong said their motivation was based on the all of the factors they told them in his presentation on the last page which lists the mitigation factors discussed. How did we do this without any permits? We were given the final lease and doing all the leaps and bounds and everything else based on the community input. We freely did it without the permits because they thought they were lease holders that they could proceed to protect that asset and they went ahead and did that. Granted, referring to Ms. Helfrich's testimony that they hired this individual and their contract said only a 10 foot wide at the maximum to help them put up the fence. If you look at the photographs that is not 10 feet and that is not even close and as soon as that was discovered to what was going on Mr. Thatcher went up to the property, confronted the individuals where there was physical confrontation and from there they filed a police report. They reported to the DLNR, they filed a complaint with this individual with DCCA regarding his contractor's license and Mr. Hong sent him a letter from the school saying to cease and desist and if there is any fine they intend to go after them. Based on their response from their attorney we are on the door step of litigation, but we consider this as much as an affront as anybody in the Department or the Board. They did not have

permission to go onto the property to build the fence. We acknowledge accepting that responsibility and apologize.

Member Pacheco pointed out that the work on the fence was not put up in a day or a week, it was an on-going project, and it looks like it was pretty much completed then this all happened. For me there is a gap. If I hired someone to build a fence for me on my own property I would be checking on the progress and expecting immediately that this is what we signed up for. Where is that gap? John Thatcher explained the gap was more coincidence than anything. I would be supervising the construction with whatever was going on. It is my responsibility as the head of the school. I had to go to Texas because of a death in the family. While he was gone Mr. Boyd was monitoring the project, but his wife had complications and had to come to Oahu to have their baby. During that time period Mr. Thatcher's wife called saying someone is up at the property bulldozing and shaking some houses. He was on his way home and his son called saying a truck was going down the street with ohia posts and he thinks it came from the property. His son asked some friends near there and said yes those guys were taking logs off the property. Mr. Thatcher told his son to call the police right now and his son made the police report as soon as they knew what was going on. Seeing that they were gone maybe he should have had somebody else up there watching the construction everyday but he is in the business of running a school and he was naïve about going through these kinds of processes. Since that time we have gone through our associated non-profit and asked them to support Ted Hong and Sue Lee Loy to make sure we are doing everything right on this project. I wanted to personally apologize also that he is not trying to give excuses, but in the future we will be following the lead of Sue and Ted in everything we do.

Member Pacheco asked whether the contract from the fence company was in here because he didn't see that. Mr. Hong said no, they neglected to put that in, but they have it here with us and could make copies – its 2 pages. Member Pacheco said one of the difficulties for us is when we have a leaseholder who has a contractor and the contractor who's responsible. For me in one way he would like to lessen the fine to your school, but in another way I am struggling with finding a way to create some pain to the contractor who did the work in the place. Another thing on condition #3 on the fence removal, he supports that and there is a need for the fence if the school is going to be stewarding that land and could benefit from the fence. Would you be amendable to changing #3 to require submitting a restoration plan to the Department within 60 days? Mr. Hong said they have one already. David Miranda and his wife Snookie Mello, David put together a proposal for the School for restoration to propagate the ohias in the area.

Member Pacheco said he would like to look at that contract. Mr. Hong handed it over to the Chairperson who passed it to Member Pacheco.

Member Goode said from an education standpoint having sat on the Board of a private school they had fencing issues too. It's supporting keeping the kids in a certain area and to keep people out and he understands the need. He wants to see the contract, too. Another thing that keeps coming up is talk about a lease, but there is no executed lease is that correct? Mr. Hong said that is correct. Member Goode said they had somebody trespass on our property and maybe you had some kind of contract with them and maybe giving them some go ahead, but in some respect Mr. Chair we should be going after the contractor, the person who actually did the violation. We

didn't have an executed lease. We had given authority to enter into a lease and there is a lot of paperwork associated with that and maybe you guys wanted to move this along, there may have been funds that were lapsing and maybe something we have to talk to our Deputy AG about, but as far as I can tell we didn't have a lease and somebody trespassed on the property, but it was the contractor and maybe another legal proceeding related to all that. Mr. Hong said he agreed with him speaking on behalf of his friends at the AG's office and would be more than happy to take on that litigation regarding the contractor. It is something they are not taking very lightly. He noted that any assessment comes out of school operating funds whether it's \$500 or \$5,000. Member Goode said either way it takes away from the kids.

Member Pacheco asked you are saying there may be a way to pursue the contractor. Mr. Hong acknowledged that. Member Goode said that is something they could talk to their Deputy AG about in moving forward. What he is concerned about and he knows his (Mr. Thatcher) job is to make sure everything is going smoothly with these kids. Your job is not project manager. When charter schools do a major project which this is and you've only done the first bit of work and it didn't go well. When a school does a project they have DAGS who does everything. DAGS has people who have been doing this for hundreds of years and knows this process. It sounds like you don't have a DAGS and this is all going to you. If there is a way it's important that you hire a project manager. Maybe Mr. Hong has some folks. There are people out there who prosecute complex construction projects that deal with a lot of legal entanglements, permitting issues, dealing with neighbors, all kinds of stuff and they do that for a living and I think it would be the wisest dollar you'll spend and I would rather see any fine money go towards a future project manager. Mr. Thatcher said that they are already talking to people who say they would like to be the project manager and he said that they would like to get through the rest of the process.

Member Goode said although there is the issue of doing the lease and you can't move forward until you get a special use permit from the County. Evidently, that is coming up for a hearing rather soon with the Planning Commission. Mr. Hong said November 9<sup>th</sup>. Member Goode said they would have final authority as to the use.

Mr. Tsuji said as noted in the submittal there is an on-going investigation based on the information that we have right now and that is why staff thought it was urgent to bring to the Board to resolve for now, but they reserve the right for further information and to impose additional fines and yes. If an investigation shows we can point to another party, but right now I don't have that. Mr. Tsuji cited the koa logging case where there was a long investigation giving an accurate number of trees logged and a fine based on that, but we don't have that.

Member Morgan asked whether you talked to the fencing contractor at all. Mr. Tsuji said no, that staff got the self-report and he doesn't know what DOCARE (Division of Conservation and Resources Enforcement) has. Chair Aila said according to the submittal Hawaii Island Police has started an investigation and may turn it over to DOCARE for further follow-up.

Susan Lee Loy, attorney for the School confirmed that is accurate Chair Aila that the Hawaii Island Police Department is doing the investigation and turned it over to DOCARE because of the ownership of the property. They did initiate a review with the Regulated Industries office to take a look at what they believe is gross negligence on the part of fencing company. She referred

to item 11 in their binder that they initiated that complaint. It is their understanding is they have been assigned an investigator and have been coordinating information with the School's coordinator.

Chair Aila asked Mr. Thatcher in his discussions with the contractor at no time did you indicate with the contractor that they were welcome to take any trees on the property. Mr. Thatcher said no.

Member Goode said he is glad to hear that its on-going and something else may come to us. He asked whether this is ag land. Mr. Tsuji confirmed that it is. Staff said to get this done for now and if there is more evidence later they could take further action to proceed. He pointed out the extent in the koa logging case and here we don't have much which is why he recommends a minimal fine. We do have unauthorized grading and putting up the construction and when he saw that the School reported the incident to the police it lead him to believe that they weren't in cahoots with the contractor.

Member Morgan said that this is not to give any kind of allowance to the contractor, but it's almost impossible to clear anything with the length of one blade. You have to push it to the side. It's the intent of it. It would have to be a blade wide or it would all pile up. Member Pacheco said you've seen the pictures and I had seen the site it's a large swath. Member Morgan said its' a 150 feet.

Jeffrey Kalani Gomes testified that he is a retired navy veteran and lives directly across the area that was destroyed and lives next to the area that was going to be built on. He related reading in the paper that a barn will be built next to their house and questioned how that happened. He left messages and e-mails with the School and none were returned. Mr. Gomes questioned how a School is allowed to come into Kaumana because the roads are tight and related his concerns with traffic. He asked why they didn't ask him because he lives there and that John Thatcher is his neighbor. People are not aware and are asking when this happened. His wife is a teacher and they are not against schools, but they told one of the teachers they are against his school being built next to his home. Everyone in the Community supports the School and asked to read that e-mail.

Chair Aila said he will read the e-mail since it pertains the issue before the Board today, but whether or not the School remains in place or the lease remains in place that is not the subject of today's meeting. This e-mail is from Bill Thorpe responding to Mr. Gomes offer to use his shop. Mr. Thorpe's response was Connections Public Charter School meets on Saturday and he is the lead teacher on a project and they are interested in harvesting and use the trees from the property. We are interested in working with you. The Chair commented that whether or not Mr. Thorpe has the authority to speak on behalf of the School in terms of harvesting trees he was not sure, but it pertains to our discussion. If you could, keep your comments to the violation because that is the subject of the Board action today.

Mr. Gomes testified that they witnessed the bulldozer, some neighbors have video, people witnessed the trees being removed, but nobody reported anything because they thought it was their (the School's) property and their trees. At the meeting John Thatcher said they would be

hand clearing the trees to lesson environmental impact and will not come in and bulldoze everything, but the first thing they did was bring in a bulldozer. Mr. Gomes checked out everyone and he introduced himself to them and these guys looked familiar. Come to find out that the contractor is Chad Soares a known drug dealer and John Gonzalez another drug dealer. They may be reformed, but they don't want them in their neighborhood citing his family's fears. The School has a rule that states you got to do background checks. Did you read the contract? Does it say the students are going help anywhere in there? Chair Aila said your point is they hired a contractor the contractor based on your documents are not the most trustworthy and that contractor has since been rescinded. Mr. Gomes said they are pretending to not know the area was bulldozed. Chair Aila pointed out that they admitted the area was bulldozed. Mr. Gomes said right, but referred to a newspaper article that they are trying to slander us for opposing the school saying they had no knowledge of what was going on. The Chair reiterated whether or not the school is there is not today's discussion. It is really about the violations that have occurred and how we are going to adjudicate the violations. Mr. Gomes asked about the barn being built next to his home and a Barbara Jean said that the plans have changed and that is not going to happen, but his concern was when somebody has access to the property they start doing what they want without permits and without permission which is what happened. He related an issue with the School regarding another project in Puna where the community complained, but they got permission after-the-fact. They are dividing the community and Mr. Gomes had signs made.

Chair Aila reminded Mr. Gomes to confine his testimony to the violation. Mr. Gomes related a lava tube/cave that had smoke coming from it where the Fire Department checked it out and couldn't find where it was coming from. They bulldozed with disregard that there might be a cave under that property. The Chair said their staff went out there and determined there was no damage made to the cave. Mr. Gomes said not yet because the cave is still sealed and needs to be inspected. Chair Aila said they will take that advice. He asked whether he had specific testimony on the violations other than what he has presented. Mr. Gomes said he and his neighbor saw vehicles laden with trees throughout the process. They saw Eric Boyd. He has video he would like to show of the bulldozing. Chair Aila said they would like to have our conservation officers contact you for access to DVDs and photographs you have regarding the bulldozing and any illegal removal of trees. Are you comfortable with that? Mr. Gomes said he would also like to leave some photographs with you which he described was taken by one of his neighbors - a PhD at the University of Hawaii, this is his statement with Callas after reading the newspaper article. The Chair asked whether he thought he and his neighbor would be willing to talk to investigators and Mr. Gomes confirmed he would. Chair Aila said they will follow-up and have the Hawaii Island Division of Conservation and Resources Enforcement contact you and your neighbor and asked Mr. Gomes to leave his contact information which he did. Mr. Gomes asked to tell your tenant to stop spreading lies about us that they don't hate the School or any school. They are not intimidating anyone. When they (the School) fired the contractor they didn't pay him and now we have angry drug dealers in our area and they need to settle that with them that we as a community shouldn't have to worry about when they might come back to try and collect. Chair Aila said he is sure they tried to contact the contractors that there is legal action pending action against the contractors right now.

Mr. Gomes asked to have someone inspect that cave to protect the animals and Chair Aila said that he will be contacted by enforcement.

Dewey Kim testified that he is the First Deputy Director of the Charter Schools and was a Deputy AG for 20 years. Connections is a wonderful charter school and culturally sensitive that he was there when they were looking at the property originally. One of the first things they talked about was protecting the caves, protecting the ecosystem. He related having taught at Punahou and knows these are good, smart kids, but a lot of them don't have any money and they don't have nice facilities. Connections is in the old Kress Building in Hilo. What the State did here is encourage Connections. Mr. Kim spoke of Halau Lokahi's wrestling team winning 4 OIA championships for a first year program and couldn't go to State because they didn't have the \$900. The reason why he works with these kids is if you give them anything they will take it to the max and that is why he congratulates this Board for supporting putting a school in a beautiful location set in a location where they are already learning about the eco-system, about love of the land, about protecting each other and these are communities. He related the hardships and negatives these kids face, but they practice by themselves without any adults and aren't out causing trouble.

Mr. Kim said that schools are hard to run which is why they don't have any principals at these schools and the reason why he is there that it's difficult for one person to deal with the special education law, special permits, codes, etc. He knows John (Thatcher) for 12 years and if he made a mistake it isn't on purpose. In fact, this is contrary to everything John has preached to him over the years. Mr. Kim related buying lunch for the kids at McDonald's and how one brother saved some lunch for his brother knowing he didn't eat lunch without making a big deal. They don't have electricity and Mr. Kim knows these boys will go to excellent colleges that they are going to be incredible people that people on the Big Island will be happy to know and to support them in any way possible. Two things you need to protect in Hawaii is the land which the Board is doing effectively and the other is the kids. In protection of the land, the caves should be accessible to everyone and leave it in its natural form and should allow the School to put in their school as you already permitted that is culturally and ecologically sensitive. You give anything to these kids and they will run with it because they have very little. He thanked the Board for allowing the permit to go through that this is the way education will go. Punahou will always be Punahou because they have tremendous resources and will always be good. But, schools like Halau Lokahi and Connections these are the schools we got to watch because they are doing a lot of stuff with nothing.

Chair Aila asked whether he had anything specific to the violation. Mr. Kim said the only thing specific to the violation is he knows John and he knows the School. Every word is cultural sensitivity, no gmo's, on and on. For them to have taken down the ohia trees I think was the fault of the contractor as stated by the investigative people.

Member Pacheco said that they heard a fair bit of testimonies that was related to our pending lease to Connections and he wanted to communicate that when they give a lease to a property they have to come back with all their entitlements from other agencies such as the County that's where those issues having to do with the surrounding area are dealt with. Is that fair to say Russell? Mr. Tsuji said in this case they do have final Board approval subject to the plan. Member Pacheco asked but, if they can't get their SMA or their stuff from the County then they can't do the school and the lease comes back to us. Is that correct? Mr. Tsuji said actually, the lease document is being prepared and will be executed in due time. If there is construction of a

building our lease would require compliance with the County zoning, etc. and require a building permit. We don't necessarily bring back the lease unless there was some default under the lease such as construction without a permit, etc. Member Pacheco said he wanted to make clear that us approving the lease doesn't mean that the permission to actually build structures relies solely with this Board. Mr. Tsuji said our lease relies on County ordinances, rules, etc., State policy and if completed they had the EA done and was published. As far as he knows it has not been contested.

Ms. Lee Loy said they did submit their special permit application to the County of Hawaii and they prepared a recommendation which is contained in the Board's packet as Exhibit A. There were a number of conditions for approval that they are supporting which also addresses some of Mr. Gomes concerns regarding sidewalks or easements. Some traffic mitigation measures and a few other things that came up in the process.

Chair Aila suggested the School work with the neighbors to clear up the misinformation on both sides and the community should be working with the school too. Talk about what the real facts are. Obviously something went wrong and doesn't appear to be entirely the fault of the School and there appears to be a lot of misinterpretation of who is doing what, when where. Increased communication would be a big help the relationship in the community which will take you a lot further.

Member Morgan said he wanted to say that he supports the staff's amended recommendations.

Member Pacheco made a motion to approve with the following amendments to recommendation #2 by reducing the fine to \$500 and assess the administrative fees to the amount of \$540 and condition #3 require Connections New Century Public Charter School to submit a restoration plan to restore the land to the Department within 60 days from the date of this Board action. Member Morgan seconded that.

Member Goode said he supports where we are going with that he had made mention earlier of a project manager and wasn't sure it was appropriate to add that as a condition, but to him that is key. The language he has is "Hire a professional project manager to execute the project in accordance to all applicable laws, rules and act as a facilitator to the immediate community." We are still involved here, but he can't see how you can run a school and try to execute this project. The Chair said as a friendly amendment. Member Goode said if it's appropriate.

Member Edlao asked if we put that in as a condition are we responsible to vet this guy. Member Morgan said it should be a recommendation, but he doesn't think it's necessary. Maybe should add the word "hire" maybe.

The Chair asked he recalls that they are on their way to do something similar, is that true. Ms. Lee Loy confirmed that they are through the process of the permit application with us moving on to the State land use. There is going to be a number of conditions of approval and that becomes the road map for us to develop the campus. At that point they will be moving to hire a bunch of engineers, water, traffic - we have all those sub-consultants on board already through the EA

process and are familiar with the concept we just need the road map with the conditions of approval and they will be moving in that direction.

Chair Aila asked whether there is someone similar in the role of a project manager that they are considering right now. Ms. Lee Loy confirmed saying yes they are currently looking at that right now. Mr. Hong said that we made a mistake and he thinks Member Goode's amendment we would encourage the Board to adopt that. We are going to show you that we are not going to be back before the Board on this kind of violation, again. Ms. Lee Loy said this process helped us develop those protocols. There was a lot of miscommunication going on at the school and when their office got on board she put together a check list for them on what they needed to do. For example the right-of-entry, we initiated that process from our office. We initiated letting Gordon Heit know what was going on. Those protocols are now in place.

Member Edlao asked whether they will see this whole project through with the School or only this. Mr. Hong said he would like to. Right now he is the attorney for this charter school and for this project. Our office supports Connections and charter schools on the Big Island. We are trying to gather the naughty children and bring them into compliance, not only with the State, but with County land planning laws. We aren't making a lot of money off of it. Member Edlao said he wanted to make sure that they (Connections) had somebody to look at the legal aspects of going through the process. Mr. Hong said absolutely. Member Edlao said it's comforting to hear that.

Mr. Gomes asked whether to add in the language that background checks be done on people coming into their neighborhood. Mr. Hong said they can't do that. Neither the State nor we can do that because that would be employment discrimination and there is a statute specifically about hiring. Chair Aila said we can't make it a requirement, but you certainly could choose your contractors more carefully. Mr. Hong said absolutely.

Member Pacheco said as far as amendments, he would rather not do that, but if the applicants are fine with that he is fine adding that condition. He'd rather not get into the business of messing with their business and executing their project, but...Chair Aila said it appears they are doing it anyway. Member Goode said he was fine with it reflected in the minutes. Chair Aila said we have a motion and second. All voted in favor.

#### The Board:

Approved as amended. Recommendation No. 2 was amended to reduce the fine from \$5,000 to \$500. Recommendation 3 was amended to delete the removal of the fence requirement and revise the provision to complete restoration within 60 days; recommendation 3 to read in its entirety: "Recommend Connections to submit to the Department a Restoration Plan within 60 days from the date of this Board's action at Connections' expense;"

Though not as a condition of the Board's approval, Board member Goode had wanted the minutes to reflect the Board's encouragement (and Connections' concurrence) that the school retain a project management to oversee all facets of the permitting and construction of the school improvements.

Wist Yes

24. DISPOSITION

25. Date/Time Reproduced

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SPP No. 12-000138
Page No. 003422
Land Mgm: Robb Activity

### STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES LAND DIVISION

#### INSPECTION REPORT FOR VACANT PROPERTY

TAX MAP KEY: 3 <sup>rd</sup> /2-5-06:141
Inspection date: 8/10/12 Inspection time: 9:30 a.m.
1. Explain the physical condition including any improvements (ie grass overgrown, wiliwili trees, abandon vehicles, clogged concrete lined ditch, broken chain link fence, etc.): State property is located in the upper Kaumana area of Hilo Town. The subject parcel was recently approved by the Land Board for a direct lease for charter school purpose to Connections New Century Public Charter School. The property is unimproved with a thick growth of Ohia trees and Hapu'u ferns. It is a rocky, sloping uneven topography. There is a drainage ditch entering the lower property on the east side from underneath Edita Street. It appears the drainage water flows into a lava tube on the property.
2. Is maintenance is required? (ie cut grass, tree removal, install government signs, etc.)  Site inspection was initiated by complaint concerning bulldozing and fencing on the property. The investigation revealed extensive land clearing along the perimeter of the lower property. The clearing appears to have been performed with a large bulldozer as evidenced by the width of the clearing. The entire property has been fenced with hog wire with farm gates at several intervals. Documentation is still pending for the issuance of a direct lease to the charter school and there is no record of a right of entry authorizing the school to enter onto the State land and begin clearing and fencing. A request from the attorney representing the school was received for entry onto the land to conduct an initial survey in preparation of the campus. Staff is recommending an immediate cease order be issued to Connections Charter School and this matter be taken to the Land Board for possible fines.
3. Completed by: Gordon Heit
Date: <u>8/13/12</u>
Reviewed by:

"Attachment 2

NEIL ABERCROMBIE





#### STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

August 15, 2012

NOTICE AND ORDER

SPP No. 12-000138

Page No. 003423

Land DIVI Probab Albinty

WILLIAM J. AILA, JE.
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BOARD OF LAND AND FATURAL RESURCES
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Connections Public Charter School 174 Kamehameha Avenue Hilo, Hawaii 96720

SUBJECT: Illegal Activity on Public Lands Identified as Tax Map Key: 3<sup>rd</sup>/2-5-06:141, Kukuau, South Hilo, Hawaii

NOTICE IS HEREBY GIVEN that you are in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 221, entitled "Unencumbered Public Lands" providing for the control of public activities on unencumbered public lands, enacted pursuant to Chapter 171, Hawaii Revised Statutes (HRS).

An inspection of the premises on which the illegal activity has been conducted was made on August 10, 2012 by the Department of Land and Natural Resources. We have determined that:

- 1) The subject property, identified as tax map key: 3<sup>rd</sup>/.2-5-06:141, is unencumbered public lands;
- 2) The following uses were conducted on the subject premises: <u>bulldozing perimeter of property</u>, construction of hog wire fence along perimeter of property;
- These uses were not authorized by the Department of Land and Natural Resources under Chapter 13-221, HAR.

YOU ARE HEREBY ORDERED TO CEASE any further activity on the subject premises. Should you fail to cease such illegal activity immediately, you will be subject to fines up to \$5,000 for a first violation plus \$1,000 per day in which the violation continues, \$10,000 for a second violation plus \$2,000 per day in which the violation continues, and \$20,000 for a third or subsequent violation plus \$4,000 per day in which the violation continues, pursuant to Chapter 13-221, HAR, in addition to administrative costs incurred by the Department.

### Ted H.S. Hong Attachment 4 Attorney at Law

Employment, Workplace Law & Litigation

Sue L.K. Lee Loy Flanner and Legal Assistant

Land Div: Prohib Adivid

SPP No. 12-000138 Page No. 003424

2012 AUG -6 P 2: 37

RECEIVED LAND DIVISION HILO, HAWAII

August 2, 2012

John Gonzales, Owner On the Line Fencing Post Office Box 1810 Keaau, Hawaii 96749

RE: CONNECTIONS CHARTER SCHOOL

Dear Mr. Gonzales:

My name is Ted H.S. Hong and I represent Connections Public Charter School, hereinafter "Connections." Today, August 2, 2012, I was notified by the leadership of Connections that you and/or workers associated with you and/or your company, On The Line Fencing, removed trees (Ohia) from a property located off of Edita Street, owed by the State of Hawaii and further identified by TMK (3)2-006:141.

Effective immediately, you are only to go onto the subject property after notifying and receiving the approval of either myself or someone in a position of authority with Connections. Any violation of this instruction will be considered a trespass onto the property.

The removal of high value trees (Ohia) without permission from the State is a criminal and civil violation of Hawaii Revised Statues and under contract with Connections you are hereby required and further demanded to provide my office with a copy of your Business Liability Policy and/or a name of your liability insurance agent within ten (10) days of receipt of this letter. Information can be directed to my office at Post Office Box 4217, Hilo, Hawaii 96720.

This letter also serves as notice that we will seek indemnification from your company in the event that the State of Hawaii imposes any fine or other penalty against Connections. We reserve the right to file a lawsuit against you, your company and criminal charges against those individuals involved.

Should you fail to provide my office with the information requested above within ten (10) days, I will proceed on behalf of my client to pursue any and all legal remedies afforded under the law.

P.O. Box 4217 Hilo, Hawai'i 96720

Phone: (808) 960-3156

L-mail: thshong@msn.com

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#### SYNOPSIS

On August 15, 2012/0900, Wednesday, Officer SHISHIDO met with DLNR/Land Agent Gordon HEIT regarding a notice and order to cease and desist for Charter Connections School (CCS), of activity on property located off of Kaumana Drive and Edita Road. Public unencumbered State Land TMK (3) 2-5-06:141, Kukuau, South Hilo.

Officer SHISHIDO was tasked to inspect said property makai of Edita Street parcel to verify violations had occurred. On September 4, 2012/0800 hrs, Officer SHISHIDO conducted an inspection with an ATV and found that the whole makai side parcel had been buildozed and fenced. Officer SHISHIDO did find several stumps of cut ohia trees on the southern border. REFER TO DOCARE INVESTIGATIVE REPORT HA 13-059 FACE PAGE FOR PRELIMINARY FINDINGS.

On November 7, 2012, Officer SHISHIDO was tasked to do a follow-up investigation into this case.

This report is divided into two (2) parts. First part will be to address the issue of bulldozing. The second part will be to report findings on the theft of ohia trees.

#### COMMUNITY MEMBERS CONTACTED

residents contacted of the surrounding area in close proximity to the property. All contacted individuals border the property or live within several hundred feet of the said property.

Individuals have professional backgrounds from doctors, teachers, researchers, scientists, nurses, dentist, technicians, engineers, policemen.

#### FENCING COMPANY INFO

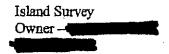
On-the-line Fencing
Owner –

Gordon HEIT 75 Aupuni St Hilo, HI 96720 August 15, 2012 (Edwin SHISHIDO)

HA 13-059 Land Management: Prohibited Activity

SUPPLIMENTAL REPORT Page 2 of 9

#### SURVEY COMPANY INFO



#### **INVESTIGATION OF BULLDOZING**

On November 7, 2012/1100, Sunday, met with Jeff GOMES regarding the bulldozing of said unencumbered State land on Edita Street. Met with GOMES at his place of business in Keaau Shipman Industrial Park.

Per GOMES stated that he did not know of any bulldozing permit was issued. GOMES also stated that no contact with CCS to do any land clearing of any type except to hand clear boundary line of property. GOMES further stated that he had no knowledge of any fencing to be done on said property.

Officer SHISHIDO began contacting residents in the area on November 11 & 12, 2012 to gather information for the investigation.

It should be noted that all residents contacted also stated that there was no knowledge of any proposed school was to be built on said land until on or about April of 2011. It should be also noted that all contacted residents of the area was never given any notice of any kind by County, State or CCS except on or about April 2011. Information was passed around the community by "word of mouth" by a couple of residents who got a flyer in the mail and from the Hawaii Tribune Herald news articles. By that time, to their knowledge, permits to go ahead with the project was already given.

Officer SHISHIDO received a CD disc from GOMES containing a short video and photographs that a had taken.
Officer SHISHIDO contacted on 11-12-12/1330, and asked when the photos & video was taken. Per the video was recorded on June 19, 2012/time unkown.
continued

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#### INVESTIGATION OF BULLDOZING ....continued

stated that on this day, June 19, 2012, he confronted Eric BOYD, a CCS representative, about having permits. Per 19, 2012, he confronted Eric BOYD, a CCS lawyer, no permit was needed. BOYD further stated that the fence they were putting up was to let residents know that this project "was going to happen."

No mention of bulldozing, land clearing or fencing is mentioned in the ROE for Topographic Survey. CCS was requesting the ROE in order to complete any necessary topographical surveying to better determine the campus location. Thus bulldozing and fencing was done prior to the granting of the ROE.

On or about August 10, 2012, per DLNR/Land Agent, Gordon HEIT, stated that he got a call from Sue LEE LOY, Legal Assistant of Ted HONG, CCS Attorney, that theft of Ohia trees on the property had occurred and bulldozing and fencing was done. Per HEIT, he went to the property on or about August 10, 2012 to inspect the property and found violations. REFER TO HA 13-059 ATTACHMENT 2 FOR CEASE AND DESIST ORDER FROM DLNR/LAND MANAGEMENT TO CCS.

Please note that a HCPD Police report, C12018558, Theft of Ohia logs was filed by a on July 14, 2012.

On November 12 & 13, 2012, Officer SHISHIDO was in contact with a proposed contract to fence the makai property was done, signed by BOYD, on 05-21-12. Per it was found that proper fencing of the boundary could not be done properly and within time constraints so a second contract was done to amend the first. The second amended contract was dated 06-12-12 and signed by & BOYD on 06-13-12. The second contract references to excavation and bulldozing, the use of trucks and machinery to complete all sides and back of property.

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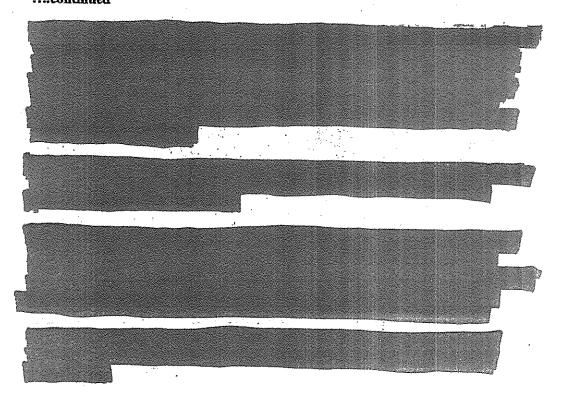
#### INVESTIGATION OF BULLDOZING ....continued a D9 bulldozer was used for this project and the blade width of the dozer is approximately 14 feet wide. Also, BOYD was made aware of excavating, dozing and pushing of grubbed material will result in a wider clearing due to the material had to pushed off to the side. on or about 05-21-12, when on the site visit, that he saw individuals on the property already hand clearing the areas along the borders. , the individual he saw was a ??. (unkown to the spelling). This individual stated that he was being paid to clear the boundary. Per this individual is a personal friend of BOYD. On this note stated that he saw cut ohia trees and logs. stated that he saw а and wife on the property with weed whackers, machetes and chain saws. Per these individuals were on the property a week before stated that during the excavation, bulldozing, grubbing and fencing, he and BOYD were in touch with each other on a regular basis to update on the progress of the project. BOYD was also present at the job site while the project was going on. Per residents in the area interviewed, a majority of them stated that they witnessed BOYD on site at the project. Several residents stated they also witnessed at the location. was recognized because of his long ponytailed hair. Per • , actual bulldozing started on or about early June 2012 and the completion of the job including fencing concluded on or about August 3, 2012.

....continued

Gordon HEIT 75 Aupuni St Hilo, HI 96720 August 15, 2012 (Edwin SHISHIDO) HA 13-059 Land Management: Prohibited Activity

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#### INVESTIGATION OF BULL DOZING ....continued



#### SUMMERIZE THE INVESTIGATION OF BULLDOZING

To summarize this first part of the investigation, per residents contacted and their witnessing of the bulldozing, grubbing, clearing of the boundary and fencing, also taking into consideration the ROE date, contract dates, initial assessment of the project by and the start and finishing of the project, Officer SHISHIDO concludes that CCS knew of the ongoing bulldozing, grubbing, clearing and fencing on all phases of the project.

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#### **OHIA TREE THEFT**

On November 7, 2012 – November 12 & 13, 2012, in conjunction with the bulldozing investigation of said property on Edita Road, Officer SHISHIDO conducted the ohia tree theft simultaneously. Interviews of residents of the surrounding area who witnessed any removal of ohia trees from the said location were conducted.

On November 7, 2012, Jeff GOMES was interviewed of what he witnessed. Per GOMES stated that he saw a white truck license plate in connection of the taking of ohia logs. RO check on the vehicle came out to a
mailing address of Hilo, HI, 96720. Driver license check came mailing address of Hilo, HI 96720, home address Hilo, HI 96720.
GOMES also stated that a teacher, the state of the contact with GOMES, due to GOMES has a woodworking shop business, to work with him on working with wood.
email, dated May 1, 2012, from the late, stated that the late, a teacher at CCS, is interested in starting to harvest and use the trees from the new property. It appears Eric BOYD knew of this intention of using the ohia trees and that GOMES can contact BOYD for further assistance, as stated in the email.

Some of the residents of the area, on Edita Road and Mele Manu Streets, did observe ohia logs being stacked in piles near the Edita Road entrance of the property and loaded on a trailer by young adults, ages late teens to early 20s, also a female(s) was observed helping in the stacking and loading. The observations by the residents were witnessed before and during the bulldozing and fencing.

....continued

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#### OHATRE THEFT ...continued

*
of the young men stacking waiwi sticks on a trailer if he could take some ohia logs for firewood. Stated the young man stated to him that it was no problem, the owners don't mind. Stated that the trees due to some ohia trees fell in his back yard. Also stated that the trees in his back yard was sufficient for his use
Officer SHISHIDO's initial inspection did note that approximately 30+ locations where ohia tree stumps could be observed and cut branches, by chainsaw, were noted. It should also be noted that areas out of the boundary was cleared and a lot of ohia tree stumps was in the cleared area out of the property.
Per stated that he did not take any ohia trees/logs from the property.  further stated that he also saw the cleared area with ohia tree stumps in the neighboring properties and on the property in question. This stated that he person is was responsible for along with and
No residents of the surrounding areas of Edita Road or Mele Manu Street could positively dentify the individuals stacking, loading or hauling out the cut ohia tree logs. The esidents contacted could only say it was young adults and some female individuals.

1

As stated by all the residents and that BOYD was present while all this was taking place.

#### SUMMERIZE

Due to no evidence and no witnesses who can positively identify anyone responsible of taking the ohia tree logs Officer SHISHIDO cannot determine who is actually responsible of this action. However; CCS project manager, BOYD, was there at the site while it was occurring. This was stated by residents who observed BOYD & THATCHER at the project site. Survey company Island Survey, also stated that he nor his crews saw any trees taken out by anyone. Residents on Kaumana Drive did recall seeing a truck with a trailer loaded with ohia tree logs drive out on several occasions.

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#### **CONCLUSION**

To conclude this investigation, Officer SHISHIDO, taking only facts, statements from residents in the area and the contractor the statement, that CCS knew of the ongoing violations that was occurring. It is difficult to believe that CCS knew nothing of the bulldozing, grubbing, land clearing, fencing and removal of ohia tree logs. The letters written by Ted HONG's office, of its content in the letters, of improper and blatant
destructive work toward has dates that do not coincide with witness
statements and statements from himself. Further, stated
that he did not know he was doing anything wrong while the project was ongoing. This is
because BOYD was aware of all phases of the project. The found out about
the police report of theft of ohia trees only after on or about August 1, 2012.
also stated that he found out of the improper bulldozing, grubbing,
clearing and fencing on or about August 1, 2012.
,

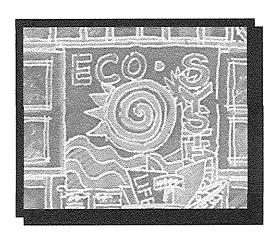
#### DISPOSITION

CLOSED. CASE REFERRED TO THE DLNR CHAIRPERSON'S OFFICE FOR THEIR PERUSAL AND FINAL DISPOSITION.

East Hawaii

Edwin A. SHISHIDO CREO III DLNR/DOCARE EAST HAWAII 11-14-12/1545





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Department of Education, State of Hawaii

December 2006

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#### Acknowledgments

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#### Chapter 1: Introduction

#### Section 101 - General

"The Educational Specifications and Standards for Facilities" shall control and provide the basic guidelines in the acquisition and development of school sites and in the master planning, designing and construction of facilities for all public schools in the State of Hawai'i. This document, referred to as the EDSPECS, was developed to meet the need for a comprehensive guide for consultants, the Department of Education (DOE), the community, other government agencies, and the public in the design and planning of new schools and additions to existing schools.

The EDSPECS are divided into three volumes, for use at each of the three educational levels: elementary, middle/intermediate and high. Although much of the information for school design is the same across levels, the volumes are meant to be used independently. Each volume is categorized into various chapters which provide the appropriate design criteria for a school. To the extent possible, non-technical language is used throughout the guide so that it can be easily understood by all stakeholders: educators, community leaders, parents and students, as well as technical experts in school facilities. A glossary is also included for the many acronyms frequently used within the DOE (see Appendix 2 – Glossary of DOE Acronyms).

**END OF SECTION 101** 

<sup>&</sup>lt;sup>1</sup> Board of Education Policy 6700: Facilities Standards

## Section 103 - Description of the Educational Specifications

The EDSPECS is a guide for the planning of school facilities that takes into account a collection of objectives relating to the needs of the community, educational goals, policies, processes, and statements of various support programs.

In order for a school to meet the needs of a community, questions have to be answered during the initial programming phase. The EDSPECS provides a framework with a process and format for planners to collect and analyze pertinent information such as teaching styles and student learning styles, before moving on to technical facility requirements. This participatory process provides the means of involving educators and the community in acquiring greater knowledge of how everyone uses their facilities, in becoming better informed about the successes taking place in their schools, and instilling a sense of pride and ownership in their school.

This document provides the basic data and information essential for a clear understanding of how the physical plant should support instructional objectives. The EDSPECS are intended to be used as a guide when designing and building new schools. When renovating older schools, the EDSPECS shall be used a reference and followed where economically, structurally, and instructionally feasible. In addition to the EDSPECS, all applicable codes and regulations must be followed in the construction of school facilities. These include, but are not limited to: applicable local and State building codes, fire safety requirements, and Americans with Disabilities Act Architectural Guidelines (ADAAG).

In many cases, due to outcomes of the design charette process, there will be variances to the standards set forth within this document. Documentation of the decisions made during the participatory charette process is essential. See Section 203 for the Charette Process Guide.

When considering formal changes to the EDSPECS, refer to the procedures outlined in Appendix 3 – Educational Specifications Development/Revision Process.

**END OF SECTION 103** 

## Chapter 2: Planning

## Section 201 – Planning Guidelines, Site Considerations, and Site Concepts for High Schools

## 201.1 Planning of New Schools

Scope, Timing, Notification: Plans for a new school will show the geographical area to be served, the proposed grade structure, the projected opening date, and the design enrollment.

## 201.2 Enrollment Guidelines for Planning New Schools

Type of School	<u> Minimum Enrollment</u>
Elementary	550
Middle/Intermediate	600
High	1,000

### 201.3 Site Selection Criteria

A detailed study is required before a new school site is selected and acquired. The selected site should meet the following general guidelines (additional criteria may apply depending on specific site conditions):

 Usable Acreage: To be determined in a case by case basis, using the following as a guide:

Elementary School	12 acres
Middle/Intermediate School	18 acres
High School	50 acres

- b. Shape: The length to width ratio of the site should not exceed 2.5 to 1.
- Slope: Ideally the campus site should have a maximum slope of 5 percent.
- d. Hazard Areas: The site should not be in a tsunami inundation zone; a major flood plan; or a potential landslide area.
- e. Traffic: The site should not be located in an area hazardous to pedestrian or vehicular traffic safety. The site should have a minimum of two vehicular access points each on a different side of the property. Location of access points subject to DOE approval.
- f. Timing: The school site should be conveyed to the State prior to the start of construction on the school site.
- g. Exclusivity: The use of the school site shall be limited to public school and ancillary school recreational uses.
- h. Availability of Utilities: Appropriate utility infrastructure needs to be in place prior to the start of school construction.

## 201.4 School Land Donated to Meet a Fair-Share Condition

When the DOE is the recipient of a school site to meet a school fair-share condition, the Educational Contribution Agreement between the DOE and the donor of the land shall spell out specific requirements to address subdivision infrastructure, service allocations, easements, land title issues, hazardous waste, and conveyance requirements.

## 201.5 Site Development Plan

Aesthetic and functional considerations in development of a school site are important to both users and observers. The proper siting of buildings within a good overall campus site plan facilitates and encourages use by students, staff and community; it enhances the appearance of buildings; it is less subject to vandalism; and it can facilitate energy conservation. Thoughtful and imaginative site development is a way of demonstrating respect for the natural environment and its significance in the educational process. Because of the importance of site development, attention should be directed to the following site-related matters:

- a. Orientation of the Buildings: The location of the facility should be attractive and should allow for the desired development of athletic fields, recreational areas, and learning areas. Orientation of the buildings shall take advantage of natural light and minimize distracting early morning and afternoon sun. Proper orientation is essential for both comfort and energy conservation. Windows and doors shall be protected with adequate eave overhangs. Buildings should be sited to take advantage of the prevailing trade winds. Window design should avoid protrusions into the pedestrian paths. The site layout should avoid hazardous entrances on main thoroughfares. Approaches to sites should not require students on foot to cross main traffic arteries or bus and car loading drop offs.
- b. Walks: Walkways should be designed to handle the volume and type of pedestrian traffic anticipated. Walkways should provide accessible, direct, and convenient access to and from each facility at all points of entry and exit. Walks should be free of obstacles and support natural/common paths of travel.
- c. Parking: Adequate parking should be well designed for safe entrance and exit of traffic at peak hours. Appropriate entrances, landscaping and grading shall be provided at all parking areas. Circulation patterns should be analyzed to insure that arrival and departure of students, staff, visitors and service vehicles are separated from bus arrival and departure areas and pedestrian walkways.
- d. Bicycles: Safe travel and parking for bicyclists should be provided. A recommended minimum number of bike racks to provide shall be based upon accommodation of 6 percent of the design enrollment. However, the actual number needs to be verified during design. Bike racks should be located in visibly securable areas near site entrances to keep bicycle traffic away from pedestrians. Exact locations to be determined during design.
- e. **Lighting**: Lighting of the site should be provided to promote safety and enhance the appearance and security of the buildings. Parking areas, pedestrian walkways, entrances and steps should be clearly illuminated.
- f. Flagpole: Every school site shall have a flagpole to prominently display both the U.S. flag and the State of Hawaii flag. The flagpole should be a minimum of 35 feet high, with a tilting or pivoting base to allow for easy service. The flagpole must meet ADAAG requirements. Actual height of flagpole to be determined during design for proper proportion.

- g. Grading: Creative, functional grading of the site can improve the appearance of the buildings and provide screening from noise, wind and other climatic conditions. Use of earth berms, hula mounds, and other earth forms can create areas for performance, gathering or recreational opportunities. Grading design shall include accommodation for safe and proper retention/detention measures per all code requirements.
- h. Vegetation and Landscaping: Landscaping should discourage land erosion, mark boundaries, provide shade and shelter, channel pedestrian traffic, and provide visual and aural screening. Landscaping and vegetation that are clearly marked with signage can establish a learning opportunity for students.
- i. Outdoor Learning Spaces: Soil, water, air, rocks, insects, and plant life on the site can be studied, measured, sampled and experimented with. These features help students learn about the natural environment and its interrelationship with human beings.
- j. Gathering Places: Areas where people, students, staff, and community can gather, sit and socialize should be considered in the site development plan. These spaces should be designed as comfortable and attractive areas allowing for extended use of the school site.
- k. Community Use: The site development plan should explore all opportunities for use by the community. The educational facility and site is a community resource that can operate as such without disrupting the educational program.

## 201.6 High School Considerations

a. Spaces for High School Students: High school design means structuring a school that is sensitive to early adolescent characteristics and needs.

Essential elements of a High School are:

- Educators knowledgeable about and committed to young adolescents.
- A balanced curriculum based on the needs of young adolescents.
- A range of organizational arrangements.
- Varied instructional strategies.
- A full exploratory program.
- · Comprehensive advising and counseling.
- · Continuous progress for students.
- Evaluation procedures compatible with the nature of young adolescents.
- · Collaborative planning.
- Positive school climate.

In order to meet these elements, school structures should be designed in order to facilitate the following:

- Interdisciplinary learning.
- Flexible scheduling.
- Flexible groupings.
- Emphasis on balancing the academics with the affective.
- Inclusionary or integrated models for special students.
- Advisory programs.
- Exploratory programs.
- Expanded co-curricular programs.
- Active parent and community involvement.

## Section 203 - The Charette Process Guide

This Section provides a general overview of the entire charette process, participants, and goals.

## 203.1 Introduction

The DOE's Charette Process is a series of focused planning and intensive on-site decision-making sessions to design new schools or to design major renovations to existing schools. A team of interested "stakeholders" concentrates their efforts and energies on specific design problems and arrives at solutions during these sessions. The charette process accomplishes four main goals: (1) It provides an opportunity for all those influential to the project to develop a common vested interest in the design and support its vision; (2) The input of all the players is gathered during these sessions so that prudent decisions can be made. This minimizes future redesign which is costly and can delay the process of conventional planning and design projects; (3) The team members work in a complementary fashion to produce a set of documents that address all aspects of design; and (4) A better product is produced more efficiently and more cost effectively because of this collaborative process.

## 203.2 Background

The term "charette" originated in France and comes from the French word for a small-wheeled cart, a "charette". This particular usage of the term is from the Ecole des Beaux-Arts, a famous Parisian architectural school. When an architectural student's work was due, a cart (or "charette") came through the student communities to collect project drawings and take them back to be judged. Students were often unfinished with their drawings, so they got on the cart to finish their designs in a very concentrated effort. They were "on charette." To this day, designers working intensely on a project often say they are "on charette." Thus, the Department of Education has adopted this term for the process of producing quality conceptual designs in a timely manner.

## 203.3 Purpose

The following description of the charette process is to provide designers with a guide to follow and to provide detail and specific procedures and processes to be followed, without being too prescriptive. The good points are highlighted to avoid missteps. Participants should be able to use this information to determine their roles and responsibilities.

## 203.4 Benefits

There are many benefits to this process which are:

- Customer satisfaction
- Validation of scope
- Consensus of design decisions
- Functional design product outcome is formulated
- Stronger design resulting from consideration of multiple perspectives from the various stakeholders

## 203.5 Participants and Responsibilities

## 203.5.1 The Project Delivery Team

The project delivery team shall consist of the architect and his consultants. Consultants shall include the mechanical, electrical, structural, and civil engineers, and landscape architect. Specialty consultants could include the food service consultant, traffic engineer, soils engineer, cost estimator, sustainable schools design consultant, and others. The decisions on what consultants to invite shall be the responsibility of the project delivery team in order to formulate a complete project.

## 203.5.2 The Facilitator

The Facilitator is the impartial third party charged to assist the project delivery team in the charette process. The Facilitator conducts the actual event and monitors the completion of the final documentation after the charette. It is critical that the facilitator understands the design process, the educational process, as well as having group dynamics and leadership skills. Keys to a successful charette depend on the facilitator's ability to remain neutral on issues, ability to solicit input from all parties, and management of the time and resources of the event. Due to the strenuous process that the charette entails, it is important the facilitator has the ability to maintain the stakeholders' interest over extended periods of time.

#### 203.5.3 The Task Force

Early in the process, a Task Force should be formed to represent the stakeholders of the project. The Task Force members may include students, parents, teachers, school administrators, staff, community and business people others responsible for representing the community's ideas for the school. They would report back to their respective role groups on the progress of the plans. It is important that as many people as possible are aware of the decisions made and the progress of the developing plans.

## 203.5.4 Steering Committee

The Steering Committee consists of a smaller group of people who will represent the role groups of the Task Force and the Facilities Development Branch who will participate in the actual charette process on a full-time basis. This body is responsible for making all the design decisions throughout the charette sessions and will report back to the Task Force and the community at large.

## 203.5.5 Ad Hoc Educational or Curriculum Committee

The Ad Hoc Educational or Curriculum Committee is comprised of teachers, educational officers, and other DOE and non-DOE specialists with content knowledge, commitment to excellence in the classroom, knowledge of innovation and new concepts for learning, and competence in various other areas that effect/benefit the educational environment. They serve in an advisory capacity, providing input and recommendations to the Task Force and Steering Committee on curriculum issues and spatial functionality during the design charette.

## 203.5.6 Student Representatives

The ultimate users of any school are the students. Student input on desired learning environments is important. The student representatives shall participate in the charette process on a part time basis to provide input and critique the progress of the plans.

## 203.5.7 Government Agencies

Representatives from other government agencies may be invited to participate in the charette process. Selected agencies concerned with the approval process should also be included in the process. These would include but not be limited to both State and City agencies.

## 203.5.8 Empowerment and Commitment of Time

The quality of the final charette product depends on having full participation and commitment of dedicated members. Selected participants need to keep in mind a vision for the whole educational environment and be empowered to make clear decisions for their portion of this process. Likewise, all should understand and agree that the success of the charette depends in a large part on committed participation and a willingness to seek what is best for the total school. It is critical that all be available throughout the entire charette to ensure their involvement in the development of the history of the project and for productive and timely decision making.

### 203.6 Charette Products

The ultimate product coming from a DOE design charette is a conceptual or pre-schematic plan for the school. In effect, this plan becomes the basis for the master plan of the school. The project delivery team shall produce a Final Charette Report. This report would include the following:

- a. An executive summary
- b. A description of the entire community design process for the particular project, including a list of participants
- c. Program planning requirements which would consist of the following:
  - · Background of the project
  - · Proposed budget and square footage parameters
  - Project site and location maps
  - Access (vehicular and pedestrian) and parking/loading
  - Noise control
  - Security
- d. A description and summary of each of the charette sessions held. This description should include narratives and pre-schematic drawings.
- e. Conceptual plans for the following areas:
  - Architectural site and floor plans
  - Simple furniture layouts to depict scale and interior concepts where needed.
  - Civil plans to address grading and drainage, water and wastewater, roadways and site access.
  - Landscape plan description of proposed planting and irrigation system
  - Structural assessment for foundation, floors, wall and column systems
  - Mechanical plan description of fire sprinkler and air conditioning systems when appropriate, and plumbing system

## Section 204 - Preparation for the Charette

This section explains how to prepare for a charette and the responsibilities and duties of the participants.

## 204.1 Introduction

The key to a successful charette is the amount and focus of the pre-preparation. This process consolidates key decisions into the early stages of the design timeline instead of waiting for them to happen over the normal course of the design.

## 204.2 Selection of the Facilitator and the Pre-Process

A critical element of the charette process is the selection of a qualified educational facilitator. Also critical is the identifying of all the participants, determining the location of the charette, agreeing on the length of commitment and obtaining adequate pre-charette information to allow for careful planning the charette sequences.

## 204.3 Responsibilities and Duties

The following duties, information and responsibilities should be decided upon before the charette proceeds:

- DOE's development of an educational program when appropriate.
- Consultants' (Delivery Team) review/study of educational program prior to start of charette.
- Define the purposes/goals of the charette.
- Gather information for the charette. The project manager or architect should gather sufficient information for the design team. These would include but not be limited to any topographic information on the site, utility requirements, zoning and land use data, traffic studies and impacts, climate, geographical information etc.
- Understand and have the DOE FADS table available.
- Develop a charette timetable.
- Listing of the participants and facilitator.
- Contact and have available all consultants.

## 204.4 Empowerment

All charette participants need to be empowered to make decisions for their portion of the process. Those attending the charette, which is usually the steering committee, are representing their organizations for the critical decisions pertaining to their school. The final charette product should be considered a quasi-contract and any changes made after the charette can only be made with the expressed approval of this steering committee.

**END OF SECTION 204** 

## Section 205 – The Process Before and During the Charette

This section explains the steps that should be done during the actual charette and the goals that should be reached at the conclusion.

#### 205.1 Prior to the Charette

Prior to the charette, there should be community notification of the proposed project, a description of the charette process, and opportunity for input and involvement in the charette process if they choose. This would most likely be in the form of a public meeting.

## 205.2 Introduction

Charettes are led by an experienced educational facilitator. All start with introductions and an understanding of the roles and responsibilities and overview of the project requirements. Open and honest communications is balanced between intensive design solution study and decisive decision making. There are no "stupid" questions. It is crucial that the charette delivery team understands that their primary goal is to collaboratively solve a problem and to reach a conclusive design agreement on the strength of teamwork in a short compressed time.

## 205.3 Goals and Milestones During the Charette

Although the organization and length of the charette is usually set up by the facilitator, it is important that the following milestones are reached and discussed:

- Exploration of the learning context, learning strategies, learning expectations, learning process, learning organization and learning environment for the school.
- Thorough understanding and development of the site concept.
- · Thorough understanding and development of the building concepts.
- Development of the conceptual design and master plan.

The length of time necessary to accomplish the above tasks is determined by the complexity of each project and the experience of the facilitator.

#### 205.4 Charette Products

At the conclusion of the charette, a Final Charette Report and presentation documents are produced. These should include but not be limited to the following:

- A colored campus architectural site plan.
- · Floor plans, sections, and exterior elevations.
- · Simple furniture layouts to depict scale and interior concepts where needed.
- Renderings to capture the vision for the school
- Civil plans which would include a grading and drainage plan, water and wastewater plan, and roadways and access to the site.
- Landscape plan.
- Structural plans showing the building foundations, floor, walls and columns and roof.
- · Mechanical plans that describe any fire sprinkling, air conditioning and plumbing systems.
- Electrical plans that describe the electrical system, technology infrastructure, telephone system, cable television system, exterior and interior lighting systems, fire alarm system, and security alarm system provisions.
- DOE FADS schedule.
- Comparison of the DOE FADS and revised space allocations.
- Basis of design for all disciplines
- Any other specialty studies, session notes etc.

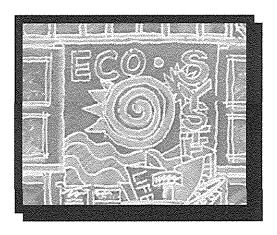
## 205.5 Community Outreach

At the conclusion of the charette, the whole team should prepare a presentation to the community. This is intended to show "universal" commitment to the project and to solicit any community comments. A suggested outline for this presentation could include:

- A brief project scope, requirements and functional diagrams.
- Explanation of the vision statement for the school.
- Design concepts exhibit all the drawings and notes generated during the charette.
- Presentation and explanation of the site plan.
- Presentation and explanation of each building. Exhibitor may present the floor plan, exterior elevations, and sections of the specific building being discussed.
- Summary and explanation of what the future holds.

Each person on the steering committee as well as the project delivery team may be tasked to present a specific topic.

**END OF SECTION 205** 



Chapter 9
Safety and Security Design Criteria

## Chapter 9 - Safety and Security Design Criteria

## Section 901 – Safety and Security

The following are design issues that are considered by the DOE to promote safety and security in schools:

- a. New schools are being designed through the charette process. This design process allows opportunities for input and involvement by the various role groups. This process fosters ownership among the role groups that leads to a protective and valued appreciation of the school. The community can provide a watchful eye on the school, especially during the non-school hours.
- b. Schools are increasingly becoming the centers of a community and are being considered for extended hours of use. As this happens, this will minimize the time for negative or abusive actions toward schools.
- c. Stairwells and entry to multi-level building are gated for security during non-school hours. Similar treatment is now considered for main entrances to libraries and administration buildings that have windows within the doors.
- d. Security screens are provided for all ground floor facilities. Secure lock, window, and door systems that will deter unwanted/forced entry are considered for facilities when appropriate. Metal doorframes and doors with astragal or protection plates are standard design features for exterior doors. Fiberglass reinforced doors are also considered for the resistance to graffiti.
- e. Open areas and vistas are maintained so that enforcement officers and public can readily see into campus during after hours.
- f. Fire lanes and campus roads provide opportunities for enforcement officers to readily patrol the schools after hours.
- g. Fencing (minimum 6 feet) around the perimeter and secure gates at the entrances/exits are provided to allow the school control/deter traffic (pedestrian and vehicular) onto the campus.
- h. Minimize the points of entry to school.
- Minimize exterior door hardware to deter vandalism and unauthorized entry to the facilities. Exterior doors used as "exits only" do not have exterior hardware to prevent unwarranted entry.
- Fewer windows are considered for certain facilities to enhance their security.
- k. Campus Lighting Curfew and night lighting are provided for schools. Provide activation by motion detectors in addition to timers.
- Recessed areas on building facades are minimized to eliminate places to hide.
- m. For schools with covered walkways, design to minimize entry to second floors must be considered.
- n. Building courtyards are gated to limit entry during non-school hours.



Layne Novak <noconnectionsever@gmail.com>

## Fw: Proposed Connections Charter School Water Requirements

Layne Novak <

Wed, Aug 28, 2013 at 11:47 AM

Reply-To: Layne Novak <

To: "NoConnectionsEver@gmail.com" <NoConnectionsEver@gmail.com>

---- Forwarded Message -----

From: "Inaba, Kurt" <KInaba@hawaiidws.org>
To: 'Layne Novak' <

Cc: "Quitoriano, Ryan" <rquitoriano@hawaiidws.org>; "Beck, Lawrence" <LBeck@hawaiidws.org>

Sent: Wednesday, August 28, 2013 9:41 AM

Subject: RE: Proposed Connections Charter School Water Requirements

Dear Layne Novak,

We have had some communications with Connections regarding their potable water needs but we have not been informed exactly what they are planning to do. They were working with consultants on their options and we have not heard back from them since. They were debating on whether or not to utilize our Departments system 100% or partially because we obviously cannot support their entire needs with the existing system. I've attached a copy of our last documented communication with them explaining that our system cannot support their needs.

We have had verbal communication and some email communications with them since the letter and it was basically on getting their total build out information as well as options that they may be pursuing to provide for their water needs. As for a cost of their improvements, it will really depend on what options they pursue. If they were to improve our water system to meet their needs as stated in the attached letter, the ball park figure would be in the 4 Million Dollar range on the low end. That would include the development of a source, storage reservoir, and transmission lines. The Department is not currently planning to participate in these improvements.

If they pursue alternate sources for water, they would be operating a private water system and we really don't know what improvements would be required. They have mentioned the option of pursuing catchment systems and even utilizing recycled water. Basically, until they determine their direction in pursuing their improvements for their water needs, we are uncertain on the requirements regarding the Departments water system. Just to clarify our position, we are not the proper authority if and when they pursue other options such as catchment systems. As a system that will provide water to more than 25 persons, they will be considered a "public water system" and therefore will be regulated by the Department of Health to meet potable water standards.

I'm also including information regarding your previous email to our Department below:

1. We were told, by the school, that they would need approximately 40,000 gallons per day. If they exceed that amount, how will their water usage affect the residents in the area? Will there be a drop in pressure?

The residents in the area may be affected if there is a large instantaneous demand such as the use of a fire hydrant, which can cause a drop in pressure. As a developer, they will be required to improve the water system should it be necessary.

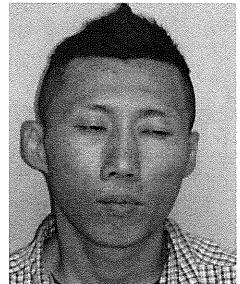
## Hawaii News and Island Information

## Big Island Police Arrest Two in Puna Robbery Incident that Happened in July – Seeking Third Suspect

Posted on August 21, 2013 by Damon

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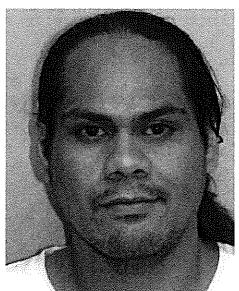
Hawai'i Island police have located two 30-year-old Puna men who being sought in connection with a robbery in the Leilani Estates subdivision last month.



(http://damontucker.com/2013/08/21/big-island-police-arrest-two-in-puna-robbery-incident-that-happened-in-july-seeking-third-suspect/mark-mccurley/)

Mark McCurley

Mark McCurley of Hawaiian Beaches and Kawika Kahee of the Black Sand subdivision were arrested at 11 a.m. Tuesday (August 20) during a warrants sweep in Hawaiian Beaches.



(http://damontucker.com/2013/08/21/big-island-police-arrest-two-in-puna-robbery-incident-that-happened-in-july-seeking-third-suspect/kawika-kahee/)

Kawika Kahee

At 11:35 a.m. Wednesday (August 21), detectives charged McCurley with second-degree robbery, second-degree theft and kidnapping. His bail set at \$85,000. Kahee was charged with second-degree robbery, second-degree theft and third-degree assault. His bail was set at \$37,000.

Both men are being held at the Hilo police cellblock pending their initial court appearance scheduled for Thursday.

The victim, a 56-year-old woman, reported that three individuals who were invited to her home used force against her and removed several items on July 24. The suspects left the home in a white Ford Mustang. The third suspect has not been identified.

Police ask anyone with information about the third suspect to contact Detective Derek Morimoto at 961-2380 or <a href="mailto:dmorimoto@co.hawaii.hi.us">dmorimoto@co.hawaii.hi.us</a> (mailto:dmorimoto@co.hawaii.hi.us). Persons may also call the Police Department's non-emergency line at 935-3311.

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## Kawika Kahee, Mark McCurley

« <u>Majority of Hawaii's Class of 2013 Did Not Meet ACT's College-Readiness Benchmarks Federal Officer Steps on Booby Trap in Marijuana Patch Chasing Suspect in Puna</u> »

## One Response

a puna guy, on August 21, 2013 at 11:24 pm said:

These thugs should not have received even the possibility of bail since they were BOTH on probation AND they used a firearm.

Hale security is being ignore by our 'legal system'. What is wrong, Ruderman and Hanohano?

FIX IT!!

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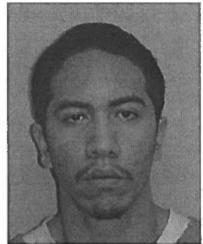
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## Hawaii News and Island Information

## Big Island Police Seeking 21-Year-Old Wanted for Questioning in Recent Burglaries

Posted on February 13, 2013 by Damon

Big Island police request the public's assistance in locating a 21-year-old Hilo man wanted on outstanding warrants and for questioning in recent burglaries that have occurred in the Kaūmana area.



(http://damontucker.com/2013/02/13/big-island-police-seeking-21-year-old-wanted-for-questioning-in-recent-burglaries/kyson-kaleiwahea/)

Kyson Kaleiwahea

Kyson Kaleiwahea is described as being 5-foot-8,150 pounds, with brown eyes and brown hair. He also has tattoos behind his neck, left leg, and lower back. Kakeiwahea is believed to be in the Kaūmana or Piihonua areas.

Police warn the public of recent burglaries that have occurred in the upper Kaūmana and Piihonua areas. Burglaries have been occurring in the late afternoon and evening hours, involving a male suspect on foot who claims to be looking for a lost puppy when he is confronted by residents in the neighborhood.

Police ask that anyone with information on Kaleiwahea's whereabouts to call the Police Department's non-emergency line at 935-3311.

SPP No. 12-000138

Page No. 003455 Tipsters who prefer to remain anonymous may call Crime Stoppers at 961-8300 in Hilo or 329-8181 in Kona and may be eligible for a reward of up to \$1,000. Crime Stoppers is a volunteer program run by ordinary citizens who want to keep their community safe. Crime Stoppers doesn't record calls or subscribe to caller ID. All Crime Stoppers information is kept confidential.

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« FBI Swarms My Neighbors House Big Island Police Charge 23-Year-Old Kona Man in Connection With Terroristic Threatening That Put Schools on Lockdown »

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## Hawaii News and Island Information

# Big Island Police Charge Pahoa Man in Connection with Burglary From Last Year

Posted on April 2, 2013 by Damon Hawai'i Island police have charged a 20-year-old Pāhoa man in connection with a burglary that occurred last year in the Puna District.



(http://damontucker.com/2013/04/02/big-island-police-charge-pahoa-man-in-connection-with-burglary-from-last-year/isaiah-kaonohi-ekau/)

Isaiah Kaonohi Ekau

At 5 p.m. Monday (April 1), after conferring with prosecutors, detectives from the Area I Criminal Investigations Section charged Isaiah Kaonohi Ekau with first-degree burglary and second-degree theft.

His bail was set at \$7,000. He was scheduled to make his initial court appearance Tuesday afternoon (April 2).

On September 9, 2012, a 61-year-old Pāhoa man reported that upon returning home, he discovered his house had been entered and several items had been stolen.

Albertuthuse Adar (buttp: erhen.tw: Bigbistando ihlanboiu tEthesle-Balls o) à, Puna Tagged: | Burglary, Isaiah Kaonohi Ekau



SPP No. 12-000138

Page No. 003457 « 14th Annual Waimea Healthy KeikiFest Public Invited To Suggest Properties For Public Access.

Open Space and Natural Resources Preservation Commission Purchase »

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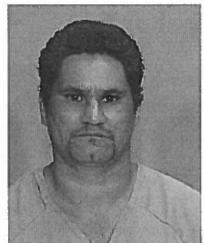
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## Hawaii News and Island Information

## Big Island Police Searching for Man Who Assaulted Police Officer and Other Crimes

Posted on August 11, 2013 by Damon Police seek the public's assistance in located a Hawaiian Beaches man wanted for offenses that occurred Saturday night, August 10, 2013, in Hawaiian Beaches, Pahoa.



(http://damontucker.com/2013/08/11/big-island-police-searching-for-man-who-assaulted-police-officer-and-other-crimes/christopher-gonsalves/)
Christopher Gonsalves

Christopher Gonsalves, Male 48 years-old, of Hawaiian Beaches, is wanted for domestic abuse, terroristic threatening, and Assaulting a Police Officer. The incident occurred after police received a call and responded to a reported dispute at a Hawaiian Beaches park, After assaulting an officer, Gonsalves fled the area.

Gonsalves is described as being 5'8", 190 pounds, with black hair and brown eyes.

Gonsalves is considered dangerous, and anyone with information regarding his whereabouts is asked to contact police.



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Filed under: <u>Announcements</u>, <u>Big Island</u>, <u>Hawaii</u>, <u>Legal</u>, <u>Pahoa</u>, <u>Puna</u> Tagged: | <u>Christopher</u> <u>Gonsalves</u>, <u>Hawaiian Beaches Hawaii</u>, <u>Police</u>

« Coast Guard Rescues Three More off Oahu After Boat Capsizes Father Found in Bushes – Son Arrested on Outstanding Warrants »

## One Response

Father Found in Bushes – Son Arrested on Outstanding Warrants | Hawaii News and Island Information, on August 11, 2013 at 6:48 pm said:

[...] Big Island Police Searching for Man Who Assaulted Police Officer and Other Crimes (damontucker.com) [...]

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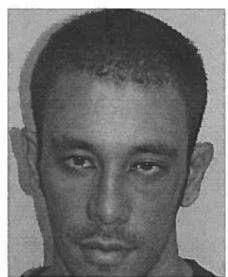
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## Hawaii News and Island Information

# Big Island Police Charge Hilo Man With Burglary That Was Caught on Tape

Posted on July 12, 2013 by Damon

Hawai'i Island police have charged a 30-year-old Hilo man with burglary and other related crimes in connection with a break-in Wednesday (July 10) that was captured on tape in the Kaumana area of Hilo.



(http://damontucker.com/2013/07/12/big-island-police-charge-hilo-man-with-burglary-that-was-caught-on-tape/justin-2/)

Justin Fergerstrom

A surveillance video caught a suspect breaking into the house on South Wilder Road several times during a four-hour period. Items removed from the home included fishing gear, car parts, power tools and other items valued in excess of \$1,700.

On Thursday morning (July 11), police arrested Justin Fergerstrom and held him at the Hilo police cellblock while they continued the investigation.

Friday afternoon, Fergerstrom was charged with three counts of first-degree burglary and one count of unauthorized entry of a motor vehicle. His bail was set at \$85,000. He remains at the cellblock pending his initial court appearance scheduled for Monday (July 15).



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« <u>Hawaii County Fire Department Collecting Unwanted, Illegal and Damaged Fireworks Farm to Wok Cook-Off Next Weekend in Hawi</u> »

## One Response

hazenkomraus, on July 15, 2013 at 9:39 am said:

So this guy's bail is \$85k, the five guys with guns who break into a house and assault the family in HPP, one guy gets charged and it's \$21k bail? Doesn't this seem disparate?

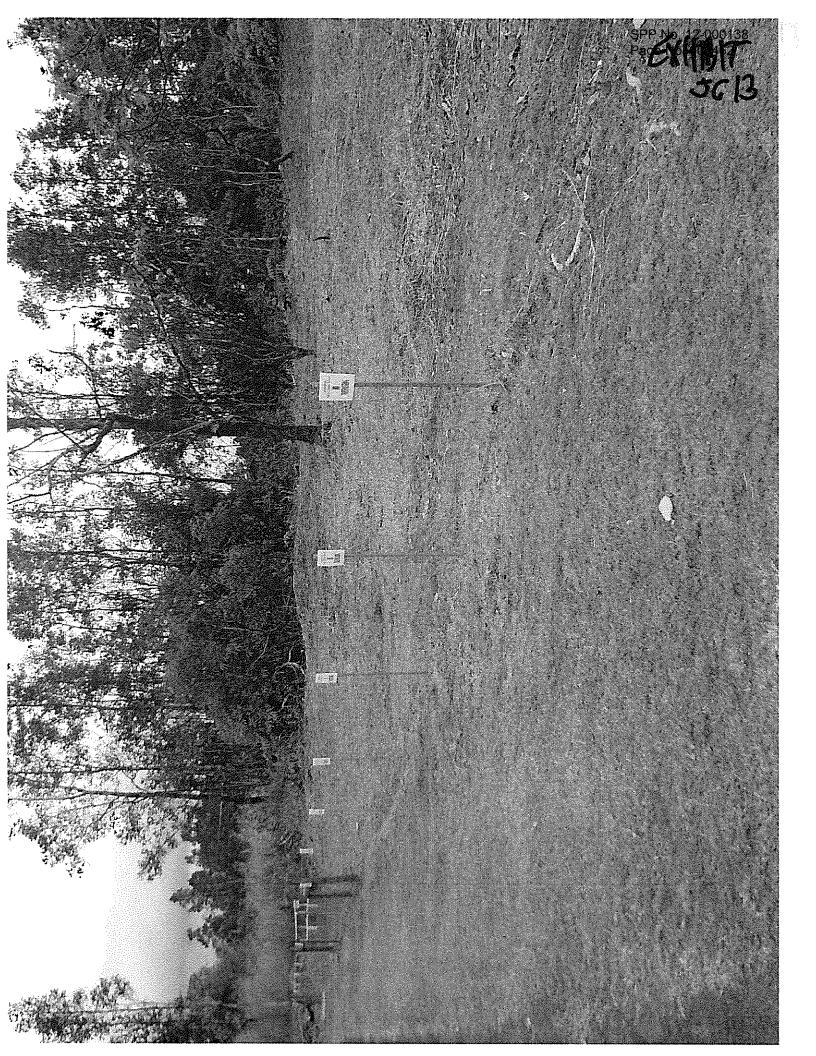
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12:05 am - October 23, 2012 - Updated 12:05 am - October 23, 2012

## Connections charter school may be fined

By TOM CALLIS

Tribune-Herald staff writer

The Connections Public Charter School is facing fines for its new proposed campus in Hilo and what its attorney calls "harassment" and "bullying" tactics by some of its opponents.

The state Land and Natural Resources board on Friday will consider the fines, which could total more than \$5,000, for unauthorized land clearing and fencing that occurred last July on state property the school is leasing near Kaumana Drive to eventually build the proposed campus.



Connections Principal John Thatcher said the school hired a contractor to build a fence at the request of some nearby residents concerned over use of the property to grow marijuana or for hunting.

But, according to DLNR, the work was not authorized and resulted in several ohia trees being cut and possibly harvested.

The agency is requesting a \$5,000 fine plus \$540 for administrative costs and the authority to levy additional lines if found necessary. The school would also be required to remove the fence.

Thatcher said he thought a fence could be built since the school had a lease for the land and that the additional land clearing was unexpected.

"We thought that since the check was cashed ... we had the lease" and authority, he said.

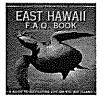
The new campus would allow Connections to consolidate its two locations - the Kress building, which hosts its K-6 classes in downtown Hilo, and a temporary high school campus in the Nani Mau Gardens in Panaewa.

The new school would host all 380 students as well as a gym, horse barn, and programs for sustainable agriculture and forestry conservation on the 70.15-acre site. Additionally, dormitories would be built to house international students participating in the agriculture and forestry programs.



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If approved, construction would begin in 2014, with classes starting as early as 2015. The campus would be built in phases over 16 to 25 years.

Attorney Ted Hong, representing the school, said the fine wouldn't delay the \$30 million project, though the money would impact the school's operations. He said Connections would seek reimbursement from the contractor.

The Windward Planning Commission will consider authorizing a special permit on Nov. 9. The permit would be the project's final regulatory hurdle and allow construction to begin.

Hong said he doesn't think any fines should impact the commission's decision.

"We were the victims of a crime," he said. "We didn't know what they were doing."

Hong also said Connections has been victimized by the posting of bumper stickers, reading "No Connections in Kaumana," at the Kress building last Thursday.

He said the school is considering it a criminal matter and is offering a \$500 reward for any information leading to the arrest and conviction of the person or people involved.

"School children should not have to come to school with this kind of harassment slapping them in the face every morning," Hong said, also referring to signs protesting the project that were, according to him, intentionally posted along school bus routes.

Locks to the gate at the property also have been glued shut, Thatcher said.

Signs opposing the project have sprung up in front lawns near the site over the last few months,

Two nearby residents, both speaking on the condition of anonymity, told the Tribune-Herald on Monday that they are concerned about traffic impacts.

The school would be accessed by Edita Street, a partially developed residential area.

"I'm not opposed to the school in principal," said one man, adding he's "on the fence" about the project. "I am opposed to the level of planning and infrastructure development required for the school."

Another man, who had a yard sign protesting the project, said, "I believe a lot of people who moved up here ... want it secluded and quiet. It will change everything."

Thatcher said traffic wouldn't be significant with one or two buses, on top of other traffic generated by parents and staff, going to the school in the morning and evening.

A turning lane at the intersection of Edita Street and Kaumana Drive would be built, he said.

Email Tom Callis at tcallis@hawaiitribune-herald.com.

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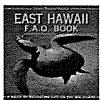
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punatic • a year ago

Typical state.....we don't want any competition nor negative reference to the lousy DOEI.....so let's fine these financially-strapped schools where there is less dollar per pupil expended! Complain of slow 'progress' for a new Puna highway, the state decides to 'possibly fine' HPP for unpaved roads (when it's none of their business anyway)....since it was the county allowed the Watamull's to 'create' substandard expansive subdivisions when the Watamuil's knew full well they couldn't bring them up to standards (oddly enough) the state at one time over-assessed the values of these properties and collected taxes on them....'typical state'.....where's the 'lawn-gnome' look-alike govenor?....stop these fines, and let schools and communities grow without your stupid Interference!!!!!

5 へ | 3 🗸 Share -

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aleka\_akana • a year ago

Good one hapahaole! That's right, and I love how you stated "their way of life". No one was opposed to Kamehameha campus being built. People around here only want to cause trouble and make WAR, not UNITY! If only they would help with the progress, go out there and put their hands in the dirt, clear the land so as to not harm the native plants. Nope, complaining is always easier! And for all of you out there reading this thinks that only Haoles are In favor of Connections campus, think again. Go and do some research before posting signs and making stickers. What a waste of money. But then again, it is being produced by people who do exactly that, WASTE. Time, money, and LIFEI DLNR, what are you guys doing in that office?? すん 15 マー Share

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hapahaole951 • a year ago

God forbid if there is progress in Hilo. This is for the keiki future. This is bringing the keiki back to living off the natural resources of the Aina. The people who are opposed to this do not want any kind of forward progress to impede "their way of life". The school may not be your choice but it's better than an Ice House right next door. Believe me...they get plenty traffic

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Shrewd Fallstar → hapahaole95! • 11 months ago

"I nis is for the keiki tuture" This may be more about profits. Share → Share

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#### **Local News**

### Charter school project advances

Opponents have 30 days to challenge environmental assessment

## Print Page

## by Jason Armstrong

Tribune-Herald Staff Writer

Published: Tuesday, November 9, 2010 9:04 AM HST

After a yearlong delay for redesign, Connections Public Charter School is moving forward with its master plan for a \$20 million, 90,000-square-foot campus on state land in upper Hilo.

"This is really going to be an example of how a school can be built 'green," said Connections Principal and CEO John Thatcher.

The state Department of Land and Natural Resources has found the proposed project will have no significant environmental effects, according to its review of a final environmental assessment published Monday in the state's monthly Office of Environmental Quality Control Newsletter.

That publication started the 30-day period to make a legal challenge to the EA's findings.

Next up will be convincing the state Board of Land and Natural Resources to approve a 65-year lease for the land. The 72.4 acres comprises two parcels split by Edita Street off of Kaumana Drive.

"If there are no new comments, staff will then request the land board to issue Connections Charter School a new lease," Deborah Ward, DLNR spokeswoman, said in an e-mail. "At this point it's too early to say when the request will come before the land board."

Thatcher said he's hoping that occurs next month.

A draft EA completed last year triggered concerns about potential impacts to Kaumana Cave, which runs under the property.

To avoid impacting the cave system, the project was reconfigured to locate the campus buildings on the parcel below Edita Street, Thatcher said, noting that process took a year to complete.

Opened in August 2000, Connections now teaches 250 students in kindergarten through eighth grade at downtown Hilo's Kress Building, which is owned by the school's affiliated nonprofit -organization, he said.

Another 120 high school students attend a temporary campus Connections leases in the Nani Mau Gardens in Panaewa.

"We're going to save a substantial amount of money when we start moving up there," Thatcher said of the new campus.

Thatcher offered his appreciation to gardens owner Ken Fujiyama for the modest rent of less than 50 cents a square foot.

Besides saving money, the new campus will allow for the elementary, middle and high schools to be combined on one campus.

Also planned are a cafeteria, gymnasium, a preschool facility, and a 30-bed dormitory for international students.

Thatcher said there's demand to house visiting students from Korea, Japan, India and the mainland.

"A lot of people want to come to the Big Island because of the opportunity for learning here," he said of the island's unique natural environment.

Estimating it will take between five and 20 years to complete all the construction, Thatcher said the project will seek to obtain a gold Leadership in Energy and Environmental Design or LEED rating by using solar panels, its own sewage-disposal system that won't add to Hawaii County's system, water catchment for agricultural irrigation, and on-site trees for construction materials.

"From an overall design concept, the proposed campus is intended to be a school within a forest," according to the EA.

Hand-clearing of trees and other vegetation will be done to lessen the environmental impact, Thatcher said.

"We're not going to just come in and bulldoze everything," he said.

Once slated for development, the upper property instead will be used for forestry and conservation, Thatcher said.

"I'd say we're probably looking at \$20 million over the life of it, at least," he said of the estimated development cost.

"So, we will be actively fundraising, probably starting next week," Thatcher said Monday.

Besides private donations, Connections may be eligible for federal money, he said.

"We don't expect the state to fund the whole project," he added.

E-mail Jason Armstrong at jarmstrong@hawaiitribune--herald.com.

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SPP No. 12-000138 Page No. 003468

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12:05 am - May 03, 2012 — Updated 12:05 am - May 03, 2012

## SPACE to plead its case today

By PETER SUR

Tribune-Herald staff writer

A popular performing arts center in Kalapana Seaview Estates is facing a possible shutdown today by the Windward Planning Commission.

Planning Director Bobbi Jean Leithead Todd recommends that the commission revoke the 2001 permit for the Hawaii Volcano Circus. The permit allowed the establishment of a performing arts educational center on 2.5 acres of land within a larger 10-acre site within a State Land Use Agricultural District.

Since then, under the direction of Graham Ellis, the center has grown to include the Seaview Performing Arts Center for Education, or SPACE, and an "eco village" called Bellyacres. Kula Kalapana, a satellite program of the Hawaii Academy of Arts and Science public charter school, is also based at the center.

Neighbors of the property have complained to the Planning Department about public performances, unpermitted structures, a weekly farmer's market, a weekly bazaar, loud parties and even weddings. The permit allows none of these things.

In March 2010, Leithead Todd sent Ellis a cease-and-desist letter for unpermitted activities, but Leithead Todd allowed the Saturday farmer's market and Wednesday bazaar to continue temporarily while Ellis prepared an amendment to the special permit. The amendment was never approved.

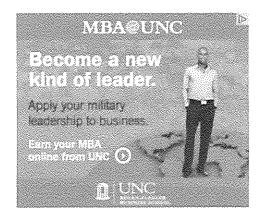
The event that prompted today's possible permit revocation came in late February.

According to the Planning Department, several complaints were received in February 2012 about a 25th anniversary party for Bellyacres. Leithead Todd sent a letter to Ellis, informing him that the Feb. 24-25 event was "way beyond what I allowed" and that "you should not hold this two-day event or you will be in Jeopardy of receiving a violation notice and/or in jeopardy of your permit."

She added: "I have been more than patient allowing certain unpermitted uses to continue. I cannot continue to allow these unpermitted uses without an amendment approval from the Planning Commission."

Ellis held the party, and Leithead Todd responded March 16 with an order to appear before the Windward Planning Commission.

Ellis responded with a public statement in which he said, "the (SPACE) Board (of Directors) decided not to evict 36 school kids and their team of dedicated teachers, to keep the farmers market open to ensure that our community did not suffer from the loss of essential economic and







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SPP No. 12-000138 government shutdown Page No. 003470

The Planning Department characterized this statement, part of a longer open letter posted online, as "the applicant's continued defiance to comply with the conditions" of the permit.

"A review of the record will clearly show that the Planning Department has spent a considerable amount of time and effort in dealing with the noncompliance of this applicant," the department said in its recommendation to the Planning Commission. "It is also clear by the record that there has been no regard by the applicant to resolve these matters with the Planning Department as well as with the surrounding community. It is difficult to believe that the applicant can be trusted to comply with the conditions (of the permit) given the past examples of noncompliance."

Ellis told the Tribune-Herald that SPACE is an example of people-driven growth, rather than permit-driven growth. He said the special permit process was not envisioned as the appropriate way to deal with the growth of SPACE.

"We're hoping that tomorrow the commission will see that and will understand our situation," Ellis said. At the same time, he acknowledged that the Planning Commission didn't have the authority to change land use laws. Ellis said Council Chairman Dominic Yagong would be among those testifying in favor of SPACE, and he expected more than 200 other people to be present at the meeting.

"He (Yagong) said he wants this to be replicated around the island," Ellis said.

Many of the complaints came from one next-door neighbor who has since sold the house in April 2010 and moved out of state.

Ellis acknowledges that at times SPACE has held public performances in violation of the permit, and that he would apologize to the commission for it. But he says the center has been in strict compliance since the 2010 cease-and-desist letter.

"We had always done performances here," Ellis said, but he never considered them public, in that they've never been advertised to the public.

"The planning director has defined the words 'public performance' very generally," Ellis said. "She is making no exceptions. A guitarist or an ukulele player at a farmer's market is a public performance in her opinion."

Supporters of SPACE have submitted more than 250 letters of support to the commission and a petition with 977 signatures, Ellis said. The Tribune-Herald could not confirm those numbers, but there is a stack of letters in the Planning Department several inches thick, all in support of SPACE, along with a few letters opposing the center.

Ellis is crossing his "fingers and toes" that the commission will keep SPACE alive, because he doesn't have a backup plan in the event the permit is revoked.

"We're optimistic about the Planning Commission realizing that we're doing good," he said, citing support from the governor and Hawaii's two U.S. senators.

Or, as Ellis wrote on April 18 to Windward Planning Commission Chairman Zendo Kern:

"It is common knowledge that many community groups serve their communities but act outside of county or state ordinances. Most of them intentionally keep a very low profile and have their energy and success stifled by the fear of official retribution."

Today's commission meeting is scheduled to begin 9 a.m. at the Aupuni Center Conference Room, 101 Pauahi St., in Hilo, and the SPACE permit will be discussed beginning at 10 a.m.

Email Peter Sur at psur@hawaiitribune-herald.com,

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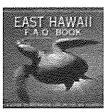












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12:05 am - May 04, 2012 - Updated 12:05 am - May 04, 2012

## SPACE has time to shape up

By PETER SUR

Tribune-Herald staff writer

The Windward Planning Commission is giving a community center in Kalapana Seaview Estates another chance to obey the law.

At a packed meeting Thursday in Hilo, the commission could have revoked the special use permit issued in 2001 to the Hawaii Volcano Circus, the parent organization of the Seaview Performing Arts Center for Education. Instead, the commission voted to defer a final decision until December.

That will allow time for HVC to submit an amendment for the permit to broaden the scope of things HVC is allowed to do.

HVC, along with its related programs — SPACE, the farmer's market, the satellite charter school and the HICCUP Children's Circus — was facing a shutdown for violations of the permit following numerous complaints by a handful of neighbors about noise and parking issues.

The county Planning Department had sent HVC a cease-and-desist order in March 2010, but Planning Director Bobby Jean Leithead Todd allowed the farmer's market and bazaar to continue temporarily while members of the nonprofit organization prepared an amendment to the 2001 permit.

The amended permit was submitted to the county in July 2010, but was withdrawn so that HVC could propose a lease of adjacent state land from the Board of Land and Natural Resources. This required an environmental assessment, which has prevented HVC from submitting the amended permit to the county for approval.

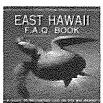
In the meantime, neighbors frustrated with the organization's apparent disrespect for land use laws continued to file complaints with the Planning Department.

A 25th anniversary celebration for the Bellyacres Land Trust, another organization under HVC, last February was the final straw. Leithead Todd had warned Graham Ellis, HVC board chair, not to have the party, because it was not an approved use for the land. Ellis, acting on advice from his attorney, Ted Hong, that the party was allowed, held it as planned. A frustrated Leithead Todd moved to revoke the permit.

Thursday, the Hilo conference room was packed with supporters of SPACE. More than a hundred squeezed through the door and found room to sit or stand along the walls.

Planning Commission Chairman Zendo Kern disclosed that he was a friend of Ellis, that Ellis had donated to Kern's County Council campaign and that Kern had attended the Feb. 24-25 celebration.





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Man accused in pedestrian's death freed Ho'olaule's in Hilo The hearing began with a presentation by county staff planner Jeff Darrow, who recounted a years-long pattern of public (by the county's definition) performances in which tickets were sold. He documented the construction of several unpermitted structures and other unpermitted events, all in violation of a March 2010 cease-and-desist order.

But Hong, the attorney, characterized the affair as a "misunderstanding,"

"We are here this morning because of a misunderstanding, and I apologize that this misunderstanding has gotten to this point," he said. He asked whether a landowner — in this case the Village Green Society, which established Bellyacres — had the right to hold a private party.

Hong called the Planning Department's proposed revocation "too harsh a remedy and unnecessary" given Hawaii Volcano Circus' efforts to file an amended special permit application.

"HVC provides important services to the surrounding community," Hong wrote in his response to the commission. "In addition to being a charter school and a performing arts center, its farmer's market has provided farmers, as well as residents, ready access to locally grown produce without having to travel long distances."

Deputy Corporation Counsel Amy Self explained the county's position.

"We're not here just about the applicant," she said. "This is about the rights of surrounding neighbors ... You can't forget about the rights of the neighbors."

"The Planning Department is charged with enforcing the conditions of the special permit. Quite honestly, they've run out of ways to do this," Self said. "The legal fees that (HVC) spent for today could have been avoided by simply complying with the permit."

The permit prohibits any public performances, but Ellis and Leithead Todd disagree as to what that means. Ellis said any performance that is not advertised to the general public is private; Todd said any performance that involves more than the students and faculty of a program or school is a public performance.

"We seem to be having arguments over what the definition of a public performance is," Leithead Todd said. She suggested the department would be open to Ellis and HVC getting "a reasonable amendment together" that would spell out the number of performances, the number of performers and the operating hours, with input from neighbors and a solution to the parking problem.

The commissioners took the opportunity to praise Ellis for what he's doing and to scold him for flouting land-use laws.

"For 12 years, you were in violation," said Commissioner Dean Au.

"I'm inclined to stop this thing," said Commissioner Wallace Ishibashi,

Another commissioner, Raylene Moses, called attention to Ellis' "blatant disregard" of the permit restrictions.

"We have the authority to ensure that it (the permit) had been followed," she said. "If we're allowing you to do it, then it sets a precedent."

Hong, in his response, said no police complaints were received. He described the problem as the "tyranny of the minority," and asked for a chance to fix the situation.

Public testimony began following a lunch break at 1:20 p.m. and ran for more than an hour. Fifty-two people signed up to testify, but only about 30 of them were present to speak.

R.J. Hampton, a neighbor of the center, provided some fireworks.

"I'm the tyranny of the minority that everyone's talking about, because I've made a complaint," she said. "When I look at Graham Ellis, I don't see SPACE." She said she sees a corporation of Europeans and Americans coming in "to make their fortune. Isn't it nice."

"I expect this commission to revoke the permit and make them reapply," she said.

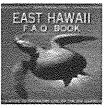












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PHARMACIST Parttime Hamakua Family Hamakua Family Pharmacy *Hilo, HI* 

Jr. Project Engineer Isemoto "There's no corporation involved here," said Alleen Wilkle. "We're a land trust. Nobody's making money here."

The youngest testifier, Bailey Givens, a member of the circus, gave a passionate speech that moved at least one commissioner to change his vote.

"I was all ready to shut this place down," Ishibashi said, crediting Givens for the change of heart. Ishibashi said later that, "You guys have a very, very special program going on." But the board members vowed that the Dec. 6 meeting would be HVC's last chance.

"I just want to say how great it is the Planning Commissioners are responsive to community needs," Ellis said after the vote, "and I want to thank them for that."

Email Peter Sur at psur@hawaiitribune-herald.com.

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Naluahine • a year ago

When someone says there's no conflict of interest, you can rest assured there is a conflict of interest.

When someone says nobody is making money, you can rest assured that someone is making money.

When R.J says people are coming to Puna to make their fortune, you can rest assured they are only joining all the others who came to Puna to grow dope, shape surfboards, sell groceries, dig geothermal wells, trample on Tutu Pele's back with their tours, hack down native trees to build houses and do whatever else Americans do to make their fortunes, legal or otherwise. R.J., don't hate me because I'm rich.

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BuddahBelly • a year ago

Girlfriend RJ, you as an artist should be more supportive of the Arts and Freedom in Puna. I cannot see where those folks are getting rich at all, and they do plenty of good in the community. I do see that there should be better parking and also some kind of time limit on noise at night.

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