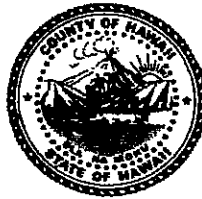


William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

August 22, 2013

Mr. Jerry Watanabe, District Engineer
State of Hawai'i, Department of Accounting and
General Services
75 Aupuni Street
Hilo, HI 96720

Dear Mr. Watanabe:

Special Permit Application (SPP 12-000138)

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

Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program

Tax Map Key: 2-5-006:141

This is to confirm our reservation of the State Building Conference Rooms A, B, and C on October 21st and 22nd, 2013, for the contested case hearing regarding the above-referenced application from 7:45 a.m. to 4:30 p.m. Because the State Building closes at 4:30 p.m., the purpose of this letter is to formally request the rooms on both days until 6 p.m. in the evening.

Thank you very much for your assistance in this matter. Please contact Daryn Arai of this office should you have any questions or need further information.

Sincerely,


DUANE KANUHA
Planning Director

Lconnections02syhf

TED H. S. HONG, ESQ. PLANNING DEPARTMENT
Attorney at Law COUNTY OF HAWAII
P. O. Box 4217
Hilo, Hawaii 96720-0217 2013 SEP -5 PM 2: 47
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

✓ Daryn Arai, Planning Commission Staff
Jeff Darrow, Planning Commission Staff
County of Hawaii Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawaii 96720

Carter K. Siu, Esq.
Deputy Attorney General
235 S. Beretania Street, Room 304
Honolulu, Hawaii 96813

Jeff Gomes
281 Edita Street
Hilo, Hawaii 96720

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: September 4, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

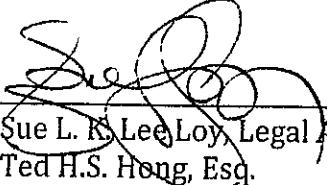
Enclosed, please find the following:

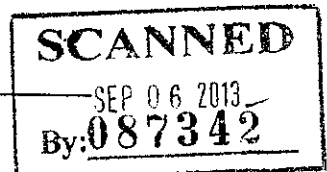
<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1	09-03-2013	Notice of No Objection to Record

<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For signature and return
<input type="checkbox"/> Per your request	<input type="checkbox"/> <u>INK</u>
<input type="checkbox"/> For review & comment	<input type="checkbox"/> For distribution
<input type="checkbox"/> Per our conversation	<input type="checkbox"/> For recording/filing
<input type="checkbox"/> For necessary action	<input type="checkbox"/> Other:

COMMENTS:

Please find enclosed our Notice of No Objection to the Record in the above entitled matter. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.


Sue L. K. Lee-Loy, Legal Assistant
Ted H.S. Hong, Esq.



2013 SEP -5 PM 2: 47

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

IN THE PLANNING COMMISSION

COUNTY OF HAWAII

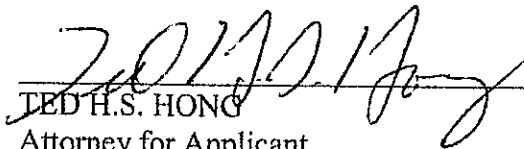
In Matter:)	
)	
SPECIAL PERMIT APPLICATION )	)	NOTICE OF NO OBJECTION
NO. 12-000138 )	)	TO PLANNING COMMISSION RECORD
)	
)	
_____))	

NOTICE OF NO OBJECTION TO PLANNING COMMISSION RECORD

Applicant COMMUNITY BASED EDUCATION SUPPORT SERVICES, by and through its undersigned counsel, TED H.S. HONG, hereby provides notice that it has no objection to the Planning Commission record.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing conference held by Hearings Officer Sandra Song.

DATED: Hilo, Hawaii September 4, 2013.



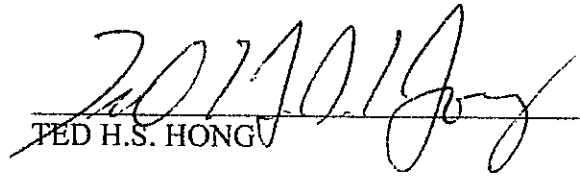
 TED H.S. HONG
 Attorney for Applicant
 COMMUNITY BASED EDUCATION
 SUPPORT SERVICES (CBESS)

087342

Jeff Gomes (kalanigomes@hawaiiantel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

Daryn Arai (darai@co.hawaii.hi.us)
Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

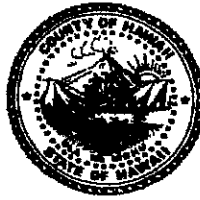
DATED: Hilo, Hawaii September 4, 2013.



TED H.S. HONG

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 5, 2013

Mr. William Brilhante, Esq.
Office of the Corporation Counsel
333 Kilauea Ave. Ste210
Hilo, HI 96720

Dear Mr. Brilhante:

Special Permit Application (SPP 12-000138)

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

Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program

Tax Map Key: 2-5-006:141

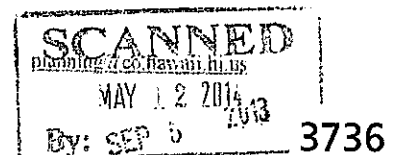
Enclosed is a disk dated September 4, 2013 that is the revised record file for the above special permit. The previous disk had similar materials in Folders 3 and 4.

Should you have any questions regarding the above, please do not hesitate to contact Jeff Darrow of this department at 961-8288, ext. 8158.

Sincerely,


DUANE KANUHA
Planning Director

Encl.



William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 5, 2013

Mr. Jeffrey K. Gomes
281 Edita Street
Hilo, HI 96720

Dear Mr. Gomes:

Special Permit Application (SPP 12-000138)

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


Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program

Tax Map Key: 2-5-006:141

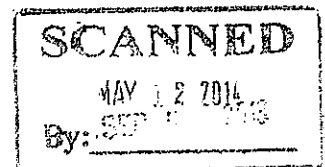
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Should you have any questions regarding the above, please do not hesitate to contact Jeff Darrow of this department at 961-8288, ext. 8158.

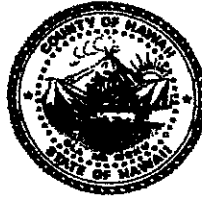
Sincerely,


DUANE KANUHA
Planning Director

Encl.



William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 5, 2013

Sandra Song, Esq.
10 Kamehameha Avenue
Hilo, HI 96720

Dear Ms. Song:

Special Permit Application (SPP 12-000138)

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

Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program

Tax Map Key: 2-5-006:141

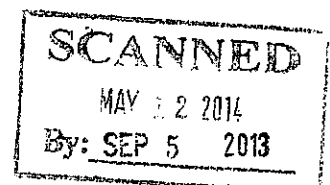
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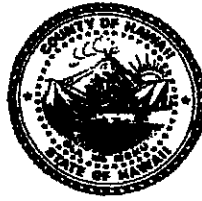
Sincerely,


DUANE KANUHA
Planning Director

Encl.



William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 5, 2013

Carter K. Siu, Esq.
Deputy Attorney General
Education Division
235 S. Beretania Street, Rm 304
Honolulu, HI 96813

Dear Mr. Siu:

Special Permit Application (SPP 12-000138)

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


Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program

Tax Map Key: 2-5-006:141

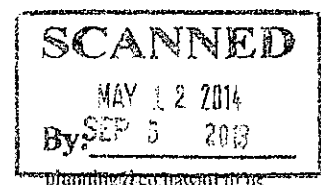
Enclosed is a disk dated September 4, 2013 that is the revised record file for the above special permit. The previous disk had similar materials in Folders 3 and 4.

Should you have any questions regarding the above, please do not hesitate to contact Jeff Darrow of this department at 961-8288, ext. 8158.

Sincerely,


DUANE KANUHA
Planning Director

Encl.



Arai, Daryn

PLANNING DEPARTMENT
COUNTY OF HAWAII

From: Sue Lee Loy of TedHongLaw [sue@tedhonglaw.com]
Sent: Friday, October 04, 2013 1:00 PM
To: sandrasong@hawaiiantel.net; Carter Siu; Self, Amy; Daryn Arai; jdarrow; jeff gomes; Ted Hong; Glenn Sonoda
Subject: Re: Connections New Century Public CharterSchool/CBESS Special Permit Application No. 12-00013 - NOTICE OF NO OBJECTIONS
Attachments: Joint Submission of Exhibits List to All Parties.pdf; Joint Submission of Witness List to All Parties.pdf

2013 OCT -4 PM 4:16

Hearings Officer Song:

Attached please find a Joint Submission of Witness and Exhibit List by Connections and CBESS. This submittal is brought pursuant to the deadline set at the August 22, 2013 pre-hearing conference. The attached document has also been transmitted by postal mail.

Under separate cover, our office will hand deliver the request and justifications for our subpoena and subpoena duces tecum related to this matter. When the subpoena and subpoena duces tecum are ready, please call our office at 933-1919 or let us know via email (ted@tedhonglaw.com) or (sue@tedhonglaw.com) and we will pick them up.

On Wed, Sep 4, 2013 at 3:30 PM, Sue Lee Loy of TedHongLaw <sue@tedhonglaw.com> wrote:
Hearings Officer Song:

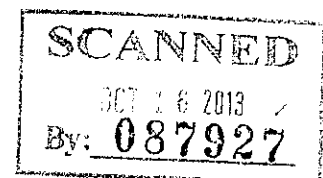
Attached please find Applicant CBESS Notice of No Objection to Planning Commission Record. This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing conference.

The attached document has also been transmitted by postal mail.

--
Sue Lee Loy, Legal Assistant
Law Office of Ted Hong, Esq.
Tel: [808.933.1919](tel:808.933.1919)
[email:sue.leeloy@hotmail.com](mailto:sue.leeloy@hotmail.com)

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--
Sue Lee Loy, Legal Assistant
Law Office of Ted Hong, Esq.
[Tel:808.933.1919](tel:808.933.1919)



[email:sue.leeloy@hotmail.com](mailto:sue.leeloy@hotmail.com)

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DAVID M. LOUIE 2612
Attorney General of Hawaii

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
235 South Beretania Street, Room304
Honolulu, Hawaii 96813
Telephone No. 808.586.1255
Carter.K.Siu@hawaii.gov

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTION NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS) JOINT
Application for Special Permit Application	)	SUBMISSION OF APPLICANT'S EXHIBIT
No. 12-000138	)	LIST ; CERTIFICATE OF SERVICE
)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

087927

APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF APPLICANT'S EXHIBIT LIST

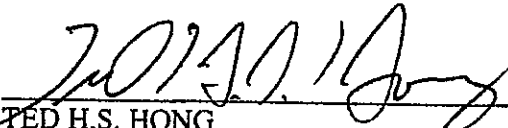
Applicant's CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES, hereby submits its Joint
Submission of Applicant's Exhibit List attached hereto and through its undersigned counsel,
CARATER K. SIU and TED H.S. HONG, hereby provides notice that the foregoing documents
are submitted and shall be used during the Contested Case Hearing.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing
conference held by Hearings Officer Sandra Song.

DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC
CHARTER SCHOOL

DATED: Hilo, Hawaii October 4, 2013.



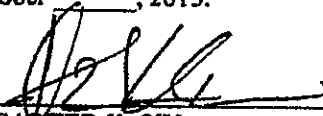
TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

**APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF APPLICANT'S EXHIBIT LIST**

Applicant's CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES, hereby submits its Joint
Submission of Applicant's Exhibit List attached hereto and through its undersigned counsel,
CARATER K. SIU and TED H.S. HONG, hereby provides notice that the foregoing documents
are submitted and shall be used during the Contested Case Hearing.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing
conference held by Hearings Officer Sandra Song.

DATED: Honolulu, Hawaii October 7, 2013.



CARATER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC
CHARTER SCHOOL

DATED: Hilo, Hawaii October _____, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO./APPLICATION: Special Permit Application No. 12-000138; TMK(3)2-5-006:141 Kaunama, 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 NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
A1	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)		
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

A8	Preliminary Estimates of Potable Water Consumption (See Record at 1678 to 1648)		
A9	Relationship to Land Use Land and Objectives (See Record at 1315 to 1328)		
A10	Abbreviated Study of the Traffic Impact on the Greater Hilo (See Record at 1329 to 1339)		
A11	Curriculum Vitae – Celia Shen, Senior Planner Will Chee Planning, Inc		
A12	Curriculum Vitae – Phillip J. Rowell, Traffic Engineer		
A13	Curriculum Vitae – Kevin Luoma, Senior Engineer		
A14	Curriculum Vitae – Eric B. Guinther, Botanist		
A15	Curriculum Vitae – Reginald E. David		
A16	Curriculum Vitae – John J. Ida, Architect		
A17	Curriculum Vitae – David Miranda, Horticulture		
A18	Curriculum Vitae – Dennis I. Hirota, Civil Engineer		
A19	Curriculum Vitae – Steven Montgomery, Biologist		
A20	State Historic Preservation Division – Grading Approval, letter dated April 11, 2013 (no historic properties were affected)		

DAVID M. LOUIE 2612
Attorney General of Hawaii

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
235 South Beretania Street, Room304
Honolulu, Hawaii 96813
Telephone No. 808.586.1255
Carter.K.Siu@hawaii.gov

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTIONS NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS);
Application for Special Permit Application	)	CERTIFICATE OF SERVICE
No. 12-000138)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 4, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

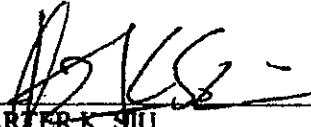
SANDRA P. SONG, ESQ. (sandrasong@hawaiiantel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Amy Self, Esq. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
333 Kilauea Avenue
Hilo, Hawaii 96720

Jeff Gomes (kalanigomes@hawaiiantel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

Daryn Arai (darai@co.hawaii.hi.us)
Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii October 3, 2013.


CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October _____, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

I HEREBY CERTIFY that on October 4, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

SANDRA P. SONG, ESQ. (sandrasong@hawaiiantel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Amy Self, Esq. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
333 Kilauea Avenue
Hilo, Hawaii 96720

Jeff Gomes (kalanigomes@hawaiiantel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

Daryn Arai (darai@co.hawaii.hi.us)
Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October 4, 2013.



TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

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 Hawai'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

Exhibit A-11

- 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 I and Phase II 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*).

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

Pedestrian Observation Study - 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

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 I (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	<p>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:</p> <ul style="list-style-type: none">• Piilani Promenade (Kihei)• Saddle Road Extension TIAR• KIC Resort Area 26 TIAR (Kailua-Kona)• Puunene Heavy Industrial Subdivision• Cosco, Lihue, Kauai• Fort Shafter Flats Drainage Improvements Traffic Management Plan• Kapa'a Light Industrial Park (Oahu)• Stryker Brigade Combat Team 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 Hawaii 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	<p>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:</p> <ul style="list-style-type: none">• Hawai'i Convention Center Traffic Analysis• Walmart Traffic Impact Study Waiakaa, Hilo, Hawaii
1989 to 1995	<p>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:</p> <ul style="list-style-type: none">• 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 Ali'i Drive Design, Kona• Kahului Town Center TIAR and Basis of Design Study, Kahului, Maui• 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 Gateway 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 Smith 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 Toll 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 Los 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 to 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.



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
- Hawaii Pacific University New Chiller Plant and Academic Center Renovation, Kaneohe, Hawaii
- Hawaii Baptist Academy High School Expansion, Honolulu, Hawaii
- Iolani School Innovation Center, Honolulu, Hawaii

Exhibit 1012

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 Agrosiences, Kauai, Hawaii

ERIC B. GUNTHER
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.

Exhibit A-14

Reginald E. David

Rana Biological Consulting
PO Box 1371
Kailua-Kona, Hawaii 96745

Phone: (808) 329-9141
Cell: (808) 937-0124
e.mail: rdavid@ihawaii.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 entities 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 - Hawai'i Birding chatline and website: 2002 -present
- Hawai'i Natural Heritage Program, Ornithological Advisory Committee.



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

1969-1972
Officer, United States Army

1973
University of Washington
Master of Architecture

Registrations
Hawaii
Washington
CSI Accredited Professional

Professional Experience

1984-
Urban Works, Inc.

1981-1983
TRA

1974-1981
Mithun

Professional Affiliations

AIA Honolulu President Elect, 2014
AIA Honolulu Treasurer, 2012
Meals on Wheels, Board of Directors
Board Chair, Waialae Iki V

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 has been active in the architectural community since 1980, following the completion of his graduate 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.

Selected Projects

Education

ongoing Hale Aloha, Manono Campus, University of Hawaii Hilo
2012 Palamanui Campus, Phase 1 & 2, Hawaii Community College
2004 New Elementary Campus, Mid-Pacific Institute
2000 Gateway House Renovation, University of Hawaii
1992 Renovation to Municipal Building & Orvis Auditorium, University of Hawaii

Programming / Master Planning

2012 University of Hawaii Center at West Hawaii (UHCWH)
2007 Manono Campus, Long Range Development Plan, University of Hawaii
2004 West Hawaii Civic Center, County of Hawaii
1999 Lihue Police Station & Emergency Operations Center, County of Maui
1982 Master Plan for East West Center, University of Hawaii

Institutions

2004 Chong Family Chinese Cultural Center
2002 Oceanic Institute Hatchery & Nursery Facility, Hawaii Pacific University

Medical

2012 8th Floor Joint Center, Queen's Medical Center
2010 Queens Center Cancer Center, Queen's Medical Center
2005 Hawaii Medical Library, Queen's Medical Center
2004 Kinohiwa Building, Queen's Medical Center
2003 Queens Medical Center Master Plan
2003 New Addition to Doctor Transcription Area, Queen's Medical Center
2000 Queens Medical Center Iolani Building Master Plan
1999 Queen's Patient Rooms on Iolani II

Performing Arts

ongoing Diamond Head Theatre

Industry / Infrastructure

2013 East Kapolei Fire Station, City & County of Honolulu
2012 Middle Street Intermodal Center, City & County of Honolulu
2012 Honolulu Zoo New Entry and Gift Shop, City & County of Honolulu
2007 Honolulu Zoo Learning Center, City & County of Honolulu
2007 Middle Street Handi-Van Facility & Maintenance Shed, City & County of Honolulu
2004 Hina Mauka, City & County of Honolulu
2003 Juvenile Detention Facility, DAGS
1996 Hana Airport Master Plan & NCP, State Department of Transportation

Residential / Hospitality

2007 Kaka'ako Lofts, Honolulu, HI
2007 Hilton Waikaloa Lagoon Grille Renovation
2002 Hamai Residence
1999 Waialae Iki 5 Residential



AECOS, Inc.

45-939 Kamehameha Highway, Suite 104 ♦ Kaneohe HI 96744
Telephone: (808)234-7770 ♦ Fax: (808)234-7775 ♦ Email: aecos@aecos.com

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.

Exhibit A-17

**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	Hlenaloli 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

- present - 1978 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 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

Exhibit A-19

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 Natural Area Reserve System Commission, Governor's appointee,
1971-1970 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'ū, 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 (*Chamaeleo 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 Makaiwa, 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.

Steven L. Montgomery, July 2011

PUBLICATIONS and REPORTS (cont.)

"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'ipala 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.

Steven L. Montgomery, July 2011

PUBLICATIONS and REPORTS (cont.)

"Survey of Terrestrial Invertebrate Resources on Makaiwa 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 wekinicola*) 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, Lihu'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.

Steven L. Montgomery, July 2011

PUBLICATIONS and REPORTS (cont.)

- "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 17th 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.

PUBLICATIONS and REPORTS (cont.)

- "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.

PUBLICATIONS and REPORTS (cont.)

"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.

DISCOVERIES – a partial record

NEW SPECIES

Hawaiian Islands

- flies
Drosophila montgomeryi, Wai'anae, O'ahu
D. antopocerus n. species, South Kona, Hawai'i
D. touchardia, 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 insects
Nysius wekiuicola [Wekiu vampire bug] with F. G. Howarth
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 elenora, 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]

REDISCOVERIES

- Hawaiian Islands
snails *Cookeconcha*, Koloa, Kaua'i
 Newcombia, on pua, Oloku'i, Moloka'i
- insects *Micromus 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
plants *Euphorbia haeleleanum*, akoko, Ha'ele'ele Valley on Kaua'i
 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
 Amiota Ephydridae, shore fly
- Agonum muelleri* (Herbst) (Coleoptera: Carabidae) Mauna Kea summit

NEHE ABERCROMBIE
1997



WIKIWAJIA AREA
CANNONVILLE
ARCHAEOLOGICAL FIELD SURVEY
CONNECTIONS CHARTER SCHOOL
41-257-1000
WAIPIA, HAWAII 96781
HONOLULU, HAWAII 96806

HISTORIC PRESERVATION DIVISION DEPARTMENT OF LAND AND NATURAL RESOURCES

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96806

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 Hawaii 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 19th 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 present 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

DAVID M. LOUIE 2612
Attorney General of Hawaii

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
235 South Beretania Street, Room304
Honolulu, Hawaii 96813
Telephone No. 808.586.1255
Carter.K.Siu@hawaii.gov

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTION NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS) JOINT
Application for Special Permit Application	)	SUBMISSION OF APPLICANT'S WITNESS
No. 12-000138	)	LIST ; CERTIFICATE OF SERVICE
)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

I HEREBY CERTIFY that on October 4, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

SANDRA P. SONG, ESQ. (sandrasong@hawaiiintel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Amy Self, Esq. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
333 Kilauea Avenue
Hilo, Hawaii 96720

Jeff Gomes (kalanigomes@hawaiiintel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

Daryn Arai (darai@co.hawaii.hi.us)
Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii October 3, 2013.



CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October _____, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF APPLICANT'S WITNESS LIST

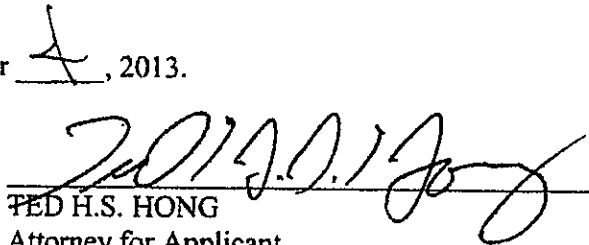
Applicant's CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES, hereby submits its Joint
Submission of Applicant's Witness List attached hereto and through its undersigned counsel,
CARTER K. SIU and TED H.S. HONG, hereby provides notice that they intend to call the
following witnesses to testify as the Contested Case Hearing.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing
conference held by Hearings Officer Sandra Song.

DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC
CHARTER SCHOOL

DATED: Hilo, Hawaii October 4, 2013.



TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

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 WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
John Thatcher Principal Connections	Applicant	Application		A1, A2, A3, A4, A5 A6 & A7	30 mins.
Joan Derbyshire – CBESS	Applicant	Application		A1, A2, A3, A4, A5 A6 & A7	15 mins.
Celia Shen, Senior Planner	Land Use	Application		A1, A2, A3, A4, A5 A6 & A7	30 mins.
Phillip Rowell, Traffic Engineer	Traffic	Traffic Report		A1, A2, A3, A4, A5 A6 & A7	30 mins.
Ron Thiel, County of Hawaii Traffic Division	Traffic	Traffic Report, Traffic Conditions		A1, A2, A3, A4, A5 A6 & A7	15 mins.
Kevin Lumo, Engineer	Water Use	Water Use		A8	30 mins.
Kurt Inaba, Engineer Department of Water Supply	Water Use	Water Use, Water Conditions		A8	15 mins.

COUNTY OF HAWAII PLANNING COMMISSION

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

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 WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
Duane Kanuha, Planning Director	Land Use Regulatory Process and Entitlements	Land Use, Procedure and Process		A2, A3, A4, A5, A6 & A7	15 mins.
Bobby Jean Leithhead Todd, Past Planning Director	Land Use Regulatory Process and Entitlements	Land Use, Procedure and Process		A2, A3, A4, A5, A6 & A7	30 mins.
Sidney Fuke		Land Use, Community Issues		A2, A3, A4, A5, A6 & A7	45 mins.
Layne Novak		Community Issue		A2, A3, A4, A5, A6 & A7	45 mins.
Terence T. Yoshioka		Land Use, Community Issues		A2, A3, A4, A5, A6, A7 & A9	45 mins.
Melvin Yokota		Traffic, Community Issues		A2, A3, A4, A5, A6, A7 & A10	45 mins.
Allen L. Novak		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
June Sakamoto		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
David Camacho		Water, Traffic, Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jan Yokota		Community Issues		A2, A3, A4,	15 mins.

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 WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
Glenn Tada		Community Issues		A5, A6 & A7	15 mins.
Ming Peng		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jan Yokoyama		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jason Phillip Turner		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jennifer Sims Turner		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.

DAVID M. LOUIE 2612
Attorney General of Hawaii

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
235 South Beretania Street, Room304
Honolulu, Hawaii 96813
Telephone No. 808.586.1255
Carter.K.Siu@hawaii.gov

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTIONS NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS);
Application for Special Permit Application	)	CERTIFICATE OF SERVICE
No. 12-000138)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

CERTIFICATE OF SERVICE

**APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF APPLICANT'S WITNESS LIST**

Applicant's CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES, hereby submits its Joint
Submission of Applicant's Witness List attached hereto and through its undersigned counsel,
CARATER K. SIU and TED H.S. HONG, hereby provides notice that they intend to call the
following witnesses to testify as the Contested Case Hearing.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing
conference held by Hearings Officer Sandra Song.

DATED: Honolulu, Hawaii October 3, 2013.



CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC
CHARTER SCHOOL

DATED: Hilo, Hawaii October _____, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

I HEREBY CERTIFY that on October 4, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

SANDRA P. SONG, ESQ. (sandrasong@hawaiiantel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Amy Self, Esq. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
333 Kilauea Avenue
Hilo, Hawaii 96720

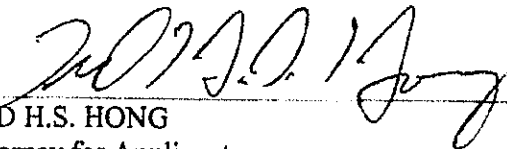
Jeff Gomes (kalanigomes@hawaiiantel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

Daryn Arai (darai@co.hawaii.hi.us)
Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October 4, 2013.



TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

TED H. S. HONG, ESQ. PLANNING DEPARTMENT
COUNTY OF HAWAII

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

2013 OCT 17 PM 2: 05

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Daryn Arai, Planning Commission Staff
Jeff Darrow, Planning Commission Staff
County of Hawaii Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawaii 96720

Carter K. Siu, Esq.
Deputy Attorney General
235 S. Beretania Street, Room 304
Honolulu, Hawaii 96813

Jeff Gomes
281 Edita Street
Hilo, Hawaii 96720

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 15, 2013

RE: CONTESTED CASE - SPECIAL PERMIT NO 12-000138

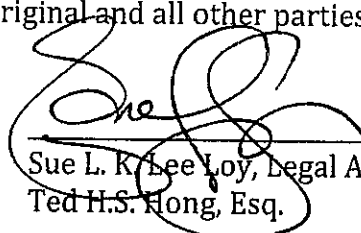
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Joint Submission of First Amended Witness List

- | | |
|--|---|
| <input checked="" type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> INK |
| <input type="checkbox"/> For review & comment | <input type="checkbox"/> For distribution |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> For necessary action | <input type="checkbox"/> Other: |

COMMENTS:

Please find enclosed our Joint Submission of First Amended Witness List. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.


Sue L. K. Lee-Loy, Legal Assistant
Ted H.S. Hong, Esq.

SCANNED
By: 088121

2013 OCT 17 PM 2:05

DAVID M. LOUIE 2612
Attorney General of Hawaii

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
235 South Beretania Street, Room304
Honolulu, Hawaii 96813
Telephone No. 808.586.1255
Carter.K.Siu@hawaii.gov

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTION NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS) JOINT
Application for Special Permit Application	)	SUBMISSION OF APPLICANT'S FIRST
No. 12-000138	)	AMENDED WITNESS LIST ; CERTIFICATE
	)	OF SERVICE
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF APPLICANT'S FIRST AMENDED WITNESS LIST

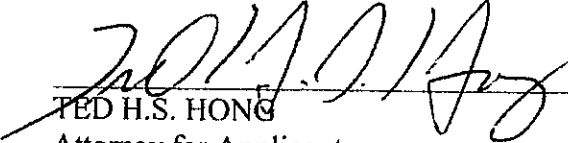
Applicant's CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES, hereby submits its Joint
Submission of Applicant's Witness List attached hereto and through its undersigned counsel,
CARATER K. SIU and TED H.S. HONG, hereby provides notice that they intend to call the
following witnesses to testify as the Contested Case Hearing.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing
conference held by Hearings Officer Sandra Song.

DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC
CHARTER SCHOOL

DATED: Hilo, Hawaii October 15, 2013.



TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

COUNTY OF HAWAII PLANNING COMMISSION

DOCKET NO./APPLICATION: Special Permit Application No. 12-000138; TMK(3)2-5-006:141 Kaunana, 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 WITNESSES – First Amended

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
John Thatcher – Principal Connections	Applicant	Application		A1, A2, A3, A4, A5 A6 & A7	30 mins.
Joan Derbyshire – CBESS	Applicant	Application		A1, A2, A3, A4, A5 A6 & A7	15 mins.
Celia Shen, Senior Planner	Land Use	Application		A1, A2, A3, A4, A5 A6 & A7	30 mins.
Phillip Rowell, Traffic Engineer	Traffic	Traffic Report		A1, A2, A3, A4, A5 A6 & A7	30 mins.
Ron Thiel, County of Hawaii Traffic Division	Traffic	Traffic Report, Traffic Conditions		A1, A2, A3, A4, A5 A6 & A7	15 mins.
Kevin Lumo, Engineer	Water Use	Water Use		A8	30 mins.
Kurt Inaba, Engineer Department of Water Supply	Water Use	Water Use, Water Conditions		A8	15 mins.

COUNTY OF HAWAII PLANNING COMMISSION

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

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 WITNESSES – First Amended

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
Dennis I. Hirota	Civil Engineer	Civil Engineer		A1, A8	15 mins.
Steve Tomei	Civil Engineer	Civil Engineer		A1, A8	15 mins.
Duane Kanuha, Planning Director	Land Use Regulatory Process and Entitlements	Land Use, Procedure and Process		A2, A3, A4, A5, A6 & A7	15 mins.
Bobby Jean Leithhead Todd, Past Planning Director	Land Use Regulatory Process and Entitlements	Land Use, Procedure and Process		A2, A3, A4, A5, A6 & A7	30 mins.
Kristen K. Kua		Hawaiian Protocols and Connection to the Aina			15 mins.
David Miranda		Natural history, teachings and protocols of native plants and connection to the aina			15 mins.
Sidney Fuke		Land Use, Community Issues		A2, A3, A4, A5, A6 & A7	45 mins.
Layne Novak		Community Issue		A2, A3, A4, A5, A6 & A7	45 mins.
Terence T. Yoshioka		Land Use, Community Issues		A2, A3, A4, A5, A6, A7 & A9	45 mins.

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 WITNESSES – First Amended

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
Melvin Yokota		Traffic, Community Issues		A2, A3, A4, A5, A6, A7 & A10	45 mins.
Allen L. Novak		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
June Sakamoto		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
David Carnacho		Water, Traffic, Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jan Yokota		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Glenn Tada		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Ming Peng		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jan Yokoyama		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jason Phillip Turner		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.
Jennifer Sims Turner		Community Issues		A2, A3, A4, A5, A6 & A7	15 mins.

DAVID M. LOUIE 2612
Attorney General of Hawaii

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
235 South Beretania Street, Room304
Honolulu, Hawaii 96813
Telephone No. 808.586.1255
Carter.K.Siu@hawaii.gov

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTIONS NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS);
Application for Special Permit Application	)	CERTIFICATE OF SERVICE
No. 12-000138)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 12, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

SANDRA P. SONG, ESQ. (sandrasong@hawaiiintel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Amy Self, Esq. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
333 Kilauea Avenue
Hilo, Hawaii 96720

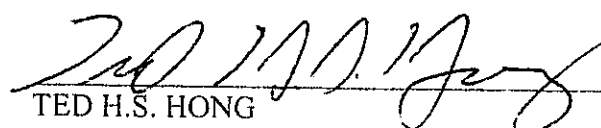
Jeff Gomes (kalanigomes@hawaiiintel.net)
Intervenor
281 Edita Street
Hilo, Hawaii 96720

Daryn Arai (darai@co.hawaii.hi.us)
Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October 15, 2013.



TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

I HEREBY CERTIFY that on October 15, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

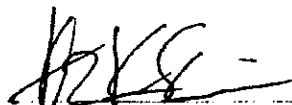
SANDRA P. SONG, ESQ. (sandrasong@hawaiiantel.net)
Hearings Officer
10 Kahehameha Avenue
Hilo, Hawaii 96720

Amy Self, Esq. (aself@co.hawaii.hi.us)
Deputy Corporation Counsel
Attorney for the County of Hawaii Planning Director
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Jeff Darrow (jdarrow@co.hawaii.hi.us)
Planning Commission Staff
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

DATED: Honolulu, Hawaii October 15, 2013.



CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October _____, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF APPLICANT'S FIRST AMENDED WITNESS LIST

Applicant's CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES, hereby submits its Joint
Submission of Applicant's Witness List attached hereto and through its undersigned counsel,
CARATER K. SIU and TED H.S. HONG, hereby provides notice that they intend to call the
following witnesses to testify as the Contested Case Hearing.

This notice is brought pursuant to the deadline set at the August 22, 2013 pre-hearing
conference held by Hearings Officer Sandra Song.

DATED: Honolulu, Hawaii October 15, 2013.



CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC
CHARTER SCHOOL

DATED: Hilo, Hawaii October _____, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 OCT 17 PM 2:06

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Daryn Arai, Planning Commission Staff
Jeff Darrow, Planning Commission Staff
County of Hawaii Planning Department
101 Aupuni Street, Suite 3
Hilo, Hawaii 96720

Carter K. Siu, Esq.
Deputy Attorney General
235 S. Beretania Street, Room 304
Honolulu, Hawaii 96813

Jeff Gomes
281 Edita Street
Hilo, Hawaii 96720

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 15, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

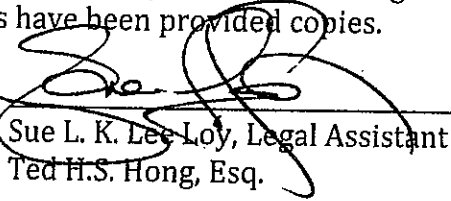
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Revised Exhibit A-20 (total of 3 pages)

<input checked="" type="checkbox"/> For your information	<input type="checkbox"/> For signature and return
<input type="checkbox"/> Per your request	<input type="checkbox"/> <u>INK</u>
<input type="checkbox"/> For review & comment	<input type="checkbox"/> For distribution
<input type="checkbox"/> Per our conversation	<input type="checkbox"/> For recording/filing
<input type="checkbox"/> For necessary action	<input type="checkbox"/> Other:

COMMENTS:

Please find enclosed our Revised Exhibit A-20. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.


Sue L. K. Lee-Loy, Legal Assistant
Ted H.S. Hong, Esq.

SCANNED
OCT 17 2013
By 088122 ✓

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 OCT 17 PM 2: 01

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

601 Kamokila Boulevard, Suite 555
Kapolei, HI 96806

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KLA'AINA
FIRST DEPUTY

WILLIAM M. TANI
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND CLEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
NATIONAL AND ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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
Ponshawai 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 Hawaii 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 19th 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

088122

Exhibit

County of Hawai'i

CUSTOMER COPY

DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION

GRADING PERMIT NO. 05361

Fee: \$ waived
Check only - payable to:
County Director of Finance

Owner: STATE OF HAWAII
(ATTN: GORDON HEIT)
Civil Eng. / Surveyor: PAUL A. NASH
License No.: C - 7469

Address: DLNR
75 AUPUNI ST, RM 205
HILO HI 96720
Address: PO BOX 11188
HILO HI 96721

Phone: _____
Phone: 965 7350

Contractor: _____
License No.: _____

Address: _____
Phone: _____

Location: EDITA ST, HILO, HI

Tax Map Key (3) 2-5-006:141 Cit (CY) 6900

Parcel Area (acre): 72.34

Area to be Graded (acre): 4.3 Disposal Site: _____

Start Date: 6/15/12
(minimum 2 working days after issuance date)

Completion Date: 8/1/12 Fill (CY): 6900

Borrow Site: _____

Remarks: AFTER-THE-FACT PERMIT

933-7653 (Hawai'i Island) 40 Pookela Street, Hilo, HI 96720

1. STATE DLNR - HISTORIC PRESERVATION DIVISION

Approved:

Received By: _____ Date: _____

See Attached Date: 4/11/13

2. PLANNING DEPARTMENT

Approved:

Received By: [Signature] Date: 4/23/13

[Signature] Date: 4/23/13

3. DEPARTMENT OF PUBLIC WORKS

Approved for Permit Issuance:

Received By: [Signature] Date: 4/23/13

[Signature] Date: 4/23/13

I hereby certify that all work as requested above will conform to Chapter 10 of the Hawai'i County Code.

Signature: [Signature]

Date: 4/22/13

Return to the Department of Public Works, Engineering Division, upon completion of work.

Inspected by: _____
(DPW inspector / engineer)

Date: _____

**GRADING AND GRUBBING PLAN
CONNECTIONS CHARTER SCHOOL**

OWNER: STATE OF HAWAII

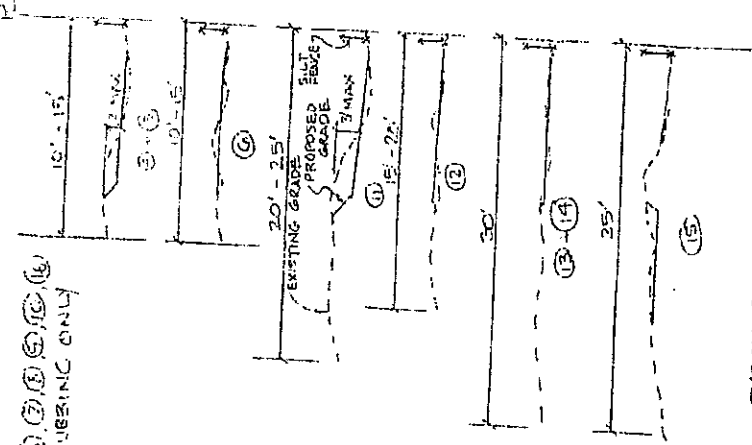
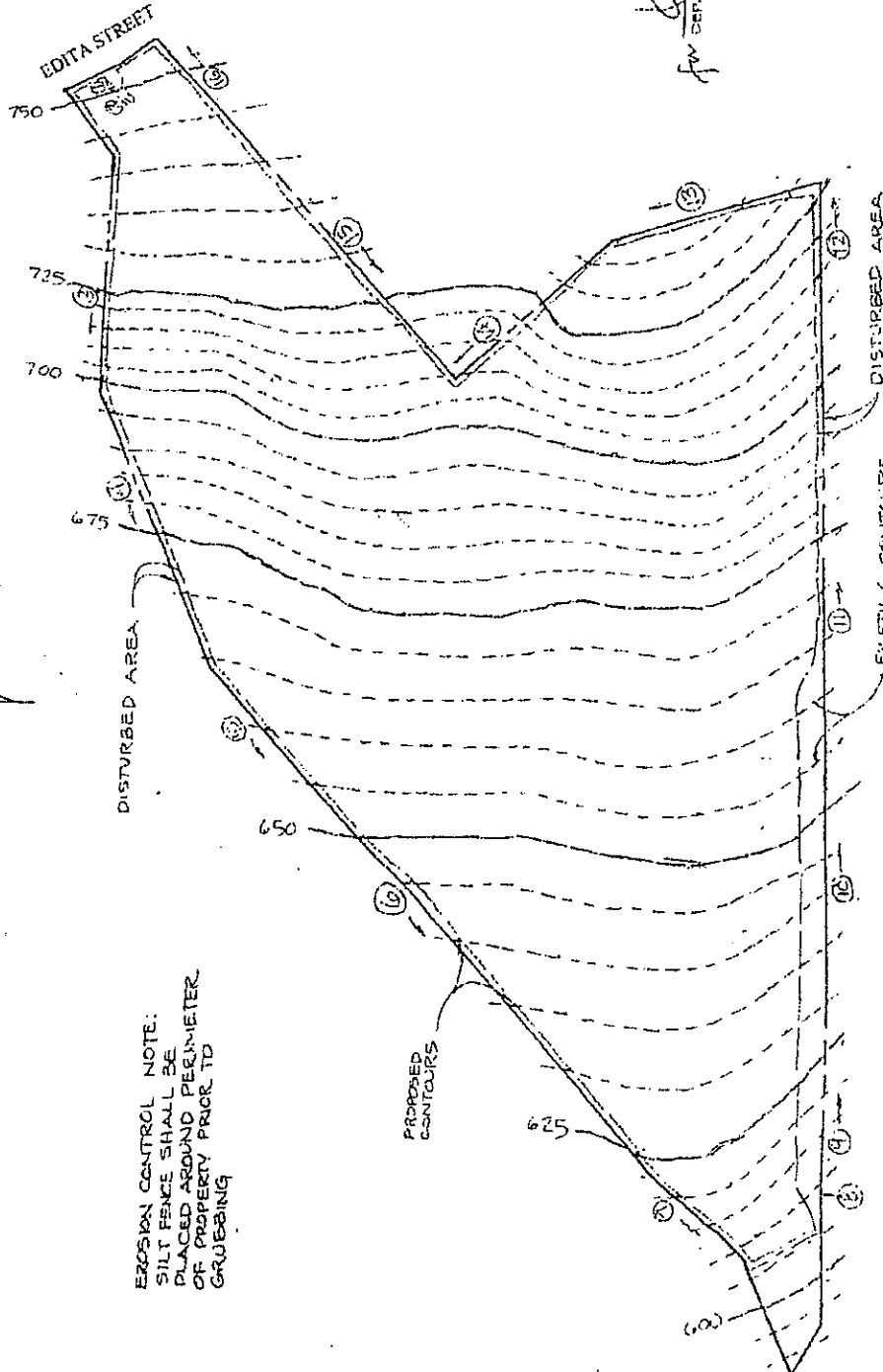
TMK: (3) 2-5-006. 1-1

SCALE: 1" = 300'

AREA GRUBBED/GRADED = 4.3 AC.
CUT = 6,900 CY
FILL = 6,900 CY

(1), (2), (3), (7), (8), (9), (10), (16)
ARE GRUBBING ONLY

EROSION CONTROL NOTE:
SILT FENCE SHALL BE
PLACED AROUND PERIMETER
OF PROPERTY PRIOR TO
GRUBBING



TYPICAL GRADING SECTIONS

PAUL NASH, P.E.
ATLAS ENGINEERING, LLC
P.O. BOX 11183, HILO, HI 96721
PH. 963-7330 FAX 963-9531

THIS WORK WAS PREPARED BY ME OR UNDER
MY SUPERVISION AND CONSTRUCTION OF THIS
PROJECT WILL BE UNDER MY OBSERVATION.

DATE: 11/18/15

088122

TED H. S. HONG, ESQ.

Attorney at Law
P. O. Box 4217
Hilo, Hawaii 96720-0217
(808) 933-1919 office/fax
ted@tedhonglaw.com

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 OCT 18 PM 4: 01

TO: Sandra P. Song, Esq.
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

Daryn Arai, Planning Commission Staff
Jeff Darrow, Planning Commission Staff
County of Hawaii Planning Department
101 Aupuni Street, Suite 3
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Carter K. Siu, Esq.
Deputy Attorney General
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Jeff Gomes
281 Edita Street
Hilo, Hawaii 96720

Amy Self, Esq.
Deputy Corporation Counsel
333 Kilauea Avenue
Hilo, Hawaii 96720

FROM: **Ted H. S. Hong, Esq.**

DATE: October 17, 2013

RE: CONTESTED CASE – SPECIAL PERMIT NO 12-000138

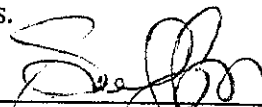
Enclosed, please find the following:

<u>Original:</u>	<u>Dated:</u>	<u>Description:</u>
1		Applicants Connection New Century Public Charter School and Community Based Education Support Services (CBESS) Joint Pre-Hearing Brief; Certificate of Service

- | | |
|--|---|
| <input checked="" type="checkbox"/> For your information | <input type="checkbox"/> For signature and return |
| <input type="checkbox"/> Per your request | <input type="checkbox"/> <u>INK</u> |
| <input type="checkbox"/> For review & comment | <input type="checkbox"/> For distribution |
| <input type="checkbox"/> Per our conversation | <input type="checkbox"/> For recording/filing |
| <input type="checkbox"/> For necessary action | <input type="checkbox"/> Other: |

COMMENTS:

Please find enclosed Applicants Connections and CBESS Joint Pre-Hearing Brief in the above entitled matter. Kindly note, the Hearing Officer has been provided the Original and all other parties have been provided copies.


Sue L. K. Lee Loy, Legal Assistant
Ted H.S. Hong, Esq.

SCANNED
OCT 21 2013
By: **088131**

DAVID M. LOUIE 2612
Attorney General of Hawaii

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 OCT 10 PM 4:02

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Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of

) SPP No. 12-000138

)

)

CONNECTION NEW CENTURY PUBLIC
CHARTER SCHOOL AND COMMUNITY
BASED EDUCATION SUPPORT
SERVICES

) APPLICANTS CONNECTION NEW
) CENTURY PUBLIC CHARTER SCHOOL and
) COMMUNITY BASED EDUCATION
) SUPPORT SERVICES (CBESS) JOINT PRE-
) HEARING BRIEF; CERTIFICATE OF
) SERVICE

Application for Special Permit Application
No. 12-000138

) HEARINGS OFFICER - SANDRA SONG

)

)

TMK: (3)2-5-006:141; Kaumana, South Hilo,
Island of Hawaii

) HEARING DATE:
) OCTOBER 21 AND 22, 2103

)

088131 -

APPLICANT'S CONNECTION NEW CENTURY PUBLIC CHARTER SCHOOL and
COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) JOINT SUBMISSION
OF A PRE-HEARING BRIEF

Applicants CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL and COMMUNITY BASED EDUCATION SUPPORT SERVICES, by and through its undersigned counsel through its undersigned counsel, CARTER K. SIU and TED H.S. HONG, submits their Joint Pre-Hearing Brief.

A. INTRODUCTION

This is a contested case hearing regarding the Application of CONNECTION NEW CENTURY PUBLIC CHARTER SHOOOL and COMMUNITY BASED EDUCATION SUPPORT SERVICE ("CBESS"), hereinafter Applicants for a Special Permit to allow the development of a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres situated in the State Land Use Agricultural District. The Property is owned by the State of Hawaii and is approximately 70 acres in size and is located in Kaumana, South Hilo, on the eastern side of the island of Hawaii and is identified as Tax Map Key (3) 2-5-006: 141 (hereinafter "Property").

The owner of the Property is the State of Hawaii, it has entered into General Lease No. S-6029 between the State of Hawaii and Connections New Century Public Charter School and it has consented to the request for the Special Permit.

The Planning Department received a Petition for Standing in Contested Case Hearing from Jeffrey Gomes on March 7, 2013. Mr. Gomes is an adjacent property owner. Mr. Gomes was granted standing at the Windward Planning Commission's March 7, 2013 meeting. On March 7, 2013 the Windward Planning Commission also confirmed the Applicants were a Party in the Contested Cased Hearing.

B. THE HAWAII COUNTY SPECIAL PERMIT APPLICATION PROCESS

Section 25-5-72(c) of the Hawaii County Code (Zoning Code) provides that certain uses are permitted in the County's agricultural district, provided that a special permit is obtained for such uses if the property is located within the State Land Use Agricultural District. Among these uses are guest ranches, lodges, meeting facilities, as well as uses that are not specifically listed but which meet the standards for a special permit under Chapter 205, Hawaii Revised Statutes (HRS). Section 25-5-72(d) requires use permits in the County Agricultural District and special permits if in the State Land Use Agricultural District. Section 25-5-72(d)(7), includes "schools" as a permitted use.

HRS, Section 205-6 governs special permits in the State Land Use Agricultural classification. Under this section, the County Planning Commission has the authority to grant special permits which allow ". . . certain unusual and reasonable uses with agricultural and rural districts other than those for which the district is classified." HRS, Section 205-6(a). The Planning Commission may provide protective restrictions and permit the desired use, if the use would promote the effectiveness and objectives of Chapter 205. A decision in favor of the applicant requires a majority vote of the Planning Commission. Because the Property in this contested case hearing involves more than fifteen acres of land, the Planning Commission forwards a favorable decision/recommendation to the State Land Use Commission, who will meet separately from the county planning commission to consider the Special Permit application. A denial by the Planning Commission is appealable to the Circuit Court and is not forwarded to the State Land Use Commission.

The Hawaii County Planning Commission's Rule 6 governs the special permit process. An application is required to provide a statement of the reasons for the granting of the special permit citing how the proposed use would promote the effectiveness and objectives of HRS, Chapter 205 and why the proposal is an unusual and reasonable use of the land is also required.

Planning Commission Rule 6-3(b)(5) provides that the following criteria are also to be addressed:

- (A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (B) The desired uses shall not adversely affect surrounding properties;
- (C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (D) Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (F) The propose use will not substantially alter or change the essential character of the land and the present use; and
- (G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.

Pursuant to Rule 6-6, the Planning Commission shall not approve a Special Permit unless it is found that the proposed use: (a) is an unusual and reasonable use; and (b) would promote the effectiveness and objectives of Chapter 205, HRS. The Planning Commission also considers the criteria listed under Rule 6-3(b)(5)(A) through (G). Within 30 days after the close of the hearing or within such longer period of time as may be agreed upon, the commission shall either approve the permit (or submit it to the Land Use Commission with a favorable recommendation) by stating the reasons and attaching appropriate performance conditions or deny it by stating the reasons for denial. Id. at Rule 6-7.

C. CONTESTED CASE PROCEDURE

Contested cases are governed by Rule 4 of the Planning Commission's Rules of Practice and Procedure and by HRS, Chapter 91. Under Rule 4-7, the applicant and the Planning Director are designated parties to the action. Persons requesting intervention must demonstrate that their interest is clearly distinguishable from that of the general public or that they have some property

interest in the land or lawfully reside on the land or that even if they do not have an interest different than the public generally, or that the proposed action will cause them actual or threatened harm. Additionally, persons who are descended of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778 and practice those rights that are customarily and traditionally exercised for subsistence, culture or religious purposes may be admitted as parties. Id. at Rule 4-7.

Under Rule 4-5, the presiding officer may be the Chairperson of the Planning Commission, one of its members or a hearings officer duly appointed and designated. Sandra P. Song was duly appointed and designated the Hearings Officer for the instant case. The Hearings Officer held a pre-hearing conference on August 22, 2013 and set the following deadlines: the submission of witness lists, exhibit lists and the exchange of exhibits were due on October 4, 2013; all requests for subpoenas, together with the proposed subpoenas to be issued were due no later than October 4, 2013; submission of any motions in this case were due on October 11, 2013; if any party chose to file a pre-hearing memorandum or brief, the deadline for submission of such brief or memorandum is October 17, 2013. The hearing on this matter is scheduled for October 21 and 22, 2013.

Upon completion of taking evidence, the Hearings Officer shall prepare a report, setting forth findings of fact, conclusions of law, and the reasons therefore and submit a recommended order and report to the Planning Commission. Id. at Rule 4-29.

D. THE PETITION FOR SPECIAL PERMIT

The application is a request for Special Permit for the development of a new academic campus that would include an elementary, intermediate and high school facilities and common facilities to support these programs and phased in over a period of time. The campus would also include facilities for a forestry/conservation program, a sustainable agricultural program and a

small intergenerational program that would provide childcare and elder care at a single facility. Planning Commission Record at 28.

All major school facilities are proposed to be located within the lower parcel. Buildings would be small in scale and organized in clusters of single-story buildings to minimize any visual impact. Subject to reasonable use conditions, major school facilities could include the elementary, intermediate and high school classrooms buildings, the administrative center, the library/resource center, the kitchen/dining facility, a gymnasium/multi-purpose building, green/shade houses, a 6-horse barn, a maintenance building, a 30-person dormitory, a caretaker's residence, and a small facility to house the intergenerational program. When the entire project is built out, the facilities would support a projected 167 elementary students, 107 intermediate students, 107 high school students, and 25 intergenerational clients. Approximately 14 acres of the lower parcel's eastern portion would be allocated for agriculture and forestry uses. Cultivated crops are anticipated to include fruits and vegetables, native trees and plants, and ornamental plants. The total gross square footage of the campus facilities when all constructed would be approximately 90,000 square feet.

While no major school facilities are being proposed for the upper parcel, Applicant intends to use this land area to support a future forestry/conservation program, which focuses on forest resource management and conservation, and forest ecosystem restoration. It is currently estimated that roughly 20 acres of the upper parcel could be used for reforestation projects. A walkway is being proposed for the upper parcel to provide access and viewing opportunities within the forest and minimize any impact on the land. The walkway would be elevated on posts and is the only structure to be built on the upper parcel.

The proposed phased development is projected to take from 16 to 25 years. This timetable is dependent on the Applicant's ability to obtain the necessary financial resources. Construction of the proposed project will likely be implemented in approximately nine (9)

phases. Generally, the Applicants would sequence the building of these phases accordingly : 1) agriculture and forestry/conservation programs and caretaker's residence; 2) high school facilities; 3) intermediate school facilities; 4) elementary school facilities; and 5) gymnasium/multi-purpose facility, dormitory, residence, and intergenerational facility.

The Property is located on land that has a State Land Use Designation of Agricultural. Id. at 25. It is zoned as Agricultural-1 acre (A-1a) and designated as "Low Density Urban on the General Plan Land Use Pattern Allocation Guide ("LUPAG") Map. Id. The Property is not located adjacent to or near any shoreline or mountain areas, therefore the project would not affect public access to these resources. Id. at 40.

The surrounding lands to the south and west are similarly zoned A-1a. Further south are properties zones A-20a and A-10a. To the north are properties zoned RS-10 and RS-15, with some properties zones A-3a further north across Kaumana Drive. There is a property zoned Open that adjoin the lower parcel to the northeast. Surrounding uses consist mainly of single family residences and vacant lands, with some agricultural activity occurring in the area. Id. at 778. Soils within the Property are classified as "D" and are not classified as Agricultural Lands of Importance to the State of Hawaii (ALISH). Id. at 25.

An archaeological assessment survey of the Property was conducted in 2008 and a supplemental field inspection of Kaumana Cave was also conducted at the request of the State Historic Preservation Division (SHPD). Id. at 36. The entire project area is situated on the 1880-1881 lava flow and as a result it is surmised that any pre-existing archaeological or historic sites within the project area would have been destroyed by the flow. No archaeological sites were encountered during the filed investigation. Id. at 36-37. The field inspection of the accessible portion of Kaumana Cave (which underlies the upper parcel of the Property) found that no historic elements, with the exception of pecked names, were encountered. Id. at 37. There have

been no identified traditional or customary native Hawaiian rights exercised at the Property. Id. at 39.

Similarly, a biological assessment, which encompassed flora, vertebrate and invertebrates, was completed. The assessment concluded that there is nothing unique about the Property or its vegetation and the construction and operation of the proposed school would not adversely impact native avian or mammalian resources. Id. at 37-38.

Access to the Property is via Edita Street, which extends off Kaumana Drive in a southeasterly direction, forming a 3-way intersection. The paved width of Edit Street fronting the Property is approximately 48 feet, which accommodates the two travel lanes (20 feet), a 20-foot shoulder on the northeast or Makai side of the road, and an 8-foot shoulder on the southwest or mauka side. The street and roadway is in good condition. Id. at 40. According to a Traffic Impact Analysis Report conducted during the environmental assessment process, the proposed use is not expected to generate large increases in traffic volumes and would not result in adverse impacts to traffic and circulation patterns in the project area. Id. at 41. However, the TIAR did conclude that school related vehicles turning left into the project would cause delays to through traffic along Edita Street unless a separate left turn lane is provided for left turns from eastbound Edita Street into the Lower Campus at Road A. Id. at 295.

The Hawaii County Department of Water Supply (DWS) provides water to the area via an existing 8-inch waterline along Kaumana Drive and from an existing 8-inch waterline along Edita Street. The current water availability, which is subject to change is limited to a maximum of seven units of water per pre-existing lot of record. Each unit of water is equal to a maximum of 600 gallons per day; therefore, a maximum of 4,200 gallons per day is available for the proposed project.

E. THE PROPOSED PROJECT SATISFIES THE REQUIREMENTS FOR A SPECIAL PERMIT

The Applicants have fulfilled all requirements of Rule 6-7, Rules of the Planning Commission. The proposed use is unusual because a school is not normally considered agricultural in nature. However, it is a reasonable use that a school be located within the Agricultural district because communities within Agricultural districts require certain services that support the agricultural community in which they are located, including schools. In addition, the proposed use also includes activities related to agricultural education, such as a forestry resource management and conservation program, and forest ecosystem restoration program. The Applicants also intend to grow and cultivate crops such as fruits, vegetables, native trees and plants, and ornamental plants on the Property as part of its curriculum.

The proposed development also complies with the criteria listed under Section 6-3(b)(5)(A) through (G), Rules of the Planning Commission:

Rule 6-3(b)(5)(A). Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The law is intended to preserve, protect and encourage the development of lands in the State of Hawaii for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. For lands in the Agricultural district, the intent is to preserve or keep lands of high agricultural potential in agricultural use. However, some agricultural lands may not be suited for agricultural use, but are classified as such. The soil on the subject Property is classified as "D" or "Poor" by the LSB's Detailed Land Classification System and is identified mainly as pahoehoe lava flow by the US Soil Survey. Based on this information, the land upon which the proposed use is sought is unsuited for agricultural uses permitted within the Agricultural District. The law allows uses that may not be strictly agricultural in nature yet are reasonable within the district.

The special permit process for usual and reasonable uses within the Agricultural district is available. This is the case herein.

In addition, the project will encourage and promote agricultural activities, such as forest resource management and conservation and forest ecosystem restoration.

Rule 6-3(b)(5)(B). The desired use would not adversely affect surrounding properties. An adverse effect is defined as an unwanted and unanticipated result of taking a particular action. Here, the action is to develop a K to 12 charter school campus with support facilities and related uses on approximately 70 acres of land. Anticipated impacts that would adversely affect surrounding properties from the proposed use are an increase in traffic to the area and an increase of noise. These impacts, however, can be mitigated to minimize their adverse affect to surrounding properties through conditions of approval of the Special Permit. As the TIAR recommended, a separate left turn land shall be provided for left turns from eastbound Edita Street into the Lower Campus at Road A. Based on Community concerns, the Applicants have relocated the campus in an area of the makai parcel furthest away from any residences. Additionally, to help mitigate noise and visual impacts, landscaping will be required along the perimeter of the Property.

Rule 6-3(b)(5)(C). Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Based upon the comments received from various public agencies, the following will be done to ensure that the proposed use shall burden public agencies:

1. Department of Public Works – Traffic Division: As previously mentioned, a condition of approval will be added to require applicant to construct a separate turn lane for left turns from eastbound Edita Street into the Lower Campus at

Road A. In addition, comments were received from DPW-Traffic Division requesting that Connections submit a traffic management plan to be reviewed and approved by DPW-Traffic Division in consultation with the Police Department. The plan shall be implemented and provide traffic management strategies that reduce traffic congestion on surrounding County roads during special events and student pick-up/drop-off activities for the entire school campus. Finally, the Applicant shall also provide active traffic management of all student pick-up/drop-off areas so that drop-off and pick-up activity does not result in queuing of vehicles on any County Road.

2. Police Department: The Police Department commented that the section of Edita Street from Kaumana Drive leading to the Property has no pavement off of the travel portion of the roadway and would be unsafe for pedestrian traffic. To address this comment from the Police Department, a condition of approval will be added requiring Connection to add an 8-foot paved shoulder along the northeastern (Makai) side of Edita Street from the south end of the Property to the intersection of Edita Street and Kaumana Drive.

3. Department of Water Supply: County water is available for up to a maximum daily usage of 4,200 gallons per day from an existing 8-inch waterline on Kaumana Drive for the upper campus and from an existing 8-inch waterline on Edita Street for the lower campus. The Property is assigned seven (7) units of water, which equates to an average usage of 600 gallons per day per unit of water (4,200 gpd). The project construction and occupancy will be phased in over a period of time. Sufficient water exists to meet the County's water requirements for several of the first phases of the project. Additionally, the existing 8-inch waterline within Edita Street is looped and therefore adequate to provide the required 2,000 gallons per minute of flow for fire protection, as per the Department's Water System Standards for schools. Potable water

needs will be met by connecting to the existing county water supply infrastructure. Non-potable water supply needs will be met with an extensive rainwater collection system consisting of catchment tanks, storage reservoirs/tanks with a network of water lines to distribute the collected water throughout the campus. The potable water system and the catchment system cannot be interconnected. It may become evident during the design of the development that a potable well is needed, at which time Connection will then need to conduct additional detailed analysis and explore other alternatives that could require the need to apply for additional permits.

4. State Department of Health: There is no municipal wastewater system currently serving the Kaumana area. The Applicants provide for its own waste water system in compliance with State Department of Health and federal regulations.

Based upon the above discussion, conditions of approval shall be utilized to insure that the proposed use does not burden public agencies to provide additional services.

Rule 6-3(b)(5)(D). Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. Although the Property and surrounding areas are designated for agricultural uses by both State and County land use laws, through the issuance of a Special Permit, various "non-agricultural" services may be allowed, including schools.

Rule 6-3(b)(5)(E). The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The land on which the proposed use is located is unclassified by the Agricultural Lands of Importance to the State of Hawaii (ALISH) Map. Additionally, the soil is classified as "D" or "Poor" by the LSB's Detailed Land Classification System and is identified mainly as pahoehoe lava flow by the US Soil Survey. Based on this

information, the land upon which the proposed use is sought is unsuited for agricultural uses permitted within the Agricultural District. Although the Property is unsuited for agricultural use, The Applicants will have an agricultural program and a forestry/conservation program as part of its curriculum. The agricultural program facilities would be conducted on the lower parcel only and include green houses, cultivated gardens and horse barn. The forestry/conservation program, which focuses on forest resource management, conservation, and forest ecosystem restoration, would use limited parts at the upper parcel as an outdoor learning site.

Rule 6-3(b)(5)(F). The use will not substantially alter or change the essential character of the land and the present use. The current character and present use of the Property is undeveloped, vacant of structures and uses. The current character of the surrounding area is residential to the north and residential/agricultural to the south. The present use of the surrounding area is residential with very limited agricultural activity and vacant land. The proposed use will alter or change the essential character of the makai parcel and its present use from its current vacant, undeveloped character. The school buildings will be constructed as single story structures, with a low, minimal visual profile to lessen any visual change to the essential character of the land. The Applicants have designed the campus to match the surrounding rural characteristics instead of an institutional character typical of a public school campus.

Rule 6-3(b)(5)(G). The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of its goals and policies to guide coordinated growth and development of the County. It is a graphic depiction of the physical relationship among various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The Property is located in an area

identified as Low Density Urban in the General Plan. The Low Density Urban designation allows for residential, with ancillary community and public uses, and neighborhood and convenience-type commercial uses where overall residential density may be up to six units per acre. The request will not be contrary to the LUPAG Map designation for this area.

Additionally, the approval of the subject request would support the following goals and policies of the Economic, Public Facilities and Land Use elements of General Plan:

Economic Element

- Provide an economic environment that allows new, expanded or improved economic opportunities that are compatible with the County's cultural, natural and social environment.
- Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and Social environments.

Public Facilities-Education (Course of Actions for South Hilo)

- Encourage the establishment of additional schools as the need arises.

Land Use-Public Land

- Encourage uses of public lands that will satisfy specific public needs, such as housing, recreation, open space and education.

Based on the above, the proposed request is not contrary to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which is Low Density Urban and allows ancillary community and public uses. The General Plan encourages the use of public land for education and a course of action for South Hilo encourages the establishment of additional schools as the need arises.

Finally, the proposed use is not contrary to the objectives sought to be accomplished by HRS Chapter 205A, relating to the Coastal Zone Management Program. The Property is located over three miles from the closest shoreline and is not located within the Special Management Area.

F. CONCLUSION

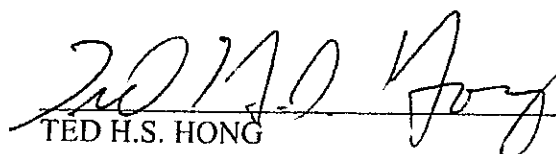
Based on the above, Applicant believes that the proposed use and development of the Property satisfies the requirements of Planning Commission Rule 6-7 and Rule 6-3(b)(5)(A)-(F) and that it should be granted a special permit to allow the phased, incremental development of a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres situated in the State Land Use Agricultural District. Applicant CBESS respectfully requests that the Hearings Officer send a favorable recommendation to the Windward Planning Commission as it relates to SPP No. 12-000138.

DATED: Honolulu, Hawaii, October ____, 2013.

CARTER K. SIU 7313
Deputy Attorney General
Department of the Attorney
General, State of Hawaii

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

DATED: Hilo, Hawaii October 17, 2013.

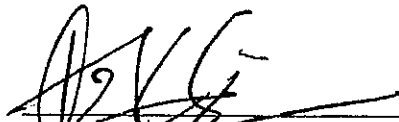


TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

F. CONCLUSION

Based on the above, Applicant believes that the proposed use and development of the Property satisfies the requirements of Planning Commission Rule 6-7 and Rule 6-3(b)(5)(A)-(F) and that it should be granted a special permit to allow the phased, incremental development of a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres situated in the State Land Use Agricultural District. Applicant CBESS respectfully requests that the Hearings Officer send a favorable recommendation to the Windward Planning Commission as it relates to SPP No. 12-000138.

DATED: Honolulu, Hawaii, October 17, 2013.



CARTER K. SIU 7313

Deputy Attorney General
Department of the Attorney
General, State of Hawaii

Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

DATED: Hilo, Hawaii October __, 2013.

TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

DAVID M. LOUIE 2612
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ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT	)	APPLICANT'S CONNECTIONS NEW
SERVICES	)	CENTURY PUBLIC CHARTER SCHOOL and
	)	COMMUNITY BASED EDUCATION
	)	SUPPORT SERVICES (CBESS);
Application for Special Permit Application	)	CERTIFICATE OF SERVICE
No. 12-000138)	
)	
TMK: (3)2-5-006:141: Kaumana, South Hilo,)	
Island of Hawaii)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 17, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

SANDRA P. SONG, ESQ. (sandrasong@hawaiiintel.net)
Hearings Officer
10 Kamehameha Avenue
Hilo, Hawaii 96720

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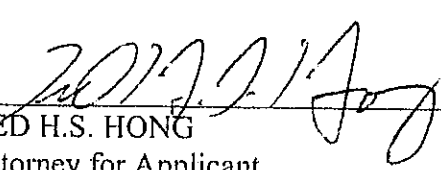
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DATED: Honolulu, Hawaii October _____, 2013.

CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY PUBLIC CHARTER
SCHOOL

DATED: Honolulu, Hawaii October 17, 2013.



TED H.S. HONG
Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

I HEREBY CERTIFY that on October 17, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

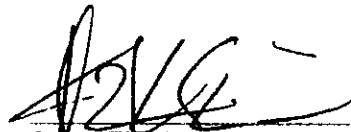
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Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of

CONNECTION NEW CENTURY PUBLIC
CHARTER SCHOOL AND COMMUNITY
BASED EDUCATION SUPPORT
SERVICES

Application for Special Permit Application
No. 12-000138

TMK: (3)2-5-006:141; Kaumana, South Hilo,
Island of Hawaii

) SPP No. 12-000138

)

) **AMENDED**

) ~~SUBPOENA (NOTICE TO APPEAR) WHO IS
NOT A PARTY TO THIS CASE~~

)

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[WITNESS: DUANE KANUHA in his
Individual and Official Capacity as Director,
Planning Department, County of Hawaii]

AMENDED
SUBPOENA

THE STATE OF HAWAII:

TO: Any Officer authorized by law to serve subpoenas in the State of Hawaii, YOU ARE
COMMANDED to subpoena the individual named below:

YOU ARE COMMANDED to subpoena the following witness

DUANE KANUHA
Address: 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720
Phone: (808)96-8288

SCANNED
OCT 21 2013
By: 088127

WITNESS, YOU ARE COMMANDED to appear at the time and place indicated below,
to testify as a witness on behalf of the Applicant, above named, in the above-entitled matter.

DATE:

Monday, October 21, 2013

TIME:

1:00 p.m. to 3:00 p.m.

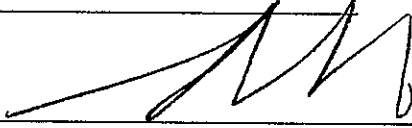
LOCATION:

**STATE OF HAWAII 75 AUPUNI STREET,
CONFERENCE ROOM A, B, C, HILO, HAWAII 96720**

DISOBEDIENCE of this subpoena may be punished as contempt by this tribunal.

DATED: Hilo, Hawaii, _____

October 21, 2013



SANDRA P. SONG
Hearings Officer

**A PROJECT MANAGER'S REVIEW
OF THE
FINAL ENVIRONMENTAL ASSESSMENT
FOR THE
CONNECTIONS PUBLIC CHARTER SCHOOL MASTER PLAN**

Kaumana, South Hilo, Hawaii

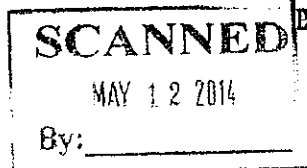
Tax Map Key: (3)2-5-006:141

Melvin H. Yokota, P.E.

Mele Manu Street

Hilo, Hawaii

October 2013



**A PROJECT MANAGER'S ASSESSMENT OF THE
FINAL ENVIRONMENTAL ASSESSMENT FOR THE
CONNECTIONS PUBLIC CHARTER SCHOOL MASTER PLAN**

1. PURPOSE

The purpose of this review was to review the contents of the Final Environmental Assessment from an engineering project manager's perspective. This review was initiated due to the author's observations that the testimony before the County of Hawaii Windward Planning Commission by the Connections Public Charter School and its consultants appeared to be contradictory and overly optimistic. The findings herein summarize the shortcomings of the Final Environmental Assessment from the author's viewpoint.

2. BACKGROUND

The author has been a resident of Hilo since 1972 and a resident of Pacific Plantation Subdivision since 1991. The author is currently a Project Manager for POWER Engineers, Inc. Between 1972 and 1979, the author was an electrical engineer for W.A. Hirai and Associates, Inc. Between 1979 and December 2012, the author served as an electrical engineer, senior electrical engineer, principal electrical engineer and vice-president of Harold H. Miura, Inc. (later HHMI Corporation). While with HHMI and with POWER Engineers, author served as project manager where the firm is the prime consultant and as project electrical engineer on projects where the firm is the electrical subconsultant.

3. EXECUTIVE SUMMARY

3.1. Water Requirements

There are two points that are made by the Final Environmental Assessment.

- The Department of Water Supply has stated that the school is entitled to 7 units of 600 gpd of water based on the area of the entire parcel for a total allocation of 4,200 gpd.
- The projected 90,000 square feet of building roof area will provide 30,000 gpd of catchment water.

The author believes that because the leased area is bisected by Edita Street, and there is no way for Connections to serve both the upper and lower parcels with a single water service connection, the water unit allocation should be split between the upper and lower parcels. That means that technically, the allocation for each parcel should be about 3.5 units, or 2,100 gpd for the upper and lower parcel, respectively.

Precipitation records for Kaumana do not support the claim that the building roofs will consistently support 30,000 gpd. Historical data shows that average available catchment water during periods of minimum precipitation will average less than 10,000 gpd. Under this condition, the Assessment states that a well site will be developed and dedicated to DWS. Such a well site typically includes a pumphouse, booster pumps, submersible pump, reservoir, and a wall or

fence constructed to DWS standards. Such well sites are large and would likely take up the entire frontage along Edita Street. The DLNR lease application states no sublease will be developed, and such a well site does not meet the land use stated in the application. The assessment should include a discussion of the impact of subdivision on its lease.

3.2. Wastewater Impacts

The Assessment discusses providing leach fields and septic tanks as well as IWS units. Similar to the DWS water capacity, because the parcel is bisected by Edita Street, the allowable IWS (1000 gallons of septic tank capacity per 10,000 square feet) for the facilities on the lower parcel should be based on the area (35 acres) of the lower parcel and not the 72 acres of the entire parcel. This would equate to a total of 157,000 gallons of septic tank capacity. Given the nature of the soils on the property, if the lower parcel is incapable of leaching 26,000 gpd, no amount of septic tank capacity will be sufficient to address the wastewater disposal. The Assessment should provide a viable solution before the special permit application can be considered.

3.3. Traffic Impacts

Mr. Thatcher has testified to the Planning Commission and also told the Kaumana Community that it is not the intent of Connections Public Charter School to serve the Kaumana Community. Instead, the school will continue to serve students from Puna, Ka'u and Hamakua. This Assessment does not address the traffic impacts of a school with 380 K-12 students, 25 preschool students, and 52 staff on greater Hilo, particularly the impacts on congested traffic corridors that serve schools in the Waiakea High School and Hilo High School complexes.

The way the Assessment is written, it is evident that the planning team treated this school as if it is being built to serve the Kaumana Community. The number of vehicular trips projected in the assessment is low, and is consistent with a local school where large numbers of students can bike, walk or ride to school without impacting the traffic infrastructure beyond a two or three mile radius of the campus.

The proposed site is accessible only from Kaumana Drive via Edita Street. The majority of public schools have at least two roadways for vehicular access to the campus. This site has only one. Any accident at the intersection of Kaumana Drive and Edita Street during the morning rush period will prevent students and staff from reaching the campus and prevent the residents of Edita and Mele Manu Streets from exiting the neighborhood. Further, the added traffic will diminish the ability of emergency services to aid the Kaumana Community.

3.4 Environmental Impact

The stated environmental goals in the Assessment preach a minimum impact development to minimize disturbing the environment on the parcel. However, the proposed reforestation of the upper parcel and 20 acre agricultural component of the lower parcel would have a major impact since it will involve import of significant amounts of soil and supplements. This contradicts the stated environmental goals.

These observations lead to the conclusion that the Assessment is poorly developed and does not address the concerns and needs of the Kaumana Community and Greater Hilo. The special permit should not be granted until all of the discrepancies have been reconsidered and properly addressed.

4. FINDINGS

- 4.1. Page 1 Footnote: The assumptions in the Assessment state that the average daily rainfall on the 90,000 square feet of building roof will be sufficient to supply the needs of the school. However, the study fails to investigate what happens to the rainwater source during periods of low rainfall which can be 0.16" per day, or less based on rainfall records for Kaumana (See Attachments: KAUMANA 88.1, HAWAII, Period of Record General Climate Summary – Precipitation From Year=1949 to Year=2006). Under those conditions which indicate droughts can occur in any month, it is clear that a well, reservoir, and booster pumps must be constructed on the site to support the campus. This assessment:
- Does not site a well facility on the project site
 - Does not consider that a well site that is dedicated to the County DWS will also require a county standard reservoir and booster pump station with fence and landscaping. Typically the pumping station is adjacent to a county road.
 - Does not address the statement made by Connections School in their application for a lease that the applicant will not create subleases.
 - Does not address what happens to the pump station site if it is dedicated to the County. What happens to the well site? Is it a sublease? Doesn't the land use change if it is used for a pump station for the County?
- 4.2. Page 4, Part 1.6, subparagraph on Soils and Surface Water mentions that an NPDES permit will be procured. However in early July 2012, Connections Charter School engaged a contractor to clear (bulldoze the perimeter of the property) and construct a fence. It appears that this was done without obtaining a NPDES permit from the Clean Water Branch of the State of Hawaii Department of Health. Calls by the author to the Clean Water Branch were never returned. The author understands that the Clean Water Branch suspended issuance of NPDES permits on its General Permit around that time, and is not to begin issuance of general permits until this fall. From Google Earth images, it is apparent that the area cleared is in excess of one acre and the clearing appears to be in violation of NPDES regulations. This kind of action shows that the school is not abiding by its stated environmentally friendly goals.
- 4.3. Page 9, Upper Parcel, second paragraph. A crosswalk between two parcels would be coming off a curve and be a very dangerous location for the crosswalk.
- 4.4. Page 9, Upper Parcel, third paragraph. Proposes reforestation projects stating that koa and hapu'u ferns that are claimed to have historically grown in the area.

However, the author's research (http://nativeplants.hawaii.edu/plant/view/Acacia_koa) into koa shows that koa thrives at elevations above 2000 feet. While koa can grow at lower elevations, some varieties may succumb to diseases after a decade of growth. Koa is known to attract aphids, whiteflies, Chinese rose beetles, seed weevils, koa seed worm, koa moth, mealybugs, and a stem boring grub. A serious pest is the black twig borer. and hapu'u thrives in elevations between 1000 feet and 6000 feet, higher than the elevations present in the upper parcel. Koa is not suited to infertile soils or constant waterlogged soils. Koa prefer loamy, sandy clayforms, clay, clay loams, and sandy clays. Koa is found on light, ash derived soils and weathered clays, none of which are present in the upper parcel. (See attached reference.) Note further that the mature koa forest above Hilo was hit with a massive koa moth infestation this past summer.

The University of Hawaii at Manoa College of Tropical Agriculture and Human Resources Hawaiian Native Plant Propagation Database entry for hapu'u, *Cibotium menziesii* (<http://www.ctahr.hawaii.edu/oc/freepubs/pdf/OF-16.pdf>) States hapu'u thrives in elevations between 1000 feet and 6000 feet, higher than the elevations present in the upper parcel. It is the author's experience in this environment that hap'u is difficult to cultivate without creating deep soils. See attached reference.

- 4.5. Page 9, Sustainability. While Connections tries to impress by stating that they will be a school with Silver or better LEED certification. Current trend for DoD facilities is to design for maximum energy efficiency, but not to pursue certification because of the initial cost to certify and the need to audit and monitor performance to maintain the certification, a costly venture.¹ It is clear that water pumps will be necessary whether catchment or well water is used. Such pumps require significant amounts of electricity. Renewables such as wind and PV are not conducive to supporting motor driven loads. The wind in the area is generally weak and not suitable for wind turbines. PV systems will not reliably support the reactive loads of induction motors without providing power factor compensation systems such as static var compensators. Further, the predominance of irregular cloud cover makes the use of PV to support motors unreliable and utility power will have to be relied upon for supporting motor loads.
- 4.6. Page 11, Infrastructure, first paragraph. Again the Assessment mentions "the use of photovoltaics and an extensive rainwater catchment system." Rainfall records do not support rainwater catchment systems to provide all of the water needs of the campus. Minimum precipitation records demonstrate that droughts can occur in any month, and projections are for dryer weather due to global warming trends. As the Assessment states, a well will be constructed if needed. Rainfall records prove that a well is the only solution to reliably supporting the water requirements for the campus. This must be included in the Assessment for this application to be considered.

¹ The True Cost of LEED – Certified Green Buildings, Vamosi, Stephen J., PE, Heating/Piping/Air Conditioning Engineering, 2011/01/01.

The second paragraph promotes the use of agricultural irrigation for disposal of excess processed wastewater. The Hilo Coast is a wet climate. Average annual rainfall is 191 inches. In general, due to the rainfall, it is unnecessary to irrigate for agricultural purposes. In addition, soil overlain on nearby Kaumana lava fields are normally moist to saturated. How is the 26,000 gpd of wastewater to be disposed under these normal conditions?

- 4.7 Page 15, Paragraph 2.3.1 Selection Criteria. The University of Hawaii at Hilo Agricultural Farm Laboratory is located between Hilo and Puna in an area heavily used for agriculture. The proposed site for the 20 acre cultivation area is young lava flows, and substantial soil and supplements would have to be trucked in to provide suitable media for agriculture.
- 4.8 Page 41, Part 3.1 Topography, Geology, and Soils, paragraph covering Topography. The upper parcel proposed for reforestation with koa and hapu'u is lower than normal habitat for those species to thrive.
- 4.9 Page 41, Part 3.1 Topography, Geology, and Soils, paragraph covering Soils. This paragraph states that soils covering the site are thin to nonexistent. This is not conducive to introducing koa and hapu'u on the other parcel. Further, introduction of koa may be detrimental to Kaumana Cave in the future as the root systems of the trees develop. Introduction of sufficiently deep soil to propagate koa and hapu'u would contradict Connection's goal of keeping this parcel pristine. Further, the construction of the elevated walkway would require damaging the vegetation in order to excavate the post holes and manually haul in the timber for the walkways. This assessment does not identify variations in flora and fauna along the length of the upper parcel, and there is no educational value to providing the walkway along the length of the parcel. The vegetation visible at the Edita Street end of the parcel is representative of the vegetation along the entire parcel.
- 4.10 Page 42, Part 3.1.1 Potential Impacts, paragraphs covering Proposed Action, fourth paragraph. This paragraph states that the building design concept would minimize the disruption of soils and topography at the project site. It is clear that reforestation in the upper parcel and the 20 acre agricultural area would involve the importation and placement of massive amounts of soil. This contradicts the building design concept. Over 25 percent of the soils and topography would have to be modified just to address the reforestation and agricultural areas.
- 4.11 Page 55, First paragraph. It is stated that a single Hawaiian Hawk was detected as an incidental observation. The author frequently observes one or two Hawaiian Hawks hunting for prey in the Mele Manu Street area. Further, there is no mention of feral pigs. Residents have encountered problems with feral pigs invading yards from the Puna side of Pacific Plantations. Sizeable cultivated areas will be an attraction to such pigs, promoting increased populations of animals that are already damaging lawns and gardens of properties adjacent to native ohia forests.

- 4.12 Page 59, Part 3.8 Land Use, First paragraph. Assessment states that “the soils within the project generally have been too thin to support pasturing of animals or intensive agricultural cultivation.” There is no discussion as to how Connections intends to prepare the sites for reforestation or agriculture. As a result there is no discussion as to the impacts upon the site and surrounding properties.
- 4.13 Page 60, Part 3.8.1 Potential Impacts, Paragraph covering Proposed Action. States “Conversely, the Proposed Action would beneficially impact area land use by providing permanent public educational facilities to support the growing residential community of Kaumana.” This would be a valid statement only if there were no public schools serving the community. Kaumana has long been served by Kaumana Elementary, De Silva, Hilo Intermediate, and Hilo High Schools. Further, Mr. Thatcher has testified that Connections is not likely to change its demographics to serve the Kaumana population. Therefore, the benefit to the Kaumana community is considered to be minimal.
- 4.14 Page 60, Part 3.9 Utilities, Paragraph covering Water Supply. The Assessment indicates that based on the overall parcel size of approximately 72 acres, and the County of Hawaii, Department of Water Supply has documented that the parcel is entitled to a maximum of seven units of 600 GPD. However, the parcel is bisected by Edita Street with the upper parcel being approximately 37 acres, and the lower parcel being 35 acres. Since it is physically impossible to provide water service to both the upper and lower parcels with one water service point, it appears that the actual allocation should be approximately 3.5 units for each parcel, which further reduces the available water allocation for the lower parcel to 2100 gpd. The rationale is that capacity for water service to the upper parcel must be reserved in the event the parcel is subdivided according to the bisection. This further reduces the water availability for the lower parcel to be developed.
- 4.15 Page 62, First paragraph. As previously demonstrated, precipitation data for Kaumana indicates that catchment alone is inadequate to support the water needs of the campus under historical minimum precipitation conditions. Further, the bisection of the parcel by Edita Street appears to split the available water allocation.
- 4.16 Page 62, Second paragraph. Proposes to retain the kitchen function at the Kress building in downtown Hilo. However, this contradicts Connections stated goals of consolidating its facilities and leaving the Tsunami inundation zone.
- 4.17 Page 62, Third and Fourth paragraphs. As previously stated, historical precipitation data for Kaumana demonstrates that catchment will fall far short of campus needs during minimum precipitation periods, and the Assessment states that the only solution is the provision of a new public water system source. As a result, the campus development plan must include the well, reservoir, booster pump station, fence and piping interconnections per DWS standards. The Final Environmental Assessment must address this issue before consideration can be given to approval of a special permit

- 4.18 Page 63. Wastewater, First paragraph. Discusses irrigation as a means of disposing of treated wastewater. With an annual average rainfall of 191 inches, very little irrigation is required for Kaumana. If irrigation is not needed, how is water to be disposed of?
- 4.19 Page 63. Wastewater, Third Paragraph discusses the use of a septic system with leach fields, but as other portions of the Assessment have stated, surface soils are very thin. The Assessment does not address this condition, and how leach fields will work, particularly during periods of high precipitation. In addition, when discussing the one IWS per 10,000 square feet of land area, the volume of septic tanks permitted on the lower parcel should be based on the area of the lower parcel and not the total land area of the upper and lower parcels. For 35 acres, the allowable IWS would be 157 units or 157,000 gallons. If this system cannot percolate 26,000 gpd, the septic tanks and leaching system will be inadequate.
- 4.20 Page 70. Part 3.12.1 Potential Impacts, Third paragraph. Mr. Thatcher has stated that the majority of the students will come from Puna, Mountain View, Ka'u, and Hamakua. It is the Author's perception that the traffic related impacts relate better to a school which serves the immediate community. This is borne out by the fact that the Final Environmental Assessment only addresses the roadways between Ainako/Mohouli intersection and the Edita/Kaumana Drive intersections.

The Assessment States that there will be ultimately be 380 K-12 and 25 preschool nonresident students, plus a staff of 52. Two buses will transport up to 96 students to and from school, leaving 331 students that must either drive or be driven to school. Assuming half of the seniors drive to school (13 students), and of the remaining, half will be transported two per vehicle and half will be transported one per vehicle. Including staff, this amounts to a total of 1078 trips.

Because parents from outside of Hilo must cross the Hilo High School and the Waiakea Complex belts twice during the morning rush hour, there is a significant traffic impact on upward and downward traffic between Kanoelehua and Kamehameha up to Edita Street, significantly increasing townbound traffic delays.

A major concern of Kaumana Residents is that Kaumana Drive is the only efficient corridor to get to work. Any accident will block travel to town, and severely impede emergency vehicles. For a development the size of the proposed campus, there should be at least two means of access, one from Kaumana Drive, and one from the Puainako Street Extension. Anything less will potentially diminish the emergency response to Kaumana.

- 4.21 Page 73. Part 3.12.2 Mitigation Measures, Third bullet point. Carpools are not common where there is so much diversity in the geographic origins of the student population. The assessment suggests the use of alternative modes such as Hele-On buses and bicycles. This further suggests that the authors of the Final Environmental Assessment did not research the origins of the student population. The Connections students can neither walk nor bicycle to

campus. Hele On is a low frequency mode of transportation with low ridership in town and is not a likely means of transport to and from the campus.

4.22 Page 91. Part 5.1 Significant (sic) Criteria.

4.22.1 Criteria 1. Based on this concept, no development or reforestation should be permitted on the upper parcel.

4.22.2 Criteria 3. Sentence 3 states that "This project fulfills aspects of these policies by providing the community with modern educational facilities. Based on statements by Mr. Thatcher, it is not the intent of this campus to serve the educational needs of the Kaumana Community.

Based on independent precipitation analysis and water units, rainwater catchment systems will not come close to meeting the water requirements for the campus during periods of low precipitation and the only solution is to develop a County of Hawaii standard well, reservoir, booster pump station, fenced parcel, and interconnecting piping and pump control systems.

4.22.3 Criteria 4. Again, based on statements by Mr. Thatcher, it is not the intent of this campus to serve the educational needs of the Kaumana Community.

4.22.4 In addition, all planning and consulting engineering services have been contracted with Honolulu based firms, so no design professional job opportunities have been provided for local residents and professional firms.

4.22.5 Criteria 5. Kaumana precipitation data does not support the conclusion that catchment will serve all of the water needs of the campus. Further, only half of the water supply units should be dedicated to the lower campus. The balance should be dedicated to the upper campus due to the bisection of the parcel by Edita Street.

4.22.6 Criteria 6. Generally not a true statement. Mr Thatcher stated that the school is not intended to serve students in the Kaumana Community. Since the school generally serves students from outside of Kaumana, it is not consistent with the concept of siting a school in proximity to the community it serves or within easy access without adversely impacting other school, neighborhood, and business infrastructure. The action would bring in 400 plus students from outside the area, and the neighborhood derives no significant benefit from the school. This does little to improve educational facilities in the Hilo area dedicated to serving the students within the Hilo High School Complex area.

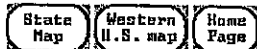
4.22.7 Criteria 7. While LEED certification is a nice-to-have, it is costly to implement, achieve, and maintain. There is nothing to preclude the school from implementing

energy efficiency, but the money for achieving and maintaining LEED is better directed to the education of the students.

- 4.22.8 Criteria 9. Cumulative traffic impacts on Greater Hilo has not been addressed. In addition, the estimated traffic trip projections appear to be for a school which serves students from the immediate neighborhood where a large number of students can walk or bicycle to the campus. According to Mr. Thatcher's statements, this is not the case. The Assessment trip projections are not consistent with the majority of students commuting to campus from outside of Hilo.
- 4.22.9 Criteria 12. The statement is a contradiction. While it states trees and shrubs would be used as a visual buffer so that school facilities would not be glaringly noticeable from public streets. The Assessment states that a catchment reservoir would be placed at the Edita end of the lower parcel, glaringly visible from Edita Street. Further it is evident that a well with reservoir, booster pump station, and fence or wall will be needed instead of the catchment reservoir. The typical DWS reservoir site footprint would take up a large portion of the campus frontage, making it an unsightly entrance to the school.
- 4.22.10 Criteria 13. Serving the water needs of the campus will require electrical energy for pumping water. A DWS standard well site will require significant energy to operate the submersible well as well as for booster pumps. Kaumana is not a typically windy area and wind is not practical. Photovoltaics is a reasonable solution for non-motor loads, especially lighting, but is not practical for significant electric motor loads. Further, the frequent cloud cover makes photovoltaics unreliable with an expensive battery energy storage (BESS) system.

ATTACHMENTS

Back to:



KAUMANA 88.1, HAWAII

Period of Record General Climate Summary - Precipitation

NOTE:

To print data frame (right side), click on right frame before printing.

1981 - 2010

- Daily Temp. & Precip.
- Daily Tabular data (~23 KB)
- Monthly Tabular data (~1 KB)
- NCDC 1981-2010 Normals (~3 KB)

1971 - 2000

- Daily Temp. & Precip.
- Daily Tabular data (~23 KB)
- Monthly Tabular data (~1 KB)
- NCDC 1971-2000 Normals (~3 KB)

1961 - 1990

- Daily Temp. & Precip.
- Daily Tabular data (~23 KB)
- Monthly Tabular data (~1 KB)
- NCDC 1961-1990 Normals (~3 KB)

Period of Record

- Station Metadata
- Station Metadata Graphics

General Climate Summary Tables

- Temperature
- Precipitation
- Heating Degree Days
- Cooling Degree Days
- Growing Degree Days
- Temperature
 - Daily Extremes and Averages
 - Spring 'Freeze' Probabilities
 - Fall 'Freeze' Probabilities
 - 'Freeze Free' Probabilities
- Monthly Temperature Listings
 - Average
 - Average Maximum
 - Average Minimum
 - Extreme Maximum(*)
 - Extreme Minimum(*)
- Precipitation
 - Monthly Average
 - Daily Extreme and Average
 - Daily Average
 - Precipitation Probability by Duration
 - Precipitation Probability by Quantity
 - Monthly Precipitation Listings
 - Monthly Totals
 - Daily Extremes(*)
 - Daily Extreme and Average
 - Daily Average
 - Monthly Snowfall Listings
 - Monthly Totals
 - Monthly Totals Snowdepth
 - Daily Extreme and Average
 - Daily Average
- Heating Degree Days
 - Daily Average
 - Monthly HDD Listings
 - Monthly Totals(*)
 - Cooling Degree Days
 - Daily Average
 - Monthly CDD Listings
 - Monthly Totals(*)
 - Growing Degree Days
 - Monthly GDD Listings
 - Monthly Total Base 40 (*)
 - Monthly Total Base 50 (*)
 - Period of Record Data

Station:(513510) KAUMANA 88.1														
From Year=1949 To Year=2006														
	Precipitation											Total Snowfall		
	Mean	High	Year	Low	Year	1 Day Max.	>= 0.01 in.	>= 0.10 in.	>= 0.50 in.	>= 1.00 in.	Mean	High	Year	
	in.	in.	-	in.	-	in.	dd/yyyy or yyyyymmdd	# Days	# Days	# Days	# Days	in.	in.	-
January	11.81	27.14	2002	0.49	1953	9.93	30/2002	16	11	6	4	0.0	0.0	1950
February	16.82	70.10	1969	0.65	1970	11.53	01/1969	17	13	7	5	0.0	0.0	1950
March	18.94	49.26	1953	3.15	2003	12.38	09/2006	22	17	10	6	0.0	0.6	1953
April	20.53	47.26	1968	4.89	1954	7.80	16/1963	25	20	12	6	0.0	0.0	1950
May	15.72	43.11	1964	3.24	2005	8.89	07/2006	25	19	9	4	0.0	0.0	1950
June	10.98	37.53	1997	4.10	1959	5.50	26/1997	25	19	7	3	0.0	0.0	1950
July	16.05	34.01	1997	5.73	1999	13.18	26/1966	26	21	10	4	0.0	0.0	1950
August	17.53	48.22	1957	5.47	1950	15.17	13/1994	25	20	10	5	0.0	0.0	1950
September	12.06	41.94	1994	3.67	2004	7.10	20/1994	22	17	7	3	0.0	0.0	1950
October	14.10	30.13	1961	3.73	1962	8.68	25/2001	22	17	8	4	0.0	0.6	1949
November	20.18	52.04	1994	2.04	2002	22.85	02/2000	23	18	10	6	0.0	0.0	1949
December	16.65	58.85	1954	2.01	1963	11.44	11/1999	21	16	9	5	0.0	0.6	1955
Annual	191.37	307.38	1994	102.27	1962	22.85	20001102	270	206	105	54	0.1	0.6	1953
Winter	45.28	117.71	1969	10.53	1963	11.53	19690201	54	39	22	13	0.0	0.6	1956
Spring	55.19	95.64	2006	25.00	1966	12.38	20060309	72	56	31	16	0.0	0.6	1953
Summer	44.56	84.98	1994	22.42	1962	15.17	19940813	77	60	27	12	0.0	0.0	1950
Fall	46.34	106.35	1994	23.60	1962	22.85	20001102	67	51	26	13	0.0	0.0	1950

Table updated on Oct 31, 2012

For monthly and annual means, thresholds, and sums:
 Months with 5 or more missing days are not considered
 Years with 1 or more missing months are not considered
 Seasons are climatological not calendar seasons
 Winter = Dec., Jan., and Feb. Spring = Mar., Apr., and May
 Summer = Jun., Jul., and Aug. Fall = Sep., Oct., and Nov.

Western Regional Climate Center, <mailto:wrrcc@dri.edu>

Tables

- [Daily Summary Stats \(~55 KB\)](#)
- [Monthly Tabular data \(~2 KB\)](#)

Daily Data

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Acacia koa

 Main Plant Information

Genus

Acacia

Species

koa

Varieties

- *kauaiensis*
- *koa*
- *latifolia*

Hawaiian Names with Diacritics

- Koa

Hawaiian Names

- Koa

Common Names

- Koa

Synonyms

- *Acacia hawaiiensis*
- *Acacia heterophylla* var. *latifolia*
- *Acacia kauaiensis*
- *Racosperma kauaiense*

- *Racosperma koa*

Did You Know...?

Koa is the largest native tree in the Hawaiian Islands reaching heights of about 115 feet (33 m)! Commercially, koa is one of the most expensive woods in the world. It is used to make furniture, veneer, and crafts. Most koa is harvested from remnant individuals or stands in pasture lands. [16]

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Plant Characteristics

Distribution Status

Endemic

Endangered Species Status

No Status

Plant Form / Growth Habit

- Tree

Mature Size, Height (in feet)

- Tree, Small, 15 to 30
- Tree, Medium, 30 to 50
- Tree, Large, Greater than 50

Mature Size, Width

Koa can have a canopy spread of 40 feet or more. But typically, with a canopy spread of 20-40 feet. [16]

Life Span

Long lived (Greater than 5 years)

Landscape Uses

- Erosion Control
- Provides Shade
- Screening

Additional Landscape Use Information

Koa are fast growing trees at 5 feet per year for the first five years, and can reach impressive heights in several decades in upper elevation landscapes. [16] Though koa can grow at lower elevations, some varieties may succumb to diseases after a decade of growth. Since there is so much variety in koa habit from shrubby, multi-branched forms to tall straight trees, it is good to inquire of the source so as to suit your landscaping needs.

While koa can grow to heights of over 100 feet in their natural undisturbed environment, it would take many decades, if ever, to reach such heights in the urban landscape. They are more likely to grow to about 20 to 30 feet in the landscape at low elevations. [Rick Barboza, Hui Kū Maoli Ola]

Growth is in virtue of symbiosis with special bacteria called rhizobia that live associated with the roots. The bacteria convert, or fix, nitrogen from the air into usable nitrogen fertilizer for plants. The leaves, flowers and branches also provide nitrogen for understory and plants in the area. Koa inoculated with rhizobia tend to be more vigorous trees. [1]

Recommended planting is above 2000 feet [610 m]. [16]

Companion Plants:

Koa look nice when planted with other native plants such as naio, lonomea, kōlea, kōpiko, 'iliahi, olopuā, and māmakī, pilo, hāpu'u, and palapalai.* These plants also benefit from the nitrogen-fixation by koa.

* These plants can be found on this website using the "Browse Plants" feature found at the top. Enter names without diacritics.

Additional Fragrance Information

Koa and koai'a have a distinctive aroma from the root area from a bacterium called rhizobia present in the soil and roots. An ammonia-like scent is given off during the nitrogen-fixing process. [1]

The pungent aroma is perhaps best appreciated by those who regularly work with this species. Otherwise, it generally has a non-appealing scent. [David Eickhoff, Native Plants Hawai'i]

Plant Produces Flowers

Yes

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Flower Characteristics

Flower Type

Showy

Flower Colors

- Cream
- White
- Yellow

Additional Flower Color Information

Light yellow, cream or white round powder puff flowers. Showy displays when seen en masse.

Blooming Period

- Sporadic

- Winter
- January
- February
- March

Additional Blooming Period and Fruiting Information

Flowering occurs most heavily from January to March and into May with seeds ripening in August, September and October and persistent year round. [6]

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Leaf Characteristics

Plant texture

- Medium
- Coarse

Additional Plant Texture Information

Leaves are 2 to over 10 inches long. Koa have sickle-shaped mature "leaves" called phyllodes, which are the main photosynthetic organs. Juvenile leaves, the true leaves, are feathery compounds.

Leaf Colors

- Light Green
- Medium Green

Additional Leaf Color Information

Koa leaves are green to gray green.

A large-leaved koa form was known as koa lau nui. [21]

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Pests and Diseases

Additional Pest & Disease Information

Koa is known to attract aphids, whiteflies, Chinese rose beetles, seed weevils (*Aracerus levipennis*, *Stator* spp.), koa seed worm (*Cryptophlebia illepida*), koa moth (*Scotoythra paludicola*), mealybugs and a stem boring grub are also known to infest plant. A serious pest is the black twig borer (*Xylosandrus compactus*, *Xyloborus* spp.). [16]

Since koa forms a symbiotic relationship with bacteria in the roots for the nitrogen-fixing process, it is recommended that pesticides not be used around the root area.

Several fungi (*Fusarium oxysporum*, *F. solani*, *Calonectria* spp.), root rot (*Armillaria* spp.), and rusts (*Endoraecium* spp., *Atelocauda* spp.) on phyllodes are known infect koa. Older trees are also attacked by a

number of wood-rotting fungi. [16] There are indeed a number of pests and diseases that affect koa, but perhaps Koa wilt is one of the more serious often resulting in the death of the plant. [11]

Native mistletoes or hulumoa (*Korthalsella* spp.) also parasitize koa. [16]

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Growth Requirements

Fertilizer

Lightly fertilize seedlings 2 or 3 weeks after secondary growth. Since koa are nitrogen fixing trees, additional nitrogen is usually not necessary.

Pruning Information

Pruning koa often does more harm than good. Wounds from pruning may not heal, exposing the heartwood to rot and greatly increases their susceptibility to disease and pests. Additionally, pruning slows the growth of the trees. Therefore, koa should not be pruned if it can be avoided. Lower branches do self prune. *If pruning is needed*, it should be absolutely minimal, done properly, and without excessive injury to the tree. [1,16]

Koa seedling roots should not be pruned, trimmed, or otherwise "fluffed out."

Water Requirements

- Dry
- Moist

Additional Water Information

Water once a month during dry months, more often for "coastal" trees.

Soil must be well drained

Yes

Light Conditions

- Full sun
- Partial sun

Additional Lighting Information

Koa does best in full sun.

Spacing Information

Trees should be spaced 30 to 40 ft. apart.

Tolerances

- Drought
- Wind

Soils

- Clay
- Cinder
- Organic

Limitations

Koa are not tolerant of salty soils, infertile soils, constant waterlogged soils, constant high winds, or shade. [1,16] Trees can tolerate drought for 3-5 months, depending on soil, competition for weeds, relative humidity, winds, and other factors. [16]

Koa prefer soils that are loamy, sandy* clay forms, clays, clay loams, and sandy clays. Koa natural occur on both light, ash-derived soils and on highly weathered clays on older islands. Organic soils on lava rock are common in many koa regions. [16]

Surface roots are easily damaged with high human, animal, and machine traffic. [1,16]

* Salt-free sands.

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Environmental Information

Natural Range

- Kaua'i
- O'ahu
- Moloka'i
- Lāna'i
- Maui
- Hawai'i

Natural Zones (Elevation in feet, Rainfall in inches)

- 150 to 1000, 0 to 50 (Dry)
- 150 to 1000, 50 to 100 (Mesic)
- 1000 to 1999, 0 to 50 (Dry)
- 1000 to 1999, 50 to 100 (Mesic)
- 2000 to 2999, 0 to 50 (Dry)
- 2000 to 2999, 50 to 100 (Mesic)
- 3000 to 3999, 0 to 50 (Dry)
- 3000 to 3999, 50 to 100 (Mesic)
- 4000 to 4999, 0 to 50 (Dry)
- 4000 to 4999, 50 to 100 (Mesic)

Habitat

- Terrestrial

Additional Habitat Information

Though not as common as in the past, koa is still easily found in suitable habitat often a dominant component of native and alien mixed forests. Koa grows in dry to moist forests from 300 to 7,000 feet, occasionally as low as 80 feet and rarely as high as 8,000 feet. [1]

There are three varieties of koa. *Acacia koa* var. *kauaiensis* on Kaua'i; var. *latifolia* on Hawai'i Island; and var. *koa* occurs on all the main islands. [16]

Koa trees with characteristics in between koa (*Acacia koa*) and koai'a (*A. koaia*) occur on Kaua'i. [16]

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Special Features and Information

General Information

Koa belongs to the third largest plant family, the Pea or Legume family (Fabaceae). There are two endemic species of *Acacia* in the Hawaiian Islands: *Acacia koa* and *A. koaia*.

Koa resemble their smaller cousins koai'a, but there are some significant differences. (See *Acacia koaia* "Special Notes and Information")

Etymology

The generic name *Acacia* is derived from the Greek, *akakia*, the name for *Acacia arabica*, ultimately from *akis* or *ake*, a Greek word meaning a sharp point and referring to the thorns of this particular plant.

The specific epithet *koa* is the Hawaiian name for this species of tree.

Hawaiian Name:

Koa means "brave, bold, fearless" and also "warrior, fighter."

Background Information

Koa are dominant trees in Hawaiian forests and provide suitable habitat for many native species birds. The aptly named Koa-finches, *Rhodacanthis palmeri* and *R. flaviceps*, fed almost exclusively on green koa seed pods, sometimes the entire pod in pieces or occasionally only the seeds. Sadly, these brilliantly colored honeycreepers are now extinct. [14]

Koa varies greatly from one location to another. For this reason and others, ***it is important that koa, or any other native plants from nurseries, are never planted out in the wild.*** This will ensure genetic variability and alleviate unforeseen problems.

Early Hawaiian Use

Koa was the most valuable tree in Hawaii. [18]

In general, koa wood was also used in constructing houses (hale), spears, tools, paddles (hoe), kahili handles, calabashes ('umeke lā'au), ceremonial poles (hulumanu), religious ceremonies, and short surfboards. [1,3,12,13,17,18]

While there were many uses for koa, it was never used for eating receptacles because the resin, which could not be removed, would leave a bad taste to foods. [2,18]

Canoe:

The prime importance of koa for early Hawaiians Early Hawaiians was making of canoes (wa'a), not only the single kinds with an outrigger, **kaukahī**, but even double kinds, **kaulua**, which consisted on two canoes lashed together with a yoke in a special way. [18]

Small narrow, long, light canoes, called **kialoa** or **kioloa**, were suitable for a single fisherman or for racing. Other smaller canoes, about 10 to 20 feet long, could accommodate six to eight men. These canoes were scarcely twelve inches at its widest and about two feet deep. [18]

Wa'a peleleu, or simply **Peleleu**, were long canoes or long voyages were usually 50 feet long, but some were 100 and even 150 feet long had a depth of 6 to 12, and even 15 feet, deep! Such canoes were 1 to 2 feet wide and carved from a single log. Some of these were made from the trunks of giant evergreens that had been carried by ocean currents and winds from the Pacific coasts of America. [18]

Dye:

The bark was used as dye to stain kapa a red color. [1]

Lei:

The leaves (phyllodes) were also used in lei making. [8]

Medicinal:

Koa leaves were placed under a pile of lau hala mats if a person had been in a sick bed for a long time. Leaves were placed on top and spread evenly over the mat to make to person comfortable. The heat that came from the body and the leaves would make the person sweat. [7,9] Someone would wipe the sweat from the person as they fell asleep. This was almost always used for patients with a fever. [7] Young children under a year old who had become weak were given a mixture of koa leaf ash and other plants and applied inside the mouth. [7,9]

The bark was applied to pūhō (abscess, burst sore, ulcer), 'ala'ala (scar, sore perhaps tuberculosis adentis), kaokao (syphilis), leprosy (ma'i lēpela), 'eha māui (sore bruises), and haki (broken bones). [10]

Religion:

Koa branches were made into booths for ritual purposes, in dedication of heiau. [18]

The Choosing & Making of Canoes

The process of selecting the correct tree for making a canoe (wa'a) was more than simply walking into a forest and picking out a tree to be used.

Before making a canoe, the Hawaiians employed a Kahuna, or priest, to offer prayers and sacrifices to Kū, the long-bearded god of canoes makers and of war, that the work should be successful. Then, the kahuna aided the men in selecting a suitable tree in the forest. This was a laborious work to fell a tree using a stone adze. The wa'a was then roughly hewn with the same tools.

If the native bird 'elepaio (*Chasiempis* sp.), or the native crow, 'alalā (*Corvus tropicus*),* settled on the log, this was considered an ill omen, and work on it was abandoned. Another tree was selected to take its place. If all went well, there was the chant to move the felled koa:

One would cry: "*I kū mau mau!*" (Stand together!). Then from all: "*I kū wā!*" (Shout!)

One: "*I kū mau mau! I kū hulu hulu! I kū lanawao!*" (Stand together! Haul with all your might! Under the mighty trees!)

All: "*I kūwā!*" (Shout!)

One: "*I kū lanawao!*" (Under the mighty trees!)

All: "*I kūwā!*" (Shout!)

"*I kū wa huki!*" (Shout! Pull!)

"*I kū wa ko!*" (Shout! Push!)

"*I kū wa a mau!*" (Shout! ...Snagged!)

"*A mau ka ēulu!*" (Snagged in the tree top!)

"*E huki e!*" (PULL!) "*Kūlia!*" (STRIVE!) [20]

Although the wa'a was made from koa, a number of other woods were used to construct and complete the project. Among them were 'ōhi'a (*Metrosideros* spp.), 'ahakea (*Bobea* spp.), wiliwili (*Erythrina sandwicensis*), kamani (*Calophyllum inophyllum*), 'ulu (*Artocarpus altilis*), kukui (*Aleurites moluccana*), and hau (*Hibiscus tiliaceus*), to name a few, with the last three being Polynesian introduced plants. [20]

* 'Elepaio are only known to have existed on Kaua'i, O'ahu and Hawai'i Island; 'Alalā is only known from Hawai'i Island. Both are still found today on these islands. While there is no fossil evidence of 'elepaio found on other islands, there were two other *Corvus* species found on the islands of O'ahu and Moloka'i at the time of early Polynesian settlers.

Modern Use

Today, koa is propagated and planted in forest restoration projects and/or used as shade trees in home gardens. [18]

The wood is still very much prized in wood craft and is high in demand, being one of the most expensive woods in the world. [1,12,15]

Koa is also a tonewood and used in modern musical instruments such as 'ukulele, acoustic guitars such as used country music artist Taylor Swift, some electric guitars, and Weissenborn-style Hawaiian steel or lap guitars. [5,15]

Dyes, or tannins, are still made from koa bark. The dye colors will range from light to very dark (blackish) browns according to the mordant (dye setting metal substance) used on the fabric. [4,18]

Additional References

- [1] "Growing Koa" by Kim M. Wilkinson, pages 5, 7, 11-12, 35-36, 39, 55, 58, 59, 84.
- [2] "Plants in Hawaiian Culture" by Beatrice H. Krauss, pages 22, 52, 65.
- [3] "Arts and Crafts of Hawaii" by Te Rangi Hiroa (Sir Peter H. Buck), page 384.
- [4] "Hawaii Dye Plants and Dye Recipes" by Val Frieling Krohn-Ching, pages 77, 136.
- [5] http://en.wikipedia.org/wiki/Acacia_koa [Accessed 10/7/09]
- [6] "Plants of the Canoe People" by W. Arthur Whistler, page 27.
- [7] "Native Plants Used as Medicine in Hawaii" by Beatrice Krauss, page 20.
- [8] "Nā Lei Makamae--The Treasured Lei" by Marie A. McDonald & Paul R. Weissich, page 42.
- [9] "Hawaiian Herbs of Medicinal Value, by D.M. Ka'aiakamanu & J.K. Akina, page 46.
- [10] "Native Hawaiian Medicine--Volume III" by The Rev. Kaluna M. Ka'aiakamanu, pages 62-63.
- [11] "Hawaii Forest Disease and Pests" <http://www.ctahr.hawaii.edu/forestry/disease/index.html> [Accessed 2/4/11; updated on 4/28/10]
- [12] "In Gardens of Hawaii" by Marie C. Neal, pages 410-411.
- [13] "Lā'au Hawai'i: Traditional Hawaiian Uses of Plants" by Isabella Aiona Abbott, pages 80, 83, 87-88, 110, 115, 129.
- [14] "The Hawaiian Honeycreeper: Drapandidae" by H. Douglas Pratt, pages 129, 209, 210, & Plate 1.
- [15] "Contemporary Woodworkers" by Tiffany DeEtte Shafto & Lynda McDaniel, pages 170, 172.
- [16] "Traditional Trees of the Pacific Islands" by Craig R. Elevitch, pages 1, 4, 5, 6, 7.
- [17] "How to Plant a Native Hawaiian Garden" by Kenneth M. Nagata, page "Koa."
- [18] "Ethnobotany of Hawaii" by Beatrice H. Krauss, pages 127-130.
- [19] "Extinct Birds" by Julian P. Hume & Michael Walters, pages 246-247.
- [20] Ikuna Koa Outrigger Canoe Club <http://www.ikunakoaoutriggercanoecub.com> [Accessed on 9/26/13]
- [21] Hawaiian Dictionaries online <http://wehewehe.org> [Accessed on 9/27/13]

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Hawaiian Native Plant Propagation Database

*Cibotium menziesii***Alternative Botanical Names**

None found

Common Names

Hapu'u

Hapu'u 'i'i

Hawaiian Tree Fern

Male Tree Fern

Family

Dicksoniaceae

Potential or Traditional Uses

Landscape

**Description**

Cibotium menziesii is Hawai'i's largest tree fern. It can reach 35 feet in height, but often grows only 7 to 25 feet tall. The trunk can be up to 2 1/2 feet in diameter. The fronds arch and can grow as long as 12 feet. The fronds of *Cibotium menziesii* are smooth and slightly paler underneath with yellowish midribs. They are singly divided, but the divisions are lobed. Soft, brown hairs cover the young fronds, but upper parts of the frond stalks are covered with stiff, black hairs. The spores form in pouches at the ends of the small veins. (Bornhorst 1996; Smith 1999a; Valier 1995)

Habitat and Geographic Range

Cibotium menziesii is an endemic Hawaiian tree fern and is found on all the major Hawaiian islands. This tree fern can grow either terrestrially (on the ground) or epiphytically (on trees or shrubs). It grows in moist and wet forests and is most common at elevations ranging from 1,000 to 6,000 feet. (Smith 1999a; Valier 1995)

Propagation by Spores

Cibotium menziesii can be grown from spores. Spores should be collected from mature fronds of healthy plants. The most mature fronds are generally those lower down on the plant. The spore containers (sori) on these fronds should appear full and plump. The frond branches (pinnae) should be removed from the main frond stem and dried in paper bags, envelopes, or folded newspaper packets. Place each frond piece in its own paper container with the spore side down. To ensure that the spores dry quickly and do not mold, place the containers in a single layer in a warm, dry location for 2 or 3 days. The ripe spores will fall off of the fronds. The spores can be separated from the remaining debris using a very fine screen or sieve.

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Sanitation is an important part of sowing fern spores to prevent both fungal infections and cross contamination by other fern spores. Smith uses a commercial mix containing sphagnum peat, vermiculite, and perlite (Pro-Mix). He moistens this mix with distilled water and microwaves it in a lidded container for 10 minutes on the high setting of the microwave oven.

After being heated in the microwave, the planting mix is spread in a sterile plastic tray with a clear plastic lid ("humididome") and allowed to cool. The cleaned spores are spread on the surface of the cooled mix and moistened with a fine spray of distilled water. Smith suggests that mixing the spores with water and spraying them onto the planting mix can provide more even distribution. Replace the lid as quickly as possible to prevent contamination.

Clean, dry spores can be stored in paper envelopes or packets. Place the envelopes in an air tight container and place it in the refrigerator. (Smith 1999a)

Propagation by Cuttings

Cibotium menziesii can be grown from the side shoots that form on the main trunks. (Bornhorst 1996)

Propagation by Division

Not applicable.

Propagation by Air Layers

Not applicable.

Propagation by Grafting

Not applicable.

Propagation by Tissue Culture

No information located to date.

References

Bornhorst, Heidi L. 1996. *Growing native Hawaiian plants: a how-to guide for the gardener*. Honolulu: The Bess Press. p. 74-76.

Hensley, David, Rhonda Stibbe, Norman Bezona, and Fred Rauch. 1997. *Hapuu (Hawaiian tree fern), Ornamentals and Flowers, OF-16*. Honolulu: Hawaii Cooperative Extension Service, College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa. (Also available as a PDF file at [Free CTAHR Publications](#).)

Smith, Art. [1999a.] *Cibotium Menziesii Tree Ferns in Hawaii* [Web site]. [Cited 17 February 2000]. Available from <http://www1.interpac.net/~artsmith/treeferns/menziesii.htm>.

Smith, Art. [1999b.] *Tree Fern Sport Notes Tree Ferns in Hawaii* [Web site]. [Cited 17 February 2000]. Available from <http://www1.interpac.net/~artsmith/treeferns/spores.htm>.

Valier, Kathy. 1995. *Ferns of Hawai'i*. Honolulu: University of Hawai'i Press. p. 52.



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23 February 2000
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The True Cost of LEED-Certified Green Buildings

Stephen J. Vamosi, PE; Intertech Design Services; Cincinnati, Ohio
Sat, 2011-01-01 12:00

Columnist examines what contributes to the higher price tags of green designs

Editor's note: The following is Part 3 of a three-part series.

Many industry professionals believe that seeking Leadership in Energy and Environmental Design (LEED) certification will put an additional financial burden on new and existing/remodeled buildings. Let's take a closer look at what goes into the cost of a LEED design:

- Possibly higher energy use (See Part 1 of this series, "[Green Buildings and Energy Efficiency](#)," November 2010).
- LEED certification fees.
- Construction-related expenses for architects, engineers, LEED advisors, etc.
- Site clearing and debris separation/disposal.
- Green materials and equipment.
- Post-construction monitoring/environmental-control systems.
- Higher operating expenses.

LEED Certification Fees

According to recently filed court documents, the minimum cost of LEED certification is \$2,900 for a new building under 50,000 sq ft. LEED certification fees for a newly constructed building over 500,000 sq ft amount to \$20,000 (plus a \$900 initial registration fee). In California, certification of a new hospital exceeded \$1 million. A 1.2-million-sq-ft mixed-use office building with a \$400 million budget estimated the cost of LEED certification is "only 0.27 percent of the total cost," which represents an additional \$1.08 million.

Construction-Related Expenses

Construction-related expenses for LEED-certified buildings can increase a project's cost by about 10 to 30 percent. LEED certification alone can account for 5 to 15 percent of the total construction costs, not including funds required for other mandated expenses.

Architects and engineers usually demand higher fees for green designs. Green designers add value to the end product and provide extra services. A green-design professional typically charges 1 to 2 percent more for a LEED-certified building design.

These figures do not include the rates of a LEED Accredited Professional (which can increase design fees by 10 to 15 percent), LEED-certification application fees, or the costs associated with monitoring and reporting building performance.

Site Clearing and Debris Separation

In the early phases of the "green revolution," contractors voiced their concerns about spending excessive amounts of money and wasting time on carefully picking and separating various materials that result from the demolition of older buildings. Having separate containers for brick, drywall, steel, wood, etc. was a job killer. The disposal of some recovered material, such as steel and copper, might have been financially advantageous, but most separated materials were dumped into the same landfill.

Green Materials and Equipment

The cost of green-certified materials can become an issue when LEED design guidelines favor one material source over another. Building Design+Construction discussed wood certification in its March 2010 issue.² According to the magazine, the U.S. Green Building Council (USGBC) only accepts wood when it comes from forests certified by the Forest Stewardship Council (FSC). The problem is 82 percent of FSC forests are outside of the United States and Canada. The USGBC apparently did not consider the cost of delivering certified wood thousands of miles from outside of the United States. Similar issues would arise if, for example, one drywall manufacturer or one steel supplier became a "designated green supplier."

USGBC green-design guidelines delineate systems and equipment considered to be green, such as tankless (instantaneous) water heaters. A gas heater's overall energy efficiency ranges from 25 to 30 percent, as opposed to the 92- to 95-percent thermal efficiencies of storage-tank-type water heaters. Electric water heaters theoretically are 100-percent efficient at the point of use. However, electric energy typically is delivered to the point of use at an overall efficiency of approximately 30 percent. (A 3-gpm instantaneous water heater with a 70° F rise requires a 32-kw heating element.) The costs of larger electric feeders, switchgear, and internal wiring must be considered. However, USGBC guidelines do not even mention overall system efficiency as a criterion for awarding extra points. The result is that final designs frequently receive points for non-economical designs.

Post-Construction Monitoring

To comply with the monitoring and reporting post-construction performance data required for LEED certification, a building's mechanical, electrical, and plumbing systems must have a sophisticated data-collection/evaluation system installed. Small- to medium-size buildings traditionally do not specify, install, and maintain that kind of equipment. This one item could add up to several thousands of dollars worth of computer hardware, software, and sensors. Larger buildings normally are prepared to include complex data-recording/reporting systems, somewhat reducing the additional-cost impact. Also, larger buildings normally have skilled operators on staff, while small- and medium-size buildings might not.

Post-construction monitoring costs typically are recurring. Data collection and complex submittal calculations need to be repeated annually for every building.

Conclusion

Parts 1, 2, and 3 of this series are full of pro and con arguments about green designs. It is almost impossible to keep up to date on new developments on a daily—or even weekly—basis. Other issues about the effects and impacts of going green not mentioned in these columns are equally important and will play a significant part in the overall operating costs and energy efficiency of buildings.

References

- 1) Henry Gifford, Gifford Fuel Savings Inc. vs. U.S. Green Building Council, David Gottfield, Richard Fedrizzi, Rob Watson, Jane Doe, John Doe, et al., 10 Civ 7747 (2010).
- 2) Cassidy, R. (2010, March). End the battle of FSC vs. SFI wood in LEED. *Building Design+Construction*. Retrieved from <http://www.bdenetwork.com/article/end-battle-fsc-vs-sfi-wood-leed>

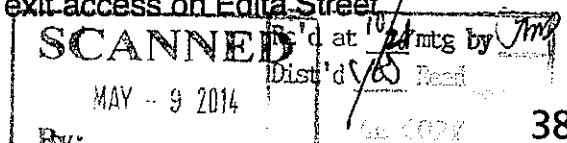
Stephen J. Vamosi, PE, is principal and chief executive officer of Intertech Design Services (www.intertechdesign.net), an architecture and engineering firm specializing in the design of commercial, medical, educational, and retail buildings. He also is a professor emeritus for the University of Cincinnati and a member of the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

DR. HENRY LEE LOY ORAL TESTIMONY

My name is Dr. Henry Lee Loy and I live on Mele Manu Street. There is further evidence that the proposed location of the Connections Public Charter School is inappropriate. To leverage traffic congestion there is evidence that every public elementary school in Hilo has a separate one-way entrance and a separate one-way exit or two separate drop-off and pick-up points on two different streets surrounding each school. Images and specifics are being submitted as evidence:

- Kaūmana Elementary School (292 students);
Has a separate one-way entrance on Kaūmana Drive
Has a separate one-way exit on Kaūmana Drive
Has Second drop off and pick up point behind cafeteria
- DeSilva Elementary School (429 students);
Has a separate one-way entrance on 'Ainako Avenue
Has a separate one-way exit on 'Ainako Avenue
- Hilo Union Elementary School (487 students);
Has two separate drop off and pick points:
The first one on Waiānuenuenu Ave.
The second one on Kapi'olani Street
- Keaukaha Elementary School (407 students);
Has a separate one-way entrance on Desha Ave.
Has a separate one-way exit on Desha Ave.
Second access from Kawanānākoa gym parking lot
- Kapi'olani Elementary School (376 students);
Has two drop off points:
The first one on Kīlauea Ave.
The second one on Mohouli Street
Has a separate one-way entrance on Kīlauea Ave.
Has a separate one-way exit on Mohouli Street
- Waiākea Elementary School (877 students);
Has a separate one-way entrance on Puainako Ave.
Has a separate one way-exit on Puainako Ave.
- Waiākeawaena Elementary School (714 students)
Has three separate drop off and pick up points ;
The first access on Kino'ole street
The second access on Kīlauea Avenue
The third access is in the Andrews gymnasium parking lot.

The proposed Connections Public Charter School (350 students) will have only one driveway to accommodate both entrance and exit access on Edita Street.



located only a few hundred feet from the potentially dangerous intersection of Edita Street and Kaūmana Drive. Traffic will back up and down Kaumana Drive and Edita Street causing an immediate and adverse impact endangering the lives of residents and students alike.

There is additional evidence that the Traffic Impact Analysis Report, the result of a one day traffic count at the Edita St. and Kaūmana Drive intersection on May 28, 2009 is obsolete, biased, and not an example of a typical school day. Documents are being submitted to provide evidence that three large schools in Hilo were already closed on that date for summer break. Those schools were the University of Hawai'i Hilo, the Hawai'i Community College and the Kamehameha Schools Hawai'i Campus. Over 7000 students were not in school that day thereby creating a variable that could question the accuracy of the study conducted on that date.

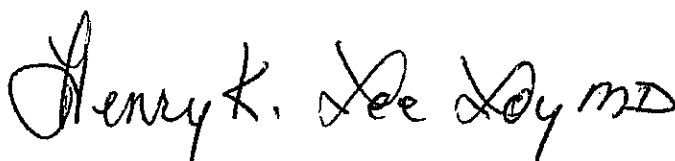
The report stated that the future traffic growth along Kaūmana Drive was expected to be minimal and that there would be no traffic growth of traffic along Edita Street. Since the 2009 traffic impact analysis report was completed, documentation is being submitted that evidences several new subdivisions that have been or are being developed which will greatly increase traffic. They include the Department of Hawaiian Homes residential subdivision on Lawai Road, William Brillhante's proposed 45 lot subdivision at the end of Edita Street, the new 39 lot Hokulani Street subdivision and a 23 lot residential subdivision at the intersection of Kaūmana Drive and the Mohouli Street extension. Construction has begun on the new 100-bed Skilled Nursing Facility and the Regency Hilo Nursing & Rehabilitation Center at 563 Kaūmana Drive and the Mohouli Senior Phase I housing project at the Mohouli Street extension in lower Kaūmana is nearing completion.

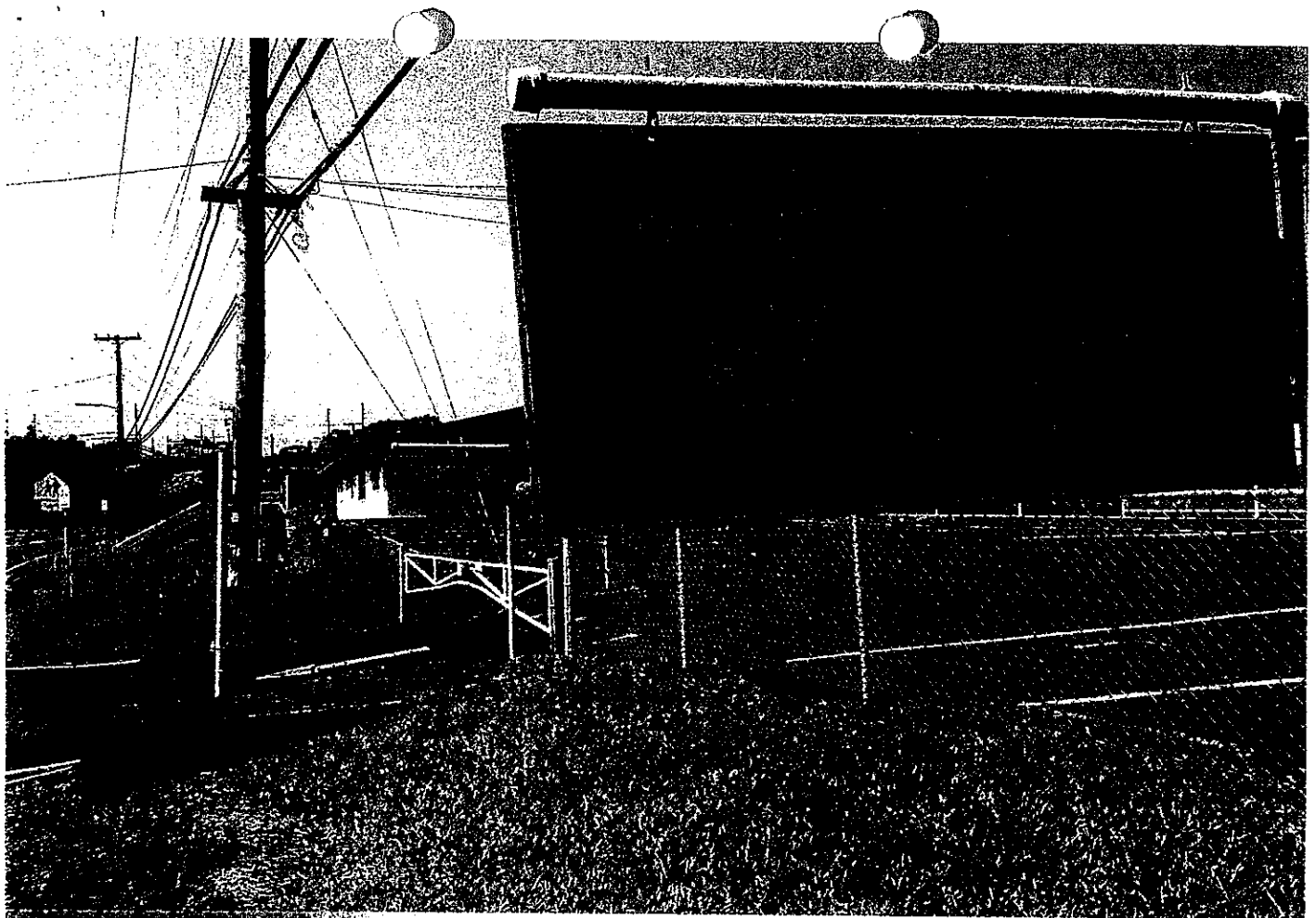
Documentation requested from the Hawaii County Police Department is submitted showing that traffic accidents increased from 11 to 18 under Post/Beat 147 which covers Kaūmana Drive and areas surrounding Edita Street in the past year.

Lastly, there is evidence that "shark teeth striping " has been added to Kaūmana Drive to warn drivers of the dangerous road conditions.

In conclusion Madame hearing officer, the proposed location of the Connections Public School in an established residential neighborhood is inappropriate and I respectfully request that you deny the special use permit. Thank you.

Respectfully Submitted,
Henry K. Lee Loy
1579 Manu Manu St.
Hilo, Hawai'i 96720





Kaūmana Elementary School

K-6= 292 students

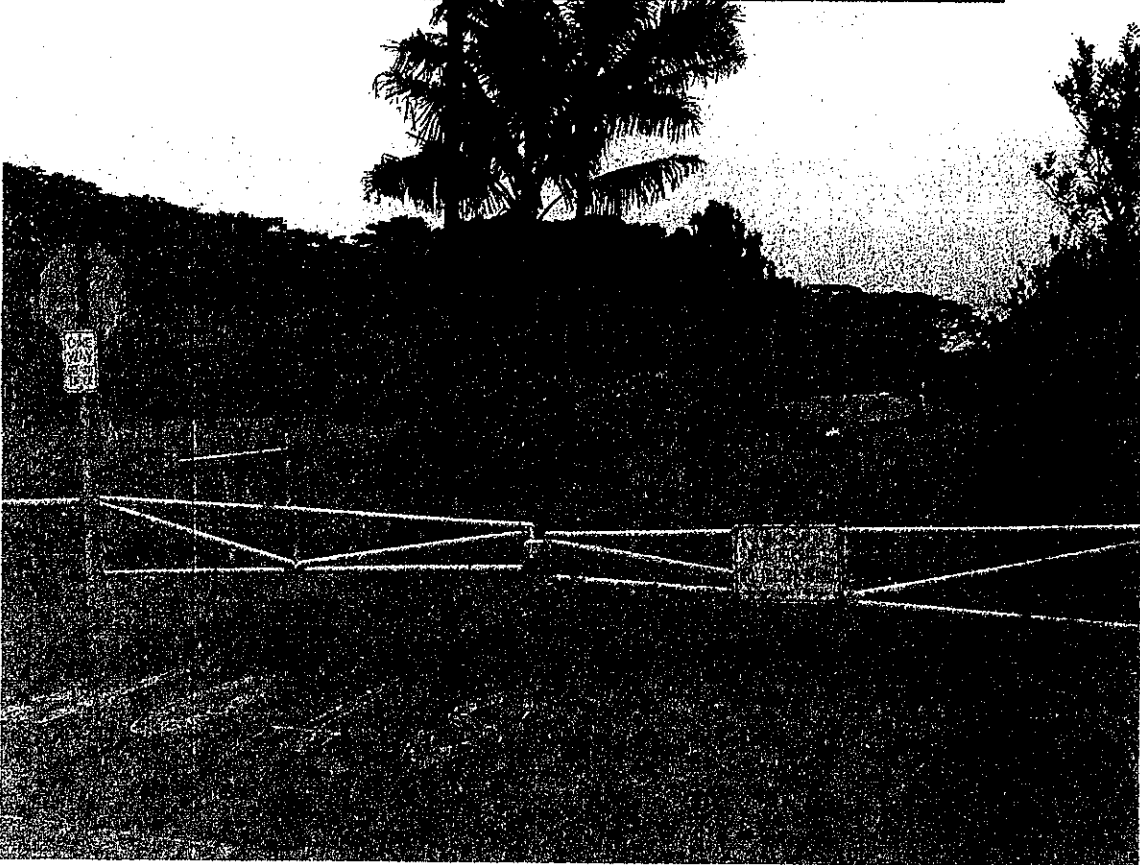
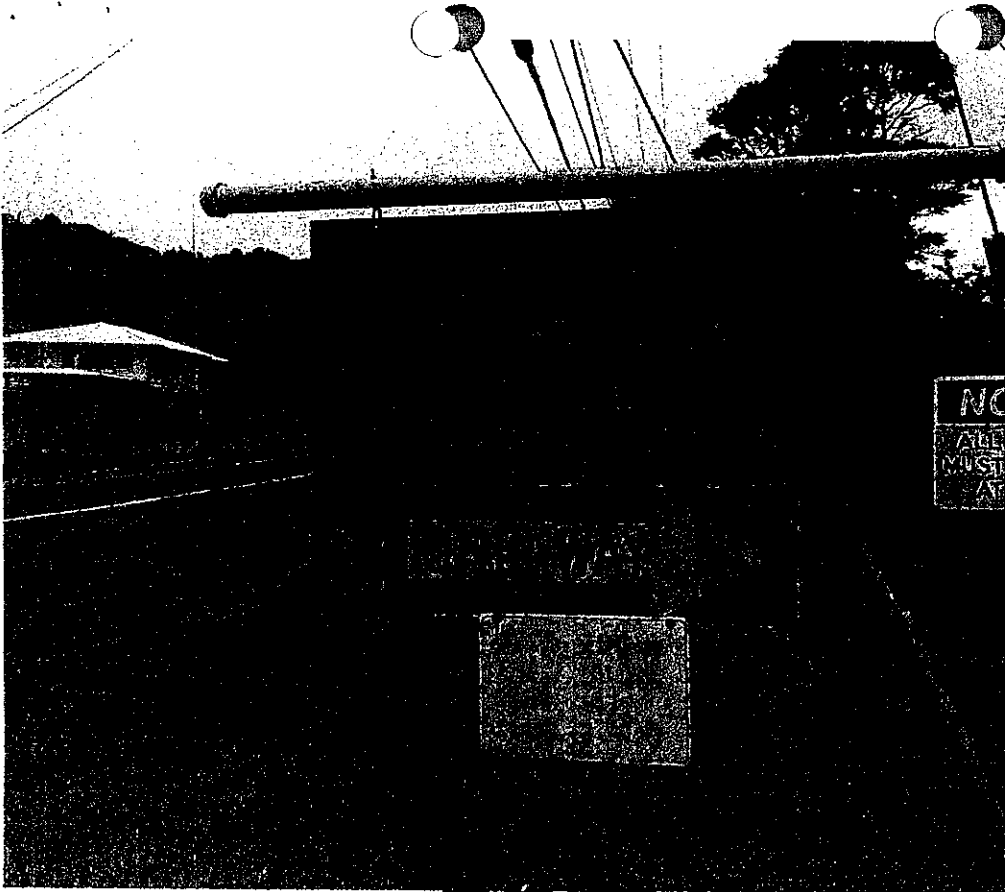
- Separate one-way entrance on Kaūmana Drive
- Separate one-way exit on Kaūmana Drive
- 2nd drop off and pick-up point behind cafeteria
- Shark's teeth road stripe installation



Ernest B. DeSilva Elementary School

K-6= 429 students

- Separate one-way entrance on Ainako Ave. (1)
- Separate one-way exit on Ainako Ave. (2)

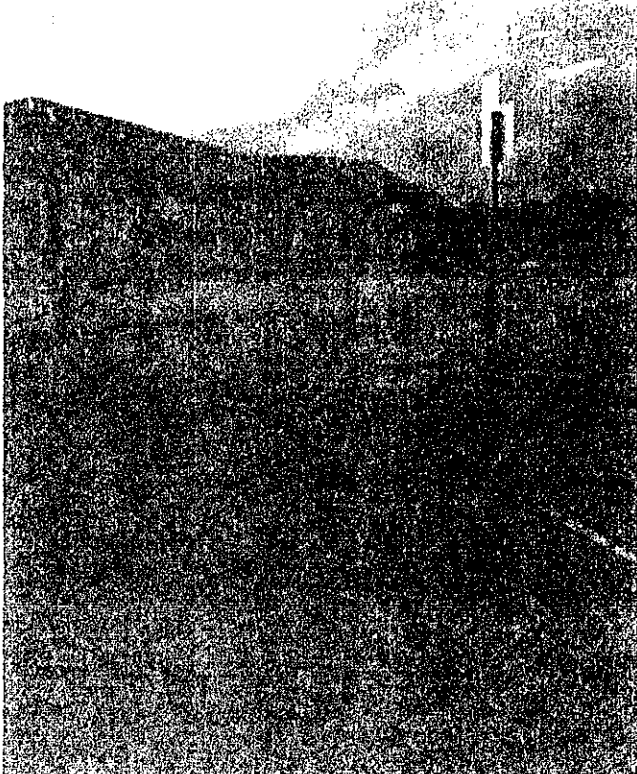


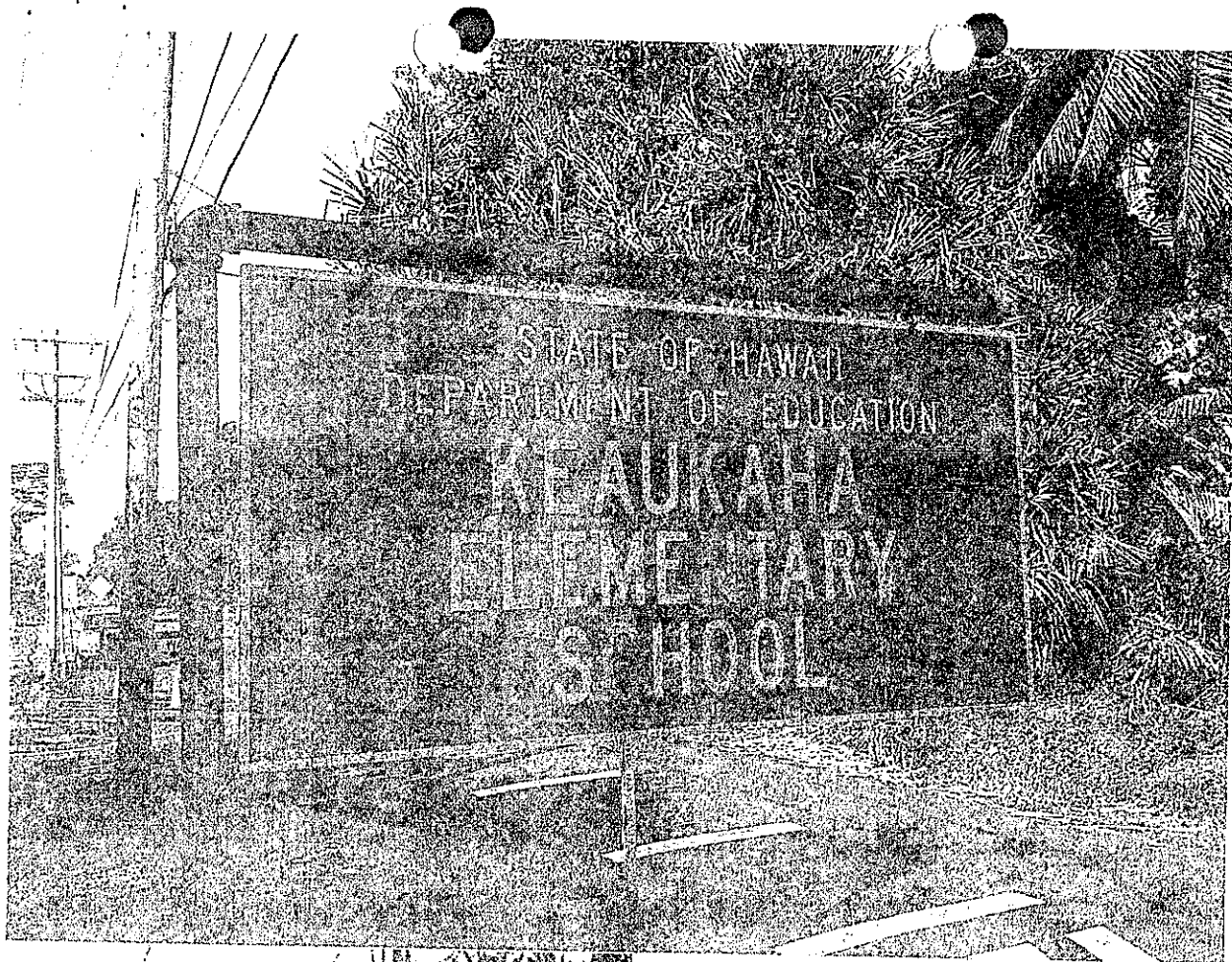


Hilo Union Elementary School

K-6= 487 students

- Waiānuenue Ave. Access
- Kapiʻolani Street Access

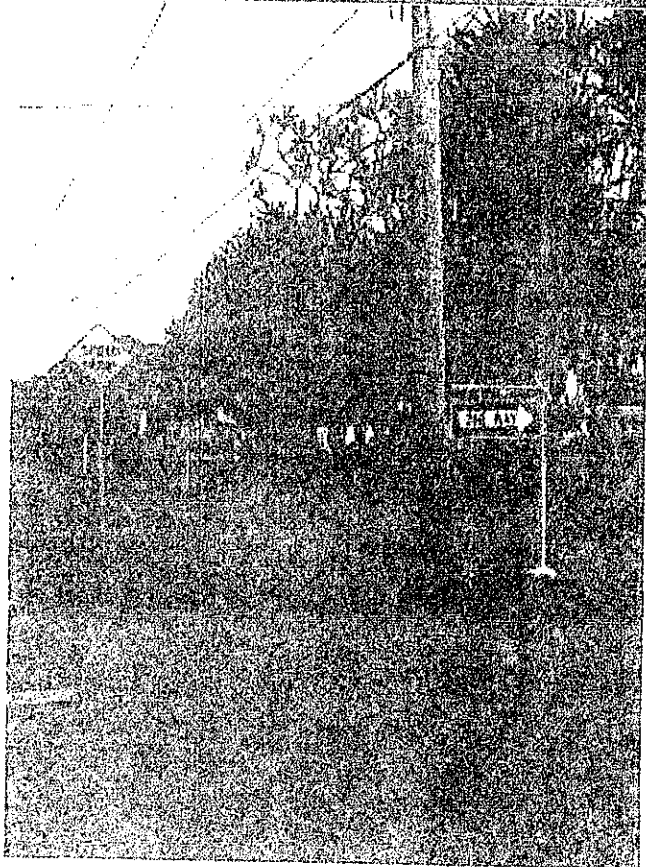


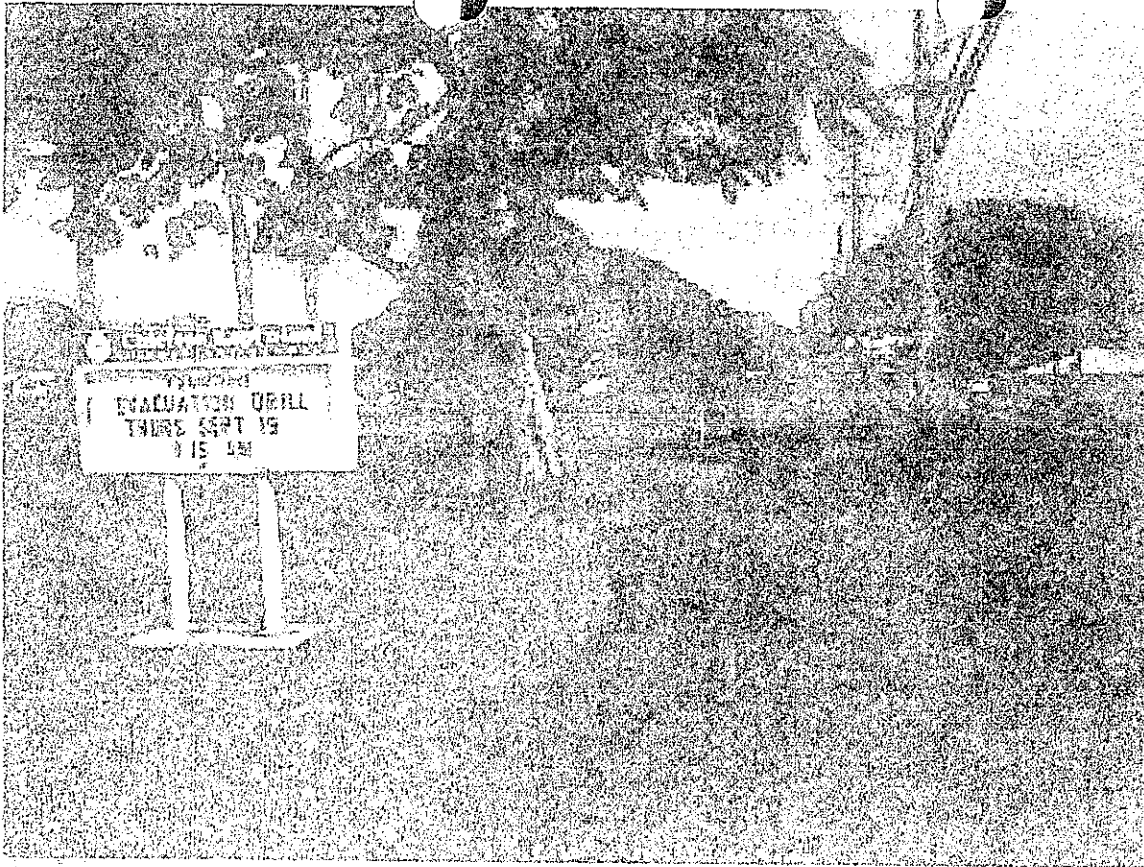


Keaukaha Elementary School

K-6= 407 students

- Separate one-way entrance on Desha Ave.
- Separate one-way exit on Desha Ave.
- Second access from Kawananākoa Gym

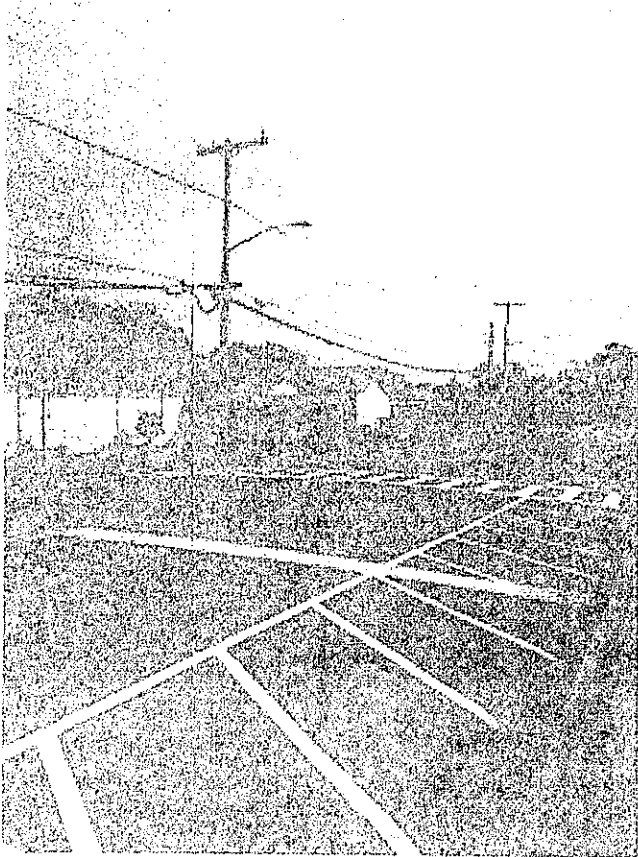


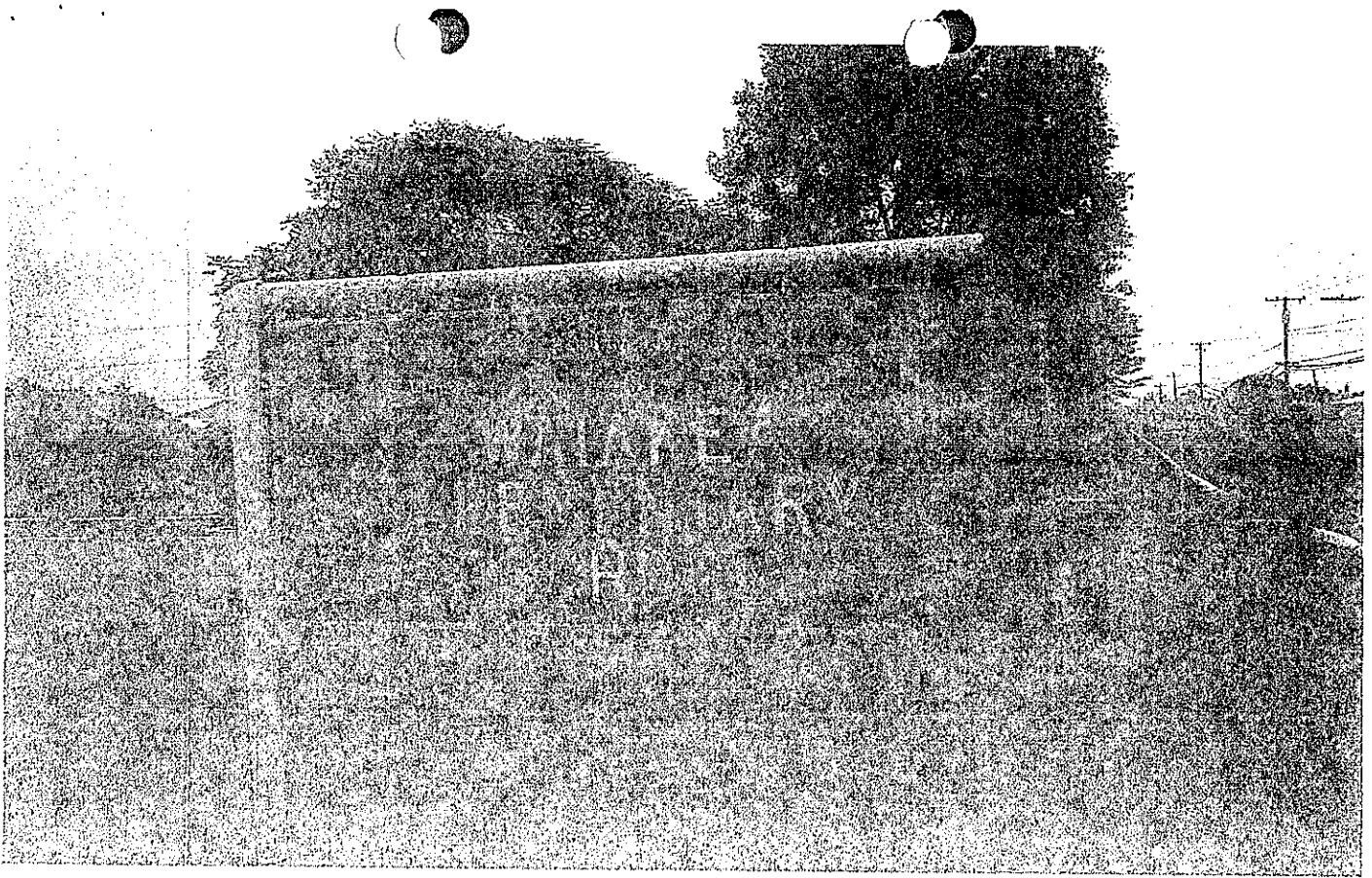


Kapi'olani Elementary School

K-6= 376 students

- Two drop off points
 - Kilauea Ave.
 - Mohouli Street
- Separate one-way entrance on Kilauea Ave.
- Separate one-way exit on Mohouli Street

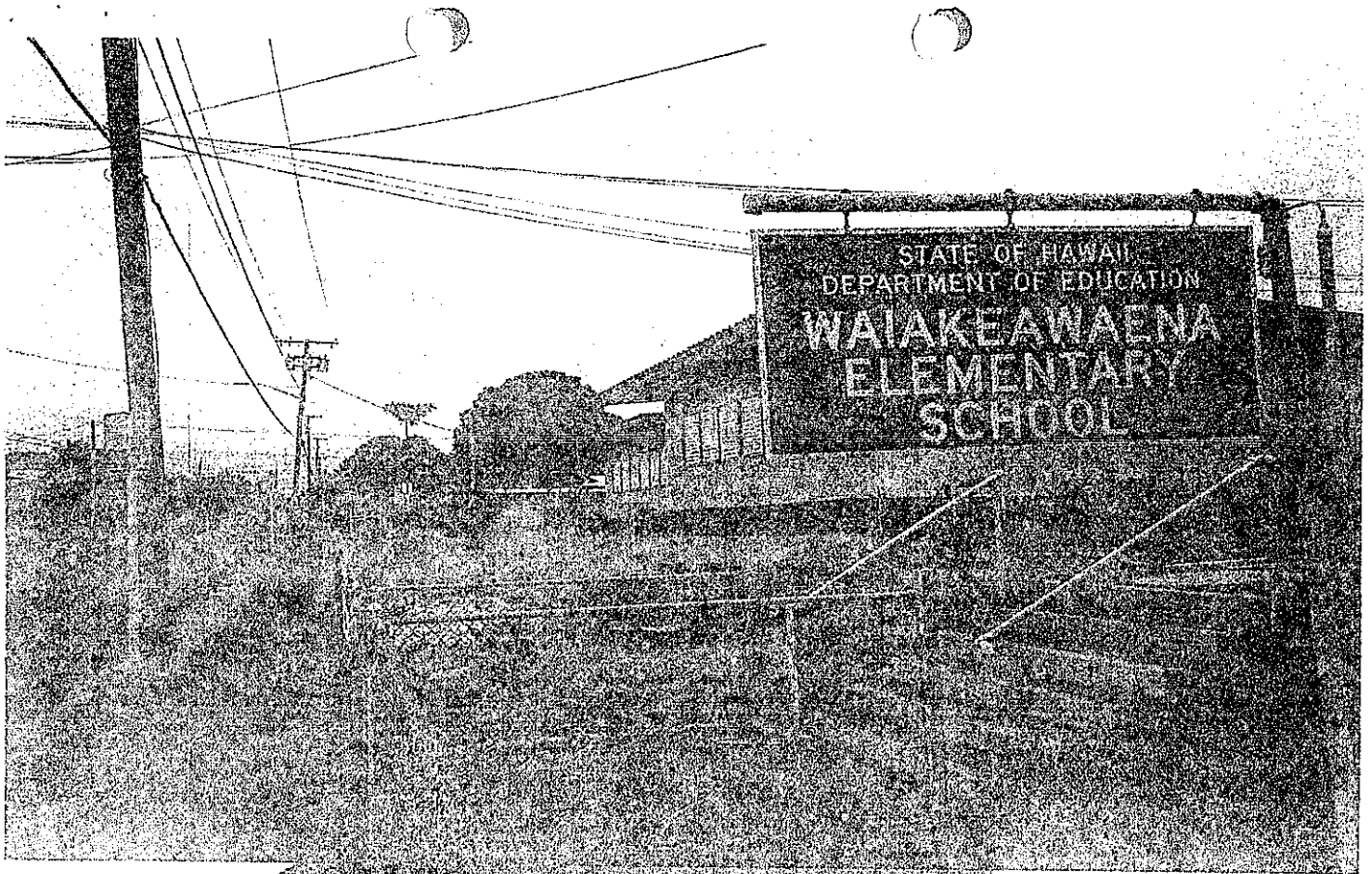




Waiākea Elementary School

K-5= 877 students

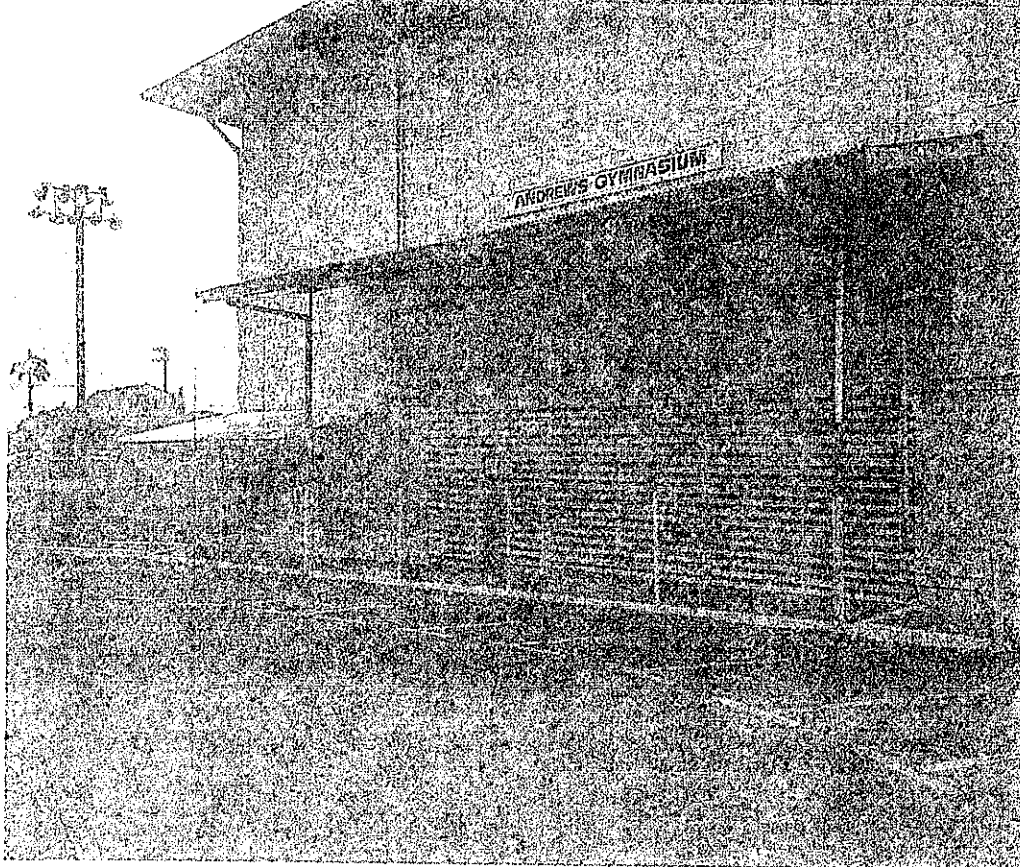
- Separate one-way entrance on Puainakō Ave.
- Separate one-way exit on Puainakō Ave.



**Waiākeawaena
Elementary School**

K-5= 714 students

- Kino`ole Street Access
- Kīlauea Street Access
- Andrew's Gym Parking Lot Access



OFFICIAL ENROLLMENT COUNT SY 13-14

School	Regular Education											Special Education				PREK-K Spad	RegEd			
	K	1	2	3	4	5	6	7	8	9	10	11	12	Total	K-6			7-8	9-12	Total
Hilo-Laupahoehoe-Waiakea	73	57	57	69	49	42	47							394	35			35	429	5
351 DE SILVA	26	21	25	30	26	26	18							172	11			11	183	
352 HARREO																				
355 HILO HI									316	286	217	231		1050			199	199	1249	
356 HILO INT								189	206					397		69		69	466	
357 HILO UNION	73	71	55	68	51	53	49							420	67			67	487	2
365 KALANIWAOLE EL & INT	38	29	32	28	23	41	26	27	25					269	21	5		26	295	7
367 KAPOLANI	58	53	42	52	38	43	37							323	53			53	376	8
368 KAWAIAHA	43	42	42	40	45	27	25							264	28			28	292	7
372 KEAUKAHA	67	55	47	45	48	43	42							347	60			60	407	
384 WAIAKEA EL	146	135	137	135	138	134								825	52			52	877	6
389 WAIAKEA HI									297	245	271	226		1039				158	1197	
385 WAIAKEA INT							276	245	259					760	30	82		112	892	
386 WAIAKEAWAENA	119	106	110	118	90	95								638	76			76	714	5
Hilo-Laupahoehoe-Waiakea	643	569	547	585	508	504	520	461	492	613	531	488	457	6918	433	156	357	946	7864	40
Honokaa-Kealahou-Kohala-Konawaena																				
358 HOUALOA	107	88	71	71	59	84								480	30			30	510	
359 HONAUNAU	23	22	23	15	14	14								111	18			18	129	31
361 HONOKAA EL	51	53	45	61	60	48	38							356	17			17	373	5
360 HONOKAA HI & INT								60	48	106	109	122	120	565				12	676	
363 HOOKENA	28	27	25	12	20	12								124	15			15	139	4
371 KAHAKAI	161	101	109	83	83	89								626	40			40	666	10
378 KE KULA O EHUUNUKAIMALII	23	21	12	15	19	16	18	20	15	12	11	10	1	193	9	4	8	21	214	12
388 KEALAKEHE	210	152	136	170	141	157								966	92			92	1058	11
392 KEALAKEHE HI										360	239	311	336	1246				150	1396	
390 KEALAKEHE INT							199	194	199					592	17	48		65	657	
395 KOHALA EL	63	67	58	62	63	54								367	44			44	411	3
373 KOHALA HI										66	60	46	56	228				48	276	
366 KOHALA MID							53	47	45					145	17	18		35	180	
375 KONAWAENA EL	92	87	86	82	92	89				185	158	171	137	651	39			39	567	2
374 KONAWAENA HI																				
376 KONAWAENA MID																				
382 PAAUILO EL & INT	23	31	21	24	24	23	181	171	146					498	22	43		82	733	
393 WAIKOLOA	129	99	93	77	67	85	55	71	49	14				228	12	2	1	15	243	
387 WAIMIGA EL	107	77	96	88	70	86								725	65	17		82	807	3
Honokaa-Kealahou-Kohala-Konaw	1017	825	775	760	712	757	563	584	530	743	577	660	650	9153	482	144	388	1014	10167	70
Kau-Keau-Pahoia																				
368 KAU HI/PAHALA EL	23	22	10	22	15	15	16	60	53	57	63	45	41	442	16	15	51	82	524	17
353 KEAAU EL	135	133	117	111	115	121								732	76			76	808	18
354 KEAAU HI										180	165	175	147	667				165	832	
370 KEAAU MID							169	165	212					546	22	45		67	613	
391 KEONEPOKO	84	86	83	89	78	78	60							558	74			74	632	16
379 IMVIEW EL	75	79	88	68	78	70								458	50			50	508	8
380 NAALERU	59	61	54	56	48	50	48							376	36			36	412	6
381 PAHOA EL	61	81	54	54	50	51	41							392	40			40	432	
383 PAHOA HI & INT							106	88	90	100	100	71	73	528				86	653	
Kau-Keau-Pahoia	437	462	406	400	384	385	334	331	353	327	328	291	261	4699	314	99	302	715	5414	48

OFFICIAL ENROLLMENT COUNT SY 13-14

Charter School	Regular Education												Special Education					Grand Total	PRE-K-K Sped. RegEd	
	K	1	2	3	4	5	6	7	8	9	10	11	12	Total	K-6	7-8	9-12			Total
396 CONNECTIONS-PCS	17	20	21	25	21	29	27	26	31	21	24	17	18	297	13	12	28	53	350	
543 EDUC LAB: A HAWAII NC-PCS	10	10	10	8	10	9	56	52	53	56	46	52	52	424	3	7	10	20	444	
546 HAKIPU'U LEARNING CTR-PC						2	3	3	16	10	8	5	2	49	4	4	8	12	61	
540 HALAU KU MANA-PCS					11	10	14	12	16	12	17	10	4	106	4	5	6	15	121	
542 HALAU LOKAHI NC-PCS	5	14	6	10	12	12	13	18	9	16	18	21	8	162	3	6	5	14	176	
551 HAWAII TECHNOLOGY ACAD	10	27	30	36	64	50	57	65	120	88	85	36	14	682	18	27	24	69	751	
561 HI ACADEMY OF A&S-PCS	25	28	31	28	35	41	53	48	50	62	59	52	45	557	12	12	19	43	600	
548 INNOVATIONS-PCS	22	21	24	23	24	21	22	34	16					207	11	5	16	223		
562 KA 'UMEKE KA'EO-PCS	42	35	35	32	25	22	25	11	13	5	2	4	4	255	8	6	9	23	278	
545 KA WAHONA O KA NAAUAC	68	70	70	69	65	70	68	67	53					600	26	8		34	634	
275 KAMAILE ACADEMY	94	101	90	89	88	87	82	52	32	20	30	14	8	787	88	8	16	112	899	
466 KANAKA-PCS	4	5	6	5	6	3	4	3	3	2	5	3	5	54	5	3	1	9	63	
397 KANU O KAYAMA-PCS	32	23	20	25	28	21	16	16	9	16	12	9	10	237	8	1	9	18	255	
564 KANUIKAPONO-PCS	18	16	14	19	18	14	15	7	11	6	2	3	8	151	2	3	1	6	157	
565 KAWAIKINI-PCS	20	15	20	9	11	16	8	5	4	6	2	3	3	120	2	1	1	4	124	
549 KE ANA LA'AHANA-PCS								8	11	8	6	5	5	43		4	7	11	54	
556 KE KULA NIHAU KEKAHA-PC	2	2	2	1	3	2	3	5	4	3	3	5	1	36		2	2		38	
547 KE KULA O KAMAKAU LAB-P	27	18	16	16	10	8	3	10	15	2	6	3	4	138					138	
554 KIHEI PC SCHOOL-PCS	11	9	10	8	11	29	70	67	86	76	65	60	50	552	7	6	11	24	576	
566 KONA PACIFIC-PCS	19	39	21	26	22	20	23	20	13					203	6	6		12	215	
557 KUA O KALA-PCS	16	21	23	21	28	13	21	21	27	15	19	14	10	249	6	8	16	30	279	
411 KUALAPUU	49	43	39	49	44	40	51							315	21		21	336		
320 LANIKAI-PCS	65	45	46	49	43	42	46							336	16		16	352		
377 LAUPAHOEHOE COMMUNIT	29	17	8	20	18	14	9	18	5	15	10	8	6	177	15	10	9	34	211	
544 MYRON THOMPSON ACAD-P	70	69	50	50	47	32	25	32	26	32	21	35	34	523	1	1	2	525		
563 NAWAHI IKI LAB-PCS	50	37	42	33	33	16	20	18	19					268	3	2	5	273		
567 SEEQS							33	21						54	2	7	9	63		
560 VOICANO SCH OF A&S-PCS	16	16	31	17	14	18	14	17	15					158	20	10	30	188		
541 VOYAGER-PCS	38	41	39	38	35	18	20	15	8					252	24	8	32	284		
149 WAIALAE-PCS	88	86	82	76	78	63								473	28		28	501		
394 WAIMEA MID-PCS							92	84	74					250	13	21	34	284		
398 WATERS OF LIFE-PCS	21	17	13	10	15	12	14							102	8		8	110		
399 WEST HI EXPLOR ACAD-PCS							29	30	27	40	36	32	23	217	1	5	11	17	234	
Charter	868	843	799	792	819	754	936	785	766	511	476	391	314	9034	374	195	194	763	9797	
																			11	32



UNIVERSITY of HAWAII'S
HAWAII
COMMUNITY COLLEGE

2008-2009 Catalog

HAWAII COMMUNITY COLLEGE

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This catalog provides general information about Hawaii'i Community College, its programs and services, and summarizes those major policies and procedures of relevance to the student. The information contained in this catalog is not necessarily complete. For further information, students should consult with the appropriate unit. This catalog was prepared to provide information and does not constitute a contract. The College reserves the right to, without prior notice, change or delete, supplement or otherwise amend at any time the information, requirements, and policies contained in this catalog or other documents.

Academic Calendar 2008-2009

Spring 2009 Semester Calendar

Aug 15 (F)	Last day for International Students (living abroad) to submit complete Spring 2009 application
Oct 31 (F)	Last day for International Students (in the US with F-1 Visa) to submit complete Spring 2009 application
TBA	Payment of UH System Tuition/Fees due by 4:00 pm if you early registered (You may pay Tuition/Fees online by 7:00 pm through MyUH Portal)
Dec 3 (W)	Last day to submit completed applications for Spring 2009 Semester
Jan 6-7 (T-W)	Regular Registration (New, Returning, Continuing, and Transfer Students)
Jan 12 (M)	First day of Instruction
Jan 12-16 (M-F)	Registration changes (Adds/Drops) (In-person anytime: \$5.00 fee, Online until Jan 16: no charge) NOTE: A \$30.00 Late Registration fee will be charged for new registrations on or after the first day of instruction. Full Tuition Payment is due by 4:00pm on the day you register
Jan 16 (F)	Last day to officially withdraw without owing tuition. (If you register and decide to not attend, you must officially withdraw by this date. Afterwards, students with unpaid balances will be obligated to pay.)
Jan 16 (F)	Last day to receive 100% Tuition Refund for withdrawal from semester-length classes
Jan 16 (F)	Last day to receive Fees Refund for withdrawal from semester-length or partial-semester classes
Jan 16 (F)	Last day to Add semester-length classes/Last day to Late Register
Jan 19 (M)	<i>Martin Luther King, Jr. Day (Holiday)</i>
Jan 30 (F)	Last day to receive 50% Tuition Refund for withdrawal from semester-length classes NOTE: You may withdraw online from semester-length classes through Sunday, Feb 1 provided you have at least one class remaining this semester
Jan 30 (F)	Last day to Withdraw from classes without a "W" NOTE: You may withdraw online from semester-length classes through Sunday, Feb 1 provided you have at least one class remaining this semester
Jan 30 (F)	Financial Aid census date
Feb 16 (M)	<i>Presidents' Day (Holiday)</i>
Mar 2 (M)	"I" removal deadline: Student to Instructor
Mar 6 (F)	<i>Non-Instructional Day</i>
Mar 13 (F)	Last day to apply for Spring Semester Graduation
Mar 20 (F)	Financial Aid census date
Mar 20 (F)	Last day to submit Credit by Exam results to A&R/WHSS Office
Mar 20 (F)	Last day to Withdraw from classes with a "W" (for semester-length classes)
Mar 20 (F)	"I" removal deadline: Instructor to A&R/WHSS Office
Mar 20 (F)	Last day to submit application to Audit classes
Mar 20 (F)	Last day to exercise CR/NC
Mar 23-27 (M-F)	<i>Spring Recess (No School)</i>
Mar 26 (W)	<i>Kūhiō Day (Holiday)</i>
Apr 3 (F)	Last day to apply for Spring Semester Graduation
Apr 10 (F)	<i>Good Friday (Holiday)</i>
Apr 15 (W)	Last day for International Students (living abroad) to submit complete Fall 2009 application
Apr TBA	Fall 2009 Early Registration for continuing students. NOTE: Information for Tuition and Fees Payment will be provided with registration information.
May 6 (W)	Last day to submit Complete Withdrawal form. (Dropping you from ALL your HawCC Spring classes) NOTE: If you are enrolled in part-term class(es), the Complete Withdrawal must be done before any class is completed.
May 6 (W)	Last day of Instruction
May 7 (R)	Writing Final Exams
May 8 (F)	Final Exams for classes that met on Fridays only throughout the semester
May 11-14 (M-R)	Final Examinations
May 15 (F)	Hawai'i Community College Commencement - Hilo
May 16 (S)	Hawai'i Community College Commencement - West Hawai'i
May 18 (M)	Spring semester ends; Instructors must submit grades by 12:00 noon
May 31 (U)	Last day for International Students (in the US with F-1 Visa) to submit complete Fall 2009 application

NOTES: 'R' denotes Thursday.
'A&R' denotes Admissions & Records Office (Hilo)
'WHSS' denotes West Hawai'i Student Services Office (WH)

Academic Calendar subject to change.

HCC COMMENCEMENT
TOOK PLACE TWO
WEEKS BEFORE
THE TRAFFIC
COUNT OF
MAY 28, 2009



UNIVERSITY
of HAWAII
HILO

Post-it* Fax Note	7671	Date	10/18/13	# of pages	1
To	Dr. Henry Leelay	From	UH Hilo		
Ca./Dept.		Co.	Office of the Registrar		
Phone #	909-2011	Phone #	(808) 974-7322		
Fax #	909-3480	Fax #	(808) 933-0862		

October 18, 2013

To Whom It May Concern:

This is to certify that the Spring 2009 term began on January 12, 2009 and ended on May 15, 2009.

Please feel free to contact the Office of the Registrar directly at (808) 974-7322, if you have any questions.

Respectfully,

Cathy A. Travis
University Registrar



Kamehameha School Hawai'i

2008-2009 School Year Calendar



Teachers: (days)

Elementary & Middle (Trimester)

High School (Quarterly)

Students: (ES days)
(MS days)
(HS days)

1st Trimester: days
2nd Trimester: days
3rd Trimester: days

1st Quarter: days
2nd Quarter: days
3rd Quarter: days
4th Quarter: days

	Su	M	T	W	Th	F	S
July	20	21	22	23	24	25	26
	27	28	29	30	31		
August						1	2
	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
	31						
September		1	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30				
October				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	31	
November							1
	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
	30						
December		1	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30	31			
January					1	2	3
	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31
February	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
March	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31				
April				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30		
May						1	2
	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
	31						
June		1	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30				
July				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	31	
August							1
	2	3	4	5	6	7	8

Aug 1 First day of school

Oct 6-10 Fall Break

Nov 11 Veterans' Day - Holiday

Nov 27-28 Thanksgiving Holiday

Dec. 19 Founder's Day - 1/2 day

Dec. 22-Jan. 2 Christmas Break

Jan. 19 Martin Luther King Day - holiday

March 23-April 3 Spring Break -

April 10 Good Friday - Holiday

May 22 Last Day K-12

May 23 Baccalaureate-HM tea-Graduation

May 26 Last Day for faculty

DATE:

Holidays (No School) Other No School Days

INSTITUTIONAL RESEARCH & ANALYSIS OFFICE

Back to Academic Planning and Policy

DATA

- Data Access Portal
- IRO Dynamic Reporting
- ODS Data Dictionary
- Discoverer Reports

MAPS / INSTITUTION REPORTS

- Academic Crossover
- Courses
- Curriculum
- Enrollment
- Faculty/Staff
- Finance
- Graduation and Persistence
- Peer and Benchmark Groups
- Planning Information
- Projections
- Students
- by Academic Year

MAPS Resources

- Latest Reports (last 90)
- Discontinued MAPS reports

MAPS RSS Feed

Other Reports

- Ad-hoc Studies / Special / Other
- Student Right-To-Know (SRTK)

REQUEST FORMS

- Code Request Form for Academic Program Codes
- Code Request Guide
- ODS Access Request Form

REFERENCE INFORMATION

- SWIR @UH Bwiki
- Race/Ethnicity Collection and Reporting Changes

INSTITUTIONAL RESEARCH & ANALYSIS OFFICE
UNIVERSITY of HAWAII SYSTEM - ACADEMIC PLANNING AND POLICY

Whats New:

- ANNOUNCEMENT:**
- Effective immediately, IRO's new email address will be iro-mail@lists.hawaii.edu. The current email address will be inactivated by March 10, 2010. Please update your email addresses to reflect the change.
- Changes to Race/Ethnicity Collection and Reporting [View Details...](#)

[View by Headcount](#) | [View by SSH](#)

Fall 2013 CENSUS Headcount:

	Fall 2013	%C	Fall 2012	%C	Fall 2011	%C	Fall 2010	%C	Fall 2009
UH	68,041	-2.2	69,286	-0.1	69,330	0.4	69,090	3.7	67,546
Mānoa	20,006	-2.1	20,426	-0.0	20,429	0.5	20,337	-0.5	20,435
Hilo	4,043	-2.7	4,157	0.4	4,139	1.5	4,079	2.6	3,974
West O'ahu	2,361	18.2	1,997	20.2	1,662	13.0	1,471	10.4	1,333
UHCC	32,631	-3.5	33,715	-1.1	34,100	-0.3	34,203	6.2	32,203
Hawai'i Community College	3,406	-7.0	3,663	-6.5	3,917	2.7	3,815	16.5	3,275
Honolulu Community College	4,368	-4.7	4,582	-0.4	4,600	-2.6	4,725	3.5	4,567
Kapi'olani Community College	8,376	-5.8	8,892	-1.5	9,023	-3.0	9,301	2.2	9,102
Kaua'i Community College	1,530	2.3	1,495	4.3	1,433	0.4	1,428	6.2	1,345
Leeward Community College	7,976	0.2	7,960	0.8	7,895	-0.6	7,942	6.1	7,484
Maui College	4,076	-7.0	4,382	-3.2	4,527	3.7	4,367	6.1	4,114
Windward Community College	2,799	2.1	2,741	1.3	2,705	3.0	2,625	13.3	2,316

[View Fall 10-year historical headcount headcount and SSH taken \(Fall 2003 - 2013 \)](#)
[View Spring 10-year historical headcount and SSH taken \(Spring 2003 - 2013 \)](#)

Contact Us:

University of Hawai'i
Institutional Research Office
Sinclair Annex 2, Room 4
1633 Bachman Place
Honolulu, Hawai'i 96822-2301

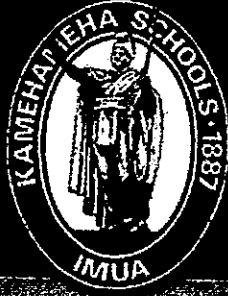
iro-mail@lists.hawaii.edu
808.956.7532 (Office)
808.956.9870 (Fax)
Mon - Fri (excluding holidays)
7:45 a.m. to 4:30 p.m. HST

Quick Links:

- Report Grid
- Request Forms
- IRO Freeze Information
- IRO Dynamic Reporting
- ODS Data Dictionary

Other IR Offices

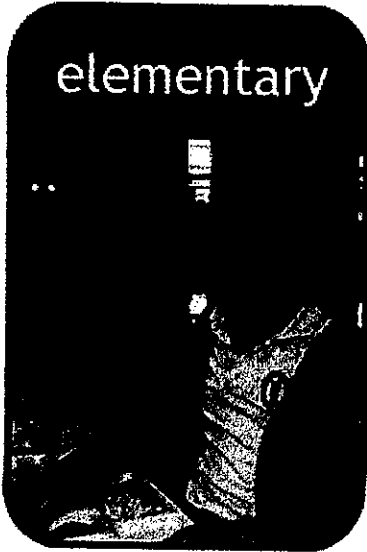
- UH Mānoa
- UH Hilo
- UH West O'ahu
- Hawaii CC
- Honolulu CC
- Kapi'olani CC
- Kaua'i CC
- Leeward CC
- Maui CC
- Windward CC



Hawai Campus

Kamehameha Schools

elementary



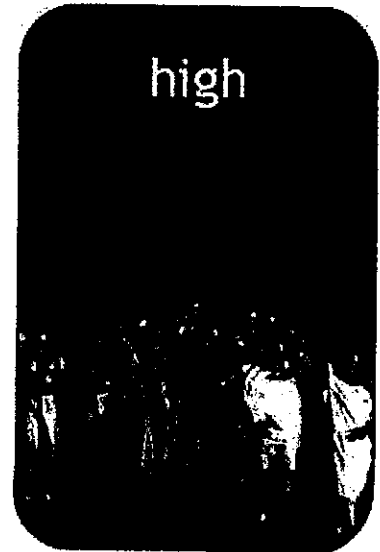
Elementary School Quicklinks

middle



Middle School Quicklinks

high



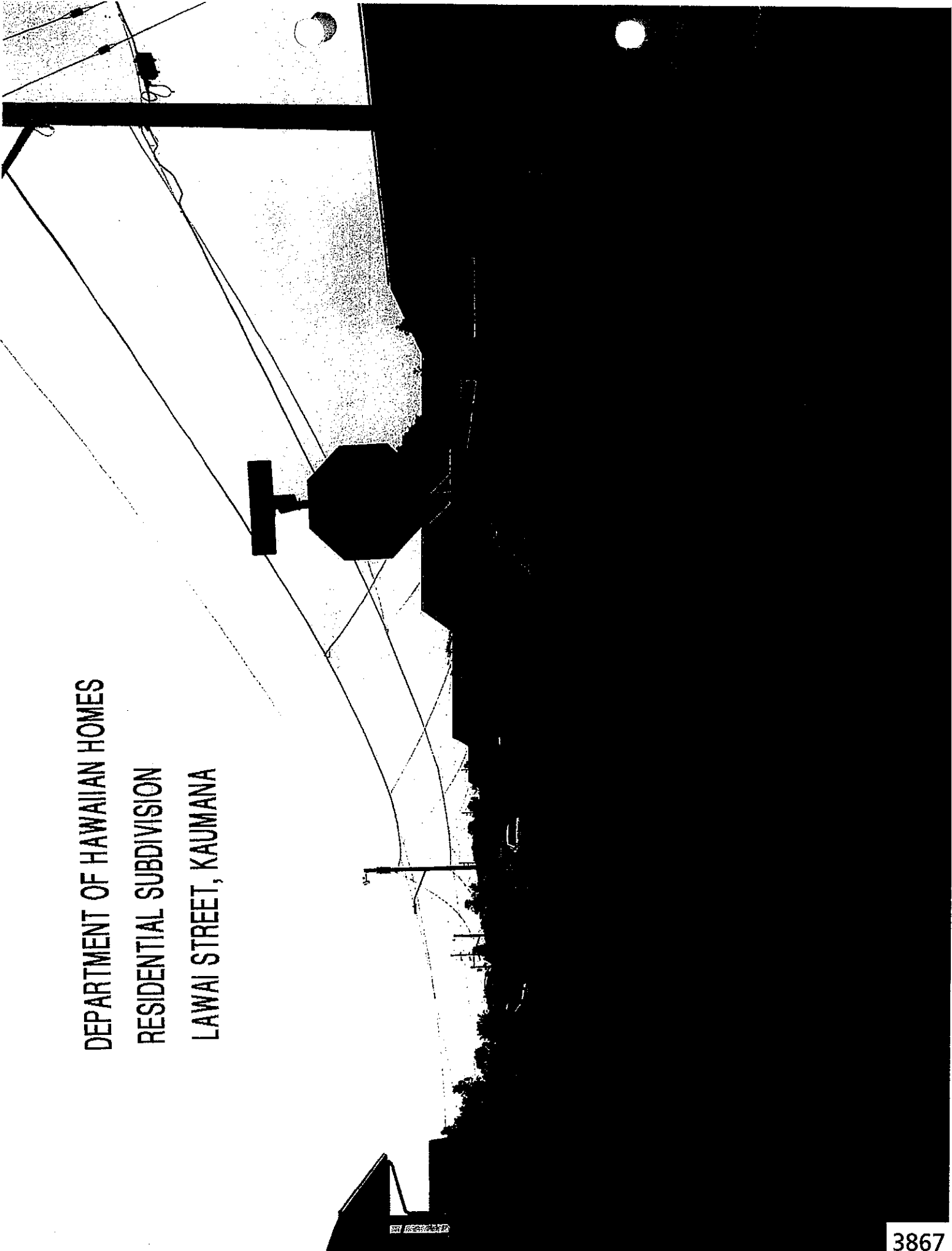
High School Quicklinks

Hawai`i Campus

The 300-acre Kamehameha Schools Hawai`i campus is located in Kea`au, eight miles south of Hilo in a remote, heavily forested and beautiful area. Founded in 1996, the school currently enrolls 1,120 K-12 students. The curriculum is directed towards preparing students for success in post-high school endeavors and a rewarding and productive life.

The overall program is college preparatory with significant enhancements in career and vocational opportunities. Junior and senior students participate in a career academy program which offers skill development and career orientation in the following fields: Arts and Communication; Business and Leadership; Engineering and Design; Health and Wellness; and Science and Natural Resources.

DEPARTMENT OF HAWAIIAN HOMES
RESIDENTIAL SUBDIVISION
LAWAI STREET, KAUMANA

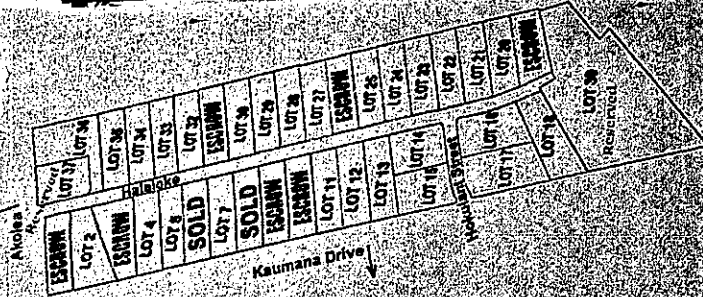


Punahoa Mauka Estates



**1 Acre
Vacant Lots
Starting
@ \$169,000**

**3 and 4
bdrm Homes
Starting
@ \$382,000**



HOKULANI STREET, KAUMANA

Breze Hyatt (RS)

(808)430-9325

David Skeele (RB)

(808)938-8284

Glenn Takase (DR)

(808)936-0692

**COLDWELL
BANKER**

**DAYLUM
PROPERTIES**

808-935-0399

2 Kamehameha Ave
Hilo HI 96720

www.daylum.com

**REQUEST: PROPOSED CONSOLIDATION OF LOTS 1, 2, & 3 AND
RE-SUBDIVISION INTO LOTS 1 TO 23, INCLUSIVE
AND ROADWAY LOTS**

**PROPOSED # OF LOTS: TWENTY-THREE(23) LOTS AND THREE (3)
ROADWAY LOTS**

SIZE OF PROPERTY: 48.413 ACRES

**TAX MAP KEY NO.: (3) 2-3-044:009; PUNAHOA 1st & PONAHAHAWI,
SOUTH HILO, ISLAND AND COUNTY OF
HAWAII.**

**FOR MORE INFORMATION, CONTACT:
COUNTY OF HAWAII
PLANNING DEPARTMENT
101 PAUAAHI STREET, SUITE 3
HILO, HAWAII 96720
PHONE: (808) 961-8288**

**MOHOULI STREET EXTENSION
& KAUMANA DRIVE**

FUTURE HOME OF REGIONAL HILO NURSING & REHABILITATION CENTER

100 Bed Skilled Nursing Facility
563 Kaumana Drive, Hilo, Hawaii 96720

MEMBER OF KAUMANA TOWNSHIP

MEMBER OF REGIONAL HEALTH SERVICES

Partnership with Hilo Senior Services & Hospice for the Aged Project
P.O. Box 169, Hilo, Hawaii

KAUMANA TOWNSHIP REGIONAL CENTER, INC.
100 Kaumana Street, Suite 200
Hilo, Hawaii 96720
Telephone: (808) 933-5200

563 KAUMANA DRIVE

DN!
ION SII
OF

MOHOULI SENIOR PHASE I



ALL HOUSING
OPPORTUNITY
ITION

HUD PROJECT NO.: 140-EE042-NP-WAH

MOHOULI SENIOR PHASE I, LLLP
100 Pauahi Street, Suite 204, Hilo, HI 96720

GENERAL PARTNER: Hawaii Island Community
ARCHITECT: Fleming & Associates, LLC

CONTRACTOR: Heartwood Pacific, LLC
US Dept of Housing & Urban Developm
Section 202 Supportive Housing for the
State of Hawaii

Low Income Housing Tax Credit Prog
Rental Housing Trust Fund
Rental Assistance Revolving Fund
County of Hawaii
HOME Investment Program

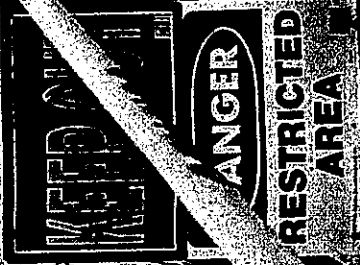
FOR RENT

APPLICATIONS ALL 959-4642

SENIOR HOUSING

MOHOULI STREET EXTENSION

LOWER KAUMANA



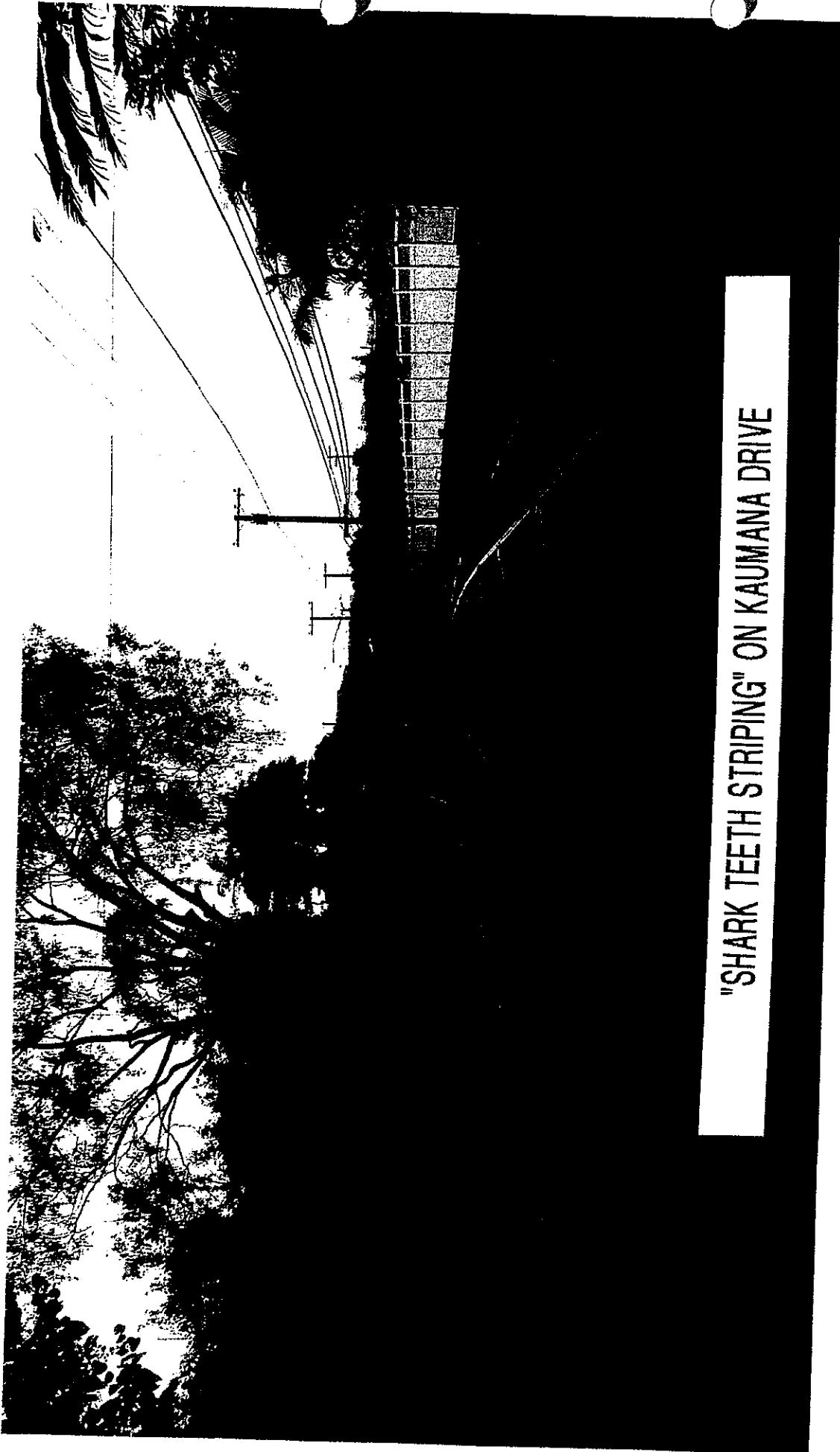
TRAFFIC ACCIDENTS

The below information was obtained from the Hawaii Police Department Records Management System (RMS), the Hawaii Police Department does not keep records of a specific street or address, but does document reports by Post/Beat. The below information relative to traffic accidents was obtained by searching Beat 147 for the periods indicated below. Beat 147 cover Kaumana Drive and areas surrounding Edita Street. The mapping location of beat 147 is as follows:

Beat 147 – From the intersection of Waiānuenu Avenue and Puu Hina Street, thence in a southerly direction along Puu Hina Street to Kaūmana Drive, thence in a southwesterly direction on Kaūmana Drive to Omao Street, thence continuing southeast along Omao Street extended to the center of Alenaio Stream, thence in a westerly direction along Alenaio Stream to a point which intersects with a line drawn from Mohouli Street extended, thence in a straight line in a westerly direction to a point intersecting with a line from Akolea Road extended, thence in a northerly direction along that line to Akolea Road encompassing all properties along both sides of Akolea Road to the intersection with Waiānuenu Avenue and thence in an easterly direction along Waiānuenu Avenue to the point of origin.

In Records Management System, under Post/Beat 147, for the **dates of 10/01-2011 to 10/01/2012**, reported traffic accidents totaled **11**.

In Records Management System, under Post/Beat 147, for the **dates of 10/01-2012 to 10/01/2013**, reported traffic accidents totaled **18**.



"SHARK TEETH STRIPING" ON KAUMANA DRIVE

Kaūmana Drive

- Since 2009 Traffic Analysis Report completed, shark teeth striping added to roadway fronting Kaūmana Elementary School (displayed earlier) and west of Terrace Drive.

Testimony of Terence Yoshioka

1572 Melemanu Street
Hilo, Hawaii 96720

Madame Hearing Officer and members of the Windward Planning Commission, my name is Terence Yoshioka and I am testifying on my own behalf as a resident of the Pacific Plantation Subdivision.

In the course of my research on Special Permits, I came across a Hawaii Supreme Court case which, I believe, will offer you assistance in reaching your decision on their application. The case is Neighborhood Board v. State Land Use Commission, 64 Haw. 265 (1982). In this action, the Hawaii Supreme Court found that a Special Permit for the development of a 103 acre recreational theme park in an agricultural district “frustrates the objectives and effectiveness of Hawaii’s land use scheme.” (Supra, p. 272) The Hawaii Supreme Court further stated that “[w]e do not believe the legislature envisioned the special use technique to be used as a method of circumventing district boundary amendment procedures to allow the ad hoc infusion of major urban uses into agricultural districts.” (Supra, p. 273)

In discussing the Special Permit process, the Hawaii Supreme Court found that “[i]ts essential purpose, as explained by the Attorney General, is to provide landowners relief in exceptional situations where the use desired would not change the essential character of the district nor be inconsistent therewith.” (Supra, p. 271)

In essence, the use of the Special Permit process to effectuate what amounts to be district boundary amendment would frustrate the effectiveness and objectives of HRS. Chapter 205 rather than to promote them.

If this Commission follows the principles enunciated in the Neighborhood Board decision, I believe you will conclude that the construction of the school will be contrary to Rule

SCANNED	at 10/1 mtg by JWP
MAY - 9 2014	Disc'd by [initials]
By:	3874

6-3(b)(5)(f) of the Planning Commission Rules of Practice and Procedure as it will substantially alter or change the essential character of the land and the present use thereby requiring a district boundary amendment rather than a Special Permit.

I, therefore, urge you to rule accordingly and I thank you for your time.

TESTIMONY

Hello, my name is Jan Yokoyama. I live at 1300 Kaumana Dr. and have lived there for over 40 years. I am opposed to Connections school being built due to traffic and safety concerns. I recently did an informal traffic survey on Monday, October 14 from 7-8 a.m. I was parked at the mauka corner of Edita and Kaumana Dr. I counted 93 cars coming up pass me, 220 cars going down, and 57 cars either entering or leaving Edita St. This 57-car count is unduplicated, meaning if they passed me on Kaumana Dr., I didn't count them. The cars coming down Kaumana Dr. were whizzing pass me and alarmed me to the point that I called Lt. Darren Horio of Community Policing to schedule the speed trailer to be placed at the corner. Hopefully, this will slow them down. Also, some of the cars coming out of Edita St. were not coming to a complete stop at the stop sign. I witnessed a near rear end collision of a car leaving Edita St. and coming upon a car leaving the driveway on Kaumana Dr. Edita St. and Kaumana Dr. are not built to handle any more traffic that the Connections school will bring.

Rec'd at 10/21 mtg by [signature]
Dist'd y8

SCANNED
MAY - 9 2014
By: _____ 3876

October 21, 2013

Contested Case Hearing

RE: Special Use Permit Application – Connections Charter School

The State Department of Land and Natural Resources granted a lease to Connections Charter School to build a proposed Pre-K through 12th grade campus. This lease was approved based on the school's ability to obtain all required approvals and permits. This includes permission from the County of Hawaii, via the Windward Planning Commission, to use property designated for agricultural use for non-agricultural purposes. While it would be possible for an educational facility to be built on the proposed site, we must examine all of the boundaries to determine if an educational facility would be an appropriate for the designated parcel.

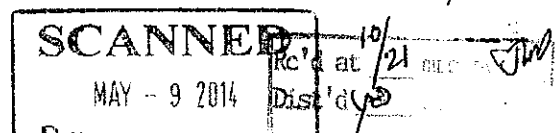
The County of Hawaii's General Plan outlines the framework for the development of Public Facilities such as schools, emergency services, health and sanitation, and government operations. The development of public facilities should be coordinated to effectively service community needs and maximize the effect of the public dollar.

An educational facility, on the subject property does not follow the guidelines set forth in the County of Hawaii's General Plan.

- The Plan outlines policies, standards and districts for planning and developing educational facilities. Section 10.2.2(d) of the General Plan states that we should "Encourage implementation of the Department of Education's 'Educational Specifications and Standards for Facilities'" (Ed Specs). For new communities, sufficient acreage in accordance with the State's Ed Specs (10.2.3(a)), must be reserved for educational facilities.

Because the upper portion of the subject parcel has been deemed unusable due to the Kaumana Cave system, the lower parcel (approximately 37 acres) does not meet the State's specification for a K-12 campus.

- There are two public school complexes in the district of South Hilo. The Hilo High School complex contains nine (9) schools and serves about 5,576 students. The Waiakea High School complex is comprised of four (4) schools and serves about 4,763 students. There is a noted overcrowding of student population at the two Waiakea Elementary



schools, which has resulted in the need to accommodate 6th grade students at the Waiakea Intermediate school campus.

The proposed site for the Connections Charter School is within the Hilo High School complex. When considering the student population, the number of schools in the Hilo Complex, and the projection of resident population by district, an additional school within the Hilo High School complex does not follow the goals and action plan set forth in the County's General Plan.

The Planning Commission, on behalf of the County, has a duty to follow the outline for development set forth in the General Plan.

If followed, the development of an educational facility would not be appropriate use for this parcel as an additional school in Kaumana does not fulfill a need for the community, and based on public testimony and petitions submitted, does not have the support of the community.

The State approved a lease with Connections Charter School without first requiring the school to obtain all required approvals – including the approval of a special permit from the County. Because of this, we are in a situation where we are working backwards and trying to fit a square peg into a round hole. The State's approval of the lease should not dictate the appropriateness of constructing a school on the proposed site. The County has the authority to work within its own guidelines for land use matters and should do so independently and in accordance with established rules and guidelines developed in the best interest of the people and the communities of Hawaii County.

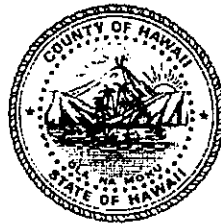
Pertinent sections of the County of Hawaii General Plan and Ed Specs are attached for your reference.

Thank you for your time.

Lee Botelho

COUNTY OF HAWAI‘I

GENERAL PLAN



February 2005
Pursuant Ord. No. 05-025
(Amended December 2006 by Ord. No. 06-153, May 2007 by Ord. No. 07-070,
December 2009 by Ord. No. 09-150 and 09-161, and June 2012 by Ord. No. 12-089)

Supp. 1 (Ord. No. 06-153)

INTRODUCTION

1.1 PURPOSE OF THE GENERAL PLAN

The County of Hawaii's General Plan is the policy document for the long range comprehensive development of the island of Hawaii. The purposes of the General Plan are to:

- Guide the pattern of future development in this County based on long-term goals;
- Identify the visions, values, and priorities important to the people of this County;
- Provide the framework for regulatory decisions, capital improvement priorities, acquisition strategies, and other pertinent government programs within the County organization and coordinated with State and Federal programs.
- Improve the physical environment of the County as a setting for human activities; to make it more functional, beautiful, healthful, interesting, and efficient.
- Promote and safeguard the public interest and the interest of the County as a whole.
- Facilitate the democratic determination of community policies concerning the utilization of its natural, man-made, and human resources.
- Effect political and technical coordination in community improvement and development.
- Inject long-range considerations into the determination of short-range actions and implementation.

1.2 HISTORY OF THE PLAN

General Plan studies in the County of Hawaii were initiated in the late 1950's and were limited to particular regions of the island such as the Hilo, Kona, Kohala, Hamakua, and Puna Districts. As such, these initial general plans lacked a comprehensive, coordinated, and integrated overview of the entire County. The first of these studies, "A Plan for Kona", was completed in 1960 and encompassed the districts of North and South Kona. "A Plan for the Metropolitan Area of Hilo" was completed in 1961 for the districts of South Hilo and Puna. "The Kohala-Hamakua Region General Plan" was completed in 1963 and covered part of the district of North Kona and the districts of North and South Kohala, Hamakua and North Hilo. These regional plans were adopted by Ordinance No. 317 in July 1965, as the General Plan for the County. The district of Ka'u was the only area in the County not covered by this plan.

§1.4: The Current General Plan Comprehensive Review Program

The General Plan program is structured to investigate, analyze, and evaluate concurrently all aspects of the County under a common or standard methodology. The preparation of the General Plan involves the process of planning and provides the opportunity to broaden the base of citizen participation, review, and understanding.

The 1971 General Plan required five and ten year comprehensive reviews and updates. The reviews and updates are intended to maintain the dynamism and flexibility of the General Plan and to accommodate major changes and trends that may occur within the County. The County initiated a review of the Land Use Pattern Allocation Guide Map in 1978 that led to several changes to the map. Other changes included the addition of an Energy element and amendments to procedures for the comprehensive reviews and proposals for specific amendments to the General Plan.

The first comprehensive ten-year review of the General Plan was initiated by the Planning Department in the mid-1980's and completed with the adoption of Ordinance No. 89 142 by the Hawaii County Council on November 14, 1989. This comprehensive revision program resulted in various revisions to supporting data as well as to the individual study elements and Land Use Pattern Allocation Guide and Facilities maps.

1.4 THE CURRENT GENERAL PLAN COMPREHENSIVE REVIEW PROGRAM

The planning process utilized for the current comprehensive review and revision of the General Plan included an assessment of the General Plan elements relative to new data, laws, and methods of analysis. Each study element was then analyzed and evaluated in relation to all other elements, County and district goals, and the land use pattern. Potentially, a change in one element could affect other elements as well as the land use pattern. Similarly, a change in County and district goals could potentially be reflected in all elements and in the land use pattern.

The comprehensive review of the General Plan gathered and assessed the data related to each element to identify present conditions and problems and future possibilities. The study elements utilized in the General Plan included the following:

Economic: Describes the human, capital, and natural resources used to produce goods and services for consumption in local and overseas markets.

Energy: Describes the energy situation for the County and explains the incentive for promoting energy conservation and the development of indigenous energy resources including solar, wind, hydrologic, and geothermal.

Environmental Quality: Identifies the factors affecting the island's environmental quality and describes the precautions and safeguards necessary to maintain and im-

§1.4: The Current General Plan Comprehensive Review Program

prove the quality of the environment for the physical, psychological, and social well-being of residents and visitors.

Flooding and Other Natural Hazards: Pertains to the conservation and protection of life, improvements, and natural resources from excess runoff due to either man-made improvements, natural causes, or inundation from tsunamis and heavy seas.

Historic Sites: Identifies sites and buildings of historical and cultural importance.

Natural Beauty: Identifies areas of unique natural beauty that are a principle asset of the island, and encourages programs for their conservation, preservation, and integration with other elements.

Natural Resources and Shoreline: Describes the valuable and often irreplaceable natural assets of the island and encourages programs for their proper management and protection.

Housing: Addresses the requirements for and the quantity, quality, and distribution of housing units in the County. This element also addresses critical housing problems of the County.

Public Facilities: Pertains to the location and distribution of facilities for education, public safety, social, health services and other government operations.

Public Utilities: Describes the distribution of power, light, and water; the collection and disposal of solid waste and sewage; and the provision of other communication utilities that are essential to the efficient functioning of a community.

Recreation: Examines the requirements of the County for active and passive outdoor activities, cultural events and pastimes, as well as attendant facilities and areas.

Transportation: Describes the requirements for air and water transport terminal facilities linking the County with the rest of the State and overseas areas, and the island's network of streets, highways, and roads.

Land Use: Studies the relationship of human activities to the uses of land and the location, spatial relationship, and topography. This element is subdivided into the following designations according to uses:

Agricultural: Encompasses all types of agricultural endeavors and specified industrial uses, residential and ancillary community and public and accessory uses.

Commercial: Comprised of industries in the retail trade and service categories and certain non-noxious enterprises from other industrial classifications.

§1.4: The Current General Plan Comprehensive Review Program

Industrial: Includes uses that may not be compatible with commercial areas (such as manufacturing and processing, wholesaling, large storage and transportation facilities, power plants, and government baseyards) as well as other industrial, manufacturing, or wholesaling uses.

Multiple Residential: Includes duplexes, apartments, town houses and similar types of residential structures and ancillary community and public uses.

Open Space: Includes conservation lands, forest and water reserves, natural and scientific preserves, and potential natural hazard areas.

Public Lands: Includes Federal, State, County, and University owned lands.

Resort: Consists primarily of areas with basic amenities and attributes that attract developments of visitor accommodations and related facilities.

Single-Family Residential: Consists of single-family detached houses and ancillary community and public uses.

Each study element has been divided into sections described below.

Introduction and Analysis: Describes the element and summarizes findings, County-wide characteristics and features, trends, changes, and problems, as well as the outlook and opportunities for the immediate and distant future. The analysis also addresses the element's interrelationships with other elements.

Goals: Indicates the desired long-range directions and situations enunciated by community groups, officially expressed in the past or implied in governmental programs. Provides a cohesive and comprehensive framework for the coordination of social and economic programs and governmental effort.

Policies: States the methods or strategies that should be undertaken to attain the stated goals. These are action and program oriented and involve the formulation of standard procedures, program evaluation and review, rules and regulations, ordinances and laws, budgeting, specific projects, etc.

Standards: Concerned with qualitative and quantitative criteria by which situations can be evaluated or benchmarks established. Standards are basically "yardsticks" or indicators, minimum conditions or levels of quality necessary for the well-being of the public.

Courses of Action: Many study elements require a more precise and definitive discussion of community concerns and problems. These sections attempt to identify specific alternatives on a community, district or regional basis.

As an aid to the understanding of the inter-relationship of the components of the General Plan, the separate elements of the General Plan may also be described as follows:

- The Introduction and the Economic element describe the foundations and factors that generate population and economic opportunities and growth on the island of Hawaii.
- The Environmental Quality, Energy, Flooding and Other Natural Hazards, Historic Sites, Natural Beauty, and the Natural Resources and Shoreline elements describe those natural and social conditions that influence and set parameters for development opportunities on the island.
- The Housing, Public Facilities, Public Utilities, Recreation, and Transportation elements describe those services, facilities, and improvements necessary to accommodate the growth of population and support the economy.
- The Land Use element describes the distribution, pattern, and location of the various activities addressed in the other elements of the General Plan.

1.5 COUNTY PROFILE

The County of Hawaii encompasses the island of Hawaii, which is the southeasternmost and largest island of the Hawaiian archipelago. The land area of the County is approximately twice the combined land area of all the other islands of the State.

The island of Hawaii has a diverse climate, topography and scenic beauty. Environments include dense tropical forests; majestic snowcapped mountains; active volcanoes; black, white, and green sand beaches; deeply eroded valleys; and large expanses of grazing land. Each district provides a variety of settings for human activity, land and resource utilization, or wilderness areas of minimal human intrusion.

The County of Hawaii has expanded into new fields of industry such as astronomy, high technology, renewable energy, health and wellness, agricultural and eco-tourism, diversified agriculture and aquaculture. The County's continuing support of research and development in these emerging fields will ensure a promising future for the island's economy and its residents. Specific examples include the establishment of the Agricultural Research Center of the Pacific, conversion of the old sewer treatment plant near Puhi Bay in Hilo to an aquaculture facility, and the construction of an agricultural water system in Ka'u.

The County's overall economic outlook remains mixed due to the County's dependence on the condition of the State's economy. Since 1990, the State's economy has been in a period of decline. While there are opportunities for expansion into new and existing industries, external factors such as the world economy may have an impact on the County's future economy.

§1.7: Employment And Population Projections

There is tremendous potential for expansion in other industries such as aquaculture, astronomy, renewable energy, research and development, and special events such as cultural festivals and athletic events.

1.7 EMPLOYMENT AND POPULATION PROJECTIONS

The County's General Plan is a policy document that sets forth the direction for future activities on the island of Hawaii for the next few decades. In order to plan for the future, it is necessary to understand both historical and future trends related to the number of residents and visitors to be served and the kinds of facilities and resources needed to fulfill their needs.

In traditional public planning efforts, entire plans have been based on the achievement of the projected levels of population. In many of these cases, where population numbers are goals, plans become obsolete when the projected number of residents is not achieved or is surpassed. Thus, the population projections presented within the General Plan are not intended to be used as goals. Rather, this General Plan effort uses the projected levels of population as a guideline in land use planning. The projections represent what could reasonably be expected to occur in the future. The goals, policies, standards, and recommendations of this plan are intended to be flexible enough to accommodate population levels below or above the projections stated in this section.

Employment and population projections for the County of Hawaii were developed through the analysis of relationships between economic activity, employment, and population. The analytical approach used entails the forecasting of employment in basic industries and the relationship that changes in employment have upon population.

Primary Income Generators are those industries that generate income from outside the County. They are assumed to be the foundation of the local economy and the key to the development of the island. Primary Income Generators include agriculture, tourism, the manufacturing of export products, and research and development. These Primary Income Generators, in turn, "drive" the secondary industries, or those enterprises that service the Primary Income Generators or the local population and includes wholesaling, retailing and services. The Primary Income Generators determine the long-run pattern of population and income growth for the County.

Three sets of projections were developed for the comprehensive review program. Series A, B, and C. The major variables in each of these projections were the rate of growth of the visitor industry, the construction of the proposed State prison, the expansion of the University of Hawaii at Hilo, and the utilization of a post-harvest treatment facility for export agricultural products. It should be emphasized that the projections are not statements of goals. The population projections, and the strength of the correlation between primary economic generators and population growth, must be viewed with caution. The 1989 General Plan contained a similar set of economic and popula-

1.8 POPULATION DISTRIBUTION

From the estimates of the islandwide resident population, other estimates have been made to project the distribution of population over the districts of the island. These are not intended to be included as population achievement levels for the districts, nor as firm statements or descriptions of future conditions. They are based on assumptions of potential employment growth rates described in the previous islandwide employment and population estimates, past district growth trends, and trends in the distribution of population on the island.

Table 1-9. District Resident Population Distribution, Year 2020

	A	B	C
Puna	57,105	58,246	63,491
S. Hilo	48,815	49,791	54,274
N. Hilo	1,842	1,879	2,048
Hamakua	7,184	7,328	7,988
N. Kohala	11,053	11,273	12,289
S. Kohala	23,947	24,426	26,625
N. Kona	41,447	42,275	46,082
S. Kona	13,816	14,092	15,361
Ka'u	8,243	8,408	9,165
Total	213,452	217,718	237,323

Economic Assessment, PKF Hawaii, January 2000

PUBLIC FACILITIES

10.1 OVERVIEW

10.1.1 Introduction And Analysis

Public facilities are those service systems that are provided, staffed, and maintained by government to directly serve the residents of the County. Public facilities include the systems of schools, libraries, fire stations, police stations, detention and correctional facilities, refuse disposal areas, harbors, and airfields. (Harbors and airfields are further described under the Transportation Element)

These facilities are often located in larger towns or centrally situated areas that are in close proximity to the commercial, industrial and cultural activities of established communities.

The majority of public facilities that service the residents of this County are managed by the State and County. For example, the State operates the public school system, libraries, and the public hospitals. The County provides police and fire protection and solid waste disposal. Additionally, both the State and County maintain administrative offices on the island to serve the residents' needs.

It is necessary to carefully coordinate the provision of public facilities in order to use them most effectively and to maximize the effect of the public dollar. It is equally necessary to realize that the type, quality, capacity and location of facilities and services have a significant impact on the community, the people and the total environment.

10.1.2 Goal

- (a) Encourage the provision of public facilities that effectively service community and visitor needs and seek ways of improving public service through better and more functional facilities in keeping with the environmental and aesthetic concerns of the community.

10.1.3 Policies

- (a) Continue to seek ways of improving public service through the coordination of service and maximizing the use of personnel and facilities.

§10.1.4: Standards

- (b) Coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community.
- (c) Develop short and long-range capital improvement programs and operating budgets for public facilities and services.
- (d) Develop and adopt an Impact Fees Ordinance.
- (e) Capital Improvement and Operating budgets shall reflect the goals and policies of the County General Plan.
- (f) Require a six-year, long-term, capital improvements budget by County Departments and agencies that shall be reviewed for consistency with the General Plan.

10.1.4 Standards

- (a) Standards have been established in each of the four major groupings of public facilities.
- (b) The various public facilities have been categorized into education, protective services, health and sanitation, and government operations.
- (c) The following are set forth for the overall provision and maintenance of public facilities in the County.

10.2 EDUCATION

10.2.1 Introduction and Analysis

There are 39 public schools in the County with a total enrollment of 27,557 students from kindergarten through the 12th grade. The schools range in size from 169 students at Haaheo to 2,180 students at Waiakea High School. There are 17 licensed private regular education schools serving a total of 2,216 students from kindergarten through the 12th grade. The number of students from kindergarten through the 12th grade on the island, public and private school complexes combined, total 30,209 or approximately 20 per cent of the total island population.

In 1999, the Legislature of the State of Hawaii created a new educational initiative with the passage of Act 62, SLH 1999 or "The New Century Charter Schools" law. Charter schools are more autonomous with greater flexibility in decision-making. Charter schools are excluded from many State laws and department rules and regulations. However, charter schools are public schools in that they receive public funds. These schools must still meet all applicable federal, State and County requirements and are not exempt from collective bargaining, discriminatory practice laws, health and safety laws and standards, and the implementation of the Hawaii content and performance standards.

§10.2.1: Introduction and Analysis

Each charter school is responsible for selecting their own sites. If a public school has space available, a charter school may seek to enter into an arrangement with the Department of Education for the use of a portion of the school's facilities. This law allows up to 25 charter schools to be established statewide. Thus far, charter certificates have been issued for five schools.

School complexes with limited enrollment have not always been able to maximize educational opportunities in comparison with the ability of larger facilities to provide a wider scope of educational opportunities. Some older schools lack adequate parking facilities and sufficient area for expansion and some have infrastructure and traffic problems.

The Hawaii Library District is comprised of a regional library in Hilo; six community libraries in Honokaa, Kapaau, Holualoa, Kailua-Kona, Kealahou, and Naalehu (part-time); and six joint community-school libraries in Keaau, Mountain View, Pahoa, Pahala, Laupahoehoe and Waimea. Size is described by the number of volumes (books, periodicals, etc.) and range from 6,445 volumes at Holualoa to 208,065 volumes in Hilo.

Some library facilities will require improvements as the demand for learning and information increases. More up-to-date facilities are also required in some areas.

The University of Hawaii at Hilo (UHH), located in Hilo provides alternative higher educational opportunities within the University of Hawaii system through its variety of high quality certificate, baccalaureate, and masters degree programs.

The 1973 "University of Hawaii at Hilo Long Range Development Plan" was updated and revised in 1981 and again in 1996. The University of Hawaii at Hilo Long Range Development plan serves as a physical planning guide for the UHH campus. The Plan emphasizes the "spine" concept that organizes all campus structures along a main pedestrian accessway and assures that future development would continue in relation to the various existing structures. As such, new facilities would be developed towards Komohana Street. The University continues to lack adequate student and faculty housing.

Hawaii Community College provides access to higher education, and workforce training for the entire County. The College offers an extensive program of certificate and associate degree programs in technical fields as well as the first two years of a baccalaureate degree. The College also offers an extensive program of short-term training programs throughout the County. The community college serves the entire County with programs on site in the communities and utilizes distance education technologies.

The Long Range Development Plan for Hawaii Community College was approved by the Board of Regents in 1996 and calls for the construction of a new campus in Hilo

§10.2.2: Policies

mauka of Komohana Street. In West Hawaii, in addition to Hawaii Community College programs, the college is responsible for the University of Hawaii Center, through which it delivers baccalaureate and masters degree programs from other institutions in the University Center.

The Long Range Development Plan for the West Hawaii campus of the University of Hawaii was completed in 1998. The State is currently in the process of preparing an environmental impact statement for the initial phase of development of the new campus (University of Hawaii Center at West Hawaii) to be located on a 33-acre portion of a 500-acre State-owned parcel in Kalaoa, North Kona. The proposed campus, which will accommodate approximately 1,500 students upon completion, will be located mauka of the Queen Kaahumanu Highway and the Kona International Airport at Keahole.

10.2.2 Policies

Educational policies relate to the provision of facilities rather than programs, which are the province of the State. It is nevertheless recognized that the facilities and programs are the tools necessary to improve total educational service.

- (a) Encourage continuous joint pre-planning of schools with the Department of Education and the University of Hawaii to ensure coordination with roads, water, and other support facilities and considerations such as traffic and safety, and access for vehicle, bicycle, and pedestrian. Encourage master planning of present and proposed public and private institutions.
- (b) Encourage combining schoolyards with county parks and allow school facilities for afterschool use by the community for recreational, cultural, and other compatible uses.
- (c) Encourage joint community-school library facilities, where a separate community library may not be feasible, in proximity to other community facilities, affording both pedestrian and vehicular access.
- (d) Encourage implementation of the Department of Education's 'Educational Specifications and Standards for Facilities.'
- (e) Encourage the Hawaii State Library System to seek alternate sites for public libraries located on the campuses of public schools.

10.2.3 Standards

- (a) In proposed communities, sufficient acreage shall be reserved for school facilities. Sites shall be free from flooding and drainage problems, excessive slope and shall incorporate appropriate street and driveway design and location to minimize traffic interference, pedestrian hazard, and enable safe and easy access for vehicles, bicycles and pedestrians.

- (b) State Department of Education's education specifications and standards for facilities.

10.2.4 Districts

The following is an examination and analysis of educational facilities by districts. For the purposes of this section, a complex refers to a high school and its associated feeder schools. Feeder schools are the elementary and intermediate (middle) schools that send students to an associated high school. For instance, the Waiakea High School complex has Waiakea High School as its designated high school and Waiakea Intermediate, Waiakeawaena Elementary, and Waiakea Elementary as its feeder schools.

10.2.4.1 PUNA

10.2.4.1.1 Profile

Public school complexes in the Puna District are located in the communities of Keaau, Mt. View and Pahoa.

The Keaau High School complex is comprised of Keaau High School, Keaau Middle School, Keaau Elementary School, and Mt. View Elementary School, and serves a total enrollment of 2,441 students. Existing complex facilities are adequate to serve the current enrollment. The new Keaau High School is being built in phases. As each phase is completed, the incoming class (i.e. freshman, sophomores, etc.) can be accommodated. The Keaau Elementary School is being built in a similar fashion. Thus, in a few years, the need to transport students from the Keaau and Mt. View area will not be necessary. Currently, 11th and 12th graders from Keaau commute to Waiakea High School in South Hilo. At this time, the first phase of Keaau High School has been completed and is in operation.

The Pahoa High School complex is comprised of Pahoa High and Intermediate School, Pahoa Elementary School, Keonepoko Elementary School and serves 2,323 students from kindergarten through the 12th grade level. The natural population growth and in-migration into the subdivisions in the area are contributing to the increased pressure on education facilities at the Pahoa complex. In response to these growth pressures, facilities have been expanded to accommodate the increased enrollment. However, there is still overcrowding at the elementary school.

The Keaau, Mt. View and Pahoa branch libraries are joint community-school facilities. The Keaau facility has 21,332 volumes. The Pahoa and Mt. View facilities house 34,365 volumes and 18,345 volumes, respectively. Both library facilities are inadequate in size to meet the needs of the students and community. Furthermore, the lack of adequate pedestrian access and parking at these facilities is an ongoing problem.

§10.2.4.2: SOUTH HILO

10.2.4.1.2 Courses of Action

- (a) Improve existing school complexes to meet the standards established by the State Department of Education.
- (b) School facilities should be made available to the community for recreation and other compatible uses during after school hours.
- (c) Encourage the Department of Education to plan and develop school facilities as the need arises.
- (d) Encourage improvements to pedestrian access between the village of Pahoa and the school and library facilities.

10.2.4.2 SOUTH HILO

10.2.4.2.1 Profile

The public school complexes in the South Hilo district includes two high schools, three intermediate and eight elementary schools. One of the intermediate schools is a combined elementary-intermediate facility serving the kindergarten through the eighth grade level. The school enrollment of South Hilo is about 10,339 students.

The Hilo High School complex is comprised of Hilo High School, Kalaniana'ole Elementary and Intermediate School, Hilo Intermediate School, DeSilva Elementary School, Haaheo Elementary School, Hilo Union Elementary School, Queen Kapiolani Elementary School, Kaumana Elementary School, and Keaukaha Elementary School and serves about 5,576 students.

The Waiakea High School complex is comprised of Waiakea High School, Waiakea Intermediate School, Waiakeawaena Elementary School, and Waiakea Elementary School and has an enrollment of 4,763 students. The facility serves students from the Waiakea, Keaau and Mt. View intermediate schools. A new high school in Keaau opened in 1999. Upon completion of all phases, the new high school will serve the students from the Keaau complex.

The Waiakea Intermediate School presently accommodates 6th grade students from the Waiakea Elementary and Waiakeawaena Elementary facilities to relieve the overcrowded student population. All three schools have an enrollment of 2,583 students.

Traffic congestion occur in the area of the Waiakea High-Intermediate-Elementary School and the Hilo High-Intermediate-Union School-Haili Christian (private) complexes where students commute to and from school twice daily at nearly the same time. The areas surrounding some school complexes have practically no sidewalks or curb separations for the students' ease of access and safety.

The regional library, with a collection of 208,065 volumes, is located in Hilo and is the administrative center for all the branch libraries in Hawaii County. Although conve-

§10.2.4.2: SOUTH HILO

niently located, it lacks a meeting room or auditorium to conduct cultural or similar programs.

The University of Hawaii at Hilo complex has an enrollment count of 2,800 students. The main or mauka campus encompasses an area of approximately 115 acres. Hawaii Community College has an enrollment of 2,100 degree students and shares the campus, as well as the 21-acre makai campus, located approximately 1/4 mile away. The mauka campus has undergone expansion over the past ten years. The makai campus is being renovated to accommodate some Hawaii Community College programs until a new campus can be constructed.

A recent addition to the mauka campus is the 163-acre University Park, located between Komohana Street and the northern portion of the mauka campus. In addition to University Park, an additional 323 acres directly mauka of the Park on the mauka side of Komohana Street is expected to be transferred to the University and will be developed to include a new campus for Hawaii Community College. The University also owns an additional 33 acres across Kawili Street adjacent and above Waiakea High School. These three properties are designated for University expansion. In addition, the University also uses 110 acres in Panaewa for its agriculture program.

The Edwin H. Mookini Library, located on the main university campus, has a collection of 180,000 bound volumes and other library materials, including periodicals, newspapers, audio/video cassettes and microfilms. It has a capacity of 450,000 volumes and study space for 800 students and faculty members. The library also houses a media production center, providing graphics and duplicating facilities as well as audio and television studios.

10.2.4.2.2 Courses of Action

- (a) Encourage the establishment of additional schools as the need arises.
- (b) Participate in the development of student and faculty housing for the university and other joint-use facilities.
- (c) Provide pedestrian walkways to and around all school complexes.
- (d) Support the continued expansion of the University system and the University of Hawaii at Hilo and Hawaii Community College campus and encourage the continuing education programs throughout the community. The transfer of State lands to the University should be actively pursued.
- (e) Encourage continual improvements to existing educational facilities.
- (f) Support and encourage the strengthening of the University of Hawaii at Hilo through the transfer of appropriate colleges and departments from the University of Hawaii at Manoa to the University of Hawaii at Hilo.

§10.2.4.3: NORTH HILO/HAMAKUA

- (g) Encourage the implementation of existing State and University of Hawaii plans for the continued development of the "Research and Technology Park" on the campus of the University of Hawaii at Hilo.

10.2.4.3 NORTH HILO/HAMAKUA

10.2.4.3.1 Profile

The Laupahoehoe High and Elementary School complex serves 250 students from kindergarten through the 12th grade level. The existing facility is adequate, as enrollment has been relatively stable due to the aging of the district's population.

The physical disadvantages of the Laupahoehoe School facility include the steep grade and narrow access from the highway, the lack of adequate pedestrian walkways leading to the school, and the abruptness of the road junctions.

The Honokaa High School Complex is comprised of Honokaa High School, Waimea Elementary and Intermediate School, Paauilo Elementary and Intermediate School, Honokaa Elementary School, and Waikoloa Elementary School and serves 3,258 students from kindergarten through the 12th grade level. Honokaa High School accommodates students from South Kohala as well as from the Hamakua district.

A traffic problem exists within the Honokaa School complex due to a through-street bisecting the campus. Vehicular and pedestrian problems also exist in Paauilo.

The Laupahoehoe library is a joint community-school facility housing 20,277 volumes. The community facility in Honokaa has 16,705 volumes.

10.2.4.3.2 Courses of Action (North Hilo)

- (a) Improve pedestrian and vehicular access to the Laupahoehoe and Hamaku School complexes.
- (b) Encourage continual improvements to existing educational facilities.

10.2.4.3.3 Courses of Action (Hamakua)

- (a) Encourage continual improvements to existing educational facilities.
- (b) Encourage traffic re-routing to resolve school traffic problems.
- (c) Implement the Honokaa school campus master plan.
- (d) Encourage expansion of the present library facility and services.

10.2.4.4 NORTH AND SOUTH KOHALA

10.2.4.4.1 Profile

The Kohala High and Elementary School complex is comprised of Kohala High and Intermediate School and Kohala Elementary School. The complex services all of North Kohala's 994 student enrollment. The existing facilities are sufficient for the district's needs.

The South Kohala district public school is located in Waimea and accommodates an enrollment of 1,195 students from kindergarten through the 8th grade level. High school students commute a distance of 16 miles to Honokaa. An additional elementary school has been constructed and is in operation at Waikoloa.

Department of Education is developing a master plan for Waimea School that provides for a new elementary school, an expanded intermediate school, improved access and parking areas.

The Bond Memorial Library has a collection of 16,435 volumes. The Parker Memorial community-school library, located adjacent to Waimea school is the second largest public library on the island. The facility has a collection of 43,309 volumes.

10.2.4.4.2 Courses of Action (North Kohala)

- (a) Encourage the expansion of the public school and library facilities as needs arise.
- (b) Encourage the Hawaii State Library System to establish a public library separate from the school facility.
- (c) Encourage continual improvements to existing educational facilities.

10.2.4.4.3 Courses of Action (South Kohala)

- (a) Encourage the expansion of the public school and library facilities as needs arise.
- (b) Encourage continual improvements to existing educational facilities.
- (c) Encourage the installation of walkways to and around schools and street crossing facilities for pedestrian safety.
- (d) Encourage the development of State and private higher educational facilities in West Hawaii.
- (e) Support the development of an intermediate or middle school in Waikoloa.
- (f) Encourage the Hawaii State Library System to establish a public library in Waikoloa.
- (g) Encourage the State Department of Education to explore the feasibility of establishing a high school in the South Kohala district.

§10.2.4.5: NORTH AND SOUTH KONA

10.2.4.5 NORTH AND SOUTH KONA

10.2.4.5.1 Profile

The Kona public school system is comprised of the Konawaena and Kealakehe High School complexes.

The Konawaena High School complex includes Konawaena High School, Konawaena Middle School, Konawaena Elementary School, Hookena Elementary School, and Honaunau Elementary School and serves 2,882 students.

Ho'okena Elementary/Intermediate and Honaunau Elementary/Intermediate kindergarten to 8th grade may be transferred to the Konawaena complex due to extremely limited program offerings as only about 364 students are presently enrolled. The construction of a new Konawaena Elementary School was recently completed.

The Kealakehe High School complex is comprised of Kealakehe High School, Kealakehe Intermediate School, Holualoa Elementary School, Kealakehe Elementary School, and Kahakai Elementary School. The Kealakehe High School complex serves 4,063 students.

Kahakai Elementary School opened in 1982 to relieve the overcrowded enrollment at Kealakehe Elementary School. However, the Kealakehe High School complex continues to experience student population growth problems. It has developed separate facilities for the kindergarten through 6th grade level and 7th through 8th grades. The new Kealakehe High School will serve grades nine through twelve.

The Holualoa Library, located near the school, has a collection of 6,445 volumes; Kealakekua library has 28,467 volumes and the Kailua-Kona branch library has 47,955 volumes. The Kailua-Kona library is inadequate in size to serve the needs of the area.

The State is currently in the planning stages for the University of Hawaii Center at West Hawaii (UHCWH). The new University campus will initially be located on a 33-acre portion of a larger 500-acre site on the mauka side of the Queen Kaahumanu Highway, directly mauka of the Kona International Airport at Keahole. Upon completion, the new campus is anticipated to accommodate 1,500 students. For administrative purposes, the UHCWH will be assigned to the Hawaii Community College at Hilo.

10.2.4.5.2 Courses of Action (North Kona)

- (a) Encourage expansion of the Holualoa school complex to meet school district needs.
- (b) Encourage the State Department of Education to add facilities as the need arises.

- (c) Improve basic school facilities to meet current standards.
- (d) Encourage construction of a new library facility to serve the Kailua-Keauhou area.

10.2.4.5.3 Course of Action (South Kona)

- (a) Improve basic school facilities to meet current standards.

10.2.4.6 KA'U

10.2.4.6.1 Profile

The Ka'u High School complex is comprised of Ka'u High School, Pahala Elementary School, and Naalehu Elementary and Intermediate School, and serves a total enrollment of 810 students from kindergarten through the 12th grade level. The overall physical facilities at Naalehu and Pahala are adequate to serve the district needs.

Pahala and Naalehu both have adequate library facilities. Pahala is a joint community-school library facility located within the school complex and houses a collection of 19,564 volumes. Naalehu's facility is located behind the local post office and houses a collection of 7,631 volumes.

10.2.4.6.2 Courses of Action

- (a) Encourage continual improvements to existing educational facilities.
- (b) Encourage the State Department of Education to plan a K-8 School at Ocean View.

10.3 PROTECTIVE SERVICES

10.3.1 Introduction and Description

Protective services consist of fire, police, detention and correctional facilities, civil defense, the Coast Guard, and National Guard armories.

Fire and Emergency Medical Services

There are presently 20 regular fire stations, 22 volunteer fire stations and 1 federal fire station located throughout the island. The County is proposing a fire station in the Kalaoa-Mauka area. The Pohakuloa fire station is a federally operated facility. The regular fire stations provide 24 hour fire fighting and emergency medical services. The Waiakea and Kailua-Kona stations provide rescue services, the Kaumana station provides hazardous materials response and the South Kohala station provides air medical services.

LAND USE

14.1 OVERVIEW

14.1.1 Introduction And Analysis

The General Plan expresses both the integrated and specific concerns and problems as well as alternative solutions and guidance regarding the use of County resources. Land use is one of the principal focal points of public concern and policy. The other study elements of the General Plan, that depict the various aspects of the County, directly involve land use in varying degrees.

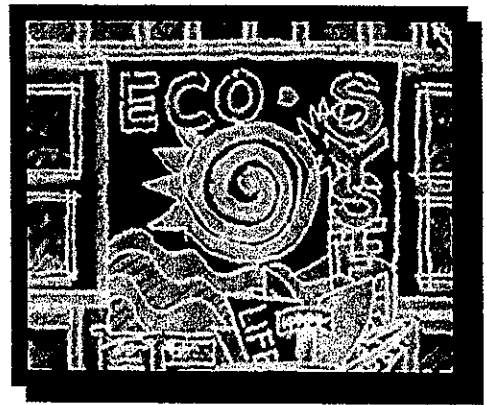
The land use element sets forth goals, policies, and standards to guide the location and density, and building intensities of land uses in particular areas. Regional and/or Community Development Plans are intended to implement the broad goals within the General Plan on a regional basis. They serve to designate and coordinate detailed development patterns and infrastructure needs throughout the County. The Plans detail land use policies and infrastructure priorities, transportation, recreation and other major land use policies within each area, and must be developed with participation by the affected communities and adopted by ordinance by the County Council.

The land use element is intended to be used as a policy guide for the coordinated growth and development of the County. It seeks to accommodate growth without congestion: to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture, and open space; and coordinate these uses with the County's service and circulation systems.

The total area of the island of Hawaii is approximately 2.5 million acres or 4.028 square miles: 4.023 square miles of land and 4.4 square miles of inland water. All of these lands are divided into approximately 125,000 parcels.

Previous General Plans

The first General Plan for the County of Hawaii, adopted in 1965, was a compilation of three separate documents: A Plan for the Metropolitan Area of Hilo, A Plan for Kona, and The Kohala-Hamakua Region General Plan. The first General Plan provided for the general planning for all districts except Ka'u.



**Educational Specifications (EDSPECS)
For High Schools**
Department of Education, State of Hawaii

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Acknowledgments

The revised Educational Specifications and Standards for Facilities for the elementary, middle/intermediate and high school was formulated with the assistance and involvement of school, district, and State Department of Education staff members, staffs of the Department of Accounting and General Services, Planning and Economic Development, Budget and Finance, and professionals in the private sector. We thank the following participants for the invaluable knowledge and assistance in this effort along with all others who may have been inadvertently left out of the list below:

Helen Gokan – DOE/DLTSS/Systems	Gerald Sake – Teacher, Moanalua High School
Francine Grudzias – DOE/DLTSS	Malia Melemai – RT – Hawaiian Immersion Studies
Carol J. Ching – DOE/Facilities Branch	Russell Yamanouchi – ES/DLTSS/CSAP
Nick Nichols – DOE/Facilities Branch	Glenn Tatsuno – ES/DLTSS (Counseling)
Ken Kajihara – DOE/Facilities Branch	Betsy Moneymaker – ES/DLTSS
Brenda Lowrey – DOE/Facilities Branch	Amy Ng – ES/DLTSS
Clifford Yamanouchi – DOE, Network Support Services	Gracie Matsuo – ES/DLTSS
Ralph Morita – DAGS Planning Branch	Verna Chinn – DOE/DLTSS
Kerry Koide – DOE/ATR/DLTSS	Dee Helber – DOE/SSSB
Ron Toma – DOE/DLTSS/Oasis	Dwight Toyama – DOE/DLTSS (Athletics)
Bob Golden – DOE/SSSB	Gene Kaneshiro – DOE/School Food Services
K. Kim – DOE/Network Support Services	George Okano – DOE/Transportation
Lester Chuck – DOE/Facilities Branch	Dan Yahata – DOE/DLTSS
Carey Isobe – Dags Planning Branch	Bert Yamamoto – DOE/OMS
Puanani Wilhelm – DOE/Hawaiian Studies	Russell Mau – Hawaii Sound Systems
Debra Farmer – DOE/Special Education	Bob Henniger – Hawaii Sound Systems
Mike Fahey – DOE/Special Education	Don Smith – Alert Alarm of Hawaii
Mel Seo – DOE/Safety	Doug Schlieff – Alert Alarm of Hawaii
Rodney Goo – DOE/Safety	Henry Lott – Alert Alarm of Hawaii
Annette Nishikawa – Principal, Kapolei Middle School	William Baum – The Audio Visual Co.
Al Nagasako – Principal, Kapolei High School	Ainsley Mahikou – The Audio Visual Co.
Sylvia Lee – Vice Principal, Keau High School	Patrick Lee – the Audio Visual Co.
Jaqueline Heupel – Moanalua High School	Karl Yoshida – DOE/RM
Bob Eggerston – Moanalua High School	Larry Gaddis – DOE/NSSB
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Neil Tomita – DOE/SRB	Vickie Kajioka – DOE/Systems
Mary Sobelski – DOE/SRB	Mike Miyamura – Principal, Kapolei Elementary School
Lana Mito – DOE/SRB (Student Activities)	Stanley Kayatani – DOE/Kalihi Kai
Michael Barros – DOE/SRB (Voc Ed)	Kevin Boggs – DOE/Dole Middle School
Valerie Kurizaki – Teacher, Kapolei Middle School	Keith Tomishima – DOE/OMS
Kathy Nishimura – DOE/SRB (Math)	Daniel Hamada – DOE/Kauai District Superintendent
Anthony Calabrese – DOE/SRB (Voc Ed)	Maggie Cox – Principal, Chiefess Kamakahelei Middle School
Andres Libed – DOE/SRB/DLTSS (Music)	Lucretia Leong – DOE/TSS/Library
Stephen Kow – DOE/SRB/DLTSS (Computer Education)	Darryl Galera – Principal, Moanalua High School
Aileen Hokama – DOE	Ray Minami – DOE/Facilities Branch
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Stanley Seki – DOE/Leeward District	
Paul Kodama – DOE/Teleschool	
Gillian Hong – DOE/Teleschool	

Preface

“We Shape Our Schools and Thereafter, They Shape Us.”

– Winston Churchill

No building type has undergone greater change, in recent years, than the schoolhouse. These changes in the building are, for the most part, the symptoms of changing trends in student learning.

As a dynamic reflection of the culture in which we live, the specific educational needs of each community must continually change to meet the demands of the present and to support the projections of the future. So too must facilities for education – rather than being merely a shelter in which the elements of education are delivered and received, they now have become a complete educational tool, capable of supporting a wide variety of learning experiences for citizens of all ages, abilities, and needs.

These educational specifications have been developed to permit teachers, staff, students and the community an opportunity to experience a 21st century state of the art educational program within a 21st century facility.



Chapter 1

Introduction

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.¹ 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

¹ 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 as 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

<u>Type of School</u>	<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):

- a. 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.
- c. 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.

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of

) SPP No. 12-000138

)

)

CONNECTION NEW CENTURY PUBLIC
CHARTER SCHOOL AND COMMUNITY
BASED EDUCATION SUPPORT
SERVICES

)

)

)

)

)

RETURN OF SERVICE,
ACKNOWLEDGMENT OF SERVICE

Application for Special Permit Application
No. 12-000138

)

)

)

)

TMK: (3)2-5-006:141; Kaumana, South Hilo,
Island of Hawaii

)

)

)

RETURN OF SERVICE; ACKNOWLEDGMENT OF SERVICE

Name of Party Served:

Signature of Party Served:

Terrence Yoshioka

Terrence Yoshioka

Address Where Served:

Type of Document Served

75 Aupuni St., Hilo,
HI, 96720

Amended Subpoena &

Date of Services:

Amended Subpoena duces
Tecum.

October 21, 2013

I verify that the statement are true to my personal knowledge and belief and do certify that I received a fully executed copy of the document(s) listed above and that I served same on the Party Served above on the Date and Time of Service and the Address listed above.

Signature:

Christine Perriatt

Print Name of Server

Acknowledgement of Hearings Officer

Sandra Song

Testimony of Pauline Ke'ala Lee Loy, 10/22, 2013

My name is Pauline Ke'ala Lee Loy, I am a resident of 1579 Mele Manu Street where we have resided for 17 years. I have worked as a teacher and administrator in both public and private schools for the last thirty-four years.

First and foremost I commend Mr. Thatcher as a school leader and pioneer of non-traditional education. The accolades of both his staff and students are representative of his visionary dedication to education. There is absolutely no question about the quality of education that the school offers the island community.

I am in opposition of the location of Connections Public Charter School to Edita Street because of the imminent traffic disasters. Edita Street off of Kaūmana Drive which leads to Mele Manu Street simply cannot accomodate the volume of traffic that the proposed development will bring.

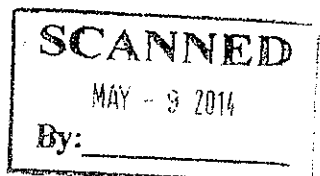
The opening of the Pū'ainakō Street pathway from the Saddle Road to Komohana has certainly alleviated some of the heavy traffic patterns on Kaūmana Drive for those heading to West Hawai'i, however, a project or program of this magnitude will restore this traffic.

If such a project, any project would be approved at this Edita site, a third lane turn off and traffic light would need to be installed to prevent deadly accidents.

The proposed project has simply selected the wrong site for its vision. What is alarming is that the school already invested much of its resources in preparing the site for its use even before all legal matters have been settled. It is a poor display of doing the right thing at the right time for the right reasons. Transparency and accountability is of utmost importance for any institution, public institutions particularly.

Thank you.

Pauline Ke'ala Lee Loy
1579 Mele Manu St.
Hilo, Hawai'i 96720



Rc'd at 10/22 mtg by JML
Dist'd yea

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

PLANNING DEPARTMENT
STATE OF HAWAII

NAME: Terence Yoshioka

2013 NOV -4 PM 12: 47

ADDRESS: 1572 Mcle Manu St. Hilo, Hawaii 96720

PHONE NO.: (808) 934-9198

APPLICANT/Connections New Century Public Charter School (CBESS)

DOCKET NO.: SPP-12-000138

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes X No _____

If the answer is "yes", please explain:

Refer to attached affidavits of Terence Yoshioka and Jeff Gomes

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes _____ No X

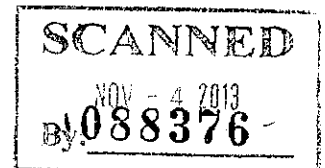
If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes _____ No X

If the answer is "yes", please explain:

Appendix A



PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No X

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Terence Yoshioke
Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 31st day of October, 2013, before me personally appeared TERENCE YOSHIOKE to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Roy K. Nakamoto
Notary Public, State of Hawaii
ROY K. NAKAMOTO
My commission expires: 10/24/16 h.s

this Special Permit process is located on land which is situated in part within or adjacent to the Pacific Plantation Subdivision;

4. That I must pass the school property every time I leave and return to my home and thereby subject myself to the motor vehicle and pedestrian traffic that will be generated by the construction and activities of the school;

5. That my interest in the Special Permit is clearly distinguishable from that of the general public;

6. That I am an attorney and former Family Court Judge who has some experience with land use and zoning matters;

7. That I am precluded from representing anyone due to the inactive status of my license as an attorney;

8. That I am also precluded from offering legal advice or performing any legal services for others;

9. That the foregoing restrictions prevent me from giving any meaningful assistance to Jeff Gomes, who is the only party to this proceeding who is opposing the Special Permit;

10. That unless I am allowed to intervene I believe that Mr. Gomes will be at a serious disadvantage in representing himself and all others who are in opposition to the Special Permit.

11. That if I am allowed to intervene, I believe that my knowledge and experience will lessen the disadvantage to Mr. Gomes and others who are opposed and not participating as parties;

12. That if allowed to intervene, Mr. Gomes has agreed to restrict his participation in further proceedings, to the extent described by the Hearings Officer, as stated in his Affidavit appended hereto;

13. That I believe my participation in their proceeding will not lengthen the time needed to complete the contested case hearing but may actually decrease the time due to my legal training and background;

14. That my participation will level the playing field somewhat and serve to further the ends of justice; and

15. That I do not intend to offer any additional witnesses and will restrict any participation to the cross-examination of other parties' witnesses. Other than this limitation, I intend to fully participate as a party in all other aspect of this proceeding.

And further affiant sayeth not.

Terence Yoshioka
TERENCE YOSHIOKA

Subscribed and sworn to before me

this 31st day of October, 2013

[Signature]

LS.

Notary Public, State of Hawaii

My commission expires: 10/14/16

Doc. Date:	<u>10/31/13</u>	or <input type="checkbox"/> Undated at time of notarization	# Pages:	<u>3</u>
Name of Notary:			Third	Circuit
Document Description:	Affidavit of Terence Yoshioka			
<u>[Signature]</u>	<u>31</u>	<u>10/31/13</u>		
Notary Signature		Date		
NOTARY CERTIFICATION			(Seal or Stamp)	

LS.

JEFF GOMES
281 Edita Street
Hilo, Hawaii 96720

PLANNING DEPARTMENT
COUNTY OF HAWAII

2013 NOV -4 PM 12: 51

PLANNING DEPARTMENT

COUNTY OF HAWAII

STATE OF HAWAII

In the Matter of the Applicant of	)	Docket No.
)	
CONNECTIONS NEW CENTURY	)	AFFIDAVIT OF JEFF GOMES
PUBLIC CHARTER SCHOOL)	
COMMUNITY BASED EDUCATION)	
SUPPORT SERVICES (CBESS))	
FRIENDS OF CONNECTIONS)	
)	
_____)	

AFFIDAVIT OF JEFF GOMES

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

In support of Petition for Standing in a Contested Case Hearing, comes now, JEFF GOMES, being first duly sworn on oath, and in support of the Motion to Intervene, does hereby allege as follows:

1. That I am an adult and a resident at 281 Edita Street, Hilo, Hawaii 96720;
2. That my residence is situated in the Pacific Plantations Subdivision;
3. That I am a party to the Special Permit Application of CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) FRIENDS OF CONNECTIONS;
4. That I became a party to oppose the Special Permit as the community in which I live has no community association to voice its objection to the Special Permit;

5. That I do not have sufficient knowledge or experience to adequately represent myself or others who are opposed to the Special Permit in these proceedings;

6. That the intervention by Terence Yoshioka in these proceedings would be welcomed by me as Mr. Yoshioka is more knowledgeable and experienced on land use and zoning matters as well as contested case proceedings, and is more capable of presenting the objections and arguments against the Special Permits;

7. That if Mr. Yoshioka is allowed to intervene, I am willing to accept whatever reasonable terms, conditions and restrictions which the Hearing Officer may impose upon me for the balance of the proceedings; and

8. That I believe Mr. Yoshioka's participation will enhance the probability of producing all relevant and material evidence needed for deciding whether the Special Permit should be approved or denied.


And further affiant sayeth not.




JEFF GOMES

Subscribed and sworn to before me

this 4th day of November, 2013.

R.S. 

Notary Public, State of Hawaii
My commission expires: April 19, 2017

Doc. Date: _____	or <input type="checkbox"/> Undated at time of notarization	# Pages: <u>2</u>
Name of Notary: <u>S. Talich</u>		Third <u>Circuit</u>
Document Description: Affidavit of Jeff Gomes		
<u></u>	<u>11-4-13</u>	
Notary Signature	Date	
NOTARY CERTIFICATION		(Seal or Stamp) <i>LS</i>

58-177/1213 2921

TERENCE T YOSHIOKA
1572 MELE MANU ST.
HILO, HI 96720

DATE 11/4/13

PAY TO THE ORDER OF Country Directo of Finance \$ 200.00
Two Hundred and no/100 DOLLARS

HAWAII NATIONAL BANK
Hilo Branch
Hilo, Hawaii 96720
www.hawaiinational.com

MEMO Terence YoshioKa

⑆ 1 2 1 3 0 1 7 7 2 1 2 9 2 1 0 8 2 1 1 4 9 0 1 1 ⑆

RECEIVED FROM Terence T. Yoshioka DATE NOV 04 2013 NO. 554872

ACCOUNT		FROM	
PAYMENT	200.00	MONEY ORDER	
BAL DUE		CREDIT CARD	

TO 1572 Mele Manu St. Hilo HI 96720

FOR FOR PETITION CONTESTED CASE SPP-12-000138

FOR CONNECTIONS HDW CENTURY PUBLIC CHURCH SCHOOL

BY M Daway

PLANNING DEPARTMENT
County of Hawaii
101 Parahi St., Ste. 3
Hilo, HI 96720

NOV 12 2013 PM 12:06

TED H. S. HONG 3569
Attorney at Law
P. O. Box 4217
Hilo, HI 96720
Telephone No. 808.933.1919
ted@tedhonglaw.com

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	) SPP No. 12-000138
)
	) APPLICANT CBESS' MEMORANDUM IN
CONNECTION NEW CENTURY PUBLIC	) OPPOSITION TO PETITION FOR
CHARTER SCHOOL AND COMMUNITY	) STANDING IN A CONTESTED CASE
BASED EDUCATION SUPPORT	) HEARING FILED ON NOVEMBER 4, 2013;
SERVICES	) DECLARATION OF TED H. S. HONG;
	) EXHIBITS "1," - "3;" CERTIFICATE OF
	) SERVICE
)
Application for Special Permit Application)
No. 12-000138	) <u>NON-HEARING MOTION:</u>
	) DATE: November 8, 2013
)
)
TMK: (3)2-5-006:141; Kaumana, South Hilo,)
Island of Hawaii)

**APPLICANT CBESS' MEMORANDUM IN OPPOSITION TO PETITION FOR
STANDING IN A CONTESTED CASE HEARING FILED ON
NOVEMBER 4, 2013**

COMES NOW, Applicant, COMMUNITY BASED EDUCATION SUPPORT SERVICES (hereinafter referred to as "CBESS"), by and through its undersigned counsel and hereby submits Memorandum in Opposition to Petition for Standing in a Contested Case Hearing Filed on November 4, 2013, as follows:

SCANNED
NOV 12 2013
By: 088483-

I. INTRODUCTION

Mr. Yoshioka has legal “standing” to participate in the present contested case. However, Mr. Yoshioka forfeited that opportunity due to his intentional failure to follow the Planning Commission’s mandatory rules concerning the inclusion of prospective intervenor. Mr. Yoshioka had ample notice of his right to intervene in the present case but chose not to participate directly in the Contested Case hearing until after a significant part of the Applicants’ case had been completed. Mr. Yoshioka has been actively assisting the Respondent, Mr. Gomes, by providing him legal and strategic advice, including drafting questions for Mr. Gomes to ask the Applicants’ witnesses, with the admitted help of another law firm. Mr. Yoshioka deliberately and intentionally waited until a week before the last day of the Contested Case hearing to ambush the Applicant with his request to participate directly as an attorney. Mr. Yoshioka has waived his right to intervene and cannot, at this late date, assert he should be allowed to intervene.

Mr. Yoshioka suffers no prejudice by not being able to intervene because he will continue his admitted “ghost writing” along with a prominent Hilo law firm, Nakamoto, Okamoto & Yamamoto to present Mr. Gomes’s case and legal argument. The Applicant is unfairly prejudiced by this transparent attempt to disrupt and delay the present proceedings. The request to intervene should be denied.

II. FACTS

On or about February 15, 2013, the County of Hawaii Planning Department sent the parties a letter indicating that surrounding property owners, such as Mr. Yoshioka would be given written notice of their opportunity to intervene in a contested case hearing:

The Planning Department will be notifying surrounding property owners of the

continued hearing that will **also provide an opportunity to intervene as a party to a contested case hearing before the Planning Commission** in accordance with Planning Commission Rule No. 4 regarding Contested Case Procedure. (Emphasis added)

See, Exhibit "1," attached hereto.

On or about March 7, 2013, before the Windward Planning Commission, at which Mr.

Yoshioka was present, Mr. Daryn Arai, Planning Program Manager, publicly announced:

ARAI: Because of the concerns, regarding procedural concerns that were raised, **as part of our normal notification to surrounding property owners regarding the upcoming, today's meeting, we included in that notice an opportunity for everyone, for the public to file for intervention in a contested case proceeding.** Along with that notice was the actual petition that was included in the meeting notice. **So as part of advertising today's meeting, we did include the opportunity for intervention; and that letter was mailed out of the Planning Department on February 15th.**

SELF: Okay. And in that notice, were they given a deadline for when they had to submit the application by?

ARAI: Pursuant to rule 4, seven days prior to today's meeting. (Emphasis added)

See, Exhibit "3," at pages 2138-2139, Planning Commission Record (hereinafter referred to as "PCR").

On July 25, 2013, Mr. Yoshioka received notice from his client that:

The pre-hearing conference will be either on 7/30 at 9:30 a.m. or 7/31 at 1:30 p.m. Let me know if you are willing to testify again at this hearing.

See, Exhibit "2," at 06, attached hereto.

On October 2, 2013, Mr. Yoshioka received an email from Layne Novak, Mr. Gomes and

Mr. Fuke:

Attached is a pretty detailed outline (STRATEGY) of the approach and points you may want to cover. This is a "cheat" sheet, so you need to be careful NOT to get this in the hand of the applicant. . . . We can talk about this later. Take care!

Sid.

See, Exhibit "2," at 03.

On October 12, 2013, Mr. Yoshioka received an email from his client, "Sid Fuke" acknowledging Mr. Yoshioka's participation as Mr. Gomes' attorney:

At the same time, by having many - including Terence - on his witness list, he may ask the hearings officer to have them excluded from the hearing, **that way crippling the support for Jeff**. If so, I hope the hearing officer sees through that.

b. I have already asked Terence to assist Jeff, and I think he is prepared to do so. Terence has a new email address and I am copying him on this email.
(Emphasis added)

See, Exhibit "2," at 08.

On October 16, 2013, Ms. Novak, summarized a meeting in which Mr. Yoshioka as present and admitted:

We had a good turn out last night. Here are some of the highlights:

* * *

3. Terrance [sic] Yoshioka will assist Jeff with his questions. (Emphasis added)

See, Exhibit "2," at 04, attached hereto.

III. LAW and ANALYSIS

A. Mr. Yoshioka has Failed to Comply with Any of the Procedural Requirements to Intervene.

Mr. Yoshioka has failed to comply with the Planning Commission's Rules concerning intervention and the Hearing Officer has no jurisdiction to hear the Petition. In relevant part, the County of Hawaii, Planning Commission's Rules of Practice and Procedure (hereinafter referred to as "PCRPP" states:

4-1 Purpose

This rule governs contested case procedure before the Commission whenever it is required by law; provided that any procedure in a contested case may be modified or waived by stipulation of the parties, and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default. **This procedure shall be used in all cases where the action of the Commission is the final action of a County official or agency, prior to the opportunity for appeal to Circuit Court, whenever it is required.** It shall therefore be followed in all cases where State statutes provide for direct appeal from the Commission to Circuit Court. (Emphasis added)

In terms of whether Mr. Yoshioka received notice of his opportunity to intervene in the present case, PCRPP, states:

4-5 Notice of Contested Case Hearing

* * * *

(b) **The notice of the date, time, place, and nature of the hearing shall also be published twice in two newspapers of general circulation in the County.** Within ten days after the application has been filed, a notice shall appear in two County newspapers of general circulation and a second notice, not less than ten days prior to the hearing, shall appear in two County newspapers of general circulation and shall also be filed at least six calendar days prior to the hearing with the Office of the County Clerk.

(c) **The applicant shall serve notice to surrounding property owners and lessees of record pursuant to Section 25-2-4 of Chapter 25, Hawai'i County Code. Such notice shall also include a form developed by the Planning Department that outlines the contested case procedure and who qualifies. In addition, the notice shall state that you have a right to file a written request for a contested case procedure.** (Emphasis added)

Mr. Yoshioka failed to comply with the PCRPP, concerning the filing of his petition to intervene:

4-6 Prehearing Procedure

(a) In all proceedings where the Commission's action is directly appealable to

Circuit Court, the applicant and the Planning Director will be designated parties to the action. **Any other person seeking to intervene as a party shall file a written request on a form approved by the Planning Director and accompanied by a filing fee of two hundred dollars no later than seven calendar days, prior to the Commission's first meeting on the matter.** If the applicant files a request with the Commission for the deferral or continuance of the hearing prior to the commencement of the hearing, the next regularly scheduled meeting of the Commission will then be considered the subsequent rescheduled hearing date. If the request for intervention is withdrawn in writing before the commencement of the hearing, the filing fee shall be refunded to the person seeking standing to intervene.

(b) **Upon receipt of a written request to intervene, the Commission, at the first meeting on the matter, shall hold a hearing on the written request.** The Applicant shall be admitted as a party if it can demonstrate that:

1) His or her interest is clearly distinguishable from that of the general public; or

* * *

3) That they have some property interest in the land or lawfully reside on the land; or

4) That even though they do not have an interest different than the public generally, that the proposed action will cause them actual or threatened injury in fact; or

* * *

The Commission will grant or deny such written request prior to any further action on the matter.

(c) **Appeal from Denial. Any Applicant who has been denied standing as a party may appeal such denial to the Circuit Court pursuant to Section 91-14, Hawai'i Revised Statutes.**

(d) **After establishing the parties to the proceeding, the Commission may either proceed with the hearing, or continue the matter to a more appropriate time and date. (Emphasis added)**

(1) Notice of Opportunity to Intervene.

In the present case, Mr. Yoshioka has failed to comply with any of the procedural requirements that would allow him to intervene. Mr. Yoshioka received notice of the opportunity to file a petition to intervene. See, Exhibit "2," at 04, 06, and 08. Mr. Yoshioka intentionally chose not to respond to the notices providing him the opportunity to intervene and instead decided to act as "shadow" legal counsel for Mr. Gomes. See, Exhibit "2," at 04 and 08.

(2) Filing Fee.

Mr. Yoshioka has not shown that he submitted the mandatory filing fee to allow him to intervene. See, Rule 4-6(a), PCRPP.

(3) Mr. Yoshioka's Petition is Untimely.

Rule 4-6(a), PCRPP, required Mr. Yoshioka to file his Petition to Intervene "no later than seven calendar days, prior to the Commission's first meeting on the matter." Rule 4-6(a), PCRPP, unambiguously requires potential intervener to file petitions to intervene at least seven (7) days before the Planning Commission's meeting on the contested case. Mr. Yoshioka and his clients acknowledged that the first meeting on the Contested Case hearing was to be held on July 30 or 31, 2013. See, Exhibit "2," at 06. Mr. Yoshioka and his clients were aware that the Contested Case hearing was to begin on October 21, 2013. See, Exhibit "2," at 01. Mr. Yoshioka was in attendance in the hearing room until the proceedings recessed in the afternoon on October 22, 2013, despite his earlier representation that he had to leave the hearing early because of another appointment. Mr. Yoshioka was present and in attendance when the Hearing Officer set the further hearing date and time of November 12, 2013. Mr. Yoshioka and Mr. Gomes deliberately and intentionally waited until one week before the last day of the hearing in the present case, to ambush the Applicant with a request to intervene and act as legal counsel for

his clients, including Mr. Gomes. Mr. Yoshioka's request is untimely.

(4) Hearings Officer has No Jurisdiction to Hear the Petition.

Rule 4-6(b), PCRPP, only allows the Planning Commission, not the Hearing Officer, to “hold a hearing on the written request.” Rule 4-6(b), PCRPP, also requires the Commission to rule on the request for intervention **before** any action in the contested case occurs. The obvious purpose is to allow the applicant to challenge prospective intervener's qualifications to intervene in an evidentiary hearing. The Hearing Officer does not have jurisdiction or the authority to conduct such an evidentiary hearing. Mr. Yoshioka's petition to intervene should have been filed and heard by the Planning Commission before the contested case began.

(5) Applicant is Unfairly Prejudiced by the Untimely Petition.

Rule 4-6(c), PCRPP, allows a prospective intervener to file a Chapter 91, HRS, agency appeal if the request for intervention is denied. Mr. Yoshioka's request is a transparent attempt to stop the present proceedings and obtain a new Hearing Officer. Given the requirements of Rule 4-6, PCRPP, and Mr. Yoshioka's wholesale refusal to comply with any of the procedural requirements for intervention, the Hearing Officer has no discretion and must deny the request for intervention. Rule 4-6(c), PCRPP, then allows Mr. Yoshioka to appeal the decision denying his application to the Third Circuit Court. The Chapter 91, HRS Agency Appeal will delay the present proceedings for another year. When combined to the Contested Case hearing procedure and potential appeal, this would mean another three (3) to four (4) years delaying the Applicant's project. The delay is intentional, deliberate and unfairly prejudices the Applicant's use.

In *United States v. Thoreen*, 653 F.2d 1332 (9th Cir. 1981), the court noted that attorneys are “officers of the court” and “must ‘preserve and promote the efficient operation of our system

of justice.” (citations omitted) Id., at 1339. The Court stated that:

Making misrepresentations to the fact finder is inherently obstructive because it frustrates the rational search for truth. It may also delay the proceedings.

Id., at 1340-1341.

The gamesmanship and tactics employed by Mr. Yoshioka and his clients (Mr. Gomes, Mr. Fuke, Ms. Novak and the Nakamoto, Okamoto & Yamamoto Law Firm) are unprofessional, unethical, desperate and transparent. These tactics are indicative not only of the lack of merit of the claims brought by Mr. Yoshioka and his clients, but a fundamental lack of integrity and character.

Mr. Yoshioka testified on October 22, 2013, that the law firm of Nakamoto and Okamoto was actively assisting him in all aspects of his and Mr. Gomes presentation, including but not limited to “ghost writing” Mr. Gomes’ questions to the Applicant’s witnesses. Mr. Yoshioka’s Affidavit in support of his petition to intervene was notarized by Mr. Roy Nakamoto, a partner in the law firm of Nakamoto, Okamoto & Yamamoto. The typeface of Mr. Yoshioka’s and Mr. Gomes’ affidavits and the writing style are identical. It is reasonable to conclude that the Nakamoto, Okamoto law firm assisted and typed out the Affidavits for Mr. Yoshioka and Mr. Gomes. It is clear that this request for intervention is simply a stalling ploy to deny the Applicant any opportunity to legally use its property.

B. Mr. Yoshioka is Prohibited from Acting as Legal Counsel.

Mr. Yoshioka has been acting as *de facto* legal counsel for Mr. Gomes and others, including but not Mr. Fuke, Ms. Novak and others. See, Exhibit “2,” at 04 and 08, attached hereto. Mr. Yoshioka’s affidavit in support of his request for intervention specifically

acknowledges that he wants to use his legal training, experience and knowledge to assist Mr. Gomes and represent the interests of himself and others in his organization. See, Mr. Yoshioka's Affidavit, paragraphs 6, 8, and 11. As a witness in the present case, subpoenaed to appear and having testified under oath, and subject to being recalled as a rebuttal witness, is legally prohibited from appearing as legal counsel in the present matter.

In relevant part, Rule 3.7, Hawaii Rules of Professional Conduct (hereinafter referred to as "HRPC") states:

Rule 3.7. LAWYER AS WITNESS.

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness except where:

- (1) the testimony relates to an uncontested issue;
- (2) the testimony relates to the nature and value of legal services rendered in the case; or
- (3) disqualification of the lawyer would work substantial hardship on the client.

Emphasis added.

The *Commentary* to Rule 3.7, HRPC states in relevant part:

[1] **Combining the roles of advocate and witness can prejudice the opposing party and can involve a conflict of interest between the lawyer and client.**

[2] The opposing party has proper objection where the combination of roles may prejudice that party's rights in the litigation. **A witness is required to testify on the basis of personal knowledge, while an advocate is expected to explain and comment on evidence given by others.** It may not be clear whether a statement by an advocate-witness should be taken as proof or as an analysis of the proof. (Emphasis added)

Mr. Yoshioka has been serving as a witness and advocate throughout the present proceedings. Before the Planning Commission, he was a legal advocate and submitted written briefs, made several, erroneous pronouncements of the law, which he later admitted were ghost

written by the Nakamoto, Okamoto & Yamamoto law firm. See, Planning Commission Record at 1317-1328 and 1904-1919. In his testimony, he referred repeatedly to case law that were most likely researched and obtained through the efforts of the Nakamoto, Okamoto & Yamamoto law firm, again serving as advocate, even while testifying as a witness for the Applicant. Finally, Mr. Yoshioka's Affidavit in support of his request for intervention specifically states that he seeks permission to use his legal experience and knowledge to represent Mr. Gomes and their shared, cause. See, Mr. Yoshioka's Affidavit at paragraphs 6, 8, and 11.

The Rules of Professional Conduct prohibit Mr. Yoshioka from participating as an advocate for Mr. Gomes, Mr. Fuke, Ms. Novak, and others, including himself.

The Rules of Professional Conduct also prohibit the Nakamoto, Okamoto & Yamamoto law firm from participating as "ghost" or "shadow" legal advocates in the present matter. However, their misconduct is beyond the jurisdiction of the Hearing Officer and most assuredly will be brought up in another forum. It is unfortunate and a sad statement that people who have a public perception of integrity and honesty, have acted in just the opposite manner.

IV. CONCLUSION

Based on the foregoing points of authority and law, the Applicant respectfully requests that the Hearing Officer deny Mr. Yoshioka's request to intervene in the present matter. The Hearing Officer should also make specific findings to include that:

- (1) The request to intervene by Mr. Yoshioka was made in bad faith;
- (2) That the request to intervene and conduct by Mr. Yoshioka and the Nakamoto, Okamoto & Yamamoto law firm has risen to the level of requiring a referral to the Office of Disciplinary Counsel for misconduct and Department of the Attorney General for the

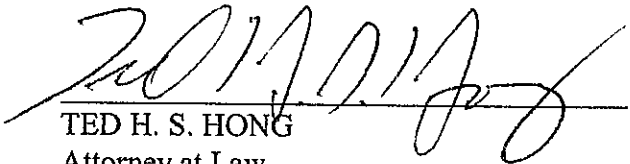
unauthorized practice of law;

(3) That the law firm of Nakamoto, Okamoto & Yamamoto, be directed to either enter an appearance on behalf of Mr. Gomes and openly, directly and honestly participate in the present proceedings or stop its "ghost" or "shadow" representation in the present case; and

(4) That Mr. Yoshioka pay the Applicant its reasonable attorneys' fees and costs for having to respond to the present motion within ten (10) days after the Order Denying Petition for Standing in a Contested Case Hearing Filed on November 4, 2013.

DATED: Hilo, Hawaii, November 8, 2013.

Respectfully submitted,


TED H. S. HONG
Attorney at Law

Attorney for Applicant

COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
	)	DECLARATION OF TED H. S. HONG
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT)	
SERVICES)	
)	
Application for Special Permit Application)	
No. 12-000138	)	<u>NON-HEARING MOTION:</u>
	)	DATE: November 8, 2013
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

DECLARATION OF TED H. S. HONG

STATE OF HAWAII)	
	)	SS.
COUNTY OF HAWAII)	

I, TED H. S. HONG, declare that:

1. I am an attorney at law, duly licensed to practice before this Court, and am the attorney for the Attorney for the Applicant, COMMUNITY BASED EDUCATION SUPPORT SERVICES (CBESS) in the above entitled case.

2. I make this Declaration based on my personal knowledge and am competent to testify about the matters contained in this Declaration.

3. That attached hereto as Exhibit "1," is a true and accurate copy of a letter dated February 15, 2013, addressed to my office from the Planning Department, County of Hawaii and

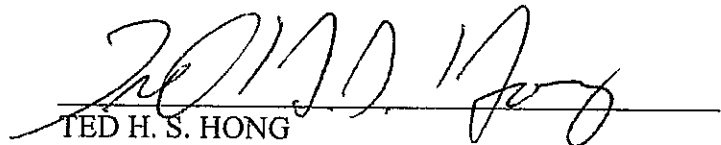
kept in the ordinary course of business.

4. That attached hereto as Exhibit "2," are fair and accurate copies of a series of email received by Terence Yoshioka and produced on October 22, 2013 by Mr. Yoshioka pursuant to Applicant's subpoena duces tecum.

5. That attached hereto as Exhibit "3," is a true and accurate copy of an excerpt from the Hearing Transcript of the Windward Planning Commission, March 7, 2013, which is evidence, as Planning Commission Record, pages 2130, 2138-2139.

6. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hilo, Hawai'i, on November 8, 2013.


TED H. S. HONG



1

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 15, 2013

Monica Morris, Esq.
Office of the Attorney General
425 Queen Street
Honolulu, HI 96813

Ted H. S. Hong, Esq.
P.O. Box 4217
Hilo, HI 96720

Dear Ms. Morris and Mr. Hong:

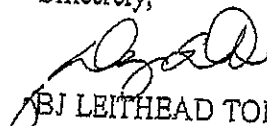
Special Permit Application (SPP 12-000138)
Applicant: Connections New Century Public Charter School and Community
Based Education Support Services
Request: To Develop a K to 12 Charter School Campus with Dorm Facilities,
Intergenerational Programs, a Sustainable Agriculture Program and a
Forestry/Conservation Program
Tax Map Key: 2-5-006:141

The continued hearing on the above special permit, among others, is scheduled for 9:30 a.m. on Thursday, March 7, 2013, in the County of Hawai'i Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i. Your presence or the presence of an authorized representative will be appreciated in order that all questions relative to the request may be clarified. A copy of the public notice is attached for your information.

The Planning Department will be notifying surrounding property owners of the continued hearing that will also provide an opportunity to intervene as a party to a contested case hearing before the Planning Commission in accordance with Planning Commission Rule No. 4 regarding Contested Case Procedure.

Should you have any questions regarding the above, please do not hesitate to contact Jeff Darrow of this department at 961-8288, ext. 8158.

Sincerely,


BJ LEITHEAD TODD
Planning Director

Att.

cc: Connections New Century Public Charter School & CBESS
Amy Self, Esq.

FEB 15 2013

From: "Sid Fuke" <sidfuke@hawaiiantel.net>

FW: Connections Contested Case

Date: October 2, 2013 6:47:03 AM HST

To: "Terence Yoshioka" <tyoshioka5@hawaii.rr.com>

Hope this works. Thanks!

From: Sid Fuke [mailto:sidfuke@hawaiiantel.net]

Sent: Tuesday, October 01, 2013 1:33 PM

To: Terence Yoshioka (tkyoshioka@hawaiiantel.net)

Cc: 'jeff gomes'

Subject: Connections Contested Case

Hi, Terence:

Sorry we have been playing telephone tags. Basically, I wanted to check on your availability to sit in and assist Jeff with the upcoming contested case hearing. It is scheduled to begin on Monday and Tuesday, October 21-22. I cannot, as I will be in Japan and returning on the 23rd. Please let me know and if so, I can fill you in on some of the matters. Thanks!

Sid

From: "Sid Fuke" <sidfuke@hawaiiantel.net>
Subject: **FW: Connections New Century PCS; SPP-12-000138**
Date: October 4, 2013 7:55:50 AM HST
To: "Terence Yoshioka" <tyoshioka5@hawaii.rr.com>
2 Attachments, 141 KB

FYI.

From: Kualii, Jennifer [<mailto:JKUALII@co.hawaii.hi.us>]
Sent: Thursday, October 03, 2013 1:42 PM
To: sandrasong@hawaiiantel.net; Carter.K.Siu@hawaii.gov; ted@tedhonglaw.com; darai@co.hawaii.hi.us; Darrow, Jeff; kalanigomes@hawaiiantel.net; sidfuke@hawaiiantel.net
Cc: Self, Amy; sue@tedhonglaw.com; kangay@co.hawaii.hi.us
Subject: Connections New Century PCS; SPP-12-000138

Good Afternoon All:

Please find attached the County of Hawai'i Planning Department's List of Witness and List of Exhibits for the above matter.

Should you have any questions, please contact our office.

Thank you,
Jennifer

Jennifer M. Kualii Legal Technician to
Michael J. Udovic, Amy G. Self
and Noralynne K. Pinao
Deputies Corporation Counsel
Office of the Corporation Counsel
333 Kilauea Avenue, 2nd Floor
Hilo, HI 96720
Tel. No. (808) 961-8251
Fax No. (808) 961-8622



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From: "Sid Fuke" <sidfuke@hawaiiantel.net>
Subject: **FW: Connections - Presentation Outline**
Date: October 2, 2013 6:48:29 AM HST
To: "Terence Yoshioka" <tyoshioka5@hawaii.rr.com>
1 Attachment, 32.1 KB

FYI.

From: Sid Fuke [mailto:sidfuke@hawaiiantel.net]
Sent: Monday, September 02, 2013 12:43 PM
To: 'Jeff Gomes'
Subject: FW: Connections - Presentation Outline

Trying again...this is in word format. Let me know.

From: Sid Fuke [mailto:sidfuke@hawaiiantel.net]
Sent: Monday, September 02, 2013 10:03 AM
To: 'Jeff Gomes'
Cc: 'Layne Novak'
Subject: Connections - Presentation Outline

Jeff:

Attached is a pretty detailed outline (STRATEGY) of the approach and points you may want to cover. This is a "cheat" sheet, so you need to be careful NOT to get this in the hands of the applicant. Your witness list and the exhibits have to be geared towards supporting these points. We can talk about this later. Take care!
Sid

[CCOutline.docx \(32.1 KB\)](#)

From: Layne Novak <noconnectionsever@gmail.com>
Subject: **Last Night's Meeting**
Date: October 16, 2013 10:03:44 AM HST
To: Layne Novak <NoConnectionsEver@gmail.com>
Bcc: tyoshioka5@hawaii.rr.com

Hi everyone,

We had a good turn out last night. Here are some of the highlights:

1. We would like people to provide a 2-minute testimony on NEW evidence regarding traffic, water, sewage, impact on neighborhood, etc. It's not likely that Judge Song will allow one person to accumulate minutes from others the way we had done in the past at the Windward Planning Commission (WPC) meetings.
2. There were 13 people, myself included, that are on Ted Hong's witness list. All, except for myself, were served with subpoenas. These people will not be allowed to watch the entire proceedings so if anyone wants to take notes for the rest of us, please let me know.
3. Terrance Yoshioka will assist Jeff with his questions.
4. Some people want to have a mock hearing so that they have a better understanding of the proceedings so I will let you know when that will be held.

Let me know if you'd like to add anything else.

Aloha,
Layne

From: Layne Novak <noconnectionsever@gmail.com>

Contested Case Hearing

Date: July 25, 2013 3:17:49 PM HST

To: Layne Novak <NoConnectionsEver@gmail.com>

Cc: tkyoshioka@hawaiiantel.net

Hi everyone,

The pre-hearing conference will be either on 7/30 at 9:30 a.m. or 7/31 at 1:30 p.m. Let me know if you are willing to testify again at this hearing.

I need to know ASAP and forward this information to Jeff so he can provide Planning with the approximate number of people.

Thanks,
Layne

From: "Sid Fuke" <sidfuke@hawaiiantel.net>
Subject: FW: Connections New Century PCS; SPP-12-000138
Date: October 4, 2013 7:55:50 AM HST
To: "Terence Yoshioka" <tyoshioka5@hawaii.rr.com>
2 Attachments, 141 KB

FYI.

From: Kualii, Jennifer [<mailto:JKUALII@co.hawaii.hi.us>]
Sent: Thursday, October 03, 2013 1:42 PM
To: sandrasong@hawaiiantel.net; Carter.K.Siu@hawaii.gov; ted@tedhonglaw.com; darai@co.hawaii.hi.us; Darrow, Jeff; kalanigomes@hawaiiantel.net; sidfuke@hawaiiantel.net
Cc: Self, Amy; sue@tedhonglaw.com; kangay@co.hawaii.hi.us
Subject: Connections New Century PCS; SPP-12-000138

Good Afternoon All:

Please find attached the County of Hawai'i Planning Department's List of Witness and List of Exhibits for the above matter.

Should you have any questions, please contact our office.

Thank you,
Jennifer

Jennifer M. Kualii, Legal Technician to
Michael J. Udovic, Amy G. Self
and Noralynne K. Pinao
Deputies Corporation Counsel
Office of the Corporation Counsel
333 Kilauea Avenue, 2nd Floor
Hilo, HI 96720
Tel. No. (808) 961-8251
Fax No. (808) 961-8622



[Planning De...PDF \(69.7 kB\)](#) [Planning De...PDF \(71.6 kB\)](#)

From: "Sid Fuke" <sidfuke@hawaiiintel.net>
Subject: **RE: Subpoenas**
Date: October 12, 2013 8:06:52 PM HST
To: "'Layne Novak'" <noconnectionsever@gmail.com>
Cc: "Terence Yoshioka" <tyoshioka5@hawaii.rr.com>, "jeff gomes"
<kalanigomes@hawaiiintel.net>

Hi, Layne:

I don't know when you will be receiving this, as I am having some problems with internet service here in Japan...especially at the place we stayed the past two nights. Regarding your questions:

- a. I wouldn't worry about Ted's subpoenas. If he asks questions of their testimony and the testifier has not had a chance to review it, the testifier can ask to see it first to refresh his/her memory. As they are not being called as "experts" in a field, they can just express their opinions.

I would not be surprised, however, if Ted asks questions about the community meeting – maybe to find out what they recall my statements, etc. He might be trying to paint me – as Thatcher told me at the community meeting I held re: the regency project – as the "ringleader" and that it was unprofessional of me to do so.

At the same time, by having many – including Terence – on his witness list, he may ask the hearings officer to have them excluded from the hearing, that way crippling the support for Jeff. If so, I hope the hearings officer sees through that.

- b. I have already asked Terence to assist Jeff, and I think he is prepared to do so. Terence has a new email address and I am copying him on this email.

Take care!
Sid

From: Layne Novak [<mailto:noconnectionsever@gmail.com>]
Sent: Friday, October 11, 2013 12:17 PM
To: Sidney Fuke
Subject: Subpoenas

Hi Sidney,

June Sakamoto and Melvin and Jan Yokota got their subpoenas yesterday. They are getting anxious about this and asked if you can give them any information regarding what to expect. They are worried about what Ted will ask of them.

Allen and I have not received our subpoenas yet but since they received theirs. I guess we'll be getting ours shortly.

I will not be testifying, I hope, as I will be leaving for the mainland on Monday, 10/21, albeit in the evening.

By the way, my emails to Terrance have been bouncing. Could you ask Terrance if he could help Jeff with his line of questioning? As far as I know, Jeff has not sent out his subpoenas to Judge Song yet so I'll be pinging again today about getting this done.

Thanks.
Layne

From: "Sid Fuke" <sidfuke@hawaiiintel.net>

Subject: **RE: Subpoenas**

Date: October 12, 2013 8:06:52 PM HST

To: "'Layne Novak'" <noconnectionsever@gmail.com>

Cc: "Terence Yoshioka" <tyoshioka5@hawaii.rr.com>, "'jeff gomes'" <kalanigomes@hawaiiintel.net>

Hi, Layne:

I don't know when you will be receiving this, as I am having some problems with internet service here in Japan...especially at the place we stayed the past two nights. Regarding your questions:

- a. I wouldn't worry about Ted's subpoenas. If he asks questions of their testimony and the testifier has not had a chance to review it, the testifier can ask to see it first to refresh his/her memory. As they are not being called as "experts" in a field, they can just express their opinions.

I would not be surprised, however, if Ted asks questions about the community meeting – maybe to find out what they recall my statements, etc. He might be trying to paint me – as Thatcher told me at the community meeting I held re: the regency project – as the "ringleader" and that it was unprofessional of me to do so.

At the same time, by having many – including Terence – on his witness list, he may ask the hearings officer to have them excluded from the hearing, that way crippling the support for Jeff. If so, I hope the hearings officer sees through that.

- b. I have already asked Terence to assist Jeff, and I think he is prepared to do so. Terence has a new email address and I am copying him on this email.

Take care!

Sid

From: Layne Novak [<mailto:noconnectionsever@gmail.com>]

Sent: Friday, October 11, 2013 12:17 PM

To: Sidney Fuke

Subject: Subpoenas

Hi Sidney,

June Sakamoto and Melvin and Jan Yokota got their subpoenas yesterday. They are getting anxious about this and asked if you can give them any information regarding what to expect. They are worried about what Ted will ask of them.

Allen and I have not received our subpoenas yet but since they received theirs, I guess we'll be getting ours shortly.

I will not be testifying, I hope, as I will be leaving for the mainland on Monday, 10/21, albeit in the evening.

By the way, my emails to Terrance have been bouncing. Could you ask Terrance if he could help Jeff with his line of questioning? As far as I know, Jeff has not sent out his subpoenas to Judge Song yet so I'll be pinged again today about getting this done.

Thanks.
Layne

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAII

HEARING TRANSCRIPT
MARCH 7, 2013

A regularly advertised hearing on the application of **CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL /CBESS (SPP 12-138)** was called to order at 9:51 a.m. in the County of Hawai'i, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Chairman Dean Au presiding.

COMMISSIONERS PRESENT: Dean Au, Ronald Gonzales, Wallace Ishibashi, and Raylene Moses

STAFF PRESENT: Ivan Torigoe (Deputy Corporation Counsel), B. J. Leithead Todd (Planning Director), Daryn Arai (Planning Program Manager), Phyllis Fujimoto (Staff Planner), Maija Cottle (Staff Planner), Jeff Darrow (Staff Planner), and Sharon Nomura (Secretary)

And approximately 35 people from the public in attendance.

ABSENT AND EXCUSED: Stephen Ono

APPLICANT: CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL /CBESS (SPP 12-138)

Continued hearing on an application for a Special Permit to develop a K to 12 charter school campus with dorm facilities and related uses on approximately 70 acres of land situated in the State Land Use Agricultural District. The property is located on both the southwest and northeast sides of Edita Street near its intersection with Kaūmana Drive and adjoining the Pacific Plantation Subdivision in Kaūmana, South Hilo, Hawai'i, TMK: 2-5-006:141.

AU: Okay, applicant number three CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL/CBESS, Special Permit No. 12-138. We are going to do something different here. Before you guys get seated, we are going to go, I'd like to entertain a motion, oh, Commissioner Gonzales is not here yet. I thought he was here. There is Commissioner Gonzales. I'm sorry, I thought you were here.

GONZALES: Sorry. I was outside.

AU: What I'd like to do is I'd like to entertain a motion for an executive session prior to getting started, just to get our Commissioners up to speed. Certain things have transpired since the last meeting; and, maybe, Corporation Counsel can explain.

TORIGOE: Yes. So, Mr. Chairman, the purpose of this executive session would be to consult with me and to get legal counsel regarding this application. Is that correct?

AU: Yes, that's correct. So ready to entertain a motion?

AU: Please state your name and where you reside before you start.

LEITHEAD TODD: Bobbie Leithead Todd, Planning Director. I reside in Hilo.

SELF: Deputy Corporation Counsel Amy Self. I represent the Planning Director and the Planning Department. I reside in Hilo.

AU: Okay, has our Planning Director's position changed on this application?

LEITHEAD TODD: No, it has not.

AU: Okay. Do you guys have any comments on what the applicant is saying or any procedures as we move forward?

SELF: The way the Planning Director is viewing the process is that if it's going to go to contested case hearing then, of course, notice has to go out to the neighbors within the surrounding properties to give them an opportunity to intervene, because I don't believe that has been addressed. I don't think they've been given an opportunity to intervene.

TORIGOE: Mr. Chairman?

AU: Go ahead, Ivan.

TORIGOE: Yeah, staff indicates that Planning Department did notify everyone who was on the original list of people within the necessary permit, radius distance from the property, as well as additional people. Everyone was given, you know, notice of today's meeting that included the opportunity for intervention. And this was mailed February 15, 2013.

SELF: But the decision for a contested case hasn't even been made yet. So we don't, how were they notified since the decision hasn't even been made as to whether or not -? Is today the contested case hearing or -?

TORIGOE: Well, I understand that the notice, they basically informed people that they had the right to file for a contested case and included the usual form. Maybe staff can confirm that.

SELF: Well, you know, they would be intervenors, yes, okay. They would be -.

AU: Mr. Arai?

ARAI: Because of the concerns, regarding procedural concerns that were raised, as part of our normal notification to surrounding property owners regarding the upcoming, today's meeting, we included in that notice an opportunity for everyone, for the public to file for intervention in a contested case proceeding. Along with that notice was the actual petition that was included in the meeting notice. So as part of advertising today's meeting, we did include the opportunity for intervention; and that letter was mailed out of the Planning Department on February 15th.

SELF: Okay. And in that notice, were they given a deadline for when they had to submit the application by?

ARAI: Pursuant to Rule 4, seven days prior to today's meeting.

SELF: Okay. Then the Planning Director will not take a position on what's before you at this point.

AU: Okay. Any questions for the Planning Director and Ms. Self? Okay, thank you, guys. We have 18 testifiers. And just for the record I'm going to say their names and they're going to give it all to Sidney. So Allen Novak, Layne Novak, David Camacho, Jan Yokota, June Sakamoto, Les Sakamoto, Glenn Tada, Ming Peng, Aileen Fuke, Jeff Gomes, Sidney Fuke, Jeff Gomes, Lorrin Araujo, Margaret Araujo, Fay Sakata, Wayne Kanemoto, Jan Yokoyama, Norine Okuhara, and Bishop. And so, Mr. Sidney Fuke, please come forward. And I need to swear you in before you get started. Do you swear and affirm to tell the truth in front of the Windward Planning Commission today?

FUKE: I do.

AU Okay, thank you. Please state your name and where you reside, and get started.

FUKE: Morning, Mr. Chairman. My name is Sidney Fuke, and I'm here kind of like reflecting a lot of the community's feelings at this point in time. I wouldn't necessarily say it's unanimous, but it seems to be like a consensus of their position at this point in time.

What we'd like to share through a power point is not so much talking about the legalese aspect, you know, of what you've just heard over the last 10 or 15 minutes, you know, regarding contested case hearing, so on and so forth, but more just to give, share with the Commission from a lay's perspective or from the community's perspective where we are today and where we would hope that the Commission could take this application.

Essentially what the community is saying is that "We've had enough." We've had like, and what our specific request is, is we're really asking for the Commission to vote on the pending motion to deny, which is what you have before you now, instead of going through a contested case hearing. If you understand like, you know, very, in a very elementary way, what is the purpose of the contested case hearing? It's basically to provide the decision-makers, in this case here the Commissioners, you know, with the most complete and relevant information needed so that you can make a decision. And it's also designed to give the parties, the applicant and the others, the opportunity to provide you with that relevant information. The Commission's rules itself provide an ability for the parties to waive or modify the contested case hearing process. And the question is like why? You know, it's like basically saying you can modify it, you can waive it, as long as, you know, you basically keep -. The essence or the spirit of the contested case can still be achieved through a less intimidating process.

Now the process is like first you've got to have the prehearing where the parties are all identified, which is what you're trying to, what is being requested today, and the scope of the

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of) SPP No. 12-000138
)
)
CONNECTION NEW CENTURY PUBLIC)
CHARTER SCHOOL AND COMMUNITY)
BASED EDUCATION SUPPORT) CERTIFICATE OF SERVICE
SERVICES)
)
)
Application for Special Permit Application)
No. 12-000138)
)
TMK: (3)2-5-006:141; Kaumana, South Hilo,)
Island of Hawaii)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 8, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

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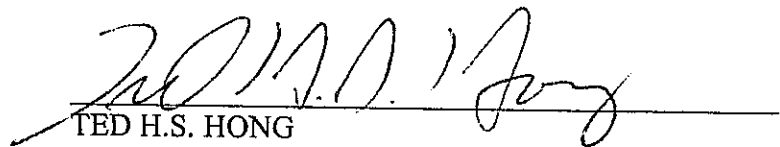
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187 Kapiolani Street
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Attorneys for Intervenor and Terence Yoshioka, Esq.

DATED: Hilo, Hawaii, November 8, 2013.


TED H.S. HONG

Attorney for Applicant
COMMUNITY BASED EDUCATION
SUPPORT SERVICES (CBESS)

2013 NOV -8 PM 12: 07

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CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
)	
CONNECTIONS NEW CENTURY PUBLIC	)	APPLICANT CONNECTIONS NEW
CHARTER SCHOOL AND COMMUNITY	)	CENTURY PUBLIC CHARTER SCHOOL'S
BASED EDUCATION SUPPORT	)	OBJECTION TO TERENCE YOSHIOKA'S
SERVICES	)	PETITION FOR STANDING IN A
	)	CONTESTED CASE HEARING;
	)	CERTIFICATE OF SERVICE
Application for Special Permit Application)	
No. 12-000138	)	HEARINGS OFFICER - SANDRA SONG
)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,	)	<u>HEARING DATE:</u>
Island of Hawaii	)	OCTOBER 21 AND 22, 2103

APPLICANT CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL'S OBJECTION TO TERENCE YOSHIOKA'S PETITION FOR STANDING IN A CONTESTED CASE HEARING

Applicant CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL, by and through its undersigned counsel CARTER K. SIU, Deputy Attorney General, submits the following objection to Terence Yoshioka's Petition for Standing in a Contested Case Hearing for this Hearings Officer's review and consideration.

SCANNED
NOV 12 2013
By 088482

I. DISCUSSION

The instant Petition for Standing in a Contested Case Hearing filed by Terence Yoshioka is just another tactic to further delay the proceedings and to increase the amount Applicants must expend in time, costs, and fees to obtain a Special Use Permit. However, the time for Mr. Yoshioka to file for intervention has long passed. Pursuant to County of Hawaii Planning Commission Rules of Practice and Procedure, Rule 4-6, any such petition to intervene "shall" be filed "no later than seven calendar days, prior to the Commission's first meeting on the matter." The Commission's use of the word "shall" means that it is a mandatory requirement. Thus, the Commission's own procedural rule prohibits what Mr. Yoshioka is attempting to do.

Moreover, Mr. Yoshioka has not provided any explanation why he was unable to file his application within the given time period or why he should be excused from complying with a mandatory procedural rule. It must be noted that his tenure as a state family court judge and experience with land use and zoning matters would clearly negate any claim that he was ignorant of the Commission's procedural rules. His application therefore must be denied as untimely, and a determination of the merits of the petition should not be undertaken.

Assuming, *arguendo*, that the merits of the application is considered, it is clear that Mr. Yoshioka seeks to intervene as a way to subvert the rules in place governing the practice of law. His affidavit claims that he will not engage in the practice of law by providing legal advice to Mr. Gomes (which he already has admitted to doing in alleged association with his former law firm). But, the declared purpose of his intervention is to use his "legal training and background" to decrease the time needed for the case. It is also to "level the playing field" by allowing him to cross-examine witnesses. It is clear that Mr. Yoshioka wants to play the part of the lawyer

without jumping through all the necessary legal requirements to regain his license to practice law. This should not and cannot be condoned.

Mr. Gomes' affidavit makes clear that Mr. Yoshioka intends to engage in the practice of law and to represent the interests of others. As Mr. Gomes admits: "I do not have sufficient knowledge or experience to adequately represent myself or others who are opposed to the Special Permit in these proceedings." Paragraphs 6 and 8 of the affidavit also describe legal work on behalf of his fellow Kaumana residents: "Mr. Yoshioka is more knowledgeable and experienced on land use and zoning matters as well as contested case proceedings, and is more capable of presenting the objections and arguments against the Special Permits" and that "Mr. Yoshioka's participation will enhance the probability of producing all relevant and material evidence needed for deciding whether the Special Permit should be approved or denied."

Finally, and as this Commission has already witnessed during the first two days of the proceedings, Mr. Gomes has not been acting alone. Various members of the community, including Mr. Yoshioka, have provided him with questions to cross-examine Applicant's witnesses. It is not known why the other community members did not pursue intervention at the same time and/or in place of Mr. Gomes, but a decision nonetheless was made for Mr. Gomes to be the representative voice of the community opposition. At this time, though, the only reason for intervention appears to be Mr. Yoshioka's dissatisfaction with Mr. Gomes' performance, which is not an enumerated factor to consider under Rule 4-6(b) of the County of Hawaii Planning Commission Rules of Practice and Procedure.

II. CONCLUSION

Based on the foregoing, Applicant CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL submits that there is no legal or factual basis to support the granting of Terence Yoshika's Petition for Standing in a Contested Case Hearing. The petition, therefore, must be denied.

DATED: Honolulu, Hawaii, November 8, 2013.



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CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

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PUBLIC CHARTER SCHOOL

BEFORE THE WINDWARD PLANNING COMMISSION

COUNTY OF HAWAII

In the Matter of	)	SPP No. 12-000138
)	
	)	CERTIFICATE OF SERVICE
CONNECTION NEW CENTURY PUBLIC)	
CHARTER SCHOOL AND COMMUNITY)	
BASED EDUCATION SUPPORT)	
SERVICES)	
)	
)	
Application for Special Permit Application)	
No. 12-000138)	
)	
TMK: (3)2-5-006:141; Kaumana, South Hilo,)	
Island of Hawaii)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 8, 2013, I caused a true and correct copy of the foregoing document to be served on the following persons by electronic and postal mail:

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DATED: Honolulu, Hawaii, November 8, 2013.



CARTER K. SIU
Attorney for Applicant
CONNECTIONS NEW CENTURY
PUBLIC CHARTER SCHOOL

WRITTEN FINAL TESTIMONY OF TERENCE YOSHIOKA

Critical to the evaluation and understanding of this Petition is the Hawaii Supreme Court decision in Neighborhood Board vs. State Land Use Commission, 64 Haw. 265 (1982) wherein a special permit granted by the Land Use Commission which would have allowed 103 acres of land in an agricultural district to be used for a recreational theme park was overturned.

The Appellant in Neighborhood Board contested the issuance of the special permit on several grounds including, inter alia, that: (1) Chapter 205 required the applicant to pursue a district boundary amendment rather than a special permit; and (2) the applicant failed to meet the substantive special permit requirements of HRS §205-6 and the Land Use District Regulations.

In overturning the special permit, the Hawaii Supreme Court held at pages 269 and 270 that "HRS §205 allows the county planning commission and the LUC to issue special permits for 'certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified' but only when the use would promote the effectiveness and objectives of [HRS Ch. 205]." Whether a particular use is 'unusual and reasonable' is determined by applying the five guidelines set forth in the Land Use District Regulations §5-2 to the proposed project. Section 5-2 requires the following:

- (1) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.
- (2) That the desired use would not adversely affect surrounding property.
- (3) Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

SCANNED
MAY 9 2014
By: _____

Re'd at 11/12 mtg by JTB
Dist'd Yes

(4) Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

(5) That the land upon which the proposed use is sought is unsuited for the uses permitted within the District.

The Hawaii Supreme Court deemed it "unnecessary" to review all five guidelines as it found that the applicant "failed to comply with the first and critical requirement that the proposed use not run contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations, the counterpart of the statutory mandate that the proposed use promote the effectiveness and objectives of HRS Ch. 205." [Supra, p. 270]

After lengthy discussion of the procedural and substantive differences between the special permit and district boundary amendment processes, the Hawaii Supreme Court concluded at page 273 as follows:

The interim statewide land use guidance policies enumerated in HRS 205-16.1 (1976 and Supp. 1981) and the Hawaii State Plan HRS Ch. 226, themselves articulate as planning objectives the avoidance of scattered urban development and the accommodation of urban growth in existing urban areas. [Citations omitted]. We do not believe that the legislature envisioned the special use technique to be used as a method of circumventing district boundary amendment procedures to allow the ad hoc infusion of major urban uses into agricultural districts. [Citation omitted.]. We therefore conclude that Oahu's Kahe Point proposal is not an 'unusual and reasonable use' which would qualify for a special permit under HRS §205-6 and that planning commission and LUC abused their discretion in approving Oahu's application. The proposed recreational theme park is more properly the subject of a district boundary amendment petition which would be considered in accordance with the requirements of procedure and proof as set forth in HRS §205-4.

As noted by the Hawaii Supreme Court, the "essential purpose" of the special permit is to "provide landowners relief in exceptional situations where the use desired would not change the essential character of the district nor be inconsistent therewith." [Supra, p. 271]. It seems, therefore, that the test to be applied to determine if a district

boundary amendment is called for should be: Is the proposed use a "major urban use" that "changes the essential character of the district" or "is inconsistent therewith"?

To answer this question as to this project, we need only refer to the County of Hawaii Planning Department Revised Recommendations wherein it is stated at section (F) on page 782 that "[t]he proposed school will alter or change the essential character of the land and its present use from its current undeveloped character." Despite its acknowledgment, the Planning Department apparently overlooks or accepts the change because of Petitioner's proposal to construct single story structures similar to the surrounding residential community. [Supra]. Even if Petitioner was able to construct a gymnasium that was only one-story high, the Planning Department limited view of what constitutes a "change" to "the essential character" of the property is unrealistic and shortsighted. No matter whether one story or not, the construction of elementary, intermediate and high school classrooms, an administrative center, a 140-space parking lot, a library/resource center, a kitchen/dining facility, a gymnasium/multi-purpose building, green/shade houses, a 6-horse barn, a maintenance building, a 30-person dormitory, a caretaker's residence, and a facility to house the inter-generational program would, by any standard, change the essential character of the land from an agricultural district to an urban district.

Furthermore, the Planning Department's narrow view of what constitutes "change" ignores the nearly 500 students, teachers and staff that will occupy the property at least five days per week, and the hundreds of buses and cars going to and from the property each day. It also ignores the noise and dust that must be endured for 16 to 25 years while the improvements are constructed on the property. All of these consequences

must and should be taken into consideration to determine if the "essential character" of this property will be "changed." And, obviously, the scrutiny should not be restricted to the height (i.e. one story) of the buildings to be constructed.

In reliance upon the foregoing, I urge the Hearing Officer to rule that the school does constitute a "major urban use" of the property which will "change the essential character of the district" or "be inconsistent therewith" so as to require that the proposed use be effected by a district boundary amendment and not a special permit.

If this application does not require a district boundary amendment, it must yet be denied for failure to satisfy the seven criteria set forth in Rule 6-3(b)(5) of the Planning Commission Rules of Practice and Procedure.

As pointed out in the Neighborhood Board decision, "[w]hether a particular use is 'unusual and reasonable' is determined by applying the five guidelines set forth in the Land Use District Regulations §5-2 to the proposed project." [Neighborhood Board at page 270]. Those five guidelines are now set forth in §15-15-95 of the Land Use Commission Rules. Its counterpart for the County of Hawaii Planning Commission is contained in Rule 6-3(b)(5) and has been expanded to seven criteria. The two additional criteria are:

(F) the proposed use will not substantially alter or change the essential character of the land and the present use and (G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans.

The additional requirement that the "proposed use will not substantially alter or change the essential character of the land and the present use" is consistent with the Neighborhood Board decision to require a district boundary amendment if this requirement is not satisfied. In short, Rule 6-3(b)(5)(F) merely codifies the ruling in

Neighborhood Board and forewarns any applicant for a special permit that the special permit cannot be granted if the "essential character" of the land and its present use will be "substantially altered."

Clearly, then, only a district boundary amendment can authorize the proposed use if the "essential character" of the agricultural district will be changed and it matters not if the remaining six criteria of Rule 6-3(b)(5) can be satisfied.

Assuming, without conceding, that Petitioner's failure to satisfy Rule 6-3(b)(5)(F) is, by itself, not sufficient to deny the special permit, the next issue must then be: How many of the other six criteria must be satisfied before this special permit can be approved? Rule 6-3(b)(5), itself, gives no indication that anything less than all seven criteria is required. Had the authors of Rule 6-3(b)(5) intended to accept 5 or 6, or even a simple majority of the seven criteria to grant a special permit, then why not state so? What line of reasoning can support a belief that less than all seven criteria must be met to grant a special permit? Without additional words of qualification in Rule 6-3(b)(5), it would be pure arbitrary guesswork to select a number less than seven.

If we assume, nonetheless, that not all seven criteria must be satisfied, and we review the Petitioner's and Planning Department's position on the criteria, there is a clear acknowledgment that at least three of the seven criteria have not been met. For example, with respect to Rule 6-3(b)(5)(B) which requires that "the desired use would not adversely affect surrounding properties", the Planning Department concedes that "the proposed use is anticipated to have an adverse affect on the surrounding properties, but these adverse impacts can be mitigated to minimize these impacts through conditions of approval." [Planning Department's Revised Recommendations, p. 7].

The use of the term "minimize" is erroneous and totally without support. The Random House Webster's College Dictionary defines "minimize" as "to reduce to the smallest possible amount or degree." As increased traffic and noise are expected to negatively impact surrounding properties, "minimizing" these adverse consequences would mean reducing the extra traffic to one car and reducing the noise to one decibel. It is obvious that these results are unattainable.

Without questioning the accuracy or reliability of Applicant's Traffic Impact Analysis Report (TIAR), we know that the school will generate much more traffic going to and from the school. Based upon the TIAR, we can expect at least 621 more buses and cars (p. 536). Except for construction of a left turn lane from Edita Street turning into the school (p. 887), no other action is being recommended by the Planning Department to mitigate traffic delays caused by the school traffic.

Neither the Planning Department nor Applicant can state that traffic delays will not be experienced by the surrounding property owners. Whether these delays are classified as "better than acceptable levels of service" [Revised Recommendations, p. 886], for those Kaumana residents who are used to no traffic delays currently, having to wait 8 to 11 seconds (p. 536) before entering to and from Kaumana Drive because of the school traffic will be irritating and upsetting and adversely affect the daily routine and quality of life.

Equally, if not more upsetting to the surrounding properties, will be the noise generated by the increased traffic, school activities and 16 to 25 years of construction of the school improvements. Petitioner seeks to avoid this adverse consequence by saying that it will plant landscaping. But we all know, and it is common knowledge, that heavy

growth of trees and other vegetation near a construction site does not negate the noise emanating therefrom. And even traffic on Kaumana Drive can be heard despite the barrier of trees between Kaumana Drive and Pacific Plantation Subdivision.

Even if the noise from this project could possibly be lessened or abated by landscaping, the issue is this: by how much? No evidence has been submitted by Petitioner to show how much traffic, school and construction noise would be generated by this project, nor by how much such noise would be reduced through landscaping. As it is Petitioner's burden of proof to show that it has met the criteria for the special permit, failure to present such evidence means that Petitioner has failed to prove that the surrounding properties will not be adversely affected.

Another criterion that the Planning Department has admitted has not been met is that "[t]he use will not substantially alter or change the essential character of the land and present use." [Rule 6-3(b)(5)(F)]. This requirement as already been extensively discussed hereinabove and need not be repeated.

Subsection (E) of Rule 6-3(b)(5) requires that "[t]he land upon which the proposed use is sought is unsuited for the uses permitted within the district." Because of the "poor" quality of the soil, the Planning Department concluded that "the land upon which the proposed use is sought is unsuited for agricultural uses permitted within the Agricultural District" [Revised Recommendations, p. 889]. In contrast, the Petitioner stated at pages 48 and 49 of its Petition that "[d]espite the poor agricultural qualities of the property, the school does intend to include an agricultural program, the purpose of which would be educational rather than commodity driven, and would focus on teaching sustainable practices" including hydroponics and the cultivation of fruits, vegetables,

nature trees, plants and ornamental plants. Petitioner also intended to use the property for raising of livestock and the development of a forestry/conservation program. [Supra].

The Planning Department, in order to find the land unsuitable for agricultural use, has overlooked many of the agricultural uses cited in Chapter 205-4.5, HRS, that are not dependent on good quality soil, such as game and fish propagation and public recreational areas such as camps, picnic grounds, parks, etc.

Petitioner, on the other hand, has had to concede that the land is suitable for agricultural uses because of its selection of the site for its agricultural program. It was caught between the proverbial rock and hard place. If it admitted that the property was not suitable for agricultural uses to satisfy Rule 6-3(b)(5)(E), then there would be no justification for placement of the school in an agricultural district. But if it admitted that the property was suitable for agricultural uses, then it would not be able to satisfy Rule 6-3(b)(5)(E). Unfortunately for Petitioner, it cannot have it both ways. So the land, by its own admission, is *not* unsuitable for the uses permitted within the agricultural district.

To conclude what has already been a lengthy closing argument, but without conceding that the other unmentioned criteria have been met, let me point out that because the subject property is more than fifteen acres, Rule 6-9 of the Planning Commission Rules requires approval of the Special Permit by the State Land Use Commission. Both the Planning Commission and Land Use Commission are required by their respective Rules [e. Chapter 15-15-95 and Rule 6-3(b)(5)] to find that the proposed use is "unusual and reasonable" and would promote, or not be contrary to, the objectives of Chapter 205 and our State Land Use Laws.

The Planning Department has determined that the proposed use is "unusual and reasonable" independent of the seven criteria set forth in Rule 6-3(b)(5). In the instant case, the Planning Department found Petitioner's proposed use to be "unusual" because a school is "not normally considered agricultural in nature." [Revised Recommendations page 885]. If this approach to determine what is "unusual" is upheld, then all proposed Special Permits would automatically qualify as "unusual" since each Special Permit is sought to allow a non-agricultural use in an agricultural district.

The Planning Department also concluded that Petitioner's proposed use was "reasonable" because the school is "required to support the agricultural community in which they are located" [Supra]. There is nothing on record to support this conclusion nor is there any rational discussion as to how this conclusion was reached.

And even if a school can be considered a "reasonable" use in an agricultural district, how do we determine if this school is a "required" service in the subject agricultural district? There has been no showing that another school is desired or needed, much less "required", in the subject agricultural district or any other nearby agricultural district. Why then is it "reasonable" to allow this school to be injected into this agricultural district without such proof?

To conclude that the proposed use is "reasonable" by utilizing the Planning Department's definition would be pure conjecture and unsustainable by any burden of proof. Accordingly, I urge the Hearing Officer to find that the Planning Department's determination that the proposed use is "unusual" and "reasonable" to be in error and without any basis in fact or in law.

Conclusion

Authoritative case law requires that the district boundary amendment process be utilized if the proposed use changes the essential character of the district. Without question, the construction of a kindergarten through twelfth grade school will change the essential character of the subject property from agricultural to urban. As such, the special permit process utilized by Petitioner is inappropriate to authorize the construction of the school.

Even if the special permit process is deemed appropriate, Petitioner must, yet, fail as it has not satisfied all of the seven criteria prescribed by Rule 6-3(b)(5) to qualify the school as an "unusual and reasonable" use. For example, the noise and traffic generated by the project is an admitted adverse impact upon the surrounding property owners which will persist for no less than 16 to 25 years (as to the noise) and forever (as to the traffic).

In addition, Petitioner has failed to show that the property is unsuited for agricultural uses. In fact, Petitioner has admitted that it is suitable for the growing of crops and for forestry/conservation purposes.

Without words of qualification or limitation, there is no logical or justifiable basis for allowing a special permit to be issued if all seven criteria of Rule 6-3(b)(5) have not been satisfied. As the foregoing arguments point out, criteria (A), (B), (E), and (F) have not been satisfied and for that reason, the Petition should be denied.

TESTIMONY

Melvin Yokota
1358 Mele Manu Street Apt A
Hilo, Hawaii 96720

Madame Hearing Officer:

I humbly ask that the Connections Charter School application for a special permit be denied. The information presented to date clearly shows that the Environmental Assessment is incomplete and inadequately addresses the plan to achieve full buildout of the campus.

The Community has expressed concerns about traffic, water, and public safety. Yet, no solutions have been provided. Mr Hong has asked a number of community leaders if they would be willing to assist in developing mitigation measures for those concerns. While I acknowledged that I would be willing to provide input, my response was not a tacit approval of this special permit application. If they had good solutions, there would be no need to ask for help in development of mitigation measures.

Mr. Hong has been straightforward in asking the Connections Consultants about how this site was selected. The answer is that the site was preselected, and the Consultants had no input into the site selection process.

Mr. Hong induced his professional witnesses to acknowledge that there has not been a complete planning process done to do a conceptual worst case risk analysis to evaluate the water and traffic concerns that would result from a full buildout of the Campus. They said the campus would be phased. They have not developed answers for the what ifs such as what happens if there is insufficient water? Is a partial campus acceptable? If a well has to be developed, I see no plans for a well site, nor is there documentation as to what the DWS would require of Connections if they decide to construct the well site. Are they prepared to spend millions drilling the well, constructing pipelines, booster pumps, and reservoirs? It appears that this option has not been worked into their project funding scenarios.

Without complete answers as to whether the full buildout can be achieved, the special permit application should be denied. The chances of success for this project is marginal as it now stands.

Re'd at 11/12 mtg by JWD
Dist'd yes

SCANNED

MAY 9 2011

By: 3970

June Sakamoto
Resident of Mele Manu St.
November 12, 2013

A laid-back pace, not too much traffic, knowing your neighbors, and enjoying a sense of community--this is what is so special about Hilo. This is the quality-of-life factor that endears people to this place. This is what we wish to have preserved in our Kaumana neighborhood. This is why I am against having the Connections school located on Edita Street.

Traffic Impact

My concerns about traffic and safety as stated in my previous testimonies remain. The traffic assessment report for this project states that it was based on the assumptions that there would be:

- 1) no future traffic growth on Edita St. and
- 2) very little growth on Kaumana Drive, being that "the surrounding area is relatively built out and the pertinent section of Kaumana Drive is expected to be used by local traffic only."

The report goes on to say "The second component in estimating future background traffic volumes is traffic resulting from other proposed projects in the vicinity.....No related projects were identified." Contrary to these assumptions, homes have been built and additional lots opened up for sale in Pacific Plantations Subdivision since the issuance of the report. This would lead to future traffic growth on Edita St. A new subdivision (Punahoa Mauka Estates off Hokulani St.) with access to Kaumana Drive has been developed with more yet to come such as Kumulani S/D with access via Kaumana Drive near Hokulani Street. These additions to traffic, plus more people taking Kaumana Drive to enjoy the much-improved Saddle Road, are important considerations in determining Connections School's impact on traffic. The traffic assessment report acknowledges "**heavy traffic volumes**" on Puainako Street Extension and Kaumana Drive but concludes that the traffic impact of Connections School will be minimal. Minimal to who? Certainly not to the people who will actually experience the increased traffic on Kaumana and Edita. Mr. Thatcher states in his school newsletter (Nov 19, 2012) that a particular skilled nursing facility being built on Kaumana Drive "WILL negatively impact the traffic on Kaumana Drive"... yet he says his school, with all its students, teachers, workers, special guests, and parents, will have little impact. How is that?

Re'd at 4/12 mtg by <i>JW</i>	SCANNED MAY - 9 2014 By: _____ 3971
Dist'd <i>yes</i>	

A Lack of Good Communications with the Community

At the urging of the Windward Planning Commission, Connections Charter School--represented by Eric Boyd--held a meeting on December 17, 2012, with members of the Kaumana community. Mr. Boyd presented a visual aid (attachment 1) to show that Connections has made sincere efforts to reach out to the community. Listed were meetings held between April 2009 and Dec 2012. The notation at the bottom states: "Each mtg: 149 notices were mailed to residents and owners within 500' perimeter surrounding property." This is untrue. The school has acknowledged their failure to adequately notify people and yet they continue to put out this kind of information.

Here is my assessment of those meetings:

April 16, 2009 Mtg, 5:30-7:30p, Kress Building

(THIS WAS THE THURSDAY OF MERRIE MONARCH WEEK. Poor choice of date!)

--The Final Environmental Assessment (Attachment 2) states *"The school also held a public information meeting on April 16, 2009. This meeting was publicized by sending home informational flyers with the Connections' students, posting of informational flyers around the Kress Building and downtown Hilo, and by placing an information bulletin in the Hawai'i Tribune Herald."* NOTE: There is no mention of notification sent to residents and owners within 500' perimeter of the property.

--A small notice (Attachment 3) appeared in the calendar section of the 4/11/09 Tribune Herald: *"Connections Talks Kaumana Campus," 5:30-7:30 p.m., Kress Bldg, Connections Charter School invites all to get involved in a discussion about the new Kaumana campus.* NOTE: there is no mention of Edita St. or Kaumana Drive. Most people seeing this would not feel a need to attend, especially if they do not have school-aged children.

--The flyer (Attachment 4) indicates: *"Informational Dinner Night"...."Why: New Facility Development"....."Kaumana Property."* Sounds esoteric to me. Again, there is no mention of Edita St. or Kaumana Drive--nothing to make people in our subdivision feel that this was something they should attend.

--If only 19 people showed up, that's a pretty sad sign of interest on the part of the school childrens' parents.

--Is there a sign-up sheet to show how many Kaumana residents attended?

June 3, 2011 Mtg, 5:00-5:30 refreshments; 5:30-7:00 Community Input
(THIS WAS A FRIDAY. Poor choice of time. No consideration given to people who work, have kids to pick up after work, have families to feed, etc.)

--14 residents attended. **Many people in the community--including those who would be most directly impacted--did not even receive an invitation.** Mr. Boyd (at the 12/17/12 mtg) addressed the issue of their failure to notify people by saying they sent meeting notices to the names of people they got from the State. He doesn't know why some names were missing. This is an unbelievably poor excuse.

September 2, 2011 Mtg, 5:00, Kaumana Elementary School Cafeteria
(THIS WAS THE FRIDAY BEFORE THE LONG LABOR DAY WEEKEND. Poor choice of date/time—people work, have kids to pick up, families to feed. Some were probably too busy with holiday plans to attend)

April 27, 2012 Mtg, 5:00-6:00, Kaumana Elementary School Cafeteria
(THIS WAS A FRIDAY. Again, poor choice of time – people work, have kids to pick up, have families to feed, etc.)

--Connections was told by concerned attendees that they have to inform the WHOLE subdivision of the project as everybody will be impacted.

--As a result, Connections says they went door to door on April 28 and left Comment/Information cards at peoples' homes. I found one at my front door. Interesting that the card has a diagram of the proposed campus but no distinct reference to Edita or Kaumana Drive (meaning that someone looking at the card would have no idea of the location of the proposed school). I think it was intentional.

December 17, 2012 Mtg, Noon – 2:00, Kress Building
(THIS WAS A MONDAY, Start of school break -- possibility of families being on vacation. The time of the meeting reflects the school's appalling lack of consideration for the people who were working and says a lot about the school's sincerity (or lack of it) in wanting to meet with as many members of the community as possible.

In regards to the requests for public input and concerns, as I see it, Ted Hong and the school administration were just going through the motions.

--Please note that the glossy printed cardstock materials (postcard meeting invitations, comment cards, and the capital campaign brochure) all have a diagram of the proposed campus but no distinct reference to Edita St. or Kaumana Drive. I believe it to be intentional.

--At the April 27, 2012 meeting, a community member brought up the issue of the Puainako St. access. The attached meeting minutes from Connections School (Attachment 5) has Mr. Hong's reply to this person ("If we commit to an

alternate access, then will you support the project? We will do that if we have to.”), but there is no way for you the reader to know the sharp tone in which those words were said. The community member was so taken aback at the way Mr. Hong snapped back at him that he no longer cared to give his input that evening despite a later apology from Mr. Hong. Shortly thereafter, Mr. Fuke said “The planning commission can make occupancy conditional on an alternate access. Will that issue be resolved by the time of the Public Hearing?” Mr. Hong’s response was “Don’t keep presenting hurdles as we jump over them.” They said they wanted to know our comments and concerns, but did they really? What, then, was the real purpose of these “community outreach” meetings?

In summary, poor meeting dates and times, failure to invite people, cutting people down during Q&A sessions, an offensive attitude on the part of Mr. Hong, deceptive information, “missteps” along the way, etc. No wonder there is no trust and support from the local community!

Someone in favor of Connections School wrote regarding the subject of Trust and Open Communications “Our school is called “Connections” for a very intentional and distinct reason, as linking with and communication with our community is what we are all about!” I think this is something Mr. Hong and the school administration should think about because as far as I can tell, they have done a lackluster job of communicating in earnest with the community from day one through the final community meeting held on Dec 17, 2012.

The school may be a great idea but the location is inappropriate. I ask that the special permit be denied.

CONNECTIONS PUBLIC CHARTER SCHOOL
KAUMANA COMMUNITY
INFORMATION OUTREACH MTGS
and timeline

- Mar 28, 2008 BLNR mtg request lease
- Apr 16, 2009 Community mtg, Kress Bldg
- Jan 13, 2011 BLNR approves lease, begin LA
- June 3, 2011 Community mtg, Kress Bldg
- Sept 2, 2011 Community mtg, Kaumana Elem
- Apr 27, 2012 Community mtg, Kaumana Elem
- Apr 28, 2012 Kaumana comm walk around
- Dec 17, 2012 Community mtg, Kress Bldg

Each mtg: 149 notices were mailed to residents and owners within 500 perimeter surrounding property

Attachment 2

FINAL ENVIRONMENTAL ASSESSMENT Connections Public Charter School, Kaumana, South Hilo, Hawaii

Further efforts were made to ascertain whether any cultural practices occurred within the project site. Requests for information were sent to the Hawaiian Civic Club of Hilo, the Edith Kanakaole Foundation and Mr. Kepa Maly in an attempt to identify any cultural resources and practices that may be conducted within or around the project site. No responses were received. These request letters are attached as Appendix G. The school also held a public information meeting on April 16, 2009. This meeting was publicized by sending home informational flyers with the Connections' students, posting of informational flyers around the Kress Building and downtown Hilo, and by placing an information bulletin in the Hawai'i Tribune Herald. No persons at the public information meeting spoke in regards to any cultural resources or practices occurring within the project site. Findings of the archaeological investigation, as well as the lack of response for information and public input seem to suggest that the conclusion reached by the Puainako Street Extension and Widening project EIS that there are no traditional cultural practices occurring within the project site are still valid.

approaching their centennial year. Former NPS chief-historian Dwight Pitcaithley discusses the history, current status and future options of the park service.
Contact: Ruth Levin, 985-6011, ruth_levin@nps.gov

"AS I RECALL" with "STEAMY" CHOW

Where: Basically Books, 160 Kamehameha Ave., Hilo
When: 11 a.m.-noon Tuesday, April 14
Details: Join Bob "Steamy" Chow and talk story with him about his recollections of the old days in Hilo. His book, "As I Recall" is a collaboration with Connections Charter School students and is helping to fund a student China trip.
Contact: Christine Reed, 961-0144, bblinfo@hawaiiantel.net, basicallybooks.com

CHANTED HAWAIIAN MELE — A WORLD VIEW

Where: Imiloa Astronomy Center
When: 10 a.m. Tuesday, April 14
Details: UH-Hilo professor Kalena Silva will discuss Hawaiian views of the world as reflected in chanted Hawaiian mele; how traditional knowledge is passed on through mele, and different vocal styles. Free.
Contact: Justina Mattos, 969-9743, jmattos@imiloahawaii.org, www.imiloahawaii.org

WEDNESDAY, April 15

TREES & PLANTS used in HULA INSTRUMENTS

Where: Imiloa Astronomy Center
When: 10-11:30 a.m. Wednesday, April 15
Details: UH-Hilo ethnobotany instructor Ka'ana'e Keawe discuss plants used in the creation of traditional hula instruments. Keawe is an island artisan, cultural practitioner and plant researcher.

for the coveted title and share their personal experiences. Free.
Contact: Justina Mattos, 969-9743, www.imiloahawaii.org

KEALOPIKO DESIGNS FASHION SHOW

Where: Imiloa Astronomy Center
When: 1 p.m. Thursday, April 16
Details: Fashion show and a presentation by young Hawaiian clothing designer Jamie Makasobe, who'll discuss the inspirations and research she uses to create her contemporary Hawaiian clothing designs. Free; admissions for exhibits and planetarium shows apply.
Contact: Justina Mattos, 969-9743, jmattos@imiloahawaii.org, www.imiloahawaii.org

CONNECTIONS TALKS KAUMANA CAMPUS

Where: Kress Building, 174 Kamehameha Ave.
When: 5:30-7:30 p.m. Thursday, April 16
Details: Connections Charter School invites all to get involved in a discussion about the new Kaumana campus. Guest speaker from Wil Chee Development. Dinner served at 5:30 p.m.
Contact: Eric Boyd, 961-3664, eric.boyd@connectionscharterschool.org

LEI & HAWAIIAN CRAFT DEMOS

Where: Hilo Shopping Center
When: 9 a.m. - 5 p.m. Thursday and Friday, April 16-17
Details: Learn to make easy yarn lei and other Hawaiian crafts with live demonstrations during the center's Merrie Monarch Craft Fair. Free admission.
Contact: Marcia Prose, 959-7797, grafadv@hawaiiantel.net

CLIFF KAPONO BOOK SIGNING

Where: Basically Books, 160 Kamehameha Ave., Hilo

Hawaii Island." This collection of essays covers diverse topics, and includes maps and numerous historical photos.
Contact: Christine Reed, 961-0144, bblinfo@hawaiiantel.net, basicallybooks.com

COMING

KING KALAKAUA GATHERING

Where: Kalakaua Park
When: 9 a.m.-3 p.m. Saturday, April 18
Details: Hawaiian historian and musician Palani Vaughn hosts this event of hula, singing, ukulele playing, storytelling, food, artists and craftspeople. Free admission. Coincides with the Merrie Monarch Parade.
Contact: Alice Moon, 933-9772, amooninfo@bigisland.com, www.poshfestivals.com

CPR SATURDAY

Where: Castle Gym, Upper Campus, Hawaii Preparatory Academy
When: 7:30 a.m.-12:30 p.m. Saturday, April 18
Details: The Red Cross Youth Group at HPA, in conjunction with the American Red Cross West Hawaii branch, will offer free CPR training. Sessions begin on the half hour and will take 2½ hours. Registration recommended.
Contact: Dana Petteys, 881-4082, dpetteys@hpa.edu

OPEN SCHOOL at MALAMALAMA WALDORF

Where: Malamalama Waldorf School, Hawaiian Paradise Park, Makuu and 26th
When: 9 a.m.-noon Saturday, April 18
Details: Malamalama Waldorf School offers Waldorf education for preschool through seventh grade. Visit classrooms, see a Waldorf puppet show and a presentation about Waldorf Education. Celebrate Earth Day & the kick-off to Turn Your TV Off Week.

Details: ... a free lecture People Ethic Cruelty-free ...
Contact: Gwo 937-5272, ... com

PREVENT SICN

Where: Kar ... in front of ...
When: 4-5 ... April 22
Details: ... parenting, ... relationships ... services. Public ... participate, ... express the ... the Child ... Hawaii Coalit. Child Abuse ...
Contact: Mary 5550, mhysloj

RELAY TEAM CAP

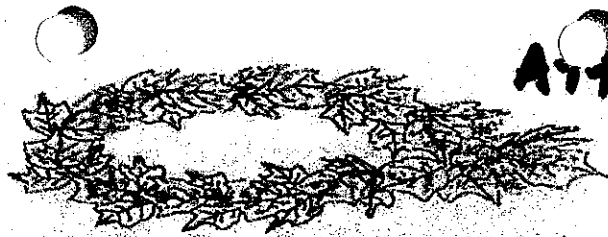
Where: Instit ... my. University
When: 5 p.m. April 22
Details: Key ... be given.
Contact: Cath 935-0025, cath cancer.org, www.org/hilo

VOLCANO PO

Where: Volcan ... 19-3834 Old Volcano
When: 7-9 p.m. 24
Details: A night words. Bring yo or those of and Free, light refre lic welcome.
Contact: fra Or volcanogarden.rr.com, www. arts.com

BOY SCO T

Where: Editl ... Multi- ...
When: 9 a.m. day April 25
Details: Publ 3977



'A'ole pau ka 'ike i ka hualau pio'ohani.

Connections Public Charter School

A Community, Business & Education Learning 'Ohana

Informational Dinner Night

Presented By: Connections Future Visionary Association (CFVA)

When: Thursday April 16th, 2009

**Where: Connections Public Charter School
(Kress Building) Entrance on Kamehameha Ave.**

5:30pm- 7:30pm

5:30pm Complimentary Dinner

6:00pm- 7:30pm Meeting

Why: New Facility Development

“Kaumana Property”

Guest Speakers:

Wil Chee Planning and Development

174 Kamehameha Ave., Hilo, Hawai'i - Phone 1-866-961-3664 FAX 1-808-961-2665
Email: cpcs@aloha.net

Attachment 5

Celia: Water tanks will be about 50'-60' from boundaries; buildings about 500'.

Ted: Will buffers be included in the design?

John: We will be including landscape buffer options.

CMQ: What about alternative access options? Are you still looking at coming in from the Puainako Extension?

Ted: That is a property privately owned by Brilhante-Hawaii LLC. We spoke to Mr. Brilhante again this past Monday. He is willing to continue to discuss the possibility of an easement through that property.

CMQ: I'm concerned because both Edita and Kaumana are so narrow.

Celia: The traffic assessment showed no significant impact. Although not required, we will continue to look at dedicated turn lanes.

Ted: Were there any recommendations from the traffic assessment engineer?

Celia: No, they found no significant impact.

CMQ: We first talked about the alternative access question in June 2011 and again at the next meeting here in Kaumana, and you're only now talking to Mr. Brilhante? At both those meetings you said it was a priority!

Eric: That was the most recent opportunity we have had to talk to him. Mr. Thatcher did talk to him after those meetings.

CMQ: How much of the fund-raising project is earmarked for alternative access?

Ted: If we commit to an alternate access, then will you support the project? We will do that if we have to.

CMQ: I'm concerned because there is only one way in and out.

Mr. Fuke: The planning commission can make occupancy conditional on an alternate access. Will that issue be resolved by the time of the Public Hearing?

Ted: Don't keep presenting hurdles as we jump over them.

CMQ: With the possibility of Puainako access, will you consider moving the project closer to that side of the property?

Celia: This is all a project concept, and changes can happen as necessary.

Aloha,

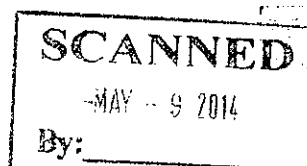
My name is Clayton Kua. I currently reside at 632 Kaumana drive, about a half-mile mauka of the Union 76 gas station. As a 24 year resident and property owner I have witnessed an ebb and flow to the traffic patterns on Kaumana drive. For many years Kaumana drive served as the primary thoroughfare for residents wishing to access Hilo town and beyond. Turning left out of my driveway onto this little two lane street was at times an anxiety provoking experience. Some days it was "I think I can make it" and other days it was "I don't know if I can, but here goes." In short, it was a very dangerous and at times unpredictable situation.

The development of the Puainako extension, relieved some of the congestion and traffic became much more manageable. However, I have noticed an increase in traffic as of late, and can only attribute that to more cars using Saddle Road for their cross-island trek and young adults, such as my child acquiring their driver's license. While still manageable, I don't think the road is equipped to handle the onslaught of traffic that would be created by transporting students, goods and services, on a daily basis, to and from the proposed Connections Charter School in Kaumana.

With other residential and private developments slated for our area it won't be long before residents once again encounter intolerable traffic conditions. I don't believe there are any plans to convert Kaumana drive to a four-lane highway, so the impending congestive nature is something we will have to learn to live with or to avert before it begins. For this reason if an alternative route to and from the Connections campus cannot be established, then I stand in opposition to its proposed construction. Access from Puainako street (as has been previously discussed) stands as a viable solution. I don't know what's involved in making that happen, but I do know leaving Kaumana drive as the only means of reaching the campus would in the long run, only make things worse for all involved.

Mahalo,

Clayton Kua
632 Kaumana Drive
Hilo, Hawai'i 96720



Madame Hearing Officer
Regarding: Connections Charter School Application
From: Larry Kimura, Resident of Ka'ūmana

Dear Hearing Officer,

This is my second letter of testimony to the County voicing my objections to the Connections Charter School's application to use parcels at the entry of Edita Street, Ka'ūmana.

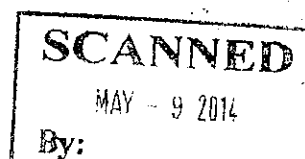
I cannot understand why the County of Hawai'i would "import" school families outside of the Ka'ūmana residential area. My understanding is that at least half of this charter school's families are from the Puna-Pāhoa area, and the remainder from other outlying places of Hilo. The County should encourage these school families to be a part of their own communities and make contributions there to further the healthy development of their places. Surely the district of Puna has space for the grand plans of the Connections Charter School. It is strange as to why Connections would not want to be located in a place where most of their families come from.

Lower Ka'ūmana Drive already has its share of neighborhood developments. There is the 100 bed care facility that is now being constructed less than 1/2 mile ma kai of Edita, and the County approved plans for the low-income housing for Kumulani Gardens subdivision, not to mention connecting the 'Akōlea Plantations subdivision through Hōkūlani Street. These 3 major developments within less than a 1 mile stretch of Ka'ūmana Drive means a definite heavier traffic pattern that our existent twisty road has never encountered before.

Again, I submit my testimony in opposition of the Connections Charter School in this Ka'ūmana neighborhood.

Mahalo,

Larry Kimura
243 Mikala Street
Hilo, Hawai'i 96720



Testimony of Henry K Lee Loy on day three of the contested case hearing

Good morning Madame hearing officer.

My name is Dr. Henry Lee Loy and I live at 1579 Mele Manu St. The TRAFFIC IMPACT ANALYSIS REPORT by Mr. Philip Rowell states that the PURPOSE and OBJECTIVE of the study was to identify potential deficiencies adjacent to the study project that would impact traffic operation in the vicinity of the proposed project. I will present you evidence that his study failed to meet its purpose and objective. The report states future traffic growth consists of two components. The first being ambient background growth and the second component is the estimated traffic that will be generated by other development projects in the vicinity of the proposed project. Related projects are defined as those projects that are to be constructed adjacent to the study project and would significantly impact traffic in the study area. His report states, "no related projects were identified". The report also presumed "that there would be no traffic growth of traffic along Edita Street".

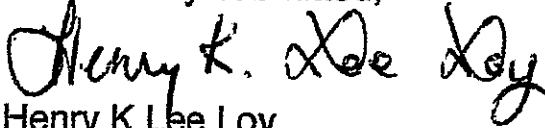
Contrary to Mr. Rowell's report I am submitting evidence that Mr. William Brillhante's 45 lot subdivision adjacent to the proposed school was tentatively approved by the planning department in 1998 and resubmitted as recently as August 12, 2012. Traffic from his subdivision is to unload onto Kaumana Drive via Edita Street. I am also submitting evidence that another 83 lot subdivision called Kumulani Gardens has received tentative approval as of July 24, 2012. The entrance to this 83 lot subdivision will be approximately half a mile from the intersection of Kaumana Drive and Edita Street. Mr. Rowell failed to identify this project in his report. His report also fails to identify other projects in the vicinity including the Department of Hawaiian Homes residential subdivision, the 39 lot Hokulani St. subdivision, the 23 lot residential subdivision at the intersection of Kaumana Drive and Mohouli Street extension, the 100 bed Skilled Nursing Facility on Kaumana Drive and the Mohouli Senior Phase 1 Housing Project at Mohouli Street extension.

11/12 JML
48

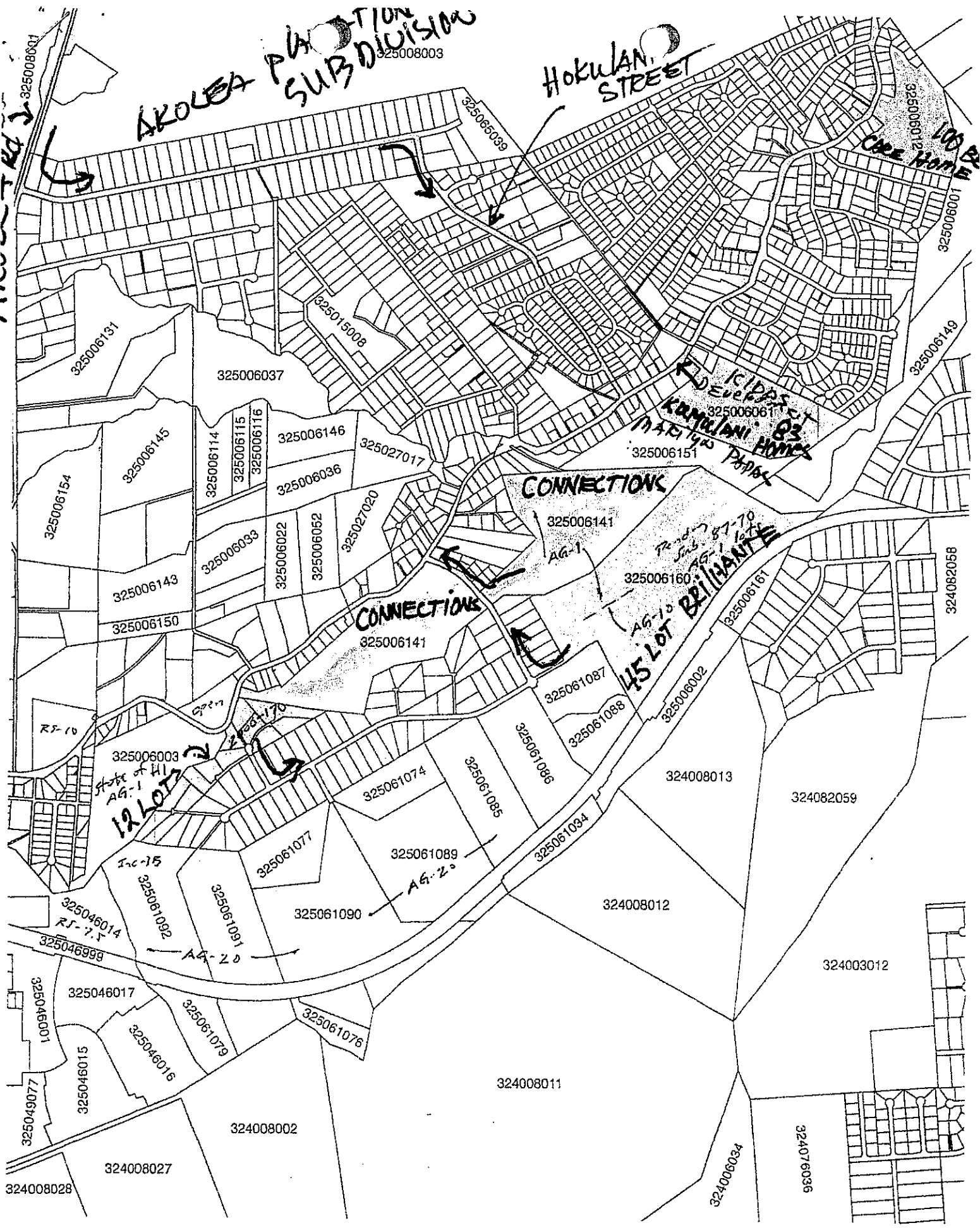
SCANNED
MAY 22 2012
By: _____ 3982

Madame hearing officer, today as you approach Kaumana Drive for a site visit please drive carefully as you will see the road is narrow and winding. On your left you will note construction of the 100 bed skilled-nursing facility, the shark teeth striping on the sharp curve just above Terrace Drive, the numerous side-streets and driveways that feed onto Kaumana drive, the location of the 83 lot subdivision on your left near Alahelenui Street, to your right is Hokulani Street which will soon be open to traffic from the Akolea plantation subdivision and a new 39 lot subdivision. (Please refer to the colored map I provided for you). Imagine the roadway slick with rain and think of the safety of the Kaūmana community. Thank you for your time.

Respectfully submitted,

A handwritten signature in black ink that reads "Henry K. Lee Loy". The signature is written in a cursive, flowing style.

Henry K Lee Loy
1579 Mele Manu Street
Hilo, Hawaii 96720



KUMULANI GARDENS

LAND SITUATED ON THE SOUTHEASTERLY SIDE OF KAUMANA DRIVE
AND ON THE SOUTHERLY SIDE OF R.H. GRANT SUBDIVISION
FILE PLAN 1189

AT PONAHAHAWA SOUTH HILO
ISLAND OF HAWAII, HAWAII

Being portions of Grant and E. Olanubian
E009, also, Parcel A-1-A

SUBDIVIDED INTO LOTS 1 TO 83; INCLUSIVE
ROAD LOT A TO D, INCLUSIVE, LOTS R-1, R-2, R-3
AND POSTAL BOX LOT

AND DESIGNATION OF EASEMENTS 1 TO ???, INCLUSIVE
AREA = 25.182 Acres

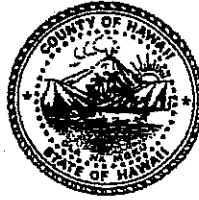
OWNER: KIDD'S DEVELOPMENT CORPORATION
ADDRESS: 678 Moenela Street
Honolulu, Hawaii 96821

DRABA ENGINEERING, INC.
1440 Kalia Road, Suite 200
Honolulu, Hawaii 96813
Telephone: 833-1111



ADVANCE DRAWINGS
SUBJECT TO CHANGE

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

July 24, 2012

Jason K. Inaba, PE
Inaba Engineering, Inc.
273 Waiānuenu Avenue
Hilo, HI 96720

Dear Mr. Inaba:

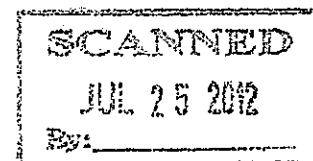
TENTATIVE APPROVAL
SUBDIVIDER: KIDDS DEVELOPMENT CORPORATION
"Kumulani Gardens"

Proposed Subdivision of Parcel A-1-A,
Into Lots 1 to 83, Inclusive, Lots R-1, R-2 & R-3
Road Lots "A" & "B" and Mokihana Street Extension,
Being a Portion of Grant 5484,
Ponahawai, South Hilo, Island of Hawai'i, Hawai'i
TMK: 2-5-006:061 (SUB-00-000019)

Please be informed that Tentative Approval of the revised preliminary plat map dated October 15, 2008, is hereby granted with modifications and conditions.

The subdivider is now authorized to prepare detailed drawings of the subdivision plan in accordance with Chapter 23, Subdivision Control Code, County of Hawaii, as modified. Before final approval can be granted, the following conditions must be met:

- 1) Water System
 - a) Provide a water system meeting with the approval of the Department of Water Supply.
 - b) Submit water system construction plans for approval by affected agencies.
 - c) Pay installation and facilities charges as required by the Department of Water Supply.
- 2) Drainage
 - a) Identify all watercourses and drainage ways and encumber with drainage easements.



Jason K. Inaba, PE
Inaba Engineering, Inc.
Page 3
July 24, 2012

- 8) Final Plat Map. **Submit ten (10) copies of the final plat map** prepared in conformity with Chapter 23, Subdivisions, within one year from the date of tentative approval, on or before **July 24, 2013**. If not, tentative approval to the revised preliminary plat map shall be deemed null and void. Only upon written request from the subdivider and for good cause, the director may grant to the subdivider an extension of time within which the subdivider may file the final plat. **As part of final plat map submittal, provide an additional copy of the final plat map as a ".dwg" or ".dxf" diskette file prepared by CAD software. In the alternate, a digital copy of the final plat map may be e-mailed to the Tax Maps and Records Supervisor at planning@co.hawaii.hi.us.**
- 9) Time Limit. Subdivider shall complete all requirements specified as conditions for tentative approval of the revised preliminary plat map within three (3) years of said tentative approval, on or before **July 24, 2015**. An extension of not more than two (2) years may be granted by the director upon timely request of the subdivider.

Please be aware that if at any time during the fulfillment of the foregoing conditions, should concerns emerge such as environmental problems or other problems which were earlier overlooked or not anticipated/accounted for in data/reports available to date, this could be sufficient cause to immediately cease and desist from further activities on the proposed subdivision, pending resolution of the problems. The Planning Director shall confer with the listed officers to resolve the problems and notify you accordingly.

No final approval for recordation shall be granted until all the above conditions have been met.

Land shall not be offered for sale, lease or rent until final approval for recordation of the subdivision is granted by the Planning Director or the proposed subdivision has been issued a preliminary order of registration by the Department of Commerce and Consumer Affairs (DCCA) in accordance with the requirements of Chapter 484, Hawaii Revised Statutes.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



BJ LEITHEAD TODD
Planning Director

ETC:lnm

\\Coh33\planning\public\Admin Permits Division\Subdivision\2012\SUBc2012-3\SUB-00-000019KiddsDevCorp\KumulaniGardensTA.doc

Enc.: Revised PPM (10-15-08)

From: *Asst. Dir.*
Sent: Tuesday, December 20, 2005 5:31 PM
To: 'island.survey@verizon.net'
Cc: Ishii, Ben; Yuen, Chris
Subject: SUB 87-000070 (Brilhante) adjacent to Pacific Plantation at Mele Manu Street and Edita

Robert,

I have spoken to the Director and he is comfortable with going with the extension of Mele Manu Street through the proposed subdivision as a 50-foot wide right-of-way. Take a careful look at how this Mele Manu Street extension will approach Puainako Street and widen the right-of-way as necessary to accommodate any necessary fill areas along the shoulders of the roadway so it matches grade with Puainako.

The following will detail some of the items that we discussed at today's (12/20/05) meeting between you, Bill Brilhante, Karlyn Hamamoto representing the applicant and Ben Ishii of DPW-Engineering and Sal of State DOT.

1. A pending 44 lot subdivision (SUB87-000070) remains pending with this office. Tentative approval issued on December 30, 1988. However, since this initial approval, the alignment of Puainako Street has changed so that the proposed lots will need to be reconfigured. Secondly, you expressed concern regarding the preservation of this application in light of the zone district boundaries between the A-10a and A-1a zone as it bisects this property. I need to do a lot more research into this before I can give you a definitive answer, but will respect your desire to keep this application active given certain commitments granted upon the issuance of tentative approval. I will continue with my background research into the location of the zone district boundaries and our position regarding the preservation of this old subdivision application may change given my findings.
2. You request the ability to process a relatively simple lot adjustment subdivision concurrent with the pending 44-lot subdivision. Given that this lot adjustment is part of your on-going negotiations with the Department of Public Works to allow for drainage improvements/studies within your property and the Puainako Street extension, we will permit you submit this simple lot line adjustment subdivision that will be processed under Section 23-7 of the Subdivision Code. We normally do not allow for the processing of concurrent subdivision applications affecting the same property, but since the pending 44-lot subdivision requires additional research as well as a major revision of the preliminary plat map to reflect the current alignment of the Puainako Street extension, I don't see the simple lot line adjustment subdivision as being procedurally disruptive.
3. The proposed lot line adjustment subdivision shall include provisions for cross-access easements at the eastern corner of the project site along the common parcel boundaries and consistent with the anticipated location of the Mele Manu Street extension-Puainako Street intersection. This will ensure that both properties will access Puainako at a single access point. Provide no-access planting screen easements along the remainder of the lots' frontage with Puainako, exclusive of this access point. Show the entire alignment of the Mele Manu Street extension as a future road reserve easement. Certificate of staking can be limited to that area where the lot lines were modified.

4. We understand that you will be assessing your ability to proceed with a revised version of your proposed 44-lot subdivision at some point in the future. Our discussion up to this point have been supportive of a revised layout to accommodate the current location of the Puainako Street extension and your cooperation in accommodating the extension of Mele Manu Street. We did discuss the extension of Mele Manu just short of its connection with Puainako, leaving a short remaining section as a road reserve. Should you proceed with this subdivision, all lots will load onto Kaumana Drive until such time the County or State feels that this connection to Puainako is desired. Not knowing when you will proceed with this subdivision has made me reconsider that full connection to Puainako Street, along with all required intersection improvements, may be a requirement depending upon the status of the Edita Street extension. Sal of DOT made it clear that you cannot have two full intersections along this stretch of Puainako Street.

I hope this clarifies some of the issues and questions that were raised at today's meeting.

Daryn S. Arai
County of Hawaii Planning Department
Aupuni Center
101 Pauahi Street, Suite No. 3
Hilo, Hawaii 96720
Phone: (808) 961-8288 Ext 204
Fax: (808) 961-8742
email: darai@co.hawaii.hi.us

"Hawaii County is an equal opportunity provider and employer"

August 23, 2012

Bruce K. Meyers, P.E.
Okahara & Associates, Inc.
200 Kohola Street
Hilo, HI 96720

Dear Mr. Meyers:

**RETURN SUBDIVISION APPLICATION AND PRELIMINARY PLAT MAP
SUBDIVIDER: BRILHANTE-HAWAII, LLC**

Proposed Consolidation of Remnant A-2 and Lot 36-B-1,
And Resubdivision into Lots 1 through 45, 3 Roadway Lots and 2 Drainage Lots,
Kūkūau 2nd, South Hilo, Island of Hawai'i, Hawai'i
TMK: 2-5-006:160 & 2-5-061:087

This is to acknowledge receipt of ten (10) copies of the preliminary plat map dated August 6, 2012, and filing fee of \$1,375.00 for the referenced application for 45 lots, 2 road lots and 2 drainage lots. However, we regret that we are unable to process the application and are returning it to you. The filing fee will be returned to the subdivider under separate cover.

This application proposes to consolidate and resubdivide properties that are zoned A-1a and A-10a into one (1) acre lots. The only way to accomplish the subdivider's intent of 45 one (1) acre lots is to have a change of zone approved for the A-10a portion of the proposal.

We also find that the preliminary plat map is quite deficient in required information such as:

1. There is no description of the proposed action (i.e. Proposed consolidation of ... and resubdivision into ...);
2. Name and address of the owner/subdivider;
3. Adjacent property ownership information;
4. The approximate lot layout and the approximate dimensions and area of each lot;

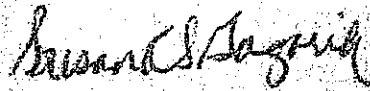
SCANNED
AUG 24
By: _____

5. Acreage of proposed subdivision and number of lots;
6. Widths of all existing streets within or adjacent to the tract and control of access lines adjacent to State highways;
7. Zoning upon subject and adjacent parcels, show zoned district boundaries;
8. Sites, if any, allocated for purposes other than single-family dwellings;
9. Proposed deed restrictions in outline form if any;
10. The approximate location within the subdivision and in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections;
11. Statement regarding water system to be installed, including source, quality and quantity of water;
12. Provisions for sewage disposal, drainage and flood control which are proposed. The drainage map shall include the approximate location of areas subject to inundation or storm water overflow and all areas covered by waterways, including ditches, gullies, streams and drainage courses within or abutting the subdivision;
13. Parcels of land proposed to be dedicated to public use, and the conditions of such dedication; and
14. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with objectives of these regulations, State laws and other applicable County ordinances.

The abovementioned items are some of the deficiencies we observed, but the subdivider is ultimately responsible to provide all information on the preliminary plat map as required by the Subdivision Code.

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,


TODD LEITHEAD
Planning Director

JRH:jnm

P:\Admin Permits Division\Subdivision\2012\SUB\2012-02-5-6-18082-5-81-87\Brilliant Hawaii\Incl\SUB-12-001197\RET\PPM.doc

Encs: 10 PPM (08-06-12)
Copies of Letter of Transmittal (08-07-12)
Original & Copies Subdivision Application (08-07-12)

cc: Brillhante-Hawaii, LLC w/Receipt #669825
C. Tomson, Senior Account Clerk w/copy of Receipt #669825

Ms. Bobby Jean Leithead-Todd
Planning Director
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

2017 SEP 26 11:17:33
HAND DELIVERED

Dear Bobby,

Thank you so very much for taking the time off your busy schedule to fit us in on Monday.

I truly need some help and understanding as I am at a loss as to how to proceed. The original construction plan approval was signed off by Planning in 1998. This was after two revisions.

That lay-out clearly showed the 44 lots as we continued to use Mele Manu Street as our zoning guideline.

I subsequently did not proceed immediately, as you know the three possible alignments were being considered for the Puainako Extension.

I fully cooperated with the County in their new roadway and am still at the present time assisting them in sorting their construction, slope and drainage easements as being required by the State.

I have enclosed receipts for holding our water commitments for the 44 meters until the present day. I have thus far paid \$145,050.00 in this regard to Board of Water Supply; my understanding is that this could be lost as it is non-refundable.

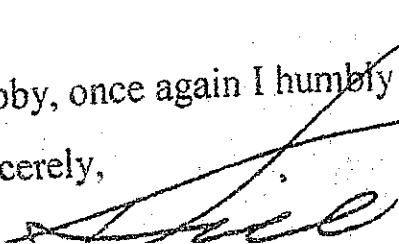
I paid the original engineer for his work on the previous completed plans.

In the past year, I have contracted Okahara and Associates to complete the revised plans as Puainako is now in. They are the engineers who did the Puainako Street Extension.

It is my sincerest hope that this matter may be resolved as I have been very open to the County on the whole Puainako Extension matter. You may check with Daryl Inaba of the County Land Section and with Warren Lee of Public Works.

Bobby, once again I humbly request to please try to help me with this matter.

Sincerely,



SCAN 3992

Testimony by Pauline Ke'ala Lee Loy, 11/12/2013

I offer this testimony for my own clarity as well as clarity for those who have newly joined the opposition of the development of Connections Public Charter School (CPCS) on Edita Street in Kaūmana.

Today's hearing will ultimately determine the recommendation or denial of a special use permit request for the development of CPCS on DLNR property on Edita Street. CPCS has already been granted the lease for the property and is currently awaiting the green light to proceed with development. They plan to build a school to accommodate more than 400 students along with faculty and staff over a 16-25 year period.

In opposition of this development is a Kaūmana community unaware of the proposed project until long after the release of the environmental assessment. A full environmental impact study was not done.

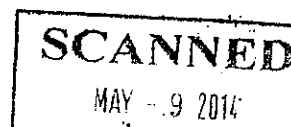
Connections Public Charter School implies that the community was included in the planning process, it was NOT, however, clearly established as to WHICH community was included but it was certainly NOT the neighboring community of the desired location of the school.

Mr. Hong has also implied offense to the No Connections signage and alleged website. It simply represents the fact that NO CONNECTIONS were made between CPCS and the neighboring community of the proposed location.

You will notice that CPCS posted keep out signs on the hogwire fence fronting the well-manicured parcel at our site visit today. As a community member I interpreted the signs as an act of intimidation and bullying and a counter reaction to the community who had erected NO CONNECTIONS signs to publicly declare the lack of inclusivity.

A year ago former planning director Ms. Bobby Jean Leithead implored Connections Public Charter School to meet with the community. Since then the school held only one meeting back in Dec 2012 in the middle of a work day at their Kress Store building led by the Vice Principal of CPCS and paralegal Susan Lee Loy. The questions posed by the community members present were not adequately addressed in the absence of both Mr. Thatcher and Mr. Hong and there was no follow-up attempt to communicate with meeting attendees thereafter.

Project Manager Celia Shen indicated in the last hearing that this project is an ongoing process and plans change, yet she has never approached anyone from the neighboring community to provide input as the company she represents (Will Chee and Associates) proudly advertises. In previous hearings we have been



consistently reminded that CPCS is NOT required to implement, follow or adhere to the same state guidelines enforced on schools that receive state and federal funds. It is certainly our hope that ANY school would voluntarily abide by all requirements and guidelines involving the health and safety of its constituents. There is no compromise.

The moment that bulldozer crushed the first of many kumu 'ōhi'a lehua and displaced the 'io (the hawk), 'aumakua of the area, they violated the land, the law and the lives of the community.

Implicit vs Explicit
Transparent vs Hidden
Inclusive vs Exclusive
Land stewards vs Land abusers

They have broken our trust.

Mahalo.

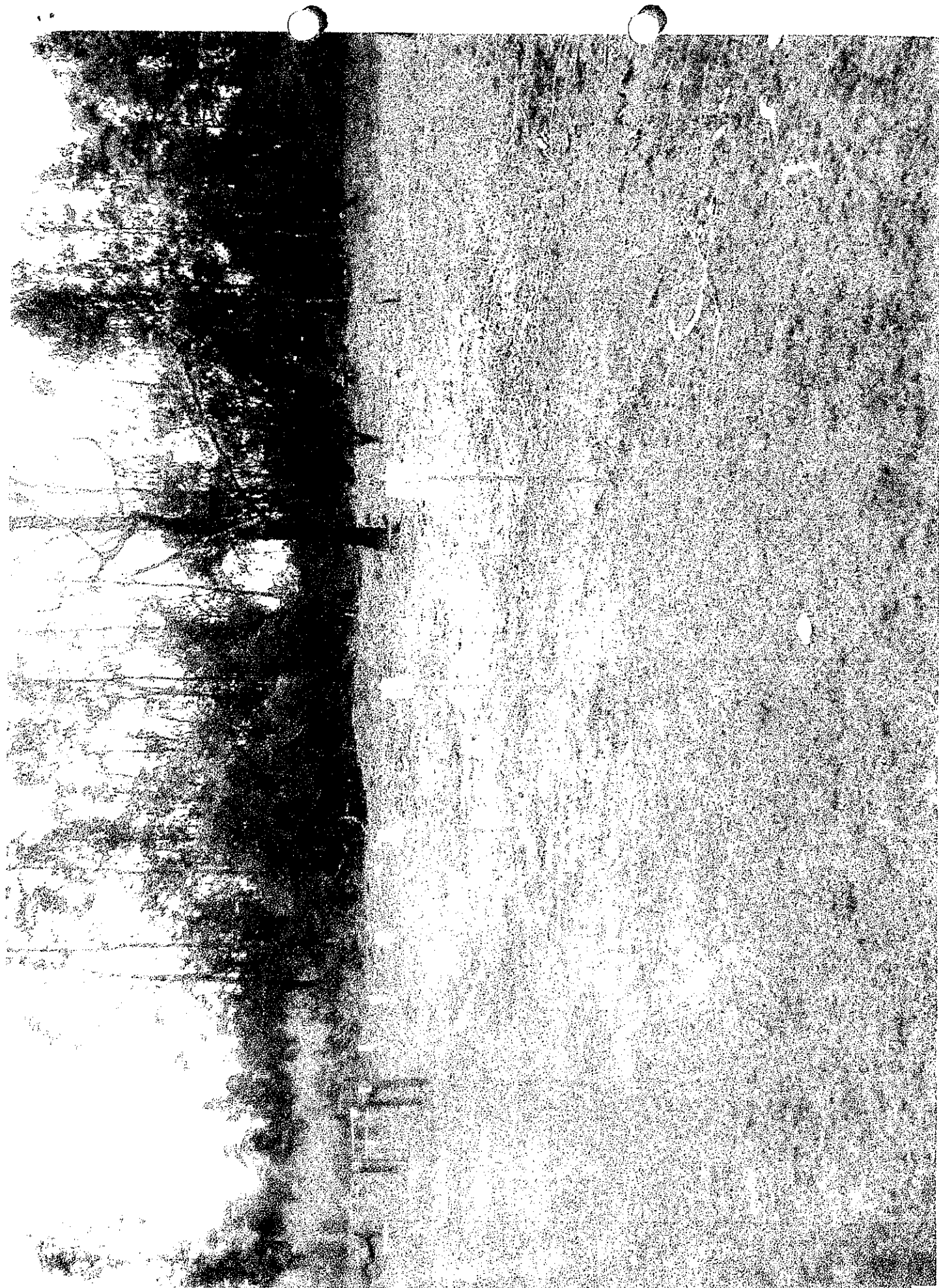
Respectfully submitted,

Pauline Ke'ala Lee Loy
1579 Mele Manu St.
Hilo, Hawai'i. 96720



Connections
Public Charter School

**NO
TRESPASSING**



November 10, 2013

Dana G. Kenny
P. O. Box 1335
Hilo, Hi. 967201

Additional testimony regarding Connections Charter School

I am providing this addition testimony to clarify earlier testimony to insure that my points have been conveyed correctly. Let me apologize in advance for the grammar and spelling. I am writing this in haste with very limited time and skill.

To clarify my main point. Any property can be developed for any desired use. The site selected could in fact be modified and all challenges over come. The question is it the best choice and is it good planning.

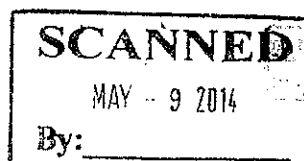
Strictly from a developers point of view, when selecting a property you first establish the desired outcome, who will it serve, and how best to allocate the resources you have to best meet those goals with a positive outcome. In this case the goal is to educate K through 12th grade students, who primarily reside in the population centers of east Hawaii or primarily south Hilo and the Puna districts as they contain the vast majority of the population in East Hawaii. The school is being funded by grant money and other sources of yet to be secured private funding and those funds it would appear are logically conditioned on the ability to get approvals and permits to build what is planned. A great deal of effort has been put into identifying the obstacles that exist and on paper solutions have been proposed to overcome them in order to seek approvals to proceed.

What doesn't make sense is this. If you have say \$30 mil dollars and your goal is to build a school, the wise move would be to seek a site with the least land development cost so the monies available can be used for facilities development. If the site cost \$10 mil to develop then you have \$20 mil for facilities, verses purchasing a \$1 mil sight with no challenges and having \$29 mil for facilities. The exception could be that the sight is likely to make the school more accessible to the group it will service or has some other special features that would offset the additional sight cost. There are no such features to this property so why choose the more difficult location?

During the hearing the schools council kept referring to Kamehameha Schools Puna campus as an example and I think its a perfect one to illustrate my point.

The sight of the KSBE School is;

1. located at the center of the area it was designed to service and the area most likely to accommodate the future population growth.
2. There is no residential development in the area likely to be impacted by the development.
3. The land is relatively flat and easy to develop.
4. Ingress and egress are located on a main traffic corridore designed to accommodate



11/12 JHP
YES

the traffic the school will generate not only today but for many years to come.

5. Water is readily available.

6. Waste water is not an issue. and can be addressed in conventional ways.

7. There is no significant community opposition to the school

8. The land lends itself well to agricultural activities and has the soil needed.

Not a single one of those features is true about the Kaumana site selected. Though there are proposed solutions to overcome these shortcomings there is no assurance that any of the proposed solutions will in fact ever come to be. There is not a firm source of financing to develop these solutions, no government approvals are in place that would indicate they will be allowed, no permits have been issued, no designs submitted to the building department or board of health, and a number of the solutions would require special use permits that are unassured going forward. In fact many of the proposed solutions have never been allowed in the past and raise questions of good community development.

Water; There is no available source for the water needed to accommodate the use. The development of a catchment water system has never been approved for a school, it is unreliable, has health issues associated with it, requires the building of huge and expensive storage and filtration systems, would be an eye sore, and is sub standard for this use. They could be developed but why would someone choose to? A well has issues of its own. The existence of the caves under the property, Fed regulations governing distance from waste water effluence which last I checked was a min of 1000' radius from any waste water source, and no evidence that the well would hit sufficient resources to solve the problem. There are additional concerns about federal standards of water quality, private wells for public use are a problem now and will not get better in the future. Liability insurance for a private water system serving a school is sure to be an issue also. If any of these issues come up how will we go back from there? Think about it. We approved a school with no water system that will meet future standards. This isn't a 10 year choice we are making it's a 50 year choice we will have to live with long after the advocates or opposition will be around.

Topography; The land is not flat, it would be a huge expense to develop roadways into the property and to mitigate the water flow and runoff these roadways will generate at that degree of slope. Again it can be resolved but why choose that expense.

Traffic; Not only is the access to the property limited to a single entrance with no alternate exits for safety, but the side street comes off of a roadway that is already taxed and has extremely limited options for improvement. Even if the road could be improved, a new bridge built at the Chong street access, it places a burden on the community and county to make these improvements to accommodate a private school. In the future this road will require sewer and water line improvement further complicating the issue.

Need; The area is already serviced by three elementary schools, one middle school, and a high school, all public, as well as one private school. The community is being asked to endure the impact of this new school with no existing need of it, and in fact

according to the school figures will require the busing of students from as many as 40 miles away from lower Puna to fill its roles. Again it can be done but is it good planning to have students travel more than an hour to school one way in the morning and what evidence is there that parents would make that choice. Would it not be more logical to have half the students each drive 20 miles each. I mean simply from a good planning point of view.

Impact; Council for the school seems to paint the community opposition to the school as being greedy, hostile, unreasonable, and in some cases bigoted. I don't think this is fair but to me is not the issue but a way of diverting the attention from what the issues are. What ever the reason for the opposition it clearly exist. The idea that a victory in the planning commission hearing will be the end of the legal challenges the school will face is extremely optimistic. The situation is so divisive at this point I predict that there will be challenges at every step of the process going forward. Every permit, or approval process will result in a re hashing of all of these issues and the legal cost themselves will be high enough to allow for the purchase of a very fine piece of property more suited to the schools needs. For what ever reason the school has failed in its most important step, which is to win community support for the project. I keep hearing concerns about property values as one of the big issues. Schools themselves do not affect property values. Uncertainty can, and bad planning surly will. The fact that the key elements of this project remain unresolved and in my opinion will not ever be, causes great concern and places a very unfair burden on the immediate community. If any of the planned resolutions fail we will be left with an unfinished school at best. If this hearing results in approval for them to proceed the die will be cast and we will be forced to live with the results. I think that should be a major concern for the hearings officer in that once this approval is given there is no process that will be able to undo the damage done, no exit strategy of any kind, and as a result the county would be forced to lower its standards and the situation will dictate policy rather than good planning dictating the situation.

Another key impact to the community is the proposed housing of students. The community is not being asked to accommodate the school and students from 8 to 5, but students 24 hours a day. My company manages dorms and student housing. There are real, legitimate, and serious concerns of what activity will come with that use. Its not a matter of this school, or those students, but the natural behavior of children and the impact that will bring. Again, if the community needed the services of this school the argument could be made that the impact would in some way balance. The case here is that we are being asked to accept the impact with no benefits of any kind. Seems to be contrary to the purpose of the planning commission which is to insure wise planning choices are made and the community is not adversely impacted by private development. It should also be pointed out that the school is a school of choice in that students and parents have to choose to attend this school. There is no evidence that the public will make this choice over other schools that exist or may be planned. History cannot be used as a guide because there is not history of this school, this vision, in this new location. What ever the opinion of the current student body may be its not applicable. These are not the students of tomorrow and no one has any picture of what the final outcome will be or if financing will be available to complete the plan. Allowing this to proceed without bonded assurance of completion is highly irresponsible. No

private developer would be allowed to proceed in this situation.

It is my understanding that one of the main advocates of the school lives very close to this sight and has a love of horses. I am reminded of a study I read done in the early 1900's looking at the use of railroad facilities along the Hamakua coast designed to make the harvesting of cane more efficient. The different sugar companies had each designed their own routs and connected them. The report concludes that the design of the system was very conducive to the owners of the plantations visiting each other but very poor for the harvesting of cane. The plan of the school is to first build a barn and a caretakers house. I would think the first thing a school should focus on would be a classroom, several in fact, and I do not think the community is being difficult or unreasonably concerned when the last thing in a plan for a school are the classrooms. But hay, if it doesn't work out we have....what a barn, caretakers home, on State land, for what public need ?

When its all said and done, all emotion is taken out of the situation, this location does not benefit the students, it doesn't benefit the community, the county, the DOE, the State, the investors, the teachers, the legal process, it doesn't enhance anyones life in a way that makes the location ideal by any measure, and will result in a long, very expensive experiment the community will have to live with for ever. So my point is very simple, you can choose the best site to build the most cost effective school that fills the needs of the community it will serve, or you can spend a fortune more to have one that doesn't make anyone happy. In my business I see this all the time, someone gets fixated on a piece of property and spends time and effort justifying the choice in the face of huge obstacles, making the argument of why it will work. Family fortunes are lost every day this way. The perfect location does not require an argument. It speaks for itself as in the case of the KSBE campus.

Thank you all for your time in hearing me out and I hope this has helped to define at least my view which I think is shared by many in the community. This is truly an ill conceived plan that goes against all logic and acceptable measures of good planning. From a business point of view its a fast track to bankruptcy.

Respectfully



Dana G. Kenny

Thank You for this hearing

4j

I apologize for being late - 2 meetings
I am in favor of the school and the location.
Those who oppose the school and location
offer only the tired worn-out reasons already
stated numerous times by those who oppose
progress.

Those in opposition have already, what they need
for the remaining years in their lives. They forget
the benefits provided for their education by
people who could have "looked the other way",

More traffic, more noise, etc. comes with living
in a modern society.

~~IF~~ If the opposition "needs" less traffic
and noise then they should move way out into
the jungle where they won't be bothered
by "progress".

Respectfully

Larry King
Larry King
dkking1@hotmail.com

SCANNED

MAY - 9 2014

By: _____

4001