

VI. PONC

There have been numerous references in recent hearings from both public testifiers and various Commissioners regarding the fact that the Royal Vistas property designated for the development of local housing has been placed on the County Public Access, Open Space, and Natural Resources Preservation Program (“PONC”) list, which is a County program that uses a portion of annual real property taxes collected on the Big Island to preserve land areas designated important for archeological, cultural or natural resources reasons. Most recently, seven out of ten project opponents at the Land Use hearing referenced the PONC list in their testimony. They continue to encourage Kona Three to sell the property to PONC, and use the fact that the property is on the PONC list to back up their statements that the property is culturally and archeologically important. Some background information on this situation is in order.

Kona Three LLC is attempting to complete the 450 local housing units plus the 67 affordable housing units that were part of the original Gamrex sponsored project that started with the 215-unit high-end residential component “Kona Vistas” subdivision originally zoned in 1984. From the beginning, the County has required that the developer of Royal Vistas build a portion of the roads within Royal Vistas to county dedicable standards and allow public access, so as to allow the eventual interconnection of Kona Vistas subdivision to the south and Pualani Estates subdivision to the north (see Ex A- Condition N of Zoning Ordinance 02-131).

The County plan is to eventually connect Leilani Street in Kona Vistas subdivision to the south with Ho‘omama Street in Pualani Estates to the north; and Kekūanaō‘a Street in Kona Vistas subdivision in the south to Paulehia Street in Pualani Estates to the north; plus inter-connect these two extensions within the Royal Vistas subdivision (see Ex B- Required Street Network Connectivity). All these streets are County-owned and County-maintained. This requirement for the expansion of the existing road system through connectivity to new roads being built is also required via the community and County approved Official Transportation Map of the Kona Community Development Plan (see Ex C) for the Kailua-Kona Urban Core, of which this project is a part of.

Such interconnectivity is a basic precept of “smart-growth” and is well defined in the Kona Community Development Plan Policy TRAN-2 Street Network Connectivity: “New development that is not well connected with existing neighborhoods contributes more cars and creates greater traffic congestion on collector roads. When new development is integrated into existing street patterns, providing additional choices for movement in and out of the neighborhood, new developments actually increase connectivity with the region.” This is the exact situation in the case of Royal Vistas/Kona Vistas/and Pualani Estates.

In spite of this concept being based on proven smart growth development policies, the implementation of this interconnectivity has historically been a problem on the Big Island, due to each development stubbing out roads planned for extension to the property perimeter, and then the County waits until the parcel next door is developed to implement said extension. This

often takes years or decades, as in this case. During that time, the new residents of the developed property move in and take occupancy, get used to the road being a dead-end stub-out with no through traffic, and enjoy the benefits of a private cul-de-sac which is funded and maintained by the County (public). When the next-door property finally gets around to getting developed, the existing project residents have grown accustomed to the status quo, and take multiple measures to try to avoid the roads being extended.

Such is the case with Kona Vistas and Pualani Estates. When Kona Three LLC initially presented the planned Royal Vistas project (at the County Planning Department's behest) to the members of these subdivisions in 2018 and their newly elected Councilmember, the Development Plan presented showed these connections as the sole egress and ingress points. When the subdivision residents realized the project was required to provide these roads for interconnectivity, the hue and cry was loud and long. We explained the roads had to be built to conform with County law, but we would try to minimize the impact, or at least delay it, and worked on a re-design of the project.

After a year of consultations and revisions, we added an intersection for ingress/egress on Queen Ka'ahumanu Highway as the main access to the project; eliminated (for now) any access to Pualani Estates from this project (there is an intervening large property between Royal Vistas and Pualani Estates that may provide interconnectivity in the future); and limited immediate interconnectivity to Kona Vistas to a single-road at Kekūanaō'a Street. This greatly reduced traffic impact on the two adjoining subdivisions while placing a greater burden on Queen Ka'ahumanu Highway. Our revised TIAR determined there were no unacceptable impacts (according to regulations) and we moved forward with these revised plans.

However, minds had been made up by project opponents by this time. Starting with petitions against the project (2 out of 3 petitioners against the project lived on one of the roads that were planned for interconnectivity) and moving to public testimony against the project, enlistment of public officials to oppose the project, and active and vocal opposition to the project. The neighboring property owners have proceeded to try to kill the project, and continue to do so.

Development opposition is nothing new, but this group has taken the opposition actions to a new level and with fervor. The opposition is led primarily by David Blancett Maddock, Esq. and his wife Dianne Blancett Maddock, Esq. together with John Mark Powell. David and Dianne live in a Kona Vistas home fronting Leilani Street (one of the four streets planned for interconnectivity) that they bought in 2013 when they retired to Kona from Pittsburgh, Pennsylvania. John Mark Powell also lives in Kona Vistas in a house one lot off of Leilani Street that he bought in 2016 when he retired from his public service management career in Santa Rosa, California. They have invested a tremendous amount of time and energy in their opposition to the Royal Vistas project.

Not content with public testimony; letters to the editor; social media postings; and consistent meetings with County employees and elected officials to voice their complaints about the project, they realized that in order to prevent the interconnectivity of roads affecting their

nearby streets, they needed to terminate the project entirely due to the County requirement for said interconnectivity. They devised the PONC plan to achieve that goal.

As stated earlier, PONC is a County program that uses a portion of annual real property taxes collected on the Big Island to preserve land areas designated important for archeological, cultural or natural resources reasons. Anyone can suggest properties for PONC to acquire (officially called a Suggestion), but the PONC does not have the power of condemnation and it is supposed to work with willing landowners.

In early 2019, John Mark Powell, then President of the Kona Vistas Board of Directors, submitted our property to the PONC commission for preservation as Suggestion 2019-24 (see Ex D), calling the Suggestion proposal “Kona Village Rezone 470”. He did this without our knowledge or consent. The Suggestion promoted various reasons the property should be preserved, such as the preserved 70 acres would allow for trails and paths to be added; would allow for a more open feel between Kona Vistas and Pualani Estates; noted the land has one burial site, a lava tube, a railroad right-of-way, and could have been a Hawaiian gathering spot. It also referenced that the preservation would enhance both habitat and watershed preservation, and that the level of urgency for preservation justification was that there was a 450 unit residential condominium project proposed for the land.

In May of 2019, we became aware that the property had been nominated to the PONC for preservation, and we informed PONC via two letters that we were not interested in selling the property to PONC, and that we intended to develop the property for local housing as intended. PONC proceeded to process the application in any case, but the PONC committee didn’t feel the property had enough merit, scoring the Suggestion below 50 (each PONC Suggested property is scored on a matrix with 100 being the maximum score for preservation and 50 being the minimum score to make the PONC list), and so the Suggestion was not approved and the property did not make the PONC list in 2019.

In 2020 John Mark Powell re-submitted the property as Suggestion 2020-018 (see Ex E), re-naming the Suggestion “I’o Hill Preservation” and beefing up the reasons the property should be preserved. Besides making his language justifying preservation more flowery, he added some reasons, including the property can be used as a history teaching tool; the property has food terraces; and that the “rare twin walls of the Holualoa Slide” were on the property, together with “ancient relics”. In this Suggestion he changed “might have been” to “was” a Hawaiian gathering spot. He offered no documentation for these claims. The urgency became that there was a 450 unit market rate condo complex proposed for the “entire mountain”. The Suggestion again failed to achieve the minimum score of 50 and failed to make the list.

In 2021, Diane Blancett Maddock was the new President of the neighboring Kona Vistas Association, and she and her husband David took over the PONC application process for our property. They contacted me and asked if we would sell the property to PONC, and we told them, “no, we want to build local housing”. They then re-named the Application “Connecting the Holualoa Royal Complex-An Urban Trail-Walking in the Footsteps of our Ancestors” and submitted it as Suggestion 21-007 (see Ex F).

They made substantial changes to their Suggestion from John Powell's previous two submittals to try to improve the attraction of the property for preservation, using very flowery and gushing language extolling the virtues of this land, with a focus on preserving the land for the Hawaiian people for generations to come. In addition to the preservation of this supposedly important historical and cultural site, and preserving this 70-acre open space between subdivisions, they added that this preservation would preserve public access mauka from Kuakini Highway, linking highly popular Walua Trail and Sadie Seymour Gardens. It would provide a wide variety of recreational opportunities, and allow the restoration of agricultural terraces. It would link the ancient Kealakowa'a Heiau with the Kealakowa'a Trail. It would preserve another ancient trail mapped in 1927. "By law, these historical trails are intended to be protected for the benefit of the public."

Related to the "urgency" question regarding the Application, the Blancett Maddocks stated that "the developer is aware of our Application but is not interested in selling at this time." They also stated that "However, the zoning extension of record to develop this land has expired and the development is disputed, and this land may become available upon short notice. It is, therefore imperative that this body [PONC] be positioned for quick acquisition." In other words, the project opponents will continue to fight the requested zoning extension until the developer gives up and sells the land to PONC.

However, the Application still did not meet the minimum score of 50 required to be placed on the PONC list by the Commissioners. The Application was denied for the third time.

Then, in 2022, the Blancett Maddocks submitted Suggestion 22-08 (see Ex G). It was identical with the Suggestion they had submitted in 2021, with the exception that they deleted "An Urban Trail" from the title. This time, based on their misrepresentations and inaccurate Exhibits to PONC, they were able to get on the PONC list with a score of 53, barely above the minimum and by far the lowest of the eight properties placed on the 2022 PONC list (see Ex H). Kona Three was unaware of these events at the time, but it would not have made a difference as we have no intention of selling to PONC.

But now the Blancett Maddock's and others have made a big deal of the property being placed on the PONC list, trying to convince their opposition cohorts; government employees; local politicians; members of the public; and commission members on both Leeward Planning Commission and County Cultural Resources Commission (CRC) that the placement on the PONC list was clear evidence that the various claims by the Blancett Maddock's and their related opponents about the archeological and cultural importance of this land was validated and must all be true. This became quite clear when a CRC Commissioner proposed a motion that would have forced us to work with PONC even as unwilling sellers (County Corporation Counsel advised that the motion was beyond the authority of the CRC). Some started to believe the many misrepresentations of cultural significance, important archeological sites, and inaccurate exhibits from the PONC application, and even from the PONC Inspection Report, as they were being passed off as true and accurate justifications to oppose the project by opponents David and Diane Blancett Maddock and John Mark Powell as well as others.

So, we looked into the PONC Suggestion and history of the PONC Applications and found that they were filled with misrepresentations, mistakes, and fraudulent Exhibits. These inaccurate claims are shown as follows:

1. Pre-contact, there were seven traditional Hawaiian royal centers located along the shoreline between Kailua-Kona and Hōnaunau, as is well documented by historian Peter Young (see Ex J). The Hōlualoa Royal Center, unsurprisingly, is the closest center to the Royal Vista project, being located on Kamoā Point (preserved as a State Park) and across Ali'i Drive from the adjacent Hōlualoa Bay. It is a *mile* southwest of the Royal Vistas property. Since the Blancett-Maddock's changed the name of their Suggestion from "I'o Hill Preservation" to "Connecting the Holualoa Royal complex", they should have evidence linking these sites. We looked into it.
2. In the PONC Suggestion Attachment-B they claim the Royal Vistas property links the Walua Trail, the Kealakowa'a *heiau*, and the Kealakowa'a trail (last paragraph of Pg 1 and first paragraph on Pg 2). This is illustrated in their Suggestion by a graphic labelled Attachment A (see Ex K) with two yellow lines drawn representing Walua Trail and Kealakowa'a Trail plus a circle representing Kealakowa'a *heiau*. *None of these features exist at the marked locations.* Attached Exhibit L Connectivity, and Exhibit M Connectivity Close-up show that Walua Trail and Kealakowa'a *heiau* are on opposite sides of both Queen Ka'ahumanu Highway and Kuakini Highway, and were *never* connected to each other (Kealakowa'a *heiau* was built in the 1500's; Kuakini Highway was built in 1955). "Walua Trail" is a remnant of the Kailua to Keauhou Middle Road built in the 1900's (post-contact) to connect Kailua Village and Keauhou and had nothing to do with Kealakowa'a *heiau*. The Royal Vistas property is located approximately 660 linear feet from the Kealakowa'a *heiau* at its closest point, across two major highways with no pedestrian access, and is approximately 680 feet from the end of Walua Trail (which is a modern era hiking and bike trail owned by the County). The Royal Vistas Property is not connected to either feature in any way, shape or form. As for Kealakowa'a Trail, we discovered the location of Kealakowa'a Trail using Fuller's survey maps from the 1800's coupled with Hawaiian Archivist/Cultural historian Kekahuna's trail description (see Section I-Kealakowa'a for details). It is adjacent to the northern boundaries of Land Grant Numbers 1855; 3630; 1592; and 1593 respectively from makai to mauka (see Exhibit N). Said Trail is south of the Royal Vistas project on **Kona Vistas** homesites (where John Mark Powell and the Blancett Maddocks live), and does NOT cross or link the Royal Vistas project to anything (see Exhibit N-1). In addition, note the yellow circle on the Applicant's graphic indicating the presence of Kealakowa'a *heiau* is actually a State-owned parcel of land between Queen Ka'ahumanu Highway and Kuakini Highway with culverts at both ends that is part of the Hōlualoa Ditch drainage system. The *heiau* is approximately 930 feet south of their drawn circle. Their representations are false and mis-leading.
3. In Par 2 on Pg 2 of their Attachment-B, they claim that the US Geological Survey Map of 1927 identified an "ancient trail", mapped again in 1936 by the US Department of Commerce. This trail runs from the old railroad right of way (built in 1901) down to Ali'i Drive near Hōlualoa Landing. They offer as proof their Attachment E, Exhibit 10 of their

Suggestion (see our Ex O), overlaying the Royal Vistas property on a *mauka/makai* trail through LCA 3660. This Exhibit makes a fraudulent claim that the trail is ancient. There is no evidence and there are no maps showing an ancient trail at this location. However, there is a dashed line, used to represent a trail or unimproved worn path, shown on government maps starting in 1924 (see Ex P) and ending in the early 1950's. This USGS Map shows approximately 50 trails in the Kona district covered by the Map, some cattle trails, some human trails, some maybe both. With NO evidence, they tell us that this particular cattle trail is ancient. How do they know that? The Royal Vistas land, including Land Commission Award 3660, was ranched from the mid 1800's to the current day. First it was ranched by herdsman John Munn who bought LCA 3660 from Governor Kuakini in the mid-1800's, then by Pacheco, Gouveia and Gomes families. The Māhele Record (see Ex Q) shows LCA 3660 did NOT have a road or trail on it in 1851, and was walled as required for cattle ranching. Research shows that the trail referenced by Blancett Maddocks, which was marked on several maps in the early to mid-1900's, was a cattle trail linking the railroad with the shore where the boat landing was located (see Exhibit R). The cattle may have been loaded for shipment to market on O'ahu (see Exhibit S). It is NOT an ancient trail. The only ancient trail in the area is Kealakowa'a Trail, which is on nearby Kona Vista lands, NOT Royal Vistas lands (see Exhibit T), but that doesn't stop the Blancett Maddock's from declaring "By Law these historical trails are intended to be protected for the benefit of the public." The Law they reference is the Highways Act, which places into public ownership any road/trail documented to exist prior to 1892. No road or trail exists on any map of this property prior to 1924, nor on the Māhele Record from the 1800's. A 1924 map showing a cattle trail is certainly not an ancient trail and the Highways Act does not apply to the Royal Vistas property. It may apply to the Kona Vistas lands where the Kealakowa'a Trail existed, but that is for the determination by others.

4. The Suggestion states that an archeological study on 5 acres of the project identified *significant* pre-Contact agricultural terraces on the 5 acres, and further states "*We believe that this 5-acre sampling is only the tip of the iceberg regarding the historical treasures that will be identified on the remaining 65-acres.*" The Suggestion proposes use of the project lands for re-instituting ancient agricultural methods and techniques on the land. Attached (see Exhibit U and Exhibit V) find the lists of archeological sites approved by the State Historic Preservation Division for both the 5-acres and the 65-acres areas. You will note that on the entire 70 acres there were 28 late pre-Contact to Historic era terraces at eight sites, all of which have been altered by cattle ranching activities and none of which were in excellent condition. These lands are located in the *kula* zone, with little rainfall (*wai*) or soil (*lepo*). The best Kona agricultural lands were in the *apa'a* zone, generally at or above 1,000 foot elevations where *wai* and *lepo* were better suited for agriculture. This land is part of the 55-square mile "Kona Field System", but it has no *kuaiwi* or other Kona Field System features, and there are literally thousands of terraces at better locations if you want to reinstitute ancient agricultural practices. If we truly want to walk in the footsteps of our ancestors, then we should know better than try to grow crops without water or soil.

5. The Suggestion then recommends acquisition of the project land to protect and conserve the land for use by the Hawaiian Hawk; Giant Moth; and Hoary Bats, which allegedly hatch their young on the property. Kona Three LLC retained the services of Ron Terry, PhD. to conduct a biological survey (flora and fauna study) of the property during the Environmental Assessment, with particular attention to rare, threatened or endangered (RTE) plants and animal species. Dr. Terry's Report stated: "In general, we concluded that the probability of encountering RTE plant or animal species in the survey area was low, because of substrate, topography, elevation, history of grazing and evidence of prior surveys." As to the hoary bat, Dr. Terry recommended: "The endangered Hawaiian hoary bat is vulnerable to disturbance while roosting with its juveniles in the pupping season. To minimize impacts, it is recommended that woody plants taller than 15 feet should not be removed or trimmed during the bat birthing and pup rearing season (June 1 through September 15)." We will follow this recommendation. As to the Hawaiian Hawk, Ron stated: "The trees in the survey area are generally too short to serve as typical Hawaiian hawk nests, but it probably forages at least occasionally in the area." We will make sure our contractors are aware of the possible presence of hawks. This land is located in an urban infill environment, surrounded by homes. Although there are some non endangered animals that sporadically frequent the area while foraging, there is no evidence this land is home to rare or endangered species, and this land does NOT provide preferred habitat for any such species.
6. The Suggestion points out that the preservation of this land will preserve a lava tube burial and a portion of the old railroad. Note that these will be preserved *in any case* as preservation has been dictated by the State Historic Preservation Division (SHPD), and a Burial Treatment Plan has already been approved and a Preservation Plan for the railroad berm is under review. Note that SHPD did not require public access to be provided to either of these sites.
7. The Suggestion promotes preservation to preserve watershed structures Hōlualoa Ditch and Horseshoe Bend Ditch. However, these ditches are already owned by the County and are not watershed, but rather drainage structures. They drain floodwaters from two of Kona's seven floodways from *mauka* to *makai*, and will be preserved in any case as they are mostly owned by the County and our Zoning Amendment is clear that the Developer is required to work with the Department of Public Works on any drainage issues. PONC seems confused by this as the PONC annual report uses a graphic (see Exhibit W) that appears to indicate very little of the Royal Vistas land is developable. The truth is shown on the FHAT maps for the Royal Vistas lands (see Exhibit X and Exhibit Y), which shows the actual location of the Flood Zones that are mainly on the County lands. Parcel 17 has just a fringe of the north edge affected by a flood zone, while Parcel 16 has several acres of flood zone affecting the *makai* portion of the land. Overall, less than approximately 9% of the land is impacted, and this land area will likely be reduced by channelization. The truth is there is ample non-flood zone land to develop the proposed housing of Royal Vistas.

The Suggestion then gets to the true crux of the matter for the applicants, being item 6 of Attachment-B of the Suggestion: The level of urgency to act to preserve. They state to PONC “The developer is aware of our application but is not interested in selling at this time. However, the zoning extension of record to develop this land has expired and the development is disputed, and this land may become available on short notice. It is imperative that this body be positioned for quick acquisition, so that when the opportunity presents itself, it is not lost forever.” The Applicants asked us to sell the Royal Vistas property to PONC (when it was not even on the List) around 2021 and we declined as it is our intention to complete local housing as promised for decades on the property. We did know they applied for PONC back in 2019. We did not know they re-applied in 2020; in 2021; and in 2022, nor did we know that it was accepted on the PONC List in 2022. They never showed us their Suggestion Application nor did they ask for any information or access. Instead, they have vigorously opposed our project’s request for an extension of time to the Zoning Ordinance at all opportunities at numerous hearings and in the public forum, and continue to do so, apparently under the belief that by frustrating our goal to extend the zoning we will agree to sell the land to PONC on short notice at a cheap price. Their plan is to use the public’s PONC money to buy the property and preserve it for open space so they don’t have any neighbors or interconnected roads through their estate neighborhood (roads which are owned and maintained by the public, using public funds). While we are frustrated, we have no intention of selling to PONC and PONC may well withdraw their approval of placement of this property on the PONC List once the PONC Committee finds out they have been misled by the applicants. A good example of this misrepresentation is Exhibit 5 in Attachment E of their Suggestion (see Exhibit Z) which shows a *heiau* just *makai* of Hōlualoa Inn in Hōlualoa. The Exhibit claims our project is connected by a *hōlua* Slide that continues through our property and connects to another *heiau* below our property (Fraudulent claim #1). There is NO *heiau* between our property and Hōlualoa Inn (see Exhibit Z1-Hōlualoa Hui subdivision map from 1914 showing referenced lands with no *heiau*). Lot 63 on said map is the Hōlualoa Inn property, and clearly there is no *heiau* below that and above our land (Fraudulent claim #2). There is NO *hōlua* Slide connecting Hōlualoa Inn and our property. There is a Historic era Hōlualoa Hui Trail/Road built around 1900 *mauka* of the project in the area they marked but it stopped at the sugar cane railroad Right of Way above our property (Fraudulent claim #3). There is NO slide on our property, as documented by renowned *hōlua* expert Keone Kalawe in a report filed with the State of Hawaii, Department of Land and Natural Resources (DLNR), Division of Forestry & Wildlife (DOFAW) Nā Ala Hele Trail & Access Program

8. Nā Ala Hele pointed to parallel rock walls on the property that someone thought were constructed on the outside edges of a *holua* sled course. Keone Kalawe stated that *hōlua* courses do NOT HAVE WALLS on both sides of them (Fraudulent claim #4) There is NO *heiau* below our property. Kealakowa’a *heiau* is to the southwest of our property. Another example of fraud is Applicant’s Exhibit 6 (see our Exhibit Z), which shows Historic era dry-stack rock walls on our property that is captioned “section of *holua* that still exists on Kona Vistas.” The family of Thomas Gouveia (largest landowner in Hōlualoa for decades in late 1800’s to mid 1900’s) had extensive cattle and ag operations both above and below Hōlualoa Village in the late 1800’s. He took over cattle operations in the *kula* lands (including our project site) in 1908. The walls pictured were used to

contain his cattle as well as protect his water line down to his home and molasses plant, located about where they claim the *heiau* below our project land sits. They claim these parallel walls were part of a *hōlua*, which is false.

The PONC Committee apparently bought into this shibai over time, as they finally added the property to the PONC List in 2022 (without our knowledge), albeit it with the lowest score by far of any of the PONC approved properties even with all the fraud and misrepresentation. The PONC Committee site visit report states:

Inability to enter the nominated properties make it impossible to examine the walls that the nominators are convinced mark the presence of an ancient trail and hōlua slide on the properties. Thus far archaeological studies of the area describe all remaining walls as "historic era ranch rock walls." The nominators were advised to contact State Historic Preservation Division to share the information they have that they believe shows the presence of an ancient trail and hōlua slide on the properties.

The Applicants contacted *he'e hōlua* practitioner Tom Stone via email, who opined (erroneously) that *hōlua* on the Big Island had twin walls, and the applicants therefore assumed that the cattle walls on our property must be part of a *hōlua* course. Tom Stone never visited the property, never inspected the walls, and previously erroneously identified a Hōlualoa Hui trail/road as a *hōlua*. Despite this erroneous "evidence", the State Historic Preservation Division has continued to stand by their approval of the professional archeologist's findings that these twin walls are Historic era ranch walls.

The Site Visit Report then shows a picture of a dry-stack rock wall on a property *makai* of Kuakini Highway and states;

This is a rock wall located on the makai side of Kuakini Hwy., which the nominators believe is part of the same rock wall that continues mauka on the nominated properties. They maintain that the rock wall denotes the presence of a significant ancient trail that at one time extended all the way to the ocean and up through the nominated properties.

The Applicants provide no evidence other than their fraudulent Exhibits 5 & 6 to support this claim. They ignore the fact that ancient Hawaiians did NOT build walls on their trails as there were no large animals to keep contained in ancient times. In spite of these obvious investigation shortcomings, the 2022 PONC Annual Report on this property claims:

Anticipated Use

- *Property links the Walua Trail and the ancient Kealakowa'a Heiau of the Sadie Seymour Botanical Gardens with the Kealakowa'a trail, providing recreational and cultural access mauka to makai. (False, it does no such thing.) U.S. Geological survey identified an ancient trail running the entire length of the property, mauka to makai in 1927. The trail was mapped again in 1936, by U. S. Department of Commerce, National Oceanic and Atmospheric Administration. (False. The trail denoted on said Maps is NOT ancient, and has been identified as a former cattle trail, no longer in use.) These historical trails are*

intended to be protected for the benefit of the public. (In order to qualify as a protected trail, said trail has to be mapped or documented prior to 1892, which this trail is NOT.)

- *Access is from Kuakini Highway and the neighboring subdivisions, and numerous agricultural terraces and archaeological sites could be used as a part of a living classroom (There is no existing access, water, or power to the site, and it will cost millions of dollars to provide same. The kula lands that this property is part of have NEVER been productive agricultural lands, even in ancient times, due to lack of water and soil. It is ludicrous to propose this land will be a living agricultural classroom.)*
- *Important for its watershed, some parts of land are susceptible to real estate development. (There are no known watersheds on the project site. The incorrectly referenced “watershed” consists of two drainage ditches (Hōlualoa and Horseshoe Bend) allowing mauka rainwater to drain to the ocean, and are almost entirely owned by the County. As to “susceptible to real estate development”, well, yeah, the County has approved development plans for local housing on the property since 1984. This is not new, as they knew or should have known when they purchased in the neighborhood.)*

Conclusion: To summarize the situation, the project opponents don't want multi-family dwellings for local residents in their neighborhood, nor do they want existing County-owned and maintained roadways expanded to allow connectivity through their neighborhoods, so they wish for the County to terminate the Royal Vistas project. The existing County-owned “buffer” of land separating their neighborhood from the Royal Vistas project is not enough, they want to completely stop Royal Vistas. In order to do so, they wish to utilize public PONC funds for their private benefit, so they can live on cul-de-sacs instead of public through roads. In order to justify using PONC funds, they need the PONC and public to believe that there are important archeological and cultural reasons to purchase and preserve the land. They have proposed many, many reasons to do so, mostly based on false premises and/or misrepresentation of facts.

They propose to preserve this land to connect a Royal Center (a mile away, unrelated to this property) with Walua Trail (an abandoned County road, which the property does not touch,) and Kealakowa'a *heiau* (which the property does not touch, and has never been affiliated with). They claim Kealakowa'a Trail is on the property (it is not, it is on **their** properties) as well as an ancient trail (an abandoned post-contact cattle trail). They claim the majority of the land is unbuildable as it is in a flood zone (less than 9% of land is affected), and that ancient *hōlua* are on the property (none exist, see Section V of the Report).

If PONC were to buy the property, which has no access, power, or water to the land, and the “vision” offered by PONC Applicants were to be initiated, who is going to pay the \$3,000,000 for access and parking?; the \$1,500,000 for restrooms?; the \$2,000,000 for design, engineering and paths?; the \$1,000,000 to bring in electrical? As the PONC Application notes, the Applicants have not approached anyone else for funding. Perhaps the Applicants don't really want their stated vision to be implemented?

In short, all land in Hawai'i is sacred, but some lands are less sacred than other lands. Although the PONC, Cultural Resources Commission and project opponents have taken actions that suggest otherwise, these 68 acres are clearly in the "less sacred" category. There are many, many more worthy and sacred lands on the Big Island to be used for the PONC funding program. These funds should not be used to expand a buffer zone and eliminate County mandated roadways for the benefit of neighboring estate owners' privacy and traffic concerns. This land should be used to house the local residents who have been promised housing for decades now. It is time to fulfill this promise.

Section VI: PONC LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Title</u>
A)	Condition N of Zoning Ordinance 02-131
B)	Required Street Network connectivity
C)	Official KCDP Trans Map
D)	Suggestion 2019-024
E)	Suggestion 2020-018
F)	Suggestion 2021=007
G)	Suggestion 2022-08
H)	2022 PONC List of Properties
I)	Hōlualoa Royal Center by Peter Young
J)	PONC Suggestion False Exhibit A graphic
K)	True location of features
L)	Connectivity
M)	Connectivity close-up
N)	Land Commission Awards adjacent to Kealakowa'a Trail
N1)	Kealakowa'a Trail proximity to Subject and Kona Vistas
O)	1936 map with trail
P)	1924 Kalaoa USGS Quad Map
Q)	LCA 3660 Māhele Award Record
R)	Hōlualoa Hui Partition Beach Lots Sheet 3
S)	Loading Cattle
T)	Kealakowa'a Trail location
U)	5-ac arch sites
V)	70-ac arch sites
W)	PONC Property Inspection
X)	FHAT Parcel 17
Y)	FHAT Parcel 16
Z)	Suggestion Exhibits 5 & 6
Z1)	Hōlualoa Hui Subd Sheet 2