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BOARD OF LAND AND NATURAL RESOURCES
State of Hawaii

In the Matter of the Contested Case)	
Petitions Regarding Conservation)	DLNR File No. HA-06-03
District Use Application (CDUA))	
HA-3269 for Mr. Jonathan Cohen's)	PRE-HEARING CONFERENCE
Request to Construct a Single Family)	STATEMENT; CERTIFICATE
Residence at Pao'o, North Kohala)	OF SERVICE
Hawaii)	

KA'MAKANI 'O KOHALA OHANA, INC.
(KAKO'O)
PRE-HEARING CONFERENCE STATEMENT

The undersigned will be appearing in behalf of Kako'o and apologizes for the delay in submitting this Pre-Hearing Statement.

KAKO'O'S POSITION:

Kako'o is a not-for-profit, incorporated environmental organization with offices in North Kohala. It is dedicated to the proper management of the community's resources with particular emphasis on its shoreline.

The proposed Cohen complex is designed to dominate "Secrets," an ancient surfing, canoe and community-gathering area on the North Kohala coastline. In addition to its trove of ancient sites and their spiritual and historical significance, Secrets is of extraordinary importance to the community because it is one this coastline's very few "portals" - points at which the ocean may be safely (and legally) accessed. During the approximately six months of the year when surf is running, it is the only such portal along the entire Mahukona coastline for a distance of at least twelve miles

If Mr. Cohen's complex is to be built, it will be the only residence of any kind makai of the highway for a distance of at least twelve miles (not quite the same twelve miles but in each case Mr. Cohen's proposed vacation complex would lie close to the middle).

If Mr. Cohen's complex is to be built, it will be built right on top of the most useful available site for access to the ocean. It will destroy the actual possibility of public enjoyment and use of the portal because it would occupy within its walls the only area now available along the coastline for families and friends while not in the water.

This parcel is designated as Conservation for very good reasons and the plans of Mr. Cohen are entirely inconsistent with them. His proposed complex would be the death of any conservation value of Pao'o to the public. He perversely insists on building at the exact place where his complex would be most destructive.

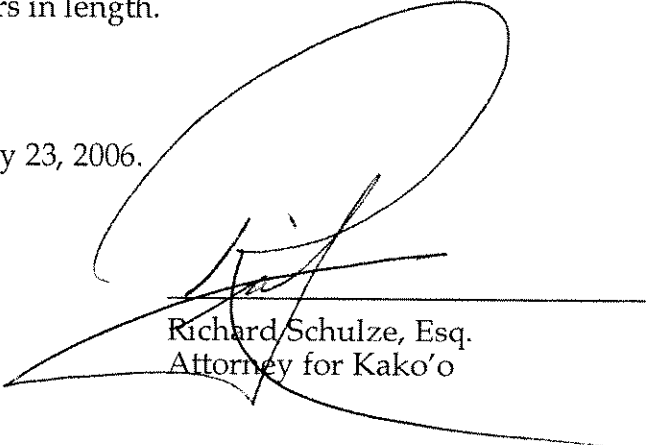
Because of the massive impact the proposed complex would have on the area and the community, Kako'o and its predecessors have long followed and participated in this and all prior attempts to build fancy houses on this beautiful piece of land. It is true that a previous approval by the DLNR lapsed for failure to proceed, but it is also true that that approval was under very determined attack by the predecessor of Kako'o.

Kako'o takes the position that the application submitted in Mr. Cohen's behalf is incomplete and woefully inadequate to justify the impact his complex would have. It is his burden to demonstrate that his complex is "consistent with the purposes of the conservation district." A vacation complex at this spot on this piece of land simply is not consistent with those purposes. The applicant must also meet all criteria described in HAR Section 13-5-30© but, as the staff has ably demonstrated in its report dated April 28, 3006, he has failed to do so in many critical respects.

Kako'o intends to present between four and seven witnesses who will testify directly to one or more of the subsections of HAR 13-5-30© as they apply to this application and this particular land. Direct examination of these witnesses is not expected to exceed three hours in length.

Thank you.

Dated: Kamuela, Hawaii, July 23, 2006.



Richard Schulze, Esq.
Attorney for Kako'o

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Hawaii)

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that a copy of this Pre-Hearing Conference Statement will be served upon the following persons or their representatives by personal service on June 24, 2006:

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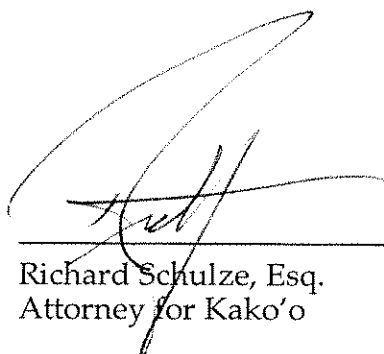
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Dated: Kamuela, Hawaii, July 21, 2006.

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Richard Schulze, Esq.
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