

OCT 26 2018 *Jan*

MINUTES
FOR SPECIAL MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: THURSDAY, AUGUST 30, 2018
TIME: 9:15 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

MEMBERS

Tommy Oi
Stanley Roehrig
Keone Downing

Chris Yuen
Sam Gon

STAFF

Kevin Moore-Land
David Smith-DOFAW
Maria Carnevale-DAR

Susan Lebo-SHPD
Kelsi Nishida-BOC
Sam Lemmo-OCCL

OTHERS

Colin Lau/AG
Jim Berry/K2
Kano'e'ulalani Morishige/F2

Cary Kondo/K-1
Derek Lindsey/K2
Beverly Litle/K2

Member Oi, acting Chairperson for Suzanne Case, called the meeting to order at 9:25 am and announced that Item K-3 is being withdrawn from today's agenda. Member Gon read the standard contest case statement.

ITEM A-1 Request Approval for the June 8, 2018 Meeting Minutes.

ITEM A-2 Request for Approval for the June 22, 2018 Meeting Minutes.

DEFERRED – The Board deferred to the next meeting.

ITEM G-1 Request for Authorization to issue a Request for Proposals (RFP) and to enter into a Contract for a Replacement Land Records Management System (LRMS) and subsequent Annual Maintenance Program.

Kelsi Nishida, Bureau of Conveyances presented the submittal and present to answer any questions.

Board Discussion

Member Roehrig asked questions regarding how this is going to improve the process. Whether this would help make the Land Court recording processes easier. Nishida replied that the upgrade would help the process as a whole. Roehrig expressed his frustration with trying to record and his hope is that this will be an improvement to the process.

Public Testimony- None

Motion

Approved as submitted (Roehrig, Gon) unanimous.

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Mr. Keola Lindsey, Office of Hawaiian Affairs, for Access to State Waters to Conduct Archaeological Cultural Research Activities.

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Kanoë'ulalani Morishige, Nā Maka o Papahānaumokuākea and University of Hawai'i, for Access to State Waters to use Traditional Ecological Knowledge to Examine Intertidal Ecosystems Activities.

Maria Carnevale, Division of Aquatics presented Items F-1 and F-2 consecutively and was present to answer any questions.

Board Discussion

Gon commented that it heartens him to see any kind of research done in particular by a cultural researcher and is glad to see this happening. It can only enrich our understanding of the area. Carnevale added that both of these permit requests make an effort to include community members across the islands, so the knowledge gained can and experience can go back and support those resources.

Public Testimony-None

Amendment to Item F-2:

Under RECOMMENDATION strike the name Shauna after Morishige.

Motion

Item F-1 Approved as submitted.

Item F-2 Approved as amended.

(Gon, Yuen) unanimous.

ITEM I-1 Request Approval for a Contract with Vanasse Hangen Brustlin, Inc., to Design, Develop, Integrate and Install the Hawaii Cultural Resource Information System for the State Historic Preservation Division; Delegation of Authority to the Chairperson to Issue, Execute and Extend the Contract for the Information System; and Approval of a Declaration of Exemption from Chapter 200, HAR, regarding preparation of an Environmental Assessment.

Susan Lebo, State Historic Preservation Division explained the submittal of transitioning to GIS.

Board Discussion

Gon asked if this HICRIS include a GIS component? Lebo said yes, it includes everything from intake to storing and access. of materials.

Yuen asked when it says to “extend” a \$750,000 contract? Lebo said this project is already funded by appropriation, we have \$300,000, 2018 in the first year and \$450,000 has been approved for 2019.

Downing asked if they got their \$300,000 worth of work? Lebo replied, yes this will allow us to start the design and execution with this contract. Downing asked what did it pay for? Lebo replied she could not answer that.

Gon noted that they have not expended all of the \$300,000 to move the project forward, the Contract Specialist could answer that but is not here.

Yuen commented that about a dozen years ago, he knows that SHPD was involved in trying to create a GIS and computerized the historic site inventory is this part of that or is it already done? Lebo said they have scanned over a million pages of material which will go into this CHRIS system. We have built a GIS system that will be tied to this. The intake system now is some paper and some electronic will become all electronic and be a component of this.

Lebo said it will take everything from our in-take, library, current files of reports and correspondence, all the databases with our inventory of historic places, information on burial sites, cultural resources will combined into this system. This is the last major component to bring the Division aligned with other SHPD.

Yuen asked if there was searchable data base now, if you are looking for a particular historic place? Lebo said it is not available to the public. We have an existing data base but it is woefully

incomplete. We have to go back to our paper records. This will help digitize all that information into one searchable system.

Yuen was concerned that they have enough money to do all of this work.

Oi noted that on Kauai all of the information was in a container. Lebo replied that they are currently moving it and they will occupy space with DOT.

Roehrig asked about Hilo? Lebo said they have recently acquired a container and working on moving to rehouse the documents. Roehrig how long will this take? Lebo said about a year. Roehrig stressed that there is an important and valuable collection in there and if you need help ask the Chair.

Public Testimony-None

Motion

Approved as submitted (Yuen/Gon) unanimous.

ITEM K-1 Time Extension Request for Conservation District Use Permit (CDUP) KA-3668 for the Kalāheo Water System Improvements and Subdivision by the County of Kauaʻi- Department of Water Supply (DOW) Located at Kalāheo and Wahiawa, Kauaʻi, Tax Map Keys: (4) 2-4-003: 006 & 007; 2-4-004: 005, 039, 049 & 058; 2-4-009:003.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal and a Representative for the County of Kauai is present to answer questions.

Board Discussion

Gon asked the County of Kauai representative. Cary Kondo, consultant to the Department of Waterworks, said that since the CDUP was issued, the processes for subdivision approval was lengthy for the tank. The plans are currently completed for two tanks and waterlines. There is another subdivision approval needed for State lands, and drilling for water improvements. A lot of improvements are in the plans and has to be done in phases which takes time.

Gon asked when the project was expected to be completed was it 2020? Kondo did not recall when the project was to be completed. He said the project calls for a lot of phases. Gon found the information.

Oi asked looking at the map is this a surface water project? Kondo said the original water tank was built by the State and never dedicated to the County, subdivision is in process to turn over to the County. Kondo said the surface water project has been abandon. Oi asked who is holding up the subdivision process? Kondo said they just started the approval process for the next subdivision should be done by 2023.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gon) unanimous.

ITEM K-2 Conservation District Use Application (CDUA) OA-3820 Regarding the Hawaii Kai Marina Entrance Groin Replacement Project by the Hawaii Kai Marina Community Association, Located in the Honolulu District, Island of O’ahu, on submerged lands seaward of Tax Map Key(s): (1) 3-9-008:035 and (1) 3-9-002:029.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal and provided the history of how the Groin is deteriorating and provided information on how they want to replace it. The Division has a lot of conditions that the applicant must comply with for this project to proceed. He is available to answer questions as well and the applicant’s consultant is present to answer the difficult questions.

Board Discussion

Downing commented that there concerns from the Department of Transportation regarding the bridge. Was the entry way into the Marina set up for two openings or four? Downing noted that his recollection when it was started was two openings, one opening always worked and the other filled with sand. Now there are four openings. What was DOT’s reasoning as to how many openings should there be? Downing continued, DOT hopefully tied into solid rock originally, the whole marina, the reason the opening is there is because Kaiser blew a hole in the land to bring machinery into the fishpond to build what he built. What was DOT’s semantics on how many openings this bridge can have. When DOT asks their questions, Downing is interested in the answers and not we will get it to you when they are available. Downing said these questions should be answered before, not after-the-fact.

Downing’s next concern was if they build this L-shaped groin, why is the west-ward side addressed? Sand moves laterally and it has created a delta in the back that has gotten bigger over the years, we have robbed sand from the westward side. There should be something built on westward side to stop the lateral sand from going into the Marina. It is already robbing sand from the beach park. All that sand in the inside, someone should needs to work with the Department of Health to put the sand back to the beach. Suggested that Association should be ones helping, not just taking care of the Marina. Lemmo said once the structure is in place the sand will not go into the channel.

Roehrig asked how do you know a groin going to the left is better than going to the right or one that just goes straight? Have you done any modeling that spans over a year, which way the sand goes?

Jim Barry and Derek Lindsey, Sea Engineering consultants, have done modeling on this project. They provided information on the computer modeling that they did. He addressed the

transporting of the sand and acknowledges that the park side is degrading and hopes that when they capture the sand on the east side it will be available for use.

Lindsey gave a synopsis of their finding on the computer modeling. They looked at a wide range of events from trade winds, south and north swells, hurricanes, Kona storm waves, and found that every direction causes sand transport from east to west towards the entrance channel and found that higher water levels accelerates that sand transport. They have not seen anything that indicates the sand going the other direction. There are a few shorelines in Hawaii that go that way. There is no natural mechanism that would transfer the sand out of the channel. They have done a lot of in-field topography surveys and compared them over the years and indicate the sand is going east to west.

Downing commented that computer modeling is great in concept, but nothing beats the physical to understand. He does not believe that sands moves only east to west, in Waikiki in the summer it moves from east to west and in the winter west to east. He understands what they are trying to do with the groin. Why are you not doing something on the western side of the channel and only on the east side? Sand movement- the concept of getting too much sand that we may be able to pump and move it to the western side. Most of sand has moved off-shore and created the sand bar by "Seconds", or the delta flood, the sand has moved inland and cannot make its way back out unless we find a way to pump it. To tell him the sand is no good, he does not believe that. Most of the sands that go into our rivers clean themselves.

Downing brought up again the water way that DOT built, they have asked for you to give them information about the construction of tying into their bridge. His concern is if the bridge can be maintained with a big opening. If you can come back and say DOT's intent was to have four bays open so traffic can go in and out then they studied it before they built it. I would still question the western side. Downing said when he was growing up there were only two bay openings. His concern is with the four openings and the boats going in and out and possibly undermining the bridge. Barry said DOT does inspect the bridge.

Downing said he would like to see the sand addressed that is inside the marina, he would like to see the mentality be how to take care of the area as a whole, not just the marina. He would like to see the Marina be good neighbors and look at the totality of the area.

He would like to see the Department of Health to understand and go in as one voice and help them understand the nature of the sand.

Yuen asked Lemmo if there would be a problem to add the condition that the DOT needs to review and approve the construction plans? Lemmo said he should have added that in. DOFAW had a question regarding the Hawaiian Stilt. Lemmo said they are usually in the pond area and there is a possibility to ask for a work stoppage within a 100—feet. Yuen asked if that would be a problem if they added that as a condition?

Beverly Little, employee of the marina association. It was determined that the nesting of the Hawaiian stilts starts in April and ends August 31st. We can only go there after the stilts are gone or no more than 100-feet. Lemmo said they have agreed to it in the comments.

Gon said all of that is in the Applicant's response and we can take the language and add it as a condition.

Little said she has a copy of the plans there was originally four openings. They try to be good neighbors and have put sand back on the beaches. Downing said this a good time to gather together as a group to work with the Department of Health regarding the sand. Little noted that the idea of a groin on the west side was never brought up until now or addressed by any of our consultants.

Lemmo clarified that the west side is a County beach park. There was a very long and robust discussion regarding sand/movement and if a groin is needed on the right side and how to fund a study.

Downing wanted to be clear that he is looking at the big picture and inclusion of all those affected, that is the direction he is going. Looking at all cells and how they are connected to each other and not in separate pieces.

Gon clarified the conditions to be added to the recommendations as follows:

22. The applicant will submit to DOT the plans for review and approval prior to construction.

23. DOFAW'S recommendation verbatim regarding the Hawaiian stilt.

24. Encouragement of inclusion of the County beach park in any sand management.

MOTION

Approved with conditions (Gon, Yuen) unanimous.

11:45 Break

11:57 Back in Session

ITEM C-1 Approve a Grant from Available Funds in the Land Conservation Fund, as requested in a 2017-2018 Application to the Legacy Land Conservation Program, for the Acquisition of Interests in Specific Parcels of Land by Friends of Amy B.H. Greenwell Ethnobotanical Garden, \$659,485.38 for the Acquisition of 13.6 acres at Kona, Hawai'i (Amy B.H. Greenwell Ethnobotanical Garden), Tax Map Key Numbers: (3) 8-2-013-002, (3) 8-2-013-003, (3) 8-2-013-014, (3) 8-2-014-043, and (3) 8-2-015-059.

David Smith with David Penn, Division of Forestry and Wildlife, Legacy Land Conservation Program, presented the submittal. The Division provided the last page from the Exhibit 1, that has the Governor's signature, that was missing from the submittal.

Board Discussion

Gon was pleased that the Greenwell Ethnobotanical Garden was getting stabilized. Downing asked if there were anything else left on the 2018 list? Penn replied, they have three other contingent approvals. If these did not go through there are other projects in backup position for approval.

Downing asked that once they are rated, you do the top ones first? Smith said that is correct, they put the other ones in contingency, so they can roll the funding down because you never know if they are going to fall through.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gon) unanimous.

- ITEM D-1** Approval of Appointment and Selection of a Hearing Officer for Petition of Contested Case Hearing Regarding April 27, 2018 Agenda Item D-3 "Administrative Enforcement Action for Violation of Hawaii Administrative Rules Chapter 13-221, Unencumbered Public Lands, Sections 13-221-11 "Animals" and 13-221-35 "Commercial Activities", Against Paige Clew DePonte and TLR LLC, One or Both of Whom Are Doing Business as Triple L Ranch and/or Triple L Ranch Maui Private Custom Horseback Tours; DOCARE Investigation Report No. 18-0259-MA; Kanaio, Maui; Tax Map Key: (2) 2-1-002:001 and seaward of same".

Kevin Moore, Land Division presented the submittal.

Board Discussion

There was a discussion regarding ways to streamline the process of the appointment of a Hearing Officer to by-pass the step to come before the Board for approval for appointing one since there is a committee that provides a list and the Chair will negotiate with those on the list.

Public Testimony- None

MOTION

Approved as submitted (Gon, Yuen) unanimous.

Motion to adjourn (Roehrig, Gon) unanimous

There being no further business, Acting Chairperson Tommy Oi, adjourned the meeting at 12:10 pm. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,



Darlene S. Ferreira
Land Board Secretary

Approved for submittal:



Suzanne D. Case
Chairperson
Department of Land & Natural Resources