

DLNR COMMUNITY LISTENING SESSIONS  
**East Kauaʻi Community Listening Session**  
**Saturday, November 4, 2023, 4p.m. – 7p.m.**  
**Kauaʻi High School**

**4:00PM Opening Pule and Oli**

**4:05PM Introductions & Meeting Logistics (Facilitator, Deputy Director Laura Kaakua)**

- Mahalo for joining on a Saturday and housekeeping

**4:10PM Welcoming Remarks (DLNR Chair Dawn Chang)**

- Overview of DLNR’s mission, purpose of the meeting

**4:15PM DLNR Division’s Brief Sharing**

- ***Division of Forestry & Wildlife (DOFAW) – David Smith, Scott Nelson***
  - Within each branch, DOFAW staff are organized into programs that include Forestry and Forest Health, Nā Ala Hele Trails & Access, Native Ecosystems Protection & Management, and Wildlife, which includes recreational hunting.
- ***Division of State Parks – Alan Carpenter, David Tsuchiya***
  - The Hawaiʻi State Park System is composed of 50 parks encompassing approximately 30,000 acres on five major islands. These parks offer a variety of outdoor recreation and heritage opportunities. The park environments range from landscaped grounds with developed facilities to wildland areas with trails and primitive facilities.
  - 50% of State Parks in Hawaiʻi can be found on Kauaʻi which include Ahukini State Recreational Pier, Hāʻena State Park, Kōkeʻe State Park, Nā Pali Coast State Wilderness Park, Pāʻūlaʻūla State Historic Site, Polihale State Park, Wailua River State Park, Waimea Canyon State Park, and Waimea State Recreational Pier. State Parks has job openings on the east and west sides of the island. CIP projects that State Parks hopes to address include canyon mitigation hazard and paving Kōkeʻe Road.
- ***Land Division – Alison Neustein***
  - The Land Division is responsible for managing State-owned lands in ways that will promote the social, environmental and economic well-being of Hawaiʻi’s people and for ensuring that these lands are used in accordance with the goals, policies and plans of the State. Lands that are not set aside for use by other government agencies come within the direct purview of the division. These lands are made available to the public through leases, licenses, grants of easement, rights-of-entry, month-to-month tenancies or kept as open space area.
- ***State Historic Preservation Division (SHPD) – Dr. Alan Downer, David Buckley***
  - SHPD is comprised of three branches, Architecture, Archaeology, and History & Culture, and together they collectively strive to preserve and protect Hawaiʻi’s historic identity. In Hawaiʻi, looking back is an integral part of going forward. SHPD is a part of ensuring that Hawaiʻi’s treasured past is here for future generations to appreciate and learn from.
  - SHPD provides administrative support to the island burial counsels which are Governor appointed and affirmed by the Senate.

- ***Office of Conservation and Coastal Lands (OCCL) – Michael Cain***
  - OCCL is the primary regulatory agency for land uses in the State Land Use Conservation District. Our main duties include reviewing applications for land uses and making recommendations to the Board of Land and Natural Resources, and in developing enforcement cases against alleged violations of Conservation District Rules.
  - The majority of our work in recent years, both on the permitting and on the enforcement side, relates to the impacts of coastal erosion. We've worked on permits for sand nourishment, on coastal restoration work, and with the Department of Transportation on projects to protect the roads and highways. We've also worked with practitioners on loko i'a restoration permits. Enforcement activities have been primarily focuses on unauthorized shoreline construction and on maintaining lateral access on the shorelines.
- ***Commission on Water Resource Management (CWRM) – Deputy Director Kaleo Manuel, Ayron Strauch***
  - The Commission on Water Resource Management (Commission) administers the State Water Code, which was created by the 1987 Hawai'i State Legislature. The Commission's mission is to protect and manage the waters of the State of Hawai'i for present and future generations.
  - There are a total of seven members on the Commission. Two are ex-officio (by virtue of office) members and five are appointed by the Governor from lists submitted by a nominating committee, subject to confirmation by the Senate.
  - CWRM has 9 streamflow standards on Kaua'i. CWRM monitors 24 streams on Kaua'i and 100 streams overall across the State. There are no permanent CWRM staff based on Kaua'i. CWRM's lead hydrologist travels to Kaua'i weekly.
- ***Division of Aquatic Resources (DAR) – David Sakoda, Mckenna Allen***
  - The mission of the Division of Aquatic Resources is to work with the people of Hawai'i to manage, conserve and restore the state's unique aquatic resources and ecosystems for present and future generations.
  - DAR has 8 staff members on Kaua'i who provide outreach, education, and monitoring. DAR monitors the Hā'ena community-based subsistence fishing area. DAR also monitors two freshwater areas on Kaua'i which include Kōke'e and the drought water monitoring program.
- ***Division of Boating & Ocean Recreation (DOBOR) – Meghan Statts, Jeremiah Aguilera***
  - The Division of Boating and Ocean Recreation (DOBOR) manages all of the State's small boat harbors and ramps, the boating safety program, the vessel registration and titling program as well as overseeing the recreational and commercial ocean water activities and conflicts from the high water mark out 3 miles which are all just a part of our 13 mandates required by law. Our mission is to preserve Hawai'i's natural and cultural resources while ensuring public access to State Ocean waters and enhancing the ocean experience.
  - DOBOR's current Capital Improvement Projects (CIP) on Kaua'i include the Kikiaola Small Boat Harbor (SBH) new boat ramp and sand bypassing project, and Kukui'ula SBH bulkhead fender repairs. DOBOR's future projects that require funding allocations from the legislature include Waika'ea SBH boat ramp site improvements requiring \$4M in CIP funds, Kikiaola SBH loading dock wharf repair requiring \$400k for design and permitting and \$4M in funds, and Nawiliwili SBH new pier 400 floating deck which requires \$4M in CIP funds.

- ***Division of Conservation and Resources Enforcement (DOCARE) – Chief Jason Redulla & Christopher Gandeza***
  - The Division of Conservation and Resources Enforcement (DOCARE) effectively upholds the laws that serve to protect, conserve and manage Hawai‘i’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawai‘i nei.
  - On Kaua‘i, DOCARE has 13 officers and 2 clerical staff. The division recently filled 3 new staff positions and have hired 3 additional officers who are training to become conservation and resource officers on Kaua‘i.
- ***Engineering Division – Edwin Matsuda***
  - Engineering Division provides engineering services and technical assistance to other departmental divisions and State agencies to implement capital improvement or repair and maintenance projects and administer programs for water and land development, mineral resources development, and prevention of natural disasters (i.e., administering the Dam Safety and National Flood Insurance Programs)
  - An inventory of Kaua‘i dams and reservoirs can be found [here](#)
- ***Communications – Dan Dennison***
  - The Communications Team disseminates information about DLNR’s programs, accomplishments, goals, and the department’s mandate to protect the special natural and cultural heritage of Hawai‘i.
- ***Bureau of Conveyances did not have representatives present but Deputy Laura Ka‘akua provided a brief overview of the Division.***
  - Provide Kaua‘i residents and businesses online access to all recorded documents back to 1976 for research and downloading for a fee.

## 5:00PM Community Listening & Questions

- ***General Meeting Logistical Feedback*** – if DLNR could consider hosting community meetings regarding Wailua, recommendations for DLNR to take responsibility to care for the community, keep people safe, protect the environment while mitigating fire and invasive species, and for the new administration to reach out to the community.
- ***Boat Offloading at Hanalei Bay*** – questions regarding the safety of boats offloading passengers in Hanalei Bay when people are actively swimming and surfing. Additional questions regarding the approval of boats near the pier area and loading zone approvals.
  - The Division of Boating and Ocean Recreation (DOBOR) is actively investigating these alleged incidents and encourage people to continue to take action by documenting these vessels so DLNR can take enforcement action. DOBOR does not believe anyone from their division provided commercial operation allowance to the loading zone. If you have any pictures to document these incidents, please share them with DOBOR.
  - The First Deputy shared that DLNR will work with Division of Conservation and Resources Enforcement’s (DOCARE) Chief to hui together to ensure this issue is not falling through the cracks.
- ***Coco Palms Development & Permitting*** – specifically regarding the cutting down of trees in a preservation area and question of what will be done to hold developers accountable to this area.
  - DLNR Chair shared that there is still an ongoing investigation regarding unauthorized activities on conservation land. The Office of Conservation and Coastal Lands (OCCL) will

take this matter back to the Land Board and will continue to investigate and respond as quickly as possible. Coco Palms is registered as a historic preservation site, trees are called out as a natural element.

- ***Stewardship Agreements*** – regarding land ownership of the parcel adjacent to Coco Palms near Malae heiau and whether community stewardship of the area could take place there.
  - State Parks noted the parcel across is DOFAW jurisdiction. Please contact State Parks more about building stewardship agreements. DLNR is aware that jurisdiction lines can be confusing and will follow up on showing the specific boundaries that exist.
- ***Kōloa Historic Sugar Mill*** – whether land could be used for agricultural purposes and food and questions whether the area cannot be used due to the mill being unstable.
  - State Parks shared that if a permit is required to use this land, the County of Kaua‘i has discretion on whether this project can affect a historical property. If there is a potential impact, the County will send the information to the State Historic Preservation Division (SHPD). Any known information or documentation should be shared with SHPD.
- ***Permitting for Kayaks*** – questions on the transfer of Wailua River care from DOBOR to State Parks and whether there will be enforcement to mitigate the illegal use of kayak rentals and overcrowding of the Park, and ensuring access for residents
  - State Parks shared the transfer from DOBOR to State Parks can be confusing. Jurisdiction rules against commercial use still exist. Any instances of rules being broken should be documented. This can be difficult given there are people who are renting out kayaks outside of Park boundaries and will drive the kayaks in. DLNR is interested in any solutions that community members may have such as amending the definition of commercial use or proposing similar solutions happening in Hā‘ena.
  - DLNR Chair shared that enforcement can be difficult as it requires proof that commercial activities are active and ongoing. DOBOR is proposing legislation this year to address commercial use more specifically to cite and create more applicable laws regarding unauthorized commercial activities.
- ***Near Shore Water Concerns*** – questions regarding nearshore water impacts and mitigation, water pollution, beach nourishment, and who ensures developers are maintaining proper water practices and have proper permits. A question was raised on who is responsible for maintaining the stripped shoreline between Kealia and Anahola.
  - OCCL shared that the kuleana of OCCL lies makai of the shoreline. Coastal retreat is something that the County of Kaua‘i can work on administering. OCCL is working collaboratively with community on the dune and coastal restoration project. DLNR understands that climate change is inevitable and that we are losing our shorelines. The Land Board did not approve the project to use state funds for beach restoration in Kā‘anapali. Private landowners are able to make decisions on their lands on their own.
  - The Commission of Water Resources Management (CRWM) shared that the Department of Health (DOH) is the agency that administers the Clean Water Act. DOH is a partner with the Water Commission and manages the quality of water. Wastewater discharge or run off issues are regulated by DOH.
  - DAR noted that regulating development causing runoff resulting in degraded water quality is the responsibility of the County, DAR does not have regulating authority over that issue. While DAR is consulted on EAs or permits that involve activities affecting the oceans, DAR does not issue permits. DAR is looking to improve the ways they make recommendations to regulatory agencies.

- ***Decommissioned Reservoirs by Department of Hawaiian Home Lands (DHHL)*** – questions for the reasoning of DHHL decommissioning three reservoirs and how water can be equitably distributed and managed.
  - Engineering Division noted that many of the reservoirs are privately owned and state owned. DHHL has decommissioned 2 of the 5 reservoirs that they own and are looking into decommissioning 2 more. These reservoirs have been in an abandoned state and no water is coming to them. DHHL is being asked to look into ways to restore some of the water for other water related uses.
  - CWRM shared the use of water requires permits and regulations including drilling and / or diverting. The Water Code has not been changed from 1987, unlike the Western United States, Hawai'i has no market for water. The Land Division is trying to work through various licensings. DLNR regulates and oversees dam safety and reservoirs. Use and management of these reservoirs and dams are controlled by other state Departments such as the Department of Agriculture (DOA), Agribusiness Development Corporation (ADC), and DHHL.
- ***Increasing Community Engagement for Developers*** – questions if DLNR can hold developers accountable to having public community engagement meetings before a project is approved and sharing documentation with the community.
  - As regulators, DLNR places the burden on applicants. It is the applicant's kuleana when proposing a project to do outreach and not solely present it to the Land Board. DLNR, when making a decision on an applicant, cannot advocate for a project and needs to be able to sit down and make informed decisions based on the information the applicant presents.
- ***Kaua'i Burial Council*** – questions regarding the low number of burial council meetings, how someone can be involved in the Burial Council, the lack of archeologist responses on Kaua'i and if there is a way to get more enforcement to protect iwi.
  - DLNR shared that applying to be part of island Burial Councils must be done through the Governor's office. DLNR will follow up on the low number and low activity of burial council meetings on Kaua'i as this concern was also raised in Moloka'i.
- ***Bell Stone Location*** – questions on the location of the Bell Stone and whether DLNR sold the artifact.
  - State Parks is certain that DLNR did not sell any artifacts. The Bell Stone is a famous fixture from Poli'ahu Heiau. DLNR will research and work on actions for repatriation.
- ***West Kaua'i Energy Project*** – questions whether the EIA approval can be withdrawn by DLNR for the West Kaua'i Energy Project as it was approved by prior administration and if the community can be involved to work more closely to create alternative solutions.
  - No decision has been made regarding the West Kaua'i Energy Project. DLNR is taking all of the community comments and concerns into account.
- ***Maintaining and Cleaning Kalalau*** – questions whether DLNR can assist to enforce that area and help to clean up the trash?
  - DOCARE goes to Kalalau for 8 hour days on a \$30 per diem for the day. All citations are documented and reports are generated, all citations called in Kalalau must be reported. DOCARE can work with State Parks to help increase community involvement and collaboration. DOCARE staff have gone down to help clean up the area multiple times which have put staff in dangerous, life-risk situations.
  - State Parks shared that this is very challenging and costly to clean as the area is large, expansive and dangerous to go through. State Parks is open to working together to ensure stewardship of Kalalau.

- ***Addressing Agribusiness Development Corporation Lands (ADC)*** – questions and concerns related to whether ADC can use their funds to restore water to East Kaua‘i.
  - DLNR is open to sharing these concerns with the State as ADC lands are not under DLNR’s agency or jurisdiction.
- ***Deep Sea Ocean Mining*** – questions if deep sea ocean mining in between Hawai‘i Island and Mexico can be addressed and whether the State can be informed of this issue.
  - DLNR does not issue mining leases in State water, DLNR does not regulate waters beyond three nautical miles from shore.
- ***Waste Entering Ocean Waters*** – question on where human waste from cruise ships go as they enter Hawai‘i waters.
  - The Department of Transportation (DOT) regulates any cruise ships that come into State waters. DLNR will relay this message to DOT.
- ***Kōke‘e Road Improvements*** – questions on the timeline and area of Kōke‘e Road improvements, particularly the small piece of land between the State and County owned road.
  - State Parks are aware that Kōke‘e Road is dangerous. The State DOT is working to pave Waimea Canyon Road as they own the road through Waimea Canyon State Park up to the Kōke‘e State Park entrance. Kōke‘e State Park roads are the responsibility of DLNR. There is a \$6M fix being implemented to fix Kōke‘e Road with funds that were allocated this year. These funds and road improvement plans will be submitted by the end of the year. The plans that were made section off the roads into three areas which focus first on the park middle to the trail section, the main focus will be near the Park entry.
- ***Water Restoration for Hawaiian Homestead Beneficiaries*** – questions on restoring water from East Kaua‘i to DHHL homestead beneficiaries
  - CRWM shared that Hawaiian Home Commission Act’s Water Code states that any action the Commission takes must include adequate reservations of water for DHHL. The Commission has a kuleana to make sure there is enough water set aside for homestead beneficiaries. This is something CWRM can follow up with DHHL on.

#### ***Additional Community Concerns & Feedback***

- ***Support Community Groups Pursuing Federal Grants*** – including the NOAA Climate Grant project.
- ***Involve the Next Generation of Keiki*** – to engage the next generation by sharing information and inviting them to be involved.
- ***Increase County Enforcement*** – specifically on affordable housing projects on Kaua‘i.
- ***Support Equitable Commercial Projects*** – to support commercial activities that provide good paying jobs and resonate with the culture and lifestyle that community members hold to.

#### **6:45PM Closing**

- Closing Words from Chair Dawn Chang
- DLNR’s Commitments from Deputy Kaleo Manuel:
  - Send follow-up meeting notes to legible emails on sign in sheet
  - Post meeting notes and Q&A summary on website
  - As needed follow-up with on-island staff (and if needed DLNR leadership)

#### **7:00PM Meeting PAU**