

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

DATE: THURSDAY, OCTOBER 14, 2010  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HI 96813

Board Member Agor called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

**MEMBERS**

Ron Agor  
Jerry Edlao  
Dr. Sam Gon

Rob Pacheco  
John Morgan  
David Goode

**STAFF**

Dan Quinn/PARKS  
Charlene Unoki/LAND

Michael Constantinides/DOFAW  
Randolph Lee/SHPD

**OTHERS**

Pam Matsukawa, Deputy Attorney General  
Cynthia Rezentes, E-2  
Bobby Titcomb, E-2  
Hans Sin, C-1  
Chipper Wichman, E-3  
Douglas Halbert, D-19  
Greg Kugle, D-16

William Aila, E-2  
Josh Horowitz, E-2  
Summer Nemeth, E-2  
John Morton, E-1  
Kimi Yuen, E-3  
Zachary Helm, D-19

{Note: language for deletion is [bracketed], new/added is underlined}

**Item A-1      September 9, 2010 Minutes – TO BE DISTRIBUTED.**

**Approved as submitted (Pacheco, Gon)**

**Item A-2      September 22, 2010 Minutes**

**Approved as submitted (Gon, Edlao)**

**Item E-2      An Informational Briefing on Kaena Point Advisory Group's  
Recommendations for Management of Kaena Point State Park  
Reserve**

Dan Quinn, Administrator for State Parks conveyed that a couple years ago there was a contentious public meeting and since then the Chair created a citizens advisory group to come up with some management solutions regarding Kaena Point. Mr. Quinn pointed out on maps where Kaena Point State Park Reserve is. The area of concern by the community was the end of the paved road pass Dillingham Air Field out to the point of the Park Reserve along the windward coast. He also pointed out the various landmarks. The Advisory Group consisted of representatives of several organizations whom he introduced. The cultural practitioners were William Aila and Tom Shirai. William Aila was elected to serve as chair of the committee and Mr. Quinn thanked him for helping with the discussions. Mr. Quinn distributed some photos showing the activities and some of the damage that was occurring beyond the paved road. The community had some work days out there.

William Aila made it clear that although he is an employee of the Department his participation on this Advisory Committee was that of an individual. It's very important because there are some misconceptions of the public out there about his role which he wanted to clarify. He was chosen by a group of cultural practitioners who attended a selection meeting on February 25, 2009 along with an alternate. Mr. Aila had the representatives from other organizations introduce themselves whom he thanked. The Kaena Point Stewardship Team - various agencies that have responsibility for Kaena Point recommended creating an Advisory Group. Their Group had a number of work days having gone out to Kaena to put up barricades, but 2 weeks later they've come back to find that the 4-wheel drives have taken out the pegs and rope and ran over the barricades. The Advisory Group's role is to advise the Board and the Department on recommendations for improvements to the Ocean Recreational Management Plan for Kaena Point. After looking at that Plan the Group concluded that Kaena Point is in a state of critical need or critical care. The amount of damage done in that area is horrible. Mr. Aila listed the following recommendations:

1. The Department through its assigned Divisions cooperates with the Office of Hawaiian Affairs (OHA) to provide protection for the Leina A Ka Uhane which is a large coral outcropping on the Mokuleia side of Kaena Point sacred to Hawaiians because it is the place of spirits leaping into Po. It is the most famous on Oahu. The problem is people are climbing up on it and doing destructive things to it and to the iwi (bones) around it. The Group's recommendation to the Board and to the Department is to take action to create some signage on appropriate borders around the Leina A Ka Uhane and to

work with OHA on the wording. The Group will make recommendations and the Department will determine what is appropriate in terms of conservation.

2. The Department takes action to protect the sand dune systems. There are large impacted sand dune systems with endangered plants, possibly with burials. There are very few sand dune ecosystems on Oahu remaining. The Group recommended considering using boulders, pilings, fencing or any reasonable manner to provide a physical barrier so that trucks don't drive into this area. What the Group has noticed over the past year and a half is an increasing number of new roads through the sand dune areas and increased erosion. There are fishermen out there taking measures to discourage off roaders from the big puddles they are doing and seeking alternate routes to go. Unfortunately, it's through the sand dune area.

The first 2 recommendations were approved unanimously by the Group operating on a consensus philosophy.

3. The Department through its assigned Divisions takes appropriate action to stop the degradation that is occurring mainly because of the 4-wd vehicles emphasizing the Manini Gulch area as the first site to pay attention to. The 4-wd vehicles love to come here and climb the embankment that used to be for the old railroad bridge crossing. You can see the erosion into the ocean close to that spot which is why this place is a priority. Part of that recommendation is what physical barriers to put into place that the Department can look at mitigating measures to stop the erosion.
4. The Department takes steps to designate a road. Current State Parks administrative rules cover vehicles going off a designated road, however, at Kaena Point there is no designated road. The recommendation had 2 options:
  - a. The majority recommendation was to designate the upper road. Mr. Quinn showed a map which was a chronology of roads over time that one of their archaeologists put together. The upper road was the most mauka of the roads built. There is a network of roads where one follows the railroad right-of-way and there is a spider network of roads that appeared over time.
  - b. Mr. Aila said the minority opinion coming mostly from the fishermen was to designate the upper road with a combination series of network roads that go mauka to makai to allow access for the fisherman's vehicles to get to their fishing spots. Mr. Quinn agreed that there are areas where the main road is hammered and the vehicles would go around it to get closer to their fishing spots where he pointed out those areas affected on the map.
5. Mr. Aila said this recommendation was the most controversial. The Group feels that the Department secures a gate with a combination lock at the end of the paved road. Create a permit system which would also have a vehicle

registration process attached to it so you would know who is going in there. The permit system would include a signed acknowledgement that you understand the rules and the code of behavior that you are to display while in Kaena Point including a process for revoking someone's permit if they failed to follow those conditions. The combination would be changed on a schedule and provided to permittees which would provide access, provide a way to measure the amount of vehicles going into Kaena Point, provide a way to monitor who is going in, provide responsible access for responsible users and prevent access to irresponsible users.

The majority of off roaders going to Kaena Point are either active duty or retired military. The Group has spoken to the Installation Commander for Schofield who has put out in the army's newspapers information on that kind of behavior is no longer applicable at Kaena Point. In the Marine's newspaper, there was an article by a marine on how great a place Kaena Point was for 4-wheel drives. The Group brought that to their attention and the Chair had a discussion about that with the Commander of the marines. The next publication was a retraction of what was printed previously. The Advisory Committee is taking steps to resolve the problems and is strategizing with the local 4-wheel drive community who continue to go to Kaena. With these recommendations, this is the first step to stop the bleeding at Kaena Point and start the healing process. The Group has agreed to continue because there are additional issues needed to be addressed. Not everyone agrees with these recommendations with the numerous groups who discussed ways to protect Kaena Point these were the best recommendations that came forward.

Member Gon commented it's heartening that people are applying attention to Kaena Point and its resources and asked Mr. Quinn what the follow up is. Mr. Quinn said a Department team is working with one of the stewardship groups who will follow up at a later meeting with their submittal on the Department's plan which will be an action item for the Board. This is to brief the Board to make sure that there weren't any recommendations or conditions that need to be adjusted when staff takes it to the plan and brings it back to the Board. The Stewardship Plan is underway which will come back to the Board shortly.

Member Edlao asked whether there are any rules on violations and how they will handle that giving the example of Ahihi Kinau where there are signs, but no one pays attention to them. Mr. Quinn said there are Administrative Rules, but the issue of concern is being able to tell in a court of law where the designated road is. Staff won't have the resources to make impenetrable boundaries around the roads, but they can have it where an individual sees this is the road and that is not. Signage, barriers, even pins or markers to understand clearly where the road is that is the thinking on the recommendation. To have a permitted access so people accessing will have further information given to them on where they are suppose to be and where they are not. There will still be issues and that is why the protection of the dunes and other erosion areas may have to be impenetrable barriers, but without delineating where the road or roads are with a follow up with enforcement nothing will change. Things will have to change because it can't continue like this for the next generation.

It was asked by Member Pacheco whether State Parks had gated access by permit anywhere. Mr. Quinn said it is in place on a smaller scale at Kahana for hunters who would get up there with a permit. This is the first one of this scale. The Chair told staff to make sure that this is something that will work within our existing rule framework which staff believes it will and will work with the Deputy AGs. After member Pacheco questioning Mr. Quinn said that they have a permit system on-line which will be best to add this to that system.

Member Pacheco asked how the steps that staff (or the Group) have taken worked. Mr. Aila said that their discussions with the army and marines have resulted in a significant reduction in the amount of off roading that occurred out there. They haven't gotten to the Air Force, the Navy and the Coast Guard yet, but are taking steps to begin those dialogs. The Friends of Kaena are out there every weekend educating people. It will be a combination of designating a road, a permit system, continued education and the key is the access where you have this permit and you understand what the responsible behavior code is.

Member Pacheco asked whether the ranger is on the NARS only or are they interacting with people on the State Park and Mr. Quinn confirmed that, but he is primarily stationed at the NARS area.

Mr. Aila said that they have the support of OHA who in their publication talked about the need to protect Kaena Point. Also, there were articles in the Hawaiian Airlines publication. This education is on-going. The Board thanked him and the Advisory Group.

Cynthia Rezentes testified that she is a member of the organization and an alternate for the conservationist group. She emphasized one of the Group's struggles was how to provide a set of recommendations that takes the first step towards protecting the area without being completely obstructionist as far as not allowing anybody in there while during the healing process. The recommendations at least start the process and everything they've done as for educating groups what is going on and what's better behavior is this entire process that was mentioned with the permit system. She reiterated the need for what the designated road is, what proper behavior is and where they are not suppose to go and hopes it permeates to everybody who accesses the area. It was a difficult process that went from locking the gate and throwing the key away and let the place heal itself for the next 3 years which is not appropriate for the area itself. Ms. Rezentes supports the recommendations and she understands they need to be careful with how they apply them, but she thinks they are all workable and doable and the area definitely does need protection. She related how in a year the area has changed where she could drive in with no problems, but now has to be careful not to bottom out which is outside of the area. Take a pathway that allows them to move forward and continue to allow access for everybody.

Josh Heimowitz, Director for YMCA Camp Erdman testified distributing some photos to the Board that the process has provided lots of opportunity for different ideas and the 5

recommendations make sense. He did submit a letter to the Governor and the Chairperson to consider an additional point that from today to the time State Parks presents their recommendations or until the resources are available to implement them the area is still degraded and used improperly and suggested considering closing it from vehicle access until a time at which the recommendations are implemented to prevent continued damage that is going on. There are boulders near that site that could be used for that purpose. He had a letter from the Mokuleia Community Association stating they agree with the recommendations and to also to consider Mr. Heimowitz additional recommendation. There is a survey on-line that 250 individuals have filled out so far. It was about 50-50 for allowing vehicles, but it depended on who you were. Camp Erdman is committed to Kaena Point noting that Kaena has been compared to the Northwest Hawaiian Islands where the public can drive to on Oahu. It is important to have these outdoor places.

Bobby Titcomb testified that he is an alternate representative for Friends of Kaena and lives a couple miles down the road from the gate. He compared in the photo how the NARS looks to the area where the vehicles are allowed to drive which is a dramatic change. To do nothing for Kaena Point would allow further destruction and looked to the Board to support protecting it.

Summer Nemeth expressed her concern with how the Advisory Group was created and some of the issues related to relationships within the group - how some of the fishing representatives were treated being bullied into decisions they could not make without getting a consensus from the community. This fishing representative had to step down because of the unhealthy situation going on with the Advisory Group. Another concern with the fishing group was the Advisory Group meetings were not open to the public until recently. There was something on-line, but they couldn't listen to the mana'o (thoughts) that were being shared and the fishermen couldn't share their mana'o. As a result the lawaia (fishing) community decided they would create their own community based resource management plan that focuses on bringing back the culture of the place recognizing the importance of malama aina (care of the land) and malama i ke kai (care of the sea) because they depend on those resources. The fishing community has a role in taking care of that place and they want to ensure they are included in any decisions related to it. Ms. Nemeth requested the Board consider hearing their proposals next month if possible. They have detailed recommendations on how to solve some of the issues that were addressed in the Ocean Resource Management Plan for Kaena that they want to partner with DOCARE, DOFAW and State parks because they know that a relationship with a community that is positive they can work together to educate and not have to take drastic measures to close a park down or erecting fences.

Member Gon asked whether she had sent State Parks a copy of her plan and Ms. Nemeth said she told them, but haven't sent it yet. She will send it State Parks, DOCARE and DOFAW.

**Item C-1      Annual Progress Briefing to the Board of Land and Natural Resources Regarding Implementation of the Management Plan for the Ahupua'a of Pu'u Wa'awa'a and the Makai Lands of Pu'u Anahulu**

Michael Constantinides, Forestry Program Manager - Division of Forestry and Wildlife (DOFAW) presented this non-action item where 7 years ago the Board approved a 10 year Management Plan which the Division developed and put forward for guiding multiple resources in this area. This briefing will focus their activities for the last year. And, he introduced Hans Sin; DOFAW West Hawaii Wildlife Manager who is active in this area is here to present a supplement to the staff report and to answer any questions.

Hans Sin testified that he is a Wildlife Biologist from Kamuela, Big Island who helps to manage the Ko'olau Forest Reserve. Mike Donoho who was the Pu'u Wa'awa'a Coordinator on site resigned last December 2009 who coordinated a lot of the management activities at Pu'u Wa'awa'a. Staff struggled to find his replacement where Three Mountain Alliance (TMA) found Elliot Parsons whom they hired taking on this new role. He is working well and is on track with taking on the roles and responsibilities at Pu'u Wa'awa'a. The Hawaii Experimental Tropical Forest (HETF) with the U.S. Forest Service has a coordinator at the site named Melissa Dean and she and Elliot Parsons will move forward with coordination between the 2 agencies on managing Pu'u Wa'awa'a. The Advisory Council will convene with Elliot Parsons along with the Big Island Branch Manager in a couple months. The west side of the Big Island is experiencing a drought experiencing several fires this year where there were none the last 4 years. The largest was on the Kapolei flow between the Kamehameha Schools property where 600 acres burned. It's a concern with the threat to health and human safety. Staff is filling the Pu'u Wa'awa'a reservoir which was lined about 2 years ago and they recently applied for a grant through the U.S. Forest Service to fix up a catchment system on the 4600 foot elevation to catch water to bring down to the reservoir at the 2000 foot elevation. Also, with that grant they hope to get funding for a 2 person crew to help implement the Management Plan. The HETF is presenting to the branch tomorrow and hope it will be available for internal review shortly. Because of the drought there has been more browsing of goats beside the highway which they will implement an ungulate control program where the public can go and harvest goats. There was an archery hunt for 4 weeks during September and October and harvest a 184 goats. The nene is starting to nest near the reservoir and staff is watering the pasture they normally feed in because it's all brown. The NARS crew has removed about 1500 pigs to date and is moving methodology to remove the few remaining pigs.

Member Gon appreciated that there are specific plan objectives where Mr. Sin said some objectives will be on-going to perpetuity.

The Board questioned whether Elliot Parson is under the TMA. Mr. Sin said she will be staying in the cabin that Mike Donoho was in who will be coordinating activities associated with HETF, DOFAW and TMA. As she learns more of Pu'u Wa'awa'a and the island, they will be given more responsibilities with trails, hikers and those kinds of orientations.

Mr. Constantinides noted that Mike Donoho's position is frozen.

Member Pacheco asked whether anyone is coordinating any volunteer activities. Mr. Sin said he has coordinated some education groups, NOAA and DOA. A school group came up last week to learn about the watershed. They haven't had as many since Mike left, but they will have a volunteer group next month to weedwack around the reservoir for the nene to nest.

It was asked by Member Pacheco what was going on with the Experimental Forest in relation to the Forest Service. Mr. Sin said it's still in progress of developing the facilities at the quarry and they are working with Land Division with the clean-up of an old diesel tank buried there and the engineers were there a couple months ago. Mr. Constantinides explained the plan is to build their research station at the former quarry site which is moving.

Member Pacheco asked to estimate how much is in the reservoir where Mr. Sin replied very little about 1 million gallons which is drying up fast. They are working with the procurement office to get water from the only vendor there and once that goes through they will turn the faucet on. As far as fighting fires, the nene, the wildlife and habitat restoration it's critical to have water there. They want to fill the reservoir because of the UV damage to the liner.

Member Pacheco queried what the pig activity levels were and Mr. Sin said very little that there is not much activity, but it's always the last 5% where it's the hardest to catch where staff will try different methodology.

Also, Member Pacheco asked whether any hunts are allowed down in Kiholo. Mr. Sin explained because of the State unencumbered lands there it's difficult, but staff is thinking about setting up a set of corrals down there in the public game management area in Pu'u Anahulu. Staff shooting is unpopular so if they can get the public involved they will go that route and use archery. The best way is to corral those goats.

Mr. Constantinides said that today's briefing is a joint presentation for DOFAW and State Parks. If the Board has any questions regarding Kiholo, State Parks staff could answer those questions. The Board thanked staff for the briefing.

**Item E-1 Request for Review and Approval of the Design for the Kapiolani Community College (KCC) Culinary Institute for the Pacific (CIP) at the Former Cannon Club Site (General Lease No. S5661)**

Mr. Quinn reported that the Kapiolani Community College (KCC) Culinary Institute for the Pacific (CIP) at the former Cannon Club site is on the slopes of Diamond Head leased to the University of Hawaii. The lease requires Board approval for anything designed within the Diamond Head Monument boundaries. There is a process involving the Diamond Head Citizens Committee where the University came forward and revised the

design and site plan based on the Committee. One Committee member expressed concerns with the restaurant building itself, but in general the Committee is in support of this.

John Morton, Vice-President for Community Colleges in the University of Hawaii system introduced people from the Advisory Committee, KCC, the planners and architects. He testified that the intention is to build an advance culinary training facility to hold about 200 students in 3<sup>rd</sup> or 4<sup>th</sup> year of training as well as continuing education for professional chefs. Mr. Morton orientated the Board to where the facility is referring to large maps. The Citizens Group didn't like the first design because it was too massive for the area. The layout was redesigned capturing existing contours without having a significant impact on the Diamond Head topography. He described the design of the classrooms, auditorium and restaurant that there could be changes if needed. They have gone through the environmental impact statement and the finding of no significant impact was accepted. They have their 1<sup>st</sup> City permit which has been adopted by the City Council. Neighborhood Boards 3, 4 and 5 support the project. Also, they are working with cultural consultants on the site and they hope the Board will approve this.

Member Gon suggested using native species of plants appropriate to the area noting that the Millennium Peace Garden nearby has had a decade of experience growing native plants in that dry area and that they could guide the design plan. Mr. Morton pointed out on his map that they will continue the Millennium Peace Garden design all the way incorporating themselves in the Diamond Head Master Plan. Also, if the main entrance into the crater should move to the other tunnel the parking area could serve as exterior parking during the day because the restaurant would operate at night.

Member Goode queried whether Mr. Morton has to go through another process with the City and County and if any are architect reviewed. Mr. Morton's response was they have 2 more and the Diamond Head Scenic District is the last permit. The Plan Review Use Permit is with the Council which is more about impact on traffic and the surrounding areas. There is an old City design that pushes that road up to 4 lanes of traffic, but they hope they don't have to comply with it and the community doesn't want it.

It was asked by Member Goode with a teaching restaurant there could be a fair amount of traffic there and whether there is enough parking? Mr. Morton said potentially a couple hundred people and confirmed that there is enough parking to accommodate the restaurant and the students.

Member Morgan commented that he thought it was a wonderful process and it will be a great outcome. Mr. Morton agreed that he was happy with the changes by the people who are passionately invested in Diamond Head. Carol Hoshiko noted on behalf of the cultural advisors that what you see in the design now was due to input from the community.

Mr. Quinn pointed out to the Board that the recommendation as to the approval of the design is also to delegate to the Chair should there be required approval of components of the design.

This item was moved to approve by Member Morgan and seconded by Member Gon.

**Unanimously approved as submitted (Morgan, Gon)**

Member Goode noted this relates to the Chair having discretionary down the road here. That is fairly broad. They still have some permit processes to go through where there could be a fair number of changes. It's hard to say what is significant. He thought the Board and the Chair should have full authority to handle those. He is not sure how those issues are worded, but there will be changes and the Chair should be able to handle that. Member Gon said he would be happy to leave it to the discretion of the Chair and staff to decide whether it is significant and whether it should come back to the Board or not.

**Item E-3 Request the Board of Land and Natural Resources to Accept the Recommendations Proposed in the Draft Master Plan and Endorse the Preparation of an EIS for Haena State Park, Haena, Kauai**

Mr. Quinn reported that in the Board package there is some additional information for the Board members one of which was in a different format - easier to follow objectives and management strategies as well as a plan view of the park at Haena. He described where Haena is referring to the map. Over the past decades it has been subject to overuse where there are way more vehicles than the area can accommodate. The impacts are significant. Mr. Quinn orientated the Board members pointing out landmarks. There is a DOT highway that ends at the Ke'e Beach. There is a graded area used for parking that fills up completely where people will park along another area and along the highway. This area is rich in cultural and archaeological sites - taro lo'i, house sites and heiau where there is a heiau deeded to the County of Kauai. Also, caves and rock fall hazards. He related some history where about a decade ago the State undertook a master planning process that was never effectively wrapped up. Unfortunately, the consultant left the State and they never got a plan everyone was happy with. Staff has moved to a new master planning process which will take us to the EIS, but the biggest problem is how to deal with the vehicles. This is one of the recommendations in the plan which calls for limiting vehicular penetration to a certain point other than allowing special access for ADA or cultural access to the hula heiau. The limit is calling for a 108 parking stalls which are about a third of the vehicles in there now. One concept was to have people park outside and have them shuttled in citing the example of Pirates of the Caribbean movie who had to park out in Hanalei and ran a shuttle system for the park visitors all day long that worked well and showed it can work. The issue is finding a parking lot which still needs to be addressed. There are a number of recommendations where one of the considerations is to have a gate to charge for parking or access to the area. The community would like to manage that themselves and retain the funding to help operate the park. That is not impossible, but it is on a scale staff has not done yet. They do have non-profit organizations managing parks. There certainly is some capacity building that needs to happen before that can occur. Also, there are proposals regarding limiting

access to the hula platform. From staff's perspective whether they can tell people if they can go into a place or not or have particular groups go to it is potentially problematic, but through an educational process and requesting people to have consideration for the site – this is something that could be done. Mr. Quinn related the concept of the plan pointing it out on the map where people will park in the colored area with an orientation center for visitors to be educated. Where the caretaker's facility is there will be an interpretive corridor with signage. Right now, there is a restroom and there is a project for constructive wetlands for disposal of the effluent and water that comes up from the ground. This area serves as the trail head for the Na Pali Coast where many of the cars parked there are going beyond the park itself. There are hundreds of people a day who park there to hike to Hanakapiai which is 2 miles in which is substantial. And being this is the end of the road people want to park and explore. There is almost nothing you can do physically on the site without impacting an archaeological or cultural resource which makes it a challenge to accommodate people on the site. Mr. Quinn said he would like the Board to review and approve the draft master plan and they will be moving through the EIS process noting some folks in the community would like this to move along. He thanked Chipper Wichman for taking the lead in community discussions.

Member Agor inquired about driving in and dropping people off. Mr. Quinn confirmed that pointing out the ADA parking area. Staff needs to maintain emergency access. There is a plan to move the lifeguard tower away from the road. There will be some discussion with DOT in managing the road since it ends right on the beach. Also, there will be some discussions with the County since they have no active management program at the heiau which staff considers a resource part of the park.

Member Gon acknowledged the importance and richness of this area with the highest density of important sites in any State park. It's a huge challenge since it's at the end of a road. He apologized that he will have to leave for another meeting at 11:00am and hope to come to a decision on this item. Mr. Quinn noted that they have an active community group out there restoring the taro lo'i making the park come alive and are passionate to do so.

It was asked by Member Agor who makes the decision on the funds and Mr. Quinn said it would be up to the Board.

Chipper Wichman testified and acknowledged that in this process he is serving as a community member. He is a 5<sup>th</sup> generation Haena resident and it's his family's kuleana (responsibility) to malama (care) that place. He is personally involved in efforts to bring forward a Master Plan which he has 30 years of records and he wants to see the process finish. Mr. Wichman related that this place is the piko of the most famous ahupua'a on Kauai made famous throughout the archipelago because of the relationship of Pele and Lohiau. The entire property is a wahi pana. There are iwi kupuna in the dune system there and archaeologists have noted the earliest dates recorded are from this area. This area was used intensively as a cultural site as any in the pai aina. As a cultural resource it doesn't get more intense and more responsible.

Mr. Wichman said there has been no management of the area by the State and so it has been over run. In recent years they were successful in getting the State to put up a gate to stop vehicles from driving on the dune system. The State has assisted their non-profit organization, Hui Maka'ainana O Makana who is the curators of the lo'i system. They took out an alien forest and now have kalo growing. The State Park's archaeologist assisted with mapping.

Mr. Wichman said there is a question with who gets the funding from the gate access. The community has been proposing a gate for 15 years because it's about managing people. There are too many people in the State. There are problems with rage parties at night where a gate would secure the park. It is a great idea to limit the vehicle penetration into the park – the area that is already disturbed. This planning process started with the community preferred master plan in the 1990s with many stakeholder meetings. What is before the Board is a good compromise. The community feels in the end the ability for the State to properly care for this area is best achieved through a formal partnership with the community through a non-profit lease or something where the community becomes the stewards of this park. The key to proper resource management is money and the community has said they want 100% of the gate revenue. They want enough to do the job properly because this park demands it. There was a proposal to completely close the park 1 day out of the week. The aina needs to rest since it is overtaxed. This park is an end of road destination, has a safe place to swim, but there is so much more than just that.

Member Agor commented that families bring almost everything with them and this area warrants this type of plan which he agrees with. Mr. Wichman said he learned a phrase “the 1 cooler rule” - separating the parking from the resource that the community thinks that is a reasonable place for the parking.

Member Agor asked whether the community asked to set a number of people there. Mr. Wichman said determining a proper carrying capacity is a dangerous road to go down citing Hanauma Bay as an example. At the end it was determined Hanauma Bay's carrying capacity a day is 3000 people which is a scary number for the Haena community. It was difficult to determine and the best way was through parking stalls. At anytime there could be 100 to 150 people – it's dense, but not overly dense. The community has struggled with the shuttle concept in Haena, but they are overrun because there is illegal parking. Having a shuttle could dump hundreds of people and the community would have to define the carrying capacity. People could still be dropped off at the perimeter and walk in. They need to look at the carrying capacity for the island and the north shore. The community is looking at this process to retake their park because most of them are not willing to take their ohana down there because it's so overrun with visitors. The community is concerned with all the illegal parking along the highway beyond the DLNR's control, but it will have to be dealt with. Member Agor noted that at Hanalei if there is no parking vehicles are turned away, but people walk in.

Member Pacheco said that on the Big Island at Manini State Park the community group had the same idea of a limited number of parking, but it doesn't work because people will

park all over the place and he encouraged Mr. Wichman to find another way. Mr. Wichman agreed it is the toughest issue and the community's feeling is no matter how big you build the parking lot it will never be big enough. They've had up to 2000 people down there. If people park further away they are less likely to stay longer or bring all their accoutrements. It won't end unless a carrying capacity is set.

Member Morgan asked how they came up with the number of parking stalls because he had a concern with planning for a parking problem. He has hiked there and to come far away and not be able to hike is a downer. Mr. Quinn explained that is the number of cars that can fit in the already disturbed area. That was the same number the earlier community preferred plan had dealt with which he pointed out on the map. He agreed that 10 or 20 more isn't going to solve the issue and closing the gates when 108 cars come in is going to have an impact that has to be addressed which is an issue.

Mr. Wichman said that in the 1990s with the Community Preferred Master Plan had 3 scenarios and it was the one with the smallest number of parking stalls. The other scenarios had greatly increased parking capacity. The issue the community is wrestling with is how many of those stalls are dedicated to people hiking to Na Pali or vice-versa people swimming at Ke'e? It was suggested dedicating a certain number of stalls for people wanting to use the trail. They were looking at increased fees for leaving your car overnight like \$150 rather than \$10 as an example. The overflow parking will have to be addressed in the EIS process. This is for the Board to endorse to move to the next step. The viability of a shuttle system and community entrepreneurship appeared this past summer. Part of it is education for visitors to use the shuttle at Hanalei.

Kimi Yuen representing PBR Hawaii testified the key is education agreeing the place is overrun suggested having a permit system on-line for parking. A designated parking stall reserved for you for a certain day and a lot of tourists plan it in advance. At the same time these tourists are educated about the place from the State Parks website. Set this up ahead of time and then you can have a 108 parking stalls work. Or an island wide shuttle system permit for all the hotels that State Parks could charge. Have a visitors center there where people go for orientation and control numbers there.

**Unanimously approved as submitted (Gon, Morgan)**

**Item D-18 Issuance of Right-of-Entry Permit to Monsanto Company on Lands Encumbered by Governor's Executive Order 3140 and Revocable Permit S-7582, Pulehunui, Kula, Maui, Tax Map Key: (2) 2-5-001:010.**

Charlene Unoki, Assistant Land Administrator at Land Division conveyed that Monsanto Company plans to do some testing during an 8 month period at the site. There is an existing well that has been capped. In the First Phase, they plan to install a submersible pump and pump testing. In the Second Phase, they are going in to measure the water level in the State well. Staff is asking this permit be gratis for a period of 8 months. Any information from Monsanto will be turned in to Engineering as well as the Water Commission.

Member Edlao asked what would happen if Monsanto found the water usable. Ms. Unoki said they would have to apply for a water permit or water license which would have to go before the Water Commission and the Board.

Dan Clegg representing Monsanto Company said he was here to answer questions.

**Unanimously approved as submitted (Edlao, Gon)**

Member Gon departed for another meeting.

**Item D-19 Set Aside of Additional Lands to The County of Maui for Veterans Center and Community Support Activity Purposes at Waiohuli-Keokea Beach Homesteads, Maui, Tax Map Key: (2) 3-9-007:003 and Portion of 005.**

Ms. Unoki reminded the Board that this property was approved by the Board in 2004. The tenant, Veterans of Foreign Wars was transferred to the County and over the years they found they needed additional lands which are unencumbered along the shoreline 1.8 acres. Right now with the Board's permission staff can start the process to get the Executive Order from the Governor.

Member Goode asked whether or not this Executive Order will be taken care of before the Governor's term expires. Ms. Unoki said we could possibly, referring to Exhibit C and related the process.

Douglas Halbert is the Quartermaster and Treasurer for VFW Post 3850 on the Island of Maui who testified in support of staff's submittal and the County of Maui approved management of this land if the Board should approve this proposal. The VFW is committed to the continuing maintenance of this property for the veterans and the community.

Zachary Helm, Deputy Director for the County of Maui – Department of Parks and Recreation distributed a map and testified requesting for the Board's approval where he related more background information.

**Unanimously approved as submitted (Goode, Edlao)**

**Item D-9 Grant of Perpetual, Non-Exclusive Easement and Immediate Construction Right-of-Entry to Federal Aviation Administration for Access, Utility and Airspace Purposes For Its Proposed Doppler VORTAC Facility at Ooma 1<sup>st</sup>, North Kona, Hawaii, Tax Map Key: 3<sup>rd</sup>/7-3-43: portions of 79, 85, 86 & 91 (NELHA Access Road).**

Ms. Unoki said that Federal Aviation Administration (FAA) needs this access to air space for the VORTAC facility and the tenant had no objections.

**Unanimously approved as submitted (Pacheco, Edlao)**

**Item D-12 After-the-Fact Consent to Assign Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28466, William H. Pickett, Assignor, to Paul and Eileen Arsenault, Assignee and Amendment of Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28466, Kawaipapa, Hana, Maui, Hawaii, Tax Map Key:(2) 1-3-007: Portion of 001.**

Ms. Unoki related that Mr. Pickett sold the property in 2008 and forgot to take care of the consent portion of his easement and that is what staff would like to do today.

Jim Ashterdthuristion counsel for the Arsenaults testified he was here to answer any questions and he was fine with the conditions.

**Unanimously approved as submitted (Edlao, Goode)**

**Item D-16 Cancellation of Revocable Permit No. S-5117 and Issuance of a Grant of Term, Non-Exclusive Easement to the Association of Apartment Owners of Lokelani (AOAO Lokelani) for Rubble Rock Revetment Purposes, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-3-006:065 (seaward).**

Ms. Unoki conveyed that staff wants to terminate the RP and issue the owners a term easement for 55 years. It's set up as a one time payment done by appraisal which would take care of the owners having to come before the Board every year.

Member Goode asked who initiated this. Ms. Unoki said she believes it was the owners who talked about taking care of the area and a renewal could increase their rent where a term easement will benefit them.

Greg Kugle, Attorney for the Aoao Lokelani testified that this revetment was targeted by DLNR in the early 1990s for conversion into an easement. Due to some storm damage last year it was Sam Lemmo's (Office of Conservation and Coastal Land) suggestion in repairing the wall to work with the Land Division. This is a joint endeavor.

**Unanimously approved as submitted (Edlao, Goode)**

**Item D-20 Amend Prior Board Action of December 9, 2005, Item D-8, Grant of Term, Non-Exclusive Easement to Atlantis Submarines Hawaii, LLC for Offshore Waters and Submerged Land Purposes and Construction Right-of Entry, Lahaina, Maui, Tax Map Key: (2) 4-6-33:Seaward of parcel 1.**

Ms. Unoki reported for this term easement they hope to schedule it every 10 years and Atlantis is asking for a one time payment where staff is asking the Board's permission to finalize the easement document.

**Unanimously approved as submitted (Edlao, Pacheco)**

**Item I-1 Request Approval to Authorize the Chairperson to Sign Supplemental Agreement No. One with Kawaiaha'o Church to Amend the Time of Performance (Attachment 2) Under the Agreement for Grants, Subsidies, and Purchases of Service (Project No. A00C005A, Contract No. 07012), and to Delegate Authority to the Chairperson to Sign all Future Amendments to Grant-in-Aid Contracts.**

Randolph Lee representing State Historic Preservation Division (SHPD) reminded the Board that Kawaiaha'o Church originally obtained a grant-in-aid in 2007 and since then went through the planning process. It has stopped work because of the considerable amount of iwi found there because they were placed there so long ago and the lawsuits that have come about. Because of their logistical situation Kawaiaha'o Church did not act upon staff's request for their determination to renew or not. There was a lapse in time and now at there formal request they are coming back in requesting this extension with the caveat of possible extensions in the future. Staff recommends this approval.

**Unanimously approved as submitted (Morgan, Pacheco)**

**Item D-22 Request for Extension of Notice of Default, General Lease No. S-5376, Shawn C. Kadooka and Dominic K. Kadooka, Lessee, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-008:079.**

Ms. Unoki related a change to recommendation #2 to replace [April 30, 2004] with November 30, 2010.

**The Board:**

**APPROVED and AMENDED Recommendation #2 by replacing April 30, 2004 with November 30, 2010.**

**Unanimously approved as amended (Morgan, Edlao)**

**Item D-1 After –The –Fact Extension of Lease Term for General Lease S-4259, (Contract No. DACA84-5-70-16) to the United State of America, Department of the Air Force, Waimea, Kauai, Hawaii, TMK: (4) 1-2-001: 009.**

**Item D-2 Rescind Prior Board Action of January 9, 2004 (D-10), Consent to Assign Grant of Easement S-4389, Elsie Nancy Perez, Assigner, to Anderson Leroy Perry, Assignee; Termination of Grant of Easement S-4389; Grant of Perpetual, Non-Exclusive Easement to Anderson**

**Leroy Perry for Access Purposes, Lawai, Koloa, Kauai, TMK: (4) 2-5-02.**

**Item D-3 Cancellation of Revocable Permit S-7176 to Bernadine A. Soares, Widow and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-15: portion 37.**

**Item D-4 Extension of Approval in Principle of Direct Lease to Kua O Ka La Public Charter School for School Purposes, Puna, Hawaii, Tax Map Key: (3) 1-3-6:14.**

**Item D-5 Amendment of General Lease No. S-5335 to Hilo Baptist Church, Lessee, for Church and Related Purposes, and Reinstatement of Performance Bond, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-56:27 (formerly parcel 14 por.).**

**Item D-6 Issuance of Revocable Permit to Yun Yan Huang, Hakalau-iki, Hakalau South Hilo, Hawaii, Tax Map Key:3<sup>rd</sup>/2-9-02:47.**

**Item D-7 Sale of Flume Right-of-way Reservation to Michael Palmer, Kaiaakea, North Hilo, Hawai'i, Tax Map Key:3<sup>rd</sup>/3-4-03:17.**

**Item D-8 Issuance of a Right-of-Entry Permit to the Department of Accounting and General Services on State Encumbered Lands, Dams and Reservoirs on Hawaii, Dam Maintenance and Remediation Improvements for Hawi No. 3 Dam and Reservoir, Hawi, Hawaii County, Hawaii; Tax Map Keys: (3) 5-5-3:4 & 5.**

**Item D-10 Rescind the Board's Action of November 14, 2008, Under Agenda Item D-5, Approval in Principle of the Issuance of a Direct Lease to Sunfuels Hawaii LLC (Sunfuels), for Commercial Forestry Purposes, North Hilo, Hamakua, Hawaii, TMK: Various.**

**Item D-11 Grant of Perpetual, Non-Exclusive Access and Utility Easement, and Immediate Construction Right-of-Entry to Maui Electric Company, Limited and Hawaiian Telcom, Inc. for Construction Purposes; Hana, Maui, Tax Map Key: (2) 1-3-004:015.**

**Item D-12 After-the-Fact Consent to Assign Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28466, William H. Pickett, Assignor, to Paul and Eileen Arsenault, Assignee and Amendment of Grant of Non-Exclusive Easement bearing Land Office Deed No. S-28466, Kawaipapa, Hana, Maui, Hawaii, Tax Map Key:(2) 1-3-007: Portion of 001.**

- Item D-13** Set Aside to Department of Transportation for Shoreline Protection Purposes; Issuance of Construction and Management Right-of-Entry; Kapaka, Koolauloa, Oahu, Tax Map Key: (1) 5-3-014:009.
- Item D-14** Issuance of Revocable Permit to Beach Games Spectacular, Inc. dba BGS Incentive Activities for Beach Volleyball Activity at Wailea Beach, Maui, Tax Map Key: (2) 2-1-23:seaward of 7.
- Item D-15** Cancellation of Grant of Easements bearing Land Office Deed No. S-24803; Rescind Prior Board Action of September 27,1996 (D-6); Set Aside to County of Maui, Department of Water Supply for Water Storage Tank Together With Access (Roadway) and Water Transmission Line Easements; and Authorize the Issuance of a Management Right-of-Entry Permit to the County of Maui, Department of Water Supply, Kealaloe, Ukumehame, Wailuku, Maui, Tax Map Key: (2) 3-6-001:portion of 14.
- Item D-17** Authorize the Chairperson of the Department of Land and Natural Resources to Negotiate the Terms and Conditions, and Sign a Memorandum of Understanding between the Department, Kahoma Land LLC and Pioneer Mill Company LLC / Kaanapali Land Management Corporation, for the remediation of Wahikuli Dam and Reservoir (HI ID #0055), Lahaina, Maui County, located at TMK Nos. (2) 4-5-21:002 and 022.
- Item D-21** Issuance of Revocable Permit to The State of Hawaii, Department of Land & Natural Resources, Division of Forestry & Wildlife, Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:portion of 008.
- Item D-23** Withdrawal from Governor's Executive Order No. 3765, Cancel Governor's Executive Order No. 3357 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Kahana Bay Boat Ramp and Maunalua Bay Boat Ramp Purposes, Kahana, Koolauloa, Oahu, TMK: (1) 5-2-05: Por. 3, and Maunalua, Honolulu, Oahu, TMK: (1) 3-9-07: 34.
- Item D-24** Delegation of Authority to the Chairperson of the Board of Land and Natural Resources to Do All Things Necessary to Implement and Effectuate the Maintenance, Remediation or Removal of All Dams, Reservoirs, and Ancillary Infrastructure Under the Jurisdiction of the Department of Land and Natural Resources, Statewide  
**TO BE DISTRIBUTED**

Ms. Unoki had no changes.

**Unanimously approved as submitted (Morgan, Edlao)**

**Adjourned (Pacheco, Edlao)**

There being no further business, Board Member Agor adjourned the meeting at 11:16 a.m. Recordings of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Adaline Cummings  
Land Board Secretary

Approved for submittal:



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Laura Thiele  
Chairperson  
Department of Land and Natural Resources