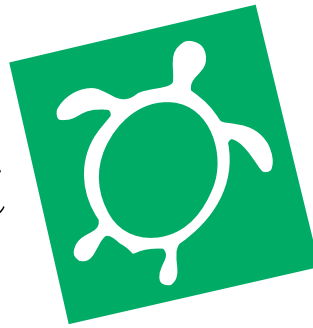


Environment



Hawai'i

a monthly newsletter

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Truck Farm To Truck Yard?

The proposal to develop a light industrial park in Lualualei Valley on land that once was farmed is drawing fire from members of the Wai'anae community. They fear it may be the camel's nose in the tent, leading to the loss of even more farm land in an area that could, in the words of one opponent, be Hawai'i's Tuscany.

Hearings this month before the LUC and the Honolulu Planning Commission could be critical in deciding the outcome.

Also in this issue:

The Land Use Commission has dealt a serious blow to the 'Aina Le'a development, but whether it's fatal is probably a question for the courts.

In recent months, the Board of Land and Natural Resources has had to deal with the summit (of Haleakala), the sea (Kawaihae and Keawakapu) and much of what lies between them; Teresa Dawson reports.

Our analysis of the DLNR's spending over the last two fiscal years shows just how far short of appropriated amounts the department's actual expenditures have been.

Finally, we say thank you to all who have supported our efforts over the last year. Really, we mean it.

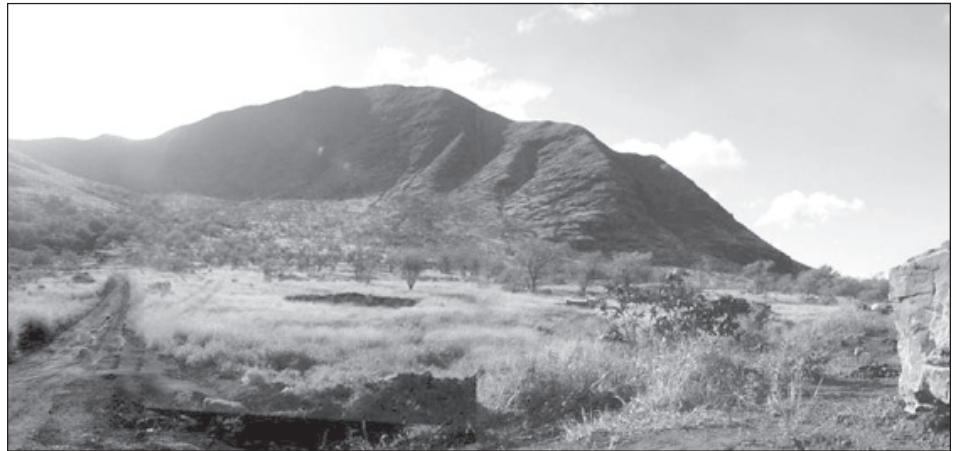


PHOTO: NANAKULI COMMUNITY BASEYARD FEIS

Tropic Land, LLC proposes to build a light industrial park on lands in Lualualei Valley that are currently in the Agricultural District.

State, City Commissions Face Tough Decisions On Proposed Industrial Park in Lualualei Valley

The fight to "keep the country country" isn't confined to O'ahu's North Shore. It's happening right now on the Leeward Coast.

Eric Enos, founder of the non-profit Cultural Learning Center at Ka'ala Farm, compared the light industrial park proposed by Tropic Land, LLC, for Lualualei Valley to a cancer cell in his testimony last month before the state Land Use Commission.

Once something on this scale is approved, he said, it opens the floodgates to similar developments.

Enos, a witness for the Concerned Elders of Wai'anae, which opposes the park, is one of many Leeward Coast residents who believe the park doesn't belong on usable agricultural land. Years ago, a golf course had been planned for the site by a previous owner, but Tropic Land managers Clyde Kaneshiro, Michael Nekoba, and MS Sherwood Corporation believe the land would be an ideal home for light industrial businesses, such as a baseyard for trucks, warehousing, and a possible small

business incubator.

Tropic Land proposes to develop 35 to 40 industrial condominium units, from a half acre to three acres in size, with construction to begin later this year. Full build-out is projected for 2021.

Efforts to establish the park are advancing on two fronts: at the LUC and in the City and County of Honolulu's Wai'anae Sustainable Communities Plan (WSCP), which should be coming to the Planning Commission for approval this month.

So far, the project has received tentative support from both city and state planning agencies, as well as unanimous support from the Nanakuli-Ma'ili Neighborhood Board.

Even so, the project is far from a done deal.

The community surrounding Lualualei Valley is split over the project, with those excited about the potential for job creation, as well as a promised \$1 million community endowment, supporting it, and those who want the Leeward Coast to stay rural and

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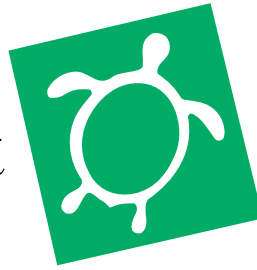
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Mahalo!

Environment



Hawai'i

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February 2011

NEW AND NOTEWORTHY

PHOTO: DAN CLARK, USFWS



Good News for Golden Gooneys:

The Fish and Wildlife Service has been fluttering with excitement for the last few weeks, ever since it discovered a short-tailed albatross chick

had hatched at Midway Atoll National Wildlife Refuge. And anyone who views recent photos of the baby with its doting father can't help but understand the reason for the excitement.

The short-tailed albatross has never before been known to breed outside of Japan. For several years, refuge staff had sighted a mateless female short-tail, also called a golden gooney (*Phoebastria albatrus*), apparently drawn to

Midway by the hundreds of thousands of Laysan and black-footed albatross.

Four years ago, a male short-tail showed up as well. After a long courtship, this year the female finally laid a fertile egg.

"We are all as excited as new parents," said Daniel Clark, acting refuge manager.

At one point, the species' population was down to 10 breeding pairs. Now, its worldwide population numbers around 2,400 individuals, according to the FWS.

The ABCs of Bird Conservation: According to the American Bird Conservancy (ABC), the short-tailed albatross is a species of "highest concern" on its WatchList of birds in America at risk of extinction. The WatchList is included in the ABC's recently published *Guide to Bird Conservation*, by Daniel J. Lebbin, Michael J. Parr, and George H. Fenwick (published by the University of Chicago Press, 448 pages, \$45 hardcover).

Hawai'i is well represented among the birds on the WatchList. Of the 212 species included, 39 are found in the Hawaiian archipelago.

More than a simple catalog of bird species at risk, the guide describes actions that can and should be taken to reverse declines and restore populations to healthy levels. For the Hawaiian uplands, threats include habitat destruction,

disease, and introduced trees and grazing animals. "Climate change is predicted to allow malaria transmission to increase" into the highest elevations, which now serve as a refuge for forest birds, the authors note. Actions proposed include controlling or eradicating invasive species and eliminating further introductions; eliminating the threat of diseases; expanding captive-breeding and reintroduction programs; protecting remaining habitat and restoring forests; and removing ungulates.

For the 14 million seabirds breeding on the Northwestern Hawaiian Islands, the ABC recommends the clean-up of lead-based paint contamination on Midway and the removal of floating plastics; eradication of invasive species, especially rats and plants that disturb breeding areas; establishment of new populations of Laysan duck, millerbird, Laysan Finch, and Nihoa finch on restored islands; increased measures to prevent new introductions of invasive species; and regular monitoring of the most remote islands. Sea level rise, droughts, severe storms, and grass fires are among the direst threats to these populations.

Getting the Lead Out: As the ABC notes in its guide, the clean-up of lead-based paint from buildings on Midway is an important step in reducing threats to seabird populations there. Last month, the Fish and Wildlife Service released a study that evaluates six approaches to removing the lead-paint hazard on the island.

The report estimates that it will take up to six years to complete the clean-up of lead-based paint from and around 86 buildings, at a cost of between \$8 million and \$12 million.

The clean-up is to result in soil levels of lead no greater than 75 parts per million. Some readings have been as high as 9,300 ppm, affecting the ability of albatross – especially chicks – to survive. The Fish and Wildlife Service has already cleaned up lead from two dozen buildings, at a cost of \$842,000.

Comments are being accepted on the study until February 19. For more information, go to: <http://www.fws.gov/midway/lpa.html>.

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Quote of the Month

"I like it when people say there's been substantial work done. You consider that substantial? I consider it insulting... This project has been going on for more than 20 years, and nothing has ever happened."

— **Thomas Contrades,**
LUC member

Frustrated LUC Orders Reversion To Agriculture of 'Aina Le'a Land

After all was said and done, the would-be developers of a thousand acres in Waikoloa simply had no more credibility with the Land Use Commission. On January 20, members of the commission voted, 5-3, to return the land to the state Agricultural District classification, closing a 22-year-long chapter of unfulfilled and ever changing promises.

If the reversion has a precedent, it would be in April 2009, when the LUC voted to do exactly the same thing with the same piece of land, then under a nominally different developer. Months later, a new developer appeared, committing to fulfill the promise of nearly 400 units of affordable housing by November 2010, and commission members relented, allowing Robert Wessels and DW 'Aina Le'a Development, LLC, the chance to jump-start the moribund project.

The Land Use Commission's vote is by no means the end of the story. Attorneys for DWAL and for co-petitioner Bridge 'Aina Le'a, the previous developer and still owner of nearly all 3,000 acres included in the original golf-course village project proposed in the late 1980s, as much as promised to take the LUC to court if it voted for reversion. Also, the LUC will still take up a motion by DWAL to amend the conditions imposed on the development – a motion that would seem to be moot now, but which DWAL's attorney, Alan Okamoto, refused to withdraw.

In addition, should the project be allowed eventually to move forward, it will have to deal with yet another speed bump thrown in its path. On January 5, the Mauna Lani Resort Association sued the County of Hawai'i and its planning director, Bobby Jean Leithead-Todd, over her acceptance of what the association claims is a flawed environmental impact statement. Other named defendants in the case are DW 'Aina Le'a and Relco Corp., the sole member of DWAL. (A copy of the complaint appears in the EH-xtra column of our home page, www.environment-hawaii.org.)

Heated Exchanges

Attorney Bruce Voss, representing Bridge, argued that there had been "substantial commencement in the use of the land, substantial site work." Forty-eight units had been "built to roof," he said, and an environmental impact statement prepared. "By any definition," he said, that was substantial, and "this commission has never, I emphasize never, reverted the

classification of land when there's been substantial work."

Commissioner Thomas Contrades disputed Voss's claim during the commission's deliberations. "I like it when people say there's been substantial work done," he said. "You consider that substantial? I consider it insulting," noting that work had been done on just 61 of the more than 1,000 acres in the petition area. "This project has been going on for more than 20 years, and nothing has ever happened."

Voss also tried to carry the day by telling the commission that at least six votes would be needed to revert the land to Agricultural, arguing that this was tantamount to a reclassification decision and that, by statute, all such reclassifications required six affirmative votes. Furthermore, he said, the land was simply not appropriate for agriculture, so reversion would not be something sanctioned by statute.

Again, Contrades took him on: "To sit there and say it doesn't make sense to revert it back to Ag – that's what it was. It's common sense." The only alternative, he said, was to put it into the Conservation District – something no one was arguing for.

Bryan Yee, the deputy attorney general representing the Office of Planning, also disputed Voss, saying that what was before the commission was not a reclassification, but an order to show cause, and therefore no six-vote majority was required.

A Divided Commission

The questions posed by members of the commission reveal deep rifts. Those who spoke in favor of the reversion – Contrades, Normand Lezy, and Ronald Heller – stressed the need for the commission to stand by its conditions. Heller may have expressed the view best: "It's unfortunate that the only tool we have in our toolbox is a sledgehammer. But if we don't do anything, what's the point of including conditions if there's no enforcement?"

Lezy elaborated on the point: "In large part, the reason I made this motion has to do with the integrity of the commission.... If we're not willing to make difficult decisions on the decisions-and-orders we've made in the past, and enforce the conditions, then really, what purpose is there for the commission? When we acted on the reconsideration [of the earlier reversion, in April 2009], I voted against that. At the time, I said something to the effect that I very much hoped that DW 'Aina Le'a was going to prove me wrong... about the fact that

I assumed that we were going to be in the exact position that we're in today at some point. Unfortunately, I wasn't proven wrong. So I see no other course here except for the motion that I made."

But Commissioner Duane Kanuha, a former planning director for Hawai'i County, took the position that the LUC should have little further role once a redistricting decision was taken. "Basically, I'm a county guy," he said, speaking against reversion. "From my standpoint, if this petition area had never been rezoned, with no entitlements by the county, it would be an easy decision for me to go with this. But... the county has entitled this property and they have continued to entitle it, which indicates to me they're really supporting this. And I think the statements today that – whether it's DW or Bridge 'Aina Le'a or Larry, Moe or Curly, whoever it is – the opportunity to do this project, which is actually consistent with everything that, all the planning documents of the county, makes it very difficult for me to support its reversion."

Charles Jencks was the only other commissioner speaking in favor of keeping the land in the Agricultural District. In a long ramble on the nation's recent economic troubles in general and Hawai'i's in particular, Jencks voiced sympathy with the developer. "My background is in land development," he said at the outset. In terms of its size and complexity, he went on to say, the 'Aina Le'a project "is not that much different than other projects in the state of Hawai'i. I personally am working on a number of projects now that have had district boundary amendments going back 20 years, and it's extremely difficult to finance and... create value in projects like this... The key event was the failure of Lehman Brothers in June of 2007 [actually, it was September 2008 – editor's note]. I personally had a lot of projects financed by Lehman. After that occurred, chaos prevailed. Many in the islands suffered... [and it's] still affecting us to this day."

Jencks went on to suggest that the developer's commitment to have the affordable housing completed by last November was perhaps foolish, but forgivable. "Many of us in the development business that sit here know it's impossible to live up to those commitments... People make them because they want to please."

It fell to Heller to point out that long after the Lehman Brothers' collapse, Wessels was insistent on his ability to follow through on the affordable housing promise. "With respect to Jencks and his experience, I do appreciate having somebody with that experience sharing his viewpoint. But I think in terms of the financial environment, it's also important to

remember that after the Lehman collapse and after everyone knew where we stood in terms of the shape of the economy, specifically in early 2009, additional representations were made to this commission about meeting the goal of 385 units by November, both from the petitioner and from the county.”

What's Next?

So what will happen now to the construction that has already occurred on 61 acres of land in the far mauka portion of the site? There, according to the county's December progress report to the LUC, DWAL has completed most work on 16 condominium units and three more eight-unit buildings have been framed, out of the 52 buildings for which permits have been pulled.

Yee suggested that the LUC might consider reverting all the land except the 61 acres where the affordable housing was to have been built (and which is all the land that DWAL owns). “The Office of Planning thinks reversion of everything except 61 acres may be viable, although we still support reversion of the entire area,” Yee said. “As a side benefit, it still gives DW ‘Aina Le’a some potential return on investment and allows current construction to move forward.”

But Yee's compromise won no support either from the commissioners or the attorneys for the developers.

Voss was scornful: “With all due respect, that proposal both defies common sense and the law. There's no provision anywhere in Chapter 205 [the state law governing the LUC] or your rules for partial reversion... If the commission wants to entertain this, it would have to be an entirely new Order to Show Cause.”

Okamoto noted that if the developer were limited to just the 61 acres where the affordable housing is to be built, “it's going to be a disaster for the project,” effectively turning it into a project where 80 percent of the units would be affordable by definition. “I would urge you not to go down that path,” he said. Among other things, the developer “won't be able to provide the other benefits we've talked to neighbors about,” including parks, school campuses, and the like.

Leithead-Todd, the county planning director, could not say what would happen if the land were reverted. “Generally, when we look at properties, once we've issued what we consider the last discretionary permit—which would have been the subdivision to create the lot, and after that, we do ministerial permits, like building permits. I don't know if we could undo the zoning... Let me just say it's a position we'd have to confer with the county on regarding the county's liabili-

ties and obligations.”

As far as Wessels is concerned, the LUC vote would seem to matter little. According to a report in the *Honolulu Star-Advertiser*, Wessels said he is going to continue work on the project. “We haven't stopped construction,” he was reported to have said. “We're moving forward.” Calls to Wessels' attorney, to confirm his position, were not returned by press time.



O'oma Appeal

On January 3, attorneys for O'oma Beachside Villages, LLC, filed a complaint in 3rd Circuit Court, asking it to overturn the decision of the Land Use Commission to deny its petition for redistricting of 181 acres of land near the Keahole airport in North Kona.

The petition was denied by the LUC at a meeting in November. The redistricting had been opposed by many in the Kona community who feared that a shoreline area popular with campers and surfers might be restricted, despite assurances from the developer that public access would continue. The commissioners, on the other hand, seemed most concerned about the impact on future residents of increased noise from the expanded airport.

Named as defendants are the Land Use Commission, the Office of Planning, the Hawai'i County Planning Department, and the National Park Service. All the defendants except for the LUC were parties to the redistricting docket. (A copy of the statement of the case may be found in the EH-xtra column of our home page.) — *Patricia Tummons*



Kamakana Challenge Denied

At its January 6 meeting, the Land Use Commission denied a petition by the Queen Lili'uokalani Trust for a declaratory order regarding the commission's recent decision to redistrict some 272 acres in Kona to accommodate the proposed housing development known as Kamakana Villages.

QLT argued during petition hearings that the project's developers—the Hawai'i Finance and Development Corporation and Forest City Hawai'i Kona, LLC—failed to properly advertise its petition in the state's newspapers.

Despite the trust's arguments, the LUC approved the redistricting petition last November. The trust, concerned about the project's impacts on the trusts lands, which surround the project site, appealed the LUC's decision in 3rd Circuit Court in December.

At the commission's January meeting, QLT attorney Ben Kudo suggested that the commis-

sion remand the issue of whether the petition was properly noticed back to the HHFDC. Bryan Yee, the deputy attorney general representing the state Office of Planning, told the commission that it could not remand the issue back to the HHFDC through a declaratory order petition.

After an executive session, commissioner Ronald Heller recommended that it deny the petition because the pending litigation may affect its decision. The motion was unanimously approved. — *T.D.*

For Further Reading

'Aina Le'a: *Environment Hawai'i* has published the following articles on the Villages of 'Aina Le'a:

- “2 Decades and Counting: Golf ‘Villages’ at Puako are Still a Work in Progress,” March 2008;
- “After Years of Delay, LUC Revokes Entitlements for Bridge ‘Aina Le’a,” June 2009;
- “Commission Stays Decision to Revert Puako Land,” July 2009;
- “Under New Management, ‘Aina Le’a is Given Yet Another Chance by LUC,” October 2009;
- “Office of Planning: ‘Aina Le’a Has Not Met, Cannot Meet LUC Deadlines,” June 2010;
- “‘Aina Le’a Faces Compliance Hearing,” August 2010;
- “‘Aina Le’a Seeks Two-Year Extension of Deadline for Affordable Housing,” October 2010;
- “More Promises from Developer as ‘Aina Le’a Fails to Meet Deadline,” December 2010.

O'oma Villages: Here is a list of articles *Environment Hawai'i* has published on the O'oma Beachside Villages project:

- “Residential ‘Villages’ Are Proposed for Area Near Kona Airport, NELHA,” March 2009;
- “Noise from Kona Airport Casts Pall over Proposed Development at O'oma,” “Water, County Plan Conformance, Access Also at Issue in O'oma Proposal,” April 2010;
- “With Conditions, O'oma Development Wins Support of State Planning Office,” August 2010;
- “Closing Arguments in O'oma Petition,” November 2010;
- “O'oma Petition Fails,” December 2010.

Kamakana Villages: The list of articles on Kamakana Villages follows:

- “Kona Development on Fast Track Runs into Major Roadblock from Queen's Trust,” November 2010;
- “LUC Gives Thumbs-Up for ‘Affordable’ Kona Project,” December 2010;
- “Senators Grill HHFDC on Kona Project,” in the EH-xtra column on our home page.

All articles are available at <http://www.environment-hawaii.org>. Click on the “Archives” link to be taken to the issue in which an article appears. Content in the Archives is restricted to paid subscribers. Content in the EH-Xtra column is available free of charge.

Tropic Land from page 1

retain its agricultural lands, opposing it.

This month, the parties to the LUC case will present their last witnesses. The commission is expected to rule on the petition in April.

In the meantime, the Honolulu Department of Planning and Permitting (DPP) is trying to shepherd its proposed WSCP through the Planning Commission and City Council. The draft plan recommends changing the zoning at the project site to accommodate the industrial park.

Industrial Creep

Wai'anae is the last vestige of farming on O'ahu, Enos states in written testimony to the LUC.

"Through the 1930s, 40s, and 50s, as the pressure to 'develop' Hawai'i increased, our farmers were pushed from East O'ahu westward. Little by little, urban uses of land won out over traditional agricultural uses. Although each decision was considered only in terms of the immediate development proposal, in actuality these isolated decisions worked together to erode Hawai'i's food security and unique way of life," he writes.

And according to soil and farming experts, the Tropic Land parcel would make an excellent farm. In fact, a truck farm operated on about 15 acres there in the 1980s.

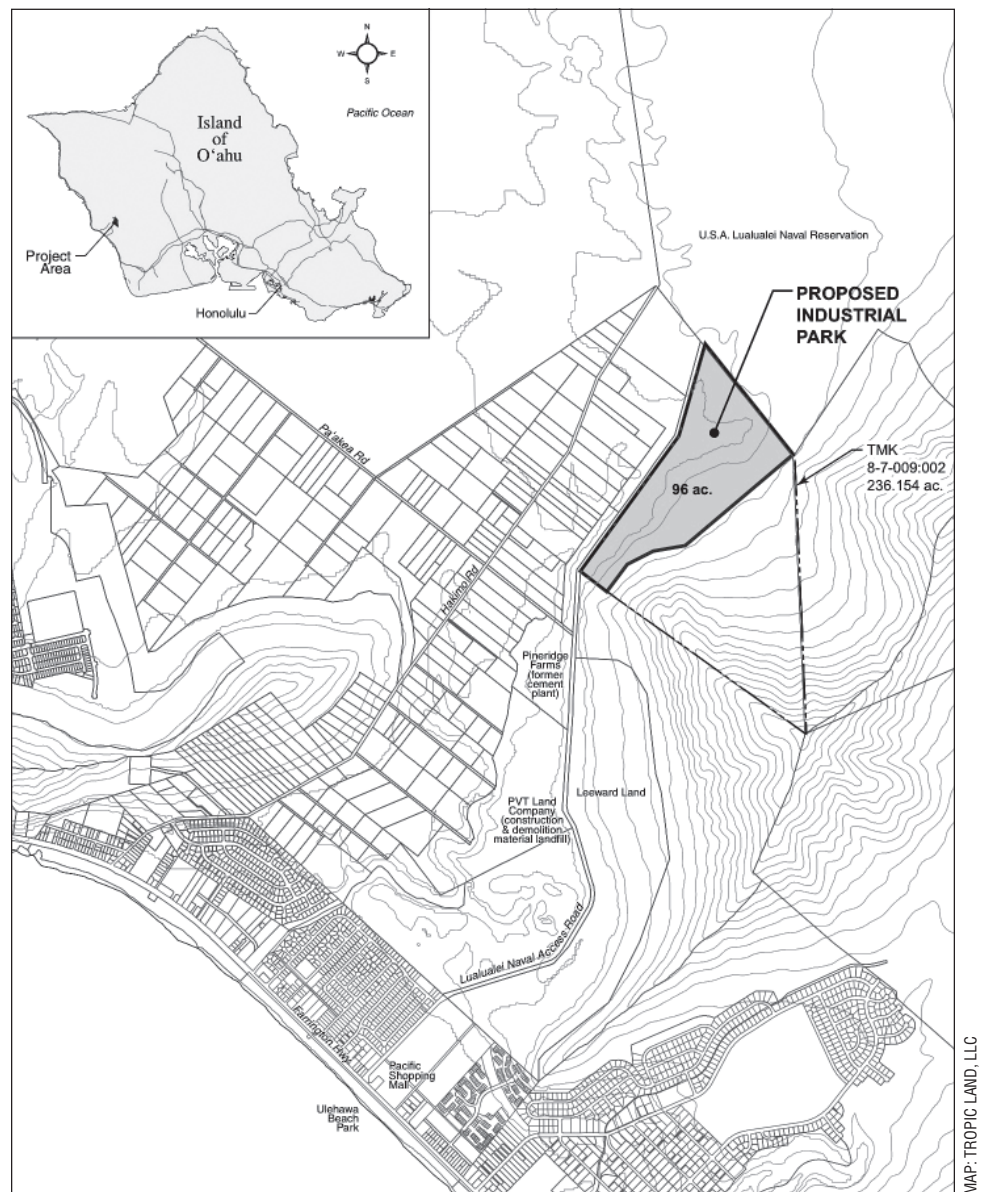
Despite the company's claims that its land is too rocky to run a successful farm and despite state assessments that only some of the soil is of good quality, Gary Maunakea-Forth, manager of the non-profit MA'O Farms, also located in Wai'anae, testified last month that a lot of that can be overcome with enough effort.

Maunakea-Forth recounted how a good portion of the land he and his interns farm was once riddled with large stones, similar to those found on the Tropic Land site. But once those stones were removed, by hand over the course of two or three years, the farm has been able to grow a wide variety of organic crops and has become quite successful.

"We have every man and his dog asking us for food," he said, adding that the supply for locally grown produce cannot meet the demand.

University of Hawai'i soil expert Jonathan Deenik also testified that Lualualei Valley has excellent soil for farming.

During cross examination, Tropic Land attorney William Yuen presented Deenik with a bucket of soil collected from the project site and asked him to pull out a rock. Deenik pulled one that was nearly the size of



a football, but said that such rocks weren't uncommon in the area and also didn't prohibit farming as long as the right crops are matched to the soil type. Orchards, for example, can thrive in rocky soil, he noted.

Deenik did say that water was a limiting factor in the area.

When Commissioner Nicholas Teves asked Deenik why the property had not been farmed for so long (since 1988), Deenik said that farming is inherently risky. Why there are fewer and fewer farmers is a complex issue, he said, adding that he was not sure the property's limitations were entirely to blame.

Even though the property hasn't been farmed in decades, Maunakea-Forth said, "We look at Lualualei Valley as a huge opportunity. The soils there are good. Lualualei Valley is the Tuscany of O'ahu."

Like Enos, Maunakea-Forth said he is worried about the precedent that approval of an industrial park on good agricultural lands

would set.

In a memorandum to the LUC, the state Office of Planning has suggested that the industrial uses that have become established along the Lualualei Naval Access Road over the years already give the valley a semi-industrial character. Those uses include the Navy's installation, the PVT construction and demolition debris landfill, and a waste processing facility operated by West O'ahu Aggregate and Pineridge Farms.

What's more, the area is in desperate need of a baseyard, according to Tropic Land's Arick Yanagihara.

In an August 3 letter to the LUC, Yanagihara explained that his company had received three notices of violation from the city for grading without a permit, not following a stockpiling plan, and for having large container trucks on site without a permit.

Tropic Land had allowed truckers that hauled trash from the area and provided security against vandalism on the property to temporarily park their trucks there, “due to lack of available truck storage and due to a lack of work due to economic conditions,” he wrote.

“The Leeward Coast is home to many independent truckers who do not have a proper place to store their vehicles. This problem is one of the underlying reasons for the need for an industrial baseyard facility,” he wrote.

In testimony before the LUC last month, OP planner Ruby Edwards stated that her office supports the redistricting petition, with conditions. The proposed project had the potential to provide affordable industrial land, create jobs, and consolidate industrial areas away from coastal and residential areas, she said.

Together with Tropic Land’s proposed \$1 million community endowment, “the OP sees the site as a nice extension [of industrial uses in Lualualei],” she said.

During cross-examination, Concerned Elders of Wai‘anae’s attorney Marti Townsend asked whether Lualualei’s existing industrial uses are the reason why the OP supports the petition.

“It’s not the only factor,” Edwards said, adding that the Navy access road runs past relatively unimproved lands and the site is isolated. “It makes sense. I’m not using the word ‘ghetto’ in a negative way,” she said.

When Townsend asked whether the city’s recommendation to spot-zone the project area would make it easier or harder to rezone seaward lands to accommodate a landfill, Edwards said that “it really depends on the nature of the use.”

Conditional Approval

Despite the OP’s support for the project, Edwards stressed that hinges on Tropic Land meeting a few key conditions.

Currently, the only legal access to the site is up Hakimo Road — a “standard” city road that winds through farms and residential developments — through agricultural land owned by Tropic Land, and across a gravel easement over Lualualei Naval Access Road.

The Navy has offered Tropic Land an annual license agreement, similar to what it has with other business along the road, but the company has not consented.

At the LUC’s January meeting, Edwards said that Hakimo Road is not a good road to run a bunch of trucks on, and failing to obtain access to the site via Lualualei Naval Access Road would be a “deal-buster.”

The OP has recommended that Tropic Land be given five years to obtain that access. Otherwise, the OP would request an Order to Show Cause why the land should not revert to the Agricultural District.

Tropic Land has so far been unsuccessful in its negotiations with the Navy, which has said it would require road upgrades, as well as the establishment of a user’s association.

When Townsend asked Edwards what controls exist to prevent tenants and visitors from using Hakimo Road instead of Lualualei Naval Access Road, Edwards admitted that it would be difficult to prevent Hakimo Road from being used to access the park.

With regard to the OP’s condition that Tropic Land secure an easement from the Navy, Edwards said the Navy has so far only offered a 10-year term, which in OP’s view is not long enough.

“We would prefer permanent,” she said.

Commissioner Charles Jencks asked Edwards whether she had any ideas on how to protect Hakimo Road from traffic generated by the park. Edwards joked that the road could be gated off, but then she said that the problem is that Tropic Land has no jurisdiction over a county road.

When Jencks asked Edwards whether approving the redistricting petition with conditions that, if not met, would trigger an Order to Show Cause why the land should not be reverted was a good way of doing business, Edwards agreed that “it was not the sharpest implement to use.”

Even so, she said, “We felt the project had merit.”

When commissioner Normand Lezy tried to get an answer to a question Townsend had asked about the OP’s preferred minimum easement term, deputy attorney general Bryan Yee, representing the OP, asked for more time to confer with staff.

Edwards told *Environment Hawai‘i* that the OP will likely provide an answer to Lezy’s question when the LUC resumes hearings this month.

To allay concerns that the redistricting could undermine community attempts to develop small farms in the area, the OP has suggested that the establishment of an agricultural easement, equivalent to the 20 or so acres of “prime agricultural land” located within the project area, be another condition of the redistricting.

This, however, did not seem like a fair trade to Maunakea-Forth, especially since, in his opinion, good farm land isn’t limited to areas with A- and B-rated soil classifications. An agricultural easement is not helpful, he told Yee, since the industrial park

may affect the valley’s ability to become a thriving farming community.

A Divided Community

Another condition the OP has proposed is that the project be consistent with the Wai‘anae Sustainable Communities Plan, which has recently been revised and is awaiting approval by the city Planning Commission and City Council.

In 2007, Tropic Land asked the city to include its proposed park, which lies more than a mile outside the boundary where industrial uses are allowed, in the revised plan. When Tropic Land representatives sought input from the Wai‘anae Neighborhood Board that year, members had a lot of questions and concerns about the project. But before the board could vote on it, dissent among board members caused the board to split in two — the Wai‘anae Neighborhood Board and the newly established Nanakuli-Ma‘ili Neighborhood Board.

In 2008, the Nanakuli-Ma‘ili board unanimously approved Tropic Land’s proposed park, which has since been dubbed the Nanakuli Community Baseyard. Despite the board’s support, the WSCP notes that there has been no community consensus on the project. The Wai‘anae Neighborhood Board has not taken a position on the project.

Notes by Townscape, Inc., on a November 2010 public hearing on the plan indicate that the project’s inclusion in the draft WSCP was not a community decision. At the meeting, one community member asked, “How can one business or one idea drive this major change to our plan? What if I come up with an idea that I want? Can I get it into this plan?”

A representative from Townscape which had been tasked by the city to hold public hearings and prepare the plan, responded, “When we got to the issue of Tropic Land, the community was divided.” The company said it tried to facilitate a dialogue, “but we were nowhere near a consensus. So we said we’ll record everyone’s comments and turn them over to the city to make the final decision. ... Then the city administration made the final decision, which was to include the industrial park in the plan.”

When Townscape and city representatives were asked how the DPP or the city administration made its decision, knowing that the community was split, the DPP’s Kathy Sokugawa answered that her department’s director, David Tanoue, decided to include the project in the plan “in order to move the process ahead,” the notes state. — **Teresa Dawson**

BOARD TALK

Kona Blue Escapes Fine For Pen's Coral Damage

Fining a company for damaging coral inside a boat harbor just didn't seem fair. So instead of imposing the \$6,750 fine its staff had recommended, the state Board of Land and Natural Resources voted on January 13 to allow Kona Blue Water Farms to donate an equivalent amount in cash or in-kind services to a marine-related project approved by the board's chair.

Last spring, Kona Blue, which raises Hawaiian yellowtail in pens off the Kohala coast, temporarily parked one of its 100-foot-wide cages at Kawaihae Small Boat Harbor. Although the company had received verbal approval from the state Department of Land and Natural Resources' Division of Boating and Ocean Recreation, it failed to coordinate with the division on where, exactly, the pen would be placed. DOBOR had mapped corals in the area and had asked Kona Blue for notification before moving the pen into the harbor. Kona Blue did not provide the notice, however.

After receiving complaints last April that the pen was anchored on coral, the state Division of Aquatic Resources surveyed the area and found that it had damaged 28 coral colonies.

With the ability to impose fines of up to \$1,000 per colony, DAR estimated damages at \$13,500 based on the ecological value of the coral. DOBOR proposed a reduced fine of \$6,750 to reflect the facts that it had authorized the move, that the coral is located within a boat harbor, that the damage was unintentional and appears minor, and that Kona Blue had been cooperative during the enforcement process.

Kona Blue asked that it be allowed to do a

mitigation project in lieu of a fine, but DAR disapproved. Land Board members, however, were more receptive.

Big Island board member Rob Pacheco called the recommendation to fine Kona Blue "a bit of craziness," since the area, some 33 acres, had been dredged years ago.

"I think it's ridiculous to expect coral reef protection in a harbor," he said.

DOBOR administrator Ed Underwood also pointed out that a launch ramp planned for the harbor will disturb some 234 square feet of coral and that silt entering the harbor from nearby Pelekane Bay is also having a detrimental effect.

"I don't give that coral much of a chance," he said.

The lone voice in favor of a fine was Kaua'i board member Ron Agor, who pointed out, "as crazy as it is ... the rules say we have to protect the coral." He added that he also opposed the fine discount DOBOR had proposed.

Despite his position, Agor voted with the rest of the board, which adopted Kona Blue's suggestion that it be allowed to fund or conduct mitigation activities, such as an adopt-a-buoy program.



Board Rejects Mediation Offer To Resolve Ha'ena Rental Dispute

To save everyone a lot of time and money, they offered to try mediation. But the state wasn't interested.

So now, a group of 14 Ha'ena landowners who want to be able to use their homes in the

Conservation District as vacation rentals will be entering a contested case hearing.

In 2007, faced with an enforcement action by the DLNR's Office of Conservation and Coastal Lands for allegedly conducting vacation rentals in violation of their Conservation District Use Permits, the landowners requested permission to deviate from their permits' conditions.

When the Land Board denied their request, they sought a contested case hearing. When former DLNR director and Land Board chair Laura Thielen denied that request, the group appealed her decision in Circuit Court, which decided that Thielen alone did not have the authority to grant or deny a hearing. The matter had to be decided by the Land Board, the court determined.

On October 28, against the OCCL's recommendations, the Land Board granted a contested case hearing, and voted on January 13 to appoint a hearing officer, who will decide, among other things, whether the Hanalei-Ha'ena Community Association can intervene in the case.

The association has long opposed the short-term rental of Ha'ena homes in the Conservation District and was also against the group's December 21 proposal to mediate a solution.

"Commercializing Ha'ena's conservation lands would both be harmful to Ha'ena and set a very bad statewide precedent," wrote association secretary Barbara Robeson in a January 12 letter to William Aila, Jr., the Land Board's interim chair.

At the Land Board's January 13 meeting, OCCL administrator Sam Lemmo told the board that mediation had been tried in a previous case, but "it was not fruitful" and just ended up back in a contested case hearing.

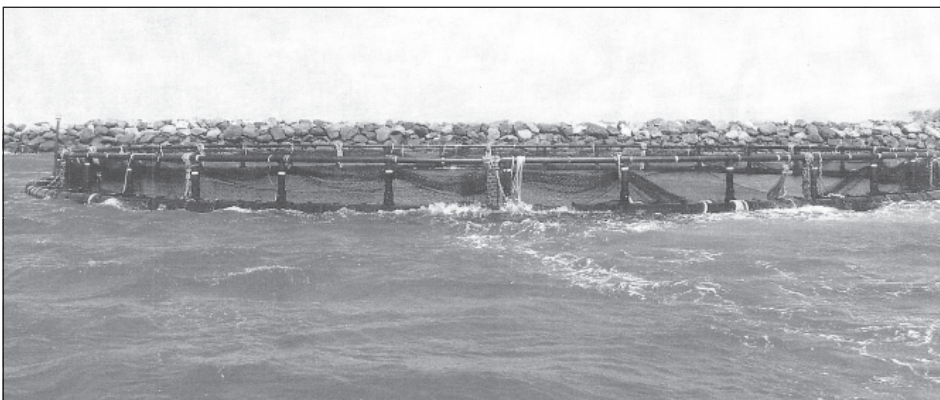
With that, the board unanimously approved Lemmo's recommendation to reject mediation and appoint a hearing officer.



Tradewinds License Will Expire Unless Company Secures Funds

These guys have had too many chances. Pau," said David Frankel, an attorney and former Big Island resident who opposed the timber logging project when it first came to the Land Board more than a decade ago.

At the Land Board's January 13 meeting, Frankel recalled that he had been concerned that the project of Tradewinds Forest Products, LLC, which includes logging a portion of the state's Waiakea Timber Management Area and constructing a veneer mill, would



Kona Blue's net pen, anchored in Kawaihae Small Boat Harbor.

PHOTO: DLNR

harm the native understory in the proposed logging area.

And after years of extensions of financing and construction deadlines and admonitions from Land Board members, Tradewinds was again asking the Land Board to relax the terms of the company's timber land license.

The company was supposed to have built a veneer mill by last December, but it still doesn't have all the money for it. The company's former principal Don Bryan and William Zapalac of current owner, Rockland Capital, testified that the recent lending climate has made it all but impossible to get financing. Even so, Bryan said investors from the Pacific Northwest are interested in the project. (Although Bryan is now only a minor shareholder of Tradewinds Forest Products, he is CEO of a new company, Tradewinds Hawaiian Woods, which is working to secure the mill funding.)

In addition to missing its financing and construction deadlines, Tradewinds has not kept up its \$25,000/month pre-stumpage payments to the state and failed to pay a fee of \$50,000 to extend the mill completion deadline.

According to a report by the DLNR's Division of Forestry and Wildlife, Tradewinds has paid the state \$758,000 so far under the license, \$575,000 in pre-stumpage payments and \$183,500 in extension fees.

DOFAW recommended that the company be given until August 25, three days before the license expires, to obtain the financing necessary to build the plant.

Should Tradewinds obtain financing by then, DOFAW recommended that the company's deadline to complete the veneer mill be extended to August 28, 2012.

DOFAW also recommended that Tradewinds be given until August 25 to make up its pre-stumpage payments from June to December 2010, with a penalty of \$5,000 for each month.

Frankel criticized DOFAW's board presentation for not reflecting the license's troubled history and complained that Tradewinds has been allowed to lock up the state's lands while owing it money. He added that previous Land Board members have been adamant that the company be given no more chances.

Even DOFAW administrator Paul Conry told the board in December 2008 that he would probably not recommend any more extensions if Tradewinds failed to meet its deadlines.

Big Island board member Rob Pacheco, however, pointed out that the license expires in August and a decision to cancel the lease because of the company's default would only



Larsen's Beach, Kauai

PHOTO COURTESY OF RICHARD SPACER

save the state a few months.

The board voted unanimously to amend Tradewinds' license.

Should Tradewinds again fail to meet its deadlines, DOFAW forester Michael Constantinides told the board that the department could issue a request for proposals for a new project in three to six months. He said there has been a groundswell of interest recently, all from bio-energy companies, to log the Tradewinds license area. However, he said, biofuels are a "lower-value utilization" of the state's timber.

"We want jobs and product-processing on the island," he said.



Ranch Abandons Plan To Fence Off Beach Access

They basically decided it was too much trouble," said William Wynhoff, the deputy attorney general advising the Land Board on January 13.

Wynhoff was referring to the abrupt abandonment by Paradise Ranch, LLC, of its efforts to fence off a popular beach access along the north shore of Kauai. In an unprecedented move, the ranch surrendered its Conservation District Use Permit, issued last February by former DLNR director Laura Thielen for some habitat improvements, including fence replacement.

A month after Thielen's action, Kauai resident Linda Sproat, as well as the Surfrider Foundation and Malama Moloa'a filed petitions for a contested case hearing on the permit. At a Land Board meeting in May, Sproat testified that she and her family used the coastal trail to Larsen's Beach for access to fishing grounds. Others testified that while there were other paths to the beach, none was as safe and commonly used as the trail Paradise Ranch proposed to fence off.

Following recommendations from the

OCCL, the Land Board denied their requests, finding that Thielen had not acted arbitrarily or capriciously when she granted the permit.

Sproat appealed the board's decision in 1st Circuit Court. In the meantime, the OCCL decided to recommend that a contested case be granted.

"Staff, together with the Department of the Attorney General, believes that Ms. Sproat has raised serious questions as to whether she is entitled as a matter of law to a contested case hearing in order to determine and consider her native Hawaiian rights," a January report by OCCL planner K. Tiger Mills states.

The OCCL's change of heart proved to be too much for Paradise Ranch.

In a January 10 letter to Land Board members, ranch representative Lorna Nishimitsu informed them that the cattle fencing and maintenance work that was supposed to have occurred in the Conservation District would instead be restricted to agricultural lands, which are outside the DLNR's jurisdiction.

"While Paradise Ranch and the landowner, Waioli Corporation, sincerely believed that its original proposal of engaging in habitat management and maintenance of the section of land adjacent to the sandy beach was in the best interests of all concerned, which would have provided a safe environment free of debris and litter, this long and costly battle involving the landowner's rights to preserve and protect its property while encouraging agriculture can no longer continue. Paradise Ranch has been waiting far too long to fence the makai section of its leased lands to expand its pasture area, and needs to attend to confining its livestock while providing it the best forage possible," she wrote.

David Frankel, an attorney with the Native Hawaiian Legal Corporation representing Sproat, pointed out that a stipulation acknowledging that the CDUP is void had been signed by all the parties to the case,



For Further Reading

Tradewinds

- ◆ "Can State Balance Logging, Environment in Waiakea Plan?" and "Editorial: A Flawed Timber License Doesn't Merit Board Approval," June 2001;
- ◆ "Land Board Tightens Conditions on Logging License for Waiakea," BOARD TALK, July 2001;
- ◆ "Tradewinds Gets Lease Extension," BOARD TALK, March 2005;
- ◆ "Tradewinds Hangs Onto Timber License, Faces New Deadlines for Capital, Construction," BOARD TALK, June 2005;
- ◆ "Tradewinds Partners with Energy Firm, Negotiates New Timber License Terms," BOARD TALK, September 2005;
- ◆ "Board Amends Terms of Waiakea Timber License," BOARD TALK, December 2005;
- ◆ "Board Amends Tradewinds License," BOARD TALK, August 2009;
- ◆ "Land Board Extends Deadlines to Complete Timber Mill," BOARD TALK, January 2009;
- ◆ "Tradewinds Reorganizes, Wins License Amendments," BOARD TALK, November 2009.

Ha'ena Vacation Rentals

- ◆ "No Permits for Vacation Rentals in Conservation District," BOARD TALK, January 2008;
- ◆ "Board Grants Contested Case Over Ha'ena Vacation Rentals," BOARD TALK, December 2010.

Army Endangered Species Mitigation

- ◆ "Army Finally Seeks Permit to Work in State Natural Areas, Forest Reserves," April 2005;
- ◆ "Army, DLNR Thrash Out Terms of Mitigation Work on State Lands," June 2005;
- ◆ "Army Receives Permit, Seeks MOA for Makua Species Recovery Work," March 2006;
- ◆ "Chair to Develop, Sign MOA for Army Use of State Land," BOARD TALK, September 2010.

Keawakapu Reef Damage

- ◆ "Land Board Settles Dispute Over Reef Damage at Keawakapu, Maui," BOARD TALK, December 2010.

including the state, and filed in court the day before.

Although the case had been resolved, Frankel felt the need to make two points: He said that the DLNR needed to train its staff to better determine whether a trail exists. In the

Larsen's Beach case, staff had determined that a historic trail did not exist simply because none was mentioned in Land Court records. Frankel said that the courts decided decades ago that trails may exist even if they are not recognized in Land Court records.

He added that he hoped the OCCL's recommendation to grant a contested case hearing signaled a change in the Department's and the Land Board's recent habit of denying contested cases.



Board Approves Telescope For Haleakala Summit

On December 1, the Land Board approved a management plan and a Conservation District Use Permit to build the \$300 million Advanced Technology Solar Telescope on the summit of Haleakala on Maui. At-large board member Sam Gon, lead scientist and cultural advisor for The Nature Conservancy of Hawai'i, was the only member to oppose the permit.

Before the board's meeting that day, the Native Hawaiian Legal Corporation, on behalf of Kilakila 'O Haleakala, had requested a contested case hearing on the management plan and CDUP and sought an injunction in 1st Circuit Court.

At the board's meeting, NHLC attorney David Frankel argued that, given past practice, the board could not approve the telescope construction before voting on his client's contested case hearing request. He added that the management plan offered by the University of Hawai'i did not propose any management in addition to what would be required under a CDUP, and provided no enforceable language.

"This management plan doesn't promise anything," he said.

Kiope Raymond, a University of Hawai'i Hawaiian studies professor and Kilakila 'O Haleakala president, testified that the proposed telescope, at 142 feet tall, would be larger than Mauna Kea's Keck telescope and would interfere with his ability to exercise his traditional and customary cultural practices.

The mountain, he said was an aumakua, or personal god. "How do you mitigate the death of an aumakua?" he asked.

Marti Townsend, program director of KAHEA: The Hawaiian-Environmental Alliance also found the plan inadequate. She said the plan didn't propose any limits on square footage, height, or density.

Arguing in favor of the telescope was solar astronomer Jeff Kuhn, who testified that the decision to build the telescope on Maui was

not made lightly. He said Haleakala is the only place on earth it can be built.

"It's been in the works for 30 years. ... It's a big deal," he said, adding that the telescope, which will measure the magnetic connection between the earth and the sun, will help scientists understand civilization's connection to the sun.

"Just like we can't change the course of a hurricane, it sure is nice to know when it's coming," he said.

The National Science Foundation has pledged \$20 million for a mitigation fund, to be managed by Maui Community College. The telescope must also be deconstructed after 50 years.

After an executive session, then-board chair Laura Thielen told Frankel that while the board has approved contested case hearing requests before taking action on items in the past, it's not required under the department's rules.

In the end, the majority of the board favored the telescope construction.

Addressing Raymond's concerns about the impacts of the telescope on his spiritual practices, O'ahu board member John Morgan suggested that a spiritual connection can occur anywhere. "This will benefit the living, now," Maui board member Jerry Edlao added.

Gon held the opposite view. He worried that the mitigation proposed by the University of Hawai'i may not be enough.

"I really appreciate the knowledge gained by astronomical effort, but I will have to go with my gut on this," he said.

Kilakila 'O Haleakala has appealed the board's decision in Circuit Court and has asked that an environmental impact statement be required for the project and a contested case hearing be granted.



Army Receives Permit For Rare Species Work

Even though the U.S. Army has recently announced it will halt all live fire training in Makua Valley, it is still required by the U.S. Fish and Wildlife Service to carry out its Makua and O'ahu implementation plans to stabilize populations of native plants and animals threatened by the Army's activities.

On January 13, the Land Board granted a Conservation District Use Permit to allow the Army's environmental crew to conduct endangered species mitigation on 1,056 acres of private and state unencumbered lands.

OCCL administrator Sam Lemmo said that his agency is not requiring a permit for

the Army's activities on lands controlled by DOFAW because those actions are consistent with the state's management.

Kapua Kawelo of the Army's environmental division testified that, under the permit, her crew would be controlling weeds and rats, building a lot of fences, and conducting other basic conservation actions.

At-large board member Sam Gon, noting that the Army has been doing endangered species mitigation for some time, asked whether this was the first time the Army had come to the board for a CDUP.

Lemmo said he was not aware of any previous permits, adding, "We've chosen not to get involved in [mitigation work] on forest reserve and federal lands."

When Gon pressed Lemmo on whether this was the first time the Army was conducting activities on lands that require a permit, Lemmo responded that he had already given his best answer.

The Army had conducted endangered species mitigation within state Natural Area Reserves for years under a volunteer-type relationship. However, in recent years, as the Army has ramped up its efforts and increased its staff, the DLNR has been trying to ensure that the Army obtains the required permits.



Keawakapu Mitigation Plan

At its January 13 meeting, the Land Board approved the plan of its Division of Aquatic Resources to mitigate damages caused when its contractor, American Marine, had dropped more than 100 concrete forms on living reef while trying to enhance the state's artificial reef at Keawakapu, Maui.

Basically, the plan is to remove as many of the forms, called Z-modules, as possible and place them where they should have gone. DAR's Francis Oishi said the division will make up its portion of the \$400,000 fine, imposed by the Land Board last year, with general or federal funds.



Board Grants Permit For Road Revetment

OCCL administrator Sam Lemmo wanted to make it clear that he was not changing his office's policy against shoreline hardening.

"Everything is case-by-case," he said.

On January 13, his office recommended that the Land Board approve the County of Kaua'i's request for a Conservation District Use Permit to build a 10,000-square-foot

DLNR's Spending Falls Far Short Of Legislatively Approved Amounts

The Department of Land and Natural Resources, the state's first line of defense against environmental and ecological depletions, has been hit hard over the last two years with blows to its budget. In light of the serious budget shortfalls that Hawai'i has faced over the same period, this can hardly be news.

But what is new is the ability to see just how devastating those blows have been. That is, finally, possible now that the state Department of Budget and Finance has released, in quick succession, the variance reports for fiscal years 2009 and 2010. (Although the variance report is supposed to be completed each year by November 30, the Lingle administration did not release the 2009 variance report until September of 2010, nearly 11 months after it was due).*

The annual reports provide a comparison between the budget given to a state agency and the actual amount spent. They are supposed to be released in advance of the start of legislative hearings on budget requests for the coming year. They are also, and maybe more significantly, the only means the public has of obtaining information on agency spending in a relatively detailed but accessible manner.

For the Department of Land and Natural Resources, the comparisons between budget and expenditures for both fiscal years are grim indeed.

* *Environment Hawai'i* made repeated requests to Budget and Finance for the variance report for 2009, starting soon after the report was due. With no response, we requested the information on spending from the DLNR directly and were informed, as late as July 2010, that the information was "still in draft form and has not yet been finalized." The 2009 variance report was taken off the department's website when the 2010 report was posted. According to a department employee, the Budget and Finance website does not have the capacity for both the 2010 and 2009 variance reports. Anyone wanting a copy of the 2009 report, however, may request a CD from the department, a B&F employee stated.

In FY 2009, \$110 million in operating funds was budgeted for the DLNR; \$93 million was spent. For FY 2010, the gap was even greater: \$104.7 million budgeted, \$81.3 million spent.

The state's total operating budget for FY 2009 was \$10.789 billion; of that, it spent \$8.872 billion, or 82 percent. The DLNR's spending rate of 85 percent was slightly ahead of the curve that year. In FY 2010, when the operating budget was \$10.804 billion, total expenditures were \$9.350 billion, or 87 percent. The DLNR's rate of 77 percent for this period was well below average.

Other state agencies addressing environmental or natural resource issues fared even worse:

- In FY 2010 the Department of Agriculture was given a budget of \$40.6 million; amount spent was just \$26.3 million, or 65 percent. Looking at the DOA's quarantine program, the discrepancy grows still further. Of \$13.966 million budgeted for this agency, the state's first line of defense against invasive species, just \$7.78 million – 56 percent – was spent.

- The Department of Health's environmental management program (responsible for regulating wastewater, solid waste, safe drinking water, coastal water quality, and air pollution) had an operating budget of \$256.621 million for FY 2009. Of that, it spent \$149.767 million, for a cut of 42 percent. It dropped below that for FY 2010, spending just \$165 million of its \$362 million budget, a reduction of 54 percent.

- The Office of Planning, which has responsibility for the Coastal Zone Management program among many other important environmental review functions, had a budget of \$7.018 million in FY 2009; of that, it spent \$2.43 million, or 35 percent – or, in other words, it suffered cuts of 65 percent.

One agency, the Department of Human Services, saw its 2009 expenditures slashed by nearly three-quarters. Amount budgeted: \$1.878 billion; amount spent: \$495 million.

rock revetment along 'Aliomanu Road in Anahola.

Although the OCCL generally tries to avoid, and in many cases, remove, shoreline structures, the road is the only access to the area and is eroding into the sea, he said.

Lemmo also noted that the substrate is largely clay and said he would rather not have it eroding and creating turbidity problems.

In 2004, the Land Board had fined the county \$2,000 for placing boulders alongside the road without a CDUP. The county had planned to restore the area to its original condition, but high surf caused additional erosion, according to a letter from the county's consultant, Oceanit.

The board unanimously approved the permit.

— *Teresa Dawson*

Fiscal Year	DLNR Authorized Full-time Personnel	DLNR Actual Full-time Personnel
2005	664	597
2006	675	609
2007	718.5	627.5
2008	776	667
2009	803.5	677
2010	767	703
2011	744	646*

Source: Annual Variance Reports prepared by the Department of Budget and Finance.
*As of September 30, 2011, the end of the first quarter of the 2010-2011 fiscal year.

Some agencies suffered blows far less cruel. For FY 2009, these included the Office of the Governor (cuts equal to 12 percent), the Office of the Lieutenant Governor (2 percent), the Department of Public Safety (4 percent), and the Department of Education (6 percent). One agency saw a huge increase in its spending over its budget: the Department of Labor and Industrial Relations, which includes the state's unemployment compensation program, saw its spending rise in FY 2009 to \$514,559 million, or \$215,174 million over what had been budgeted.

Furloughs and Freezes

Accompanying the data on expenses, each agency also reports on the number of authorized positions versus actual hires, lists certain performance goals it planned to meet versus actual achievements, and provides a narrative that is supposed to explain the discrepancies between them.

The greatest differences are almost always between the authorized positions and actual hires. These are usually explained in terms of the hiring freezes imposed by the governor. Also, because the bulk of most agencies' expenses goes toward personnel, much of the difference between actual and budgeted expenses can be accounted for by the furloughs imposed by Governor Linda Lingle in an effort to bring spending more in line with revenues.

Thus, in the case of the DLNR, although its authorized position count in FY 2009 was 803.5, the number of active employees came to 677, a difference of 16 percent. In FY 2010, the number of authorized positions was reduced by 5 percent, to 767, even as the number of actual employees increased, to 703, for a ratio of 91 percent, authorized hires to actual ones. (This does not count the dozens of temporary hires employed by the department, many of whom work for years in key positions without accruing the benefits or entitlements of civil servants.)

For the current fiscal year (FY 2011), the

number of authorized positions fell further, to 739.50. But as of September 30, marking the end of the first quarter of the FY 2011, the DLNR had just 646 full-time permanent employees, or 87 percent of those authorized.

Despite the vacancies, a glance at the DLNR's online job postings show just two active recruitments: co-manager for the state of the Northwestern Hawaiian Islands Monument and an archaeologist IV for the Historic Preservation Division. Neither is a civil service post. On December 28, the Department of Human Resources Development's online list of employment opportunities included the

positions of administrator of the DLNR's Division of Aquatic Resources (vacant since Dan Polhemus left last spring), a deputy registrar for the department's Bureau of Conveyances, and a Division of Forestry and Wildlife tech on Lana'i. The empty position of DOCARE chief was not advertised on any site.

Restoration?

The 2011-12 budget – the last one prepared by the Lingle administration – proposes increasing the number of permanent positions to 749 but cutting the operating budget by \$2.2 million, to \$102.5 million.

When compared to the state's total operating budget of \$10.87 billion for FY 2012, the DLNR's budget amounts to nine-tenths of one percent. This is in line with its position over the last decade.

Last month, Governor Abercrombie announced that he would be revising the budget, with the new spending plan to be delivered to the Legislature sometime next month. At present, the home page of the Department of Budget and Finance still has posted the 2011-2013 biennium budget prepared by the Lingle administration. To review this, please visit its website: www.hawaii.gov/budget.

— P.T.

Fiscal Year	Authorized Budget (in millions)	Actual Expenditures (in millions)
2005	\$73.0	\$64.9
2006	\$77.6	\$76.8
2007	\$92.2	\$89.6
2008	\$107.5	\$98.3
2009	\$110.0	\$93.2
2010	\$104.7	\$81.3

Source: Annual Variance Reports prepared by the Department of Budget and Finance



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Elaine Warner
Rick Warshauer
David Wegner
Chipper and Hau'oli Wichman
Cathy Wilcox
Susie Yong
Alan Young
Chris Yuen and Noelle Rodriguez
Emma Yuen
Marjorie Ziegler

