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a monthly newsletter

The Hawaiian Word Of the Day: Kapulu

To describe the two-day meeting of the Land Use Commission last month in Kona as messy is to understate the case. Testimony that didn't match up with exhibits offered in support. County agencies acting at cross purposes. Challenging witnesses and combative attorneys.

By the close of the hearing on whether the land intended to be the site of the Waikoloa Highlands Golf Estates three decades ago could develop as its most recent owners propose, nerves were frayed all around. The next go-round is set for November 28.

For that we offer another Hawaiian word: ho'ike'ike. The LUC should sell tickets.

IN THIS ISSUE

Financing, Affordable Housing Take Center Stage at Waikoloa Hearing

"There's a Hawaiian word, kapulu," Jonathan Scheuer noted near the end of a two-day hearing of the state Land Use Commission on the stalled Waikoloa Highlands project.

Scheuer, commission chair, continued. "Kapulu, that's a shame thing to have. This project has been kapulu from the start, but I have no intention of having this proceeding go forward in a sloppy manner."

With that, Scheuer laid down conditions under which the parties to the commission's proceedings – landowner Waikoloa Highlands, Inc., the Hawai'i County Planning Department, and the state Office of Planning – would be continuing to argue their respective positions on the LUC's Order to Show Cause (OSC) issued to Waikoloa Highlands in July. The order requires Waikoloa Highlands to plead its case to the commission as to why the commission should not revert the 731 acres it owns near the village of Waikoloa, in the Big Island district of South Kohala, to the state Agricultural land use district from the Rural district.

Back in 2008, the LUC conditionally approved the request of the landowner at the time, Waikoloa Mauka, LLC, to shift the land from Ag to Rural, which was a condition of a rezoning ordinance passed by the Hawai'i County Council. One of the conditions the LUC imposed required completion of "backbone infrastructure" needed before the first residential lot could be sold within 10 years of the date of LUC approval, a date that passed in June.

Some of the more contentious issues that emerged during the LUC's hearing, held in Kona on October 24 and 25 were:

- A dispute over whether Waikoloa Highlands (WHI) had satisfied the affordable-housing condition included in the LUC approval;
- Testimony by representatives of WHI as to its corporate structure and ownership that conflicted with exhibits WHI had entered into the LUC record;
- An effort by the project manager for WHI to influence individual members of the commission through disallowed ex-parte communication;
- Concerns over the availability of funds

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PHOTO: WAIKOLOA HIGHLANDS ENVIRONMENTAL IMPACT STATEMENT

Waikoloa Highlands project site.

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NEW AND NOTEWORTHY

PHOTO: TYLER RALSTON

Cabana tents lined up along Kahala Beach in May 2018.

City Steps In: The state Department of Land and Natural Resources and the Kahala Hotel & Resort recently tried to win authorization from the Board of Land and Natural Resources for the placement and/or storage of various items — including revenue-generating cabanas, lounge chairs, and occasional restaurant seating —within a revocable permit area that has long been restricted to recreational and maintenance uses.

A contested case hearing request by David Kimo Frankel halted board action on the matter on September 14, but not before the Sierra Club of Hawai'i, the Office of Hawaiian Affairs, and members of the public raised the point that in addition to Land Board approval, the resort also needed a Special Management Area use permit and/or a shoreline setback variance from the City & County of Honolulu for its current and proposed uses of the parcel.

On October 9, the Honolulu Department of Planning and Permitting (DPP) weighed in: "The cabana tents, clamshell loungers, tables, chairs, and beach chairs are within the Special Management Area (SMA) and are considered development, pursuant to section 25-1.3, Revised Ordinances of Honolulu. Without a SMA permit, they are not allowed … Please remove them by November 1, 2018, or [DPP] will issue a Notice of Violation," wrote acting DPP director Kathy Sokugawa in a letter to the hotel's attorneys, Jennifer Lim and Jon Yamamura.

She noted that in 1996, the City Council required the hotel to maintain public shoreline access to and along the beach, as a condition of an SMA permit for a number of hotel renovations. At that time, the city questioned the legality of the tables, chairs, and recreational equipment the resort had placed on the state parcel, but "[u]nfortunately, no further action was taken," Sokugawa wrote.

"The 10 cabana tents occupy fixed locations … and their presence could certainly affect shoreline processes during extreme tides, high wave events, or if the shoreline were to recede sufficiently," she wrote. While the loungers, chairs and other portable elements did not require a shoreline setback variance, "commercial activity within the shoreline setback and within the SMA is still subject to approval," she added.

Should the resort want to keep the cabana tents (which rent for $200 a day) and the concrete stone pavers beneath them in place, Sokugawa stated that a shoreline setback variance, an environmental assessment, a new or modified SMA permit, and a building permit would be required.

Quote of the Month

"This project has been kapulu from the start, but I have no intention of having this proceeding go forward in a sloppy manner."
— Jonathan Scheuer, Land Use Commission chair

Frances Officer: From 1990 until just a few days ago, Fran was the person who made *Environment Hawai'i* look good. We went from floppy disks to modem-to-modem transfer of files, and finally to emails. She and her husband, Tim, partners in For Color Publishing, went from photomechanical reproduction, replete with chemical baths, to electronic delivery systems and PDFs. We would send her chop-suey layouts, but she managed to make sense of them. We would do last-minute revisions of articles that were required as a result of our own carelessness, and she would uncomplainingly make the needed changes. She ran interference with us with the printer and always made sure to ask about our dogs.

Late last month, Fran suffered a stroke and gently passed days later. We extend our heartfelt aloha to her husband, Tim, and her sisters.

Fran was caring, generous, competent, and efficient. We will miss her so very much.

Environment Hawai'i
190 Keawe Street, Suite 29
Hilo, Hawai'i 96720

Patricia Tummons, Editor
Teresa Dawson, Managing Editor

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Telephone: 808 934-0115.
E-mail:ptummons@gmail.com
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In Memoriam
Marjorie Fern Yasue Ziegler

A stalwart of environmental activism in Hawai'i has died. Marjorie Fern Yasue Ziegler the long-time executive director of Conservation Council for Hawai'i passed away at her family home in Kane'ohe on October 10. She was 62.

Marjorie, who was an early *Environment Hawai'i* board member and life-long supporter, came to her calling organically. Her father, Alan C. Ziegler was a prominent vertebrate zoologist who was active in conservation issues dating to his doctoral days at UC Berkeley. Marjorie often cited specimen gathering expeditions in the Sierras with her dad as incubating an ethic that would later find expression in an ardent advocacy for Hawai'i's native plants and animals.

However, the path to prominence as a leader in the struggle to preserve Hawai'i's unique natural gifts was initially meandering. When her dad accepted a position at the Bishop Museum the transition from Berkeley to Kane'ohe at age 10 was jolting. While her hapa heritage might have suggested a relatively seamless integration, white socks with slippers and other breaches of local etiquette were an improbable beginning for what would become a life defined by a passionate commitment to her island home.

But, by the time I met her at the University of Hawai'i in 1986 her local bona fides were well established courtesy of Windward public education and finishing school at the hands of the severe Mrs. Aoyama at Uptown Hardware, the ill-tempered cook at The Skillet in Kailua, and other employers of provincial pedigree. By then she could "pidgin-out" like a keiki o ka 'aina.

Still, despite, or perhaps because of her father's academic success, her arrival at the university was not a forgone conclusion. As a friend once noted, Marj could be "hard head," an observation occasionally endorsed by subsequent others.

And so, eschewing parental prodding, the meandering path: Mrs. Aoyama, the bakery, the restaurants. Gradually, however, a re-consideration of her father's commitment to science and service emerged beginning with a job assisting archaeologists at Kualoa Regional Park and summers with kids in the City & County's Summer Fun program. Then Windward Community College where Gary Stice made geology fun, and ultimately U.H. Manoa.

As a classmate in Geography of Hawai'i she was wide-eyed and still a little uncertain about her suitability to academia, but increasingly engaged by the ideas and people she encountered. The graduation photo is quintessentially local: beaming parents and friends, lei nearly eye-level. The pride is palpable. Especially her Poppa. The undergraduate experience offered a glimpse of possibilities, still undefined, but alluring enough that she applied to grad school. It wasn't obvious then, but she was on her way. No more The Skillet.

The UH Geography Department, with its broad conceptual understanding of the discipline's role in human and natural affairs, attracted an uncommonly diverse cadre of graduate students. There she found support for her growing determination to protect Hawai'i's threatened and endangered species. And she found friendships that would endure the rest of her life. She was proud to be a geographer.

After grad school a natural trajectory: an internship at the Nature Conservancy with Audrey Newman whose commitment and rigor was influential; 14 years as a resource analyst at the Sierra Club Legal Defense Fund/Earthjustice, where daily exposure to environmental law and committed attorneys informed and inspired; then briefly with KAHEA: The Hawaiian-Environmental Alliance before becoming the first full-time executive director of Conservation Council for Hawai'i.

The rest is well-documented history. In the course of 15 years she transformed and became synonymous with CCH; a forceful, ubiquitous and effective presence in the endless struggle to protect and preserve the irreplaceable, giving voice to the voiceless, opposing powerful forces for whom her constituency had no value, and, perhaps most importantly, inspiring others.

It was hard work and she worked too hard. But it was hardly thankless. In many ways it was its own reward. She was imbued with a strong sense of justice. Her father, a Southerner, had been a Freedom Rider during the civil rights era of the 1960s. In Hawai'i he made legal history as a plaintiff on behalf of the endangered palila. She shared his impulse to defend the disadvantaged.

Marjorie's passing at 62 inclines us to console with the adage that it was a well-lived life. And it was. But it also feels unjust. She had that feeling when her father died at 74 in 2003. But Alan Ziegler was both idealistic and pragmatic. As a scientist he knew that justice was a human concept not resident in nature. Marjorie was Alan's daughter so she carried on. Which is what she would want from the those who mourn her loss.

— Doug Lamerson

Remembering a Founder of Environment Hawai'i

When I moved to Hawai'i in the summer of 1989, Marjorie Ziegler was one of the first friends I made. I walked into the office of what was then the Sierra Club Legal Defense Fund, in the hope of establishing contact with people involved in the environmental movement. My expectation was that I would be supporting myself by writing free-lance articles on natural resource and environmental issues in Hawai'i.

As it turns out, there wasn't much of a market for environmental articles at that time. By the spring of 1990, Marj, Andria Benner – an Environmental Protection Agency employee on loan to the state Department of Health – and I had resolved that the best way to inform the public about matters that bore on the state's environmental quality, public health, and natural resources was to just do it ourselves.

And thus was *Environment Hawai'i* born, making its debut in July 1990.

For the first couple of years, Marj contributed columns that described ways in which individuals could take meaningful actions, and in the early 2000s she wrote an occasional column for us, "E Ho'omau I Ke Ola," that detailed the cultural and management histories of Hawai'i's native plants and animals. She also helped out with administrative tasks and was invaluable in suggesting story ideas, making introductions, and providing encouragement at times when I needed it most.

She served on the board of directors of Environment Hawai'i from its founding days until she landed at the Conservation Council for Hawai'i. Even after, she remained a stalwart supporter of the newsletter.

I will miss her enthusiasms, her criticisms, her wit, her knowledge, and her insight. She was one of the best friends I ever had. *Aloha no*, Marj.

— Patricia Tummons

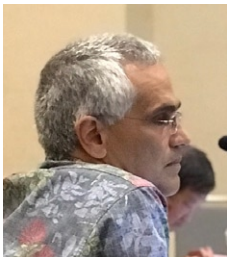
Waikoloa from Page 1

to complete the project;

• The potential threat of litigation over violation of due-process and equal-protection claims by the landowner's attorney.

By the close of the October hearing, Scheuer and other commissioners had set forth a list of topics that they wanted to have briefed before the commission's next scheduled meeting on the Big Island on November 28. Among other things, the commission seeks clarification of ownership and corporate structure from the landowner and, from the county, clarification of the affordable housing matter and explanation of the county's zoning procedures. In addition, it desires to have the parties brief the commission on legal questions relating to how the commission's original 2008 order should be interpreted.

The Opening Shot


Joel La Pinta

Within moments of the hearing having opened, the first foreshadowing of the messiness – kapulu – occurred. Commissioner Nancy Cabral made a disclosure. "I want to let you know for the record, I do know Joel LaPinta," Cabral said, referring to WHI's project manager. "I received an unsolicited phone call from him last week. He said he was calling on behalf of the Waikoloa matter and made statements about the ownership of the property, that the current ownership is distinguishable from the former."

"He impressed on me the need for Hawai'i to have additional affordable housing … and that this project should be able to move forward. I repeatedly instructed him he should contact LUC staff. I would also indicate that I should not have discussed anything with him. I've informed Mr. Orodenker" – Daniel Orodenker, executive director of the LUC – "and want to bring this to the attention of the commission." Cabral insisted that the communication would have no influence on her eventual decision in the case.

Scheuer then directed his comments to Steve Lim, the attorney representing WHI, rather than to La Pinta, seated directly to Lim's right.

Noting the state law and LUC's own rules that prohibit ex-parte communication, Scheuer said: "I will note for the record that a member of your management team communicated with a commission member, in violation of Hawai'i Revised Statutes and administrative rules, with the intention of providing the commissioner with information to influence her vote. …

"You need to advise your clients to avoid any contact with the commission. All communication should be through the commission's executive director or staff." "Understood," Lim responded.

From Russia, With Smile

The first witness Lim called was Valery Grigoryants, who had traveled from Moscow to attend the hearing. Although Grigoryants understood and spoke some English, for the sake of accuracy, he testified in Russian, with his responses translated by Irina McGriff, a court-certified Russian interpreter from Honolulu.

Grigoryants identified himself as vice president of Arch, Ltd., "and the company Arch is owner of Waikoloa Highlands," then, apparently correcting the translator, clarified: "was the owner." According to an exhibit labeled "Corporate Structure of Waikoloa Highlands as of October 11, 2018," submitted by Lim, Arch itself is a Bahamian-registered company that is wholly owned by Davies Partners Limited, which in turn is wholly owned by Vitaly Grigoryants. According to Valery Grigoryants, Vitaly is his brother.

"The company Arch at this time is no longer owner of Waikoloa, but this is just a different story," he continued. At present, he said, the Vitoil Corporation owns Waikoloa Highlands. The same exhibit on corporate structure shows that Vitoil is itself wholly owned by Arch.

The problems with developing Waikoloa Highlands, Grigoryants claimed, can be traced back to the fact that he and his brother placed too much trust in Stefan Martirosian, who until 2017 was the public face of the project with authority to enter into contracts. Grigoryants said he met Martirosian in the late 1990s. Just "like Jewish people help Jewish people," he said, "Armenian people help Armenian people." Martirosian "seemed to me and my brother as a very intelligent, smart man," Grigoryants testified. "Over time, we developed a trustful relationship, like brothers. Our relationship became so close that when his mother passed away, we came to the funeral, flying 13 hours, and when my mother passed away, he flew all the way from Los Angeles to Moscow for the funeral."

Lim questioned Grigoryants on rumors that his company was involved in criminal acts. "One of the other issues has been the suspicion that this Russian company came to Hawai'i to buy land with a lot of money and because of that they must be Russian gangsters or illegal money."

"You know, I often hear this," Grigoryants replied. "On the one hand, I get angry, on the other I start to laugh, because this is just typical stereotype. You know, I'd like to tell you at the beginning of the 1990s, my brother and I started business by selling shoes. Then we started to sell alcoholic drinks, then other things, all different types of things. We started to open stores. And then we were lucky to have the opportunity to be introduced to [the] oil business."

Grigoryants insisted that the balance sheet of Arch, for the last 20 years, "everything was clean. Each year of the Arch company, from the auditor in London. It's not a problem to provide documents. That's why I'm smiling. I'm not a bandit."

He went on to list some of Martirosian's betrayals: "For example, without having authority from us he applied for money by putting land as collateral. And he took pocket money. There were many cases like this in California and the U.S. Virgin Islands as well. We have some land there, too."

"In summer of 2017, we started to have concerns about him and we stopped trusting him," Grigoryants told the commission. Companies controlled by him and his brother have now filed lawsuits against Martirosian in Armenia, in 2017, and California, this summer. Martirosian was tried in absentia in Armenia, with a guilty verdict issued in October 2017. When he flew into Moscow shortly afterward, he was arrested at the airport and held for extradition. According to Grigoryants, Martirosian was extradited to Armenia in July, where he is now in prison. More lawsuits may be forthcoming, Grigoryants said.

As for Martirosian's role in Waikoloa Highlands, Inc., Grigoriants stated that "Mr. Martirosian was never owner of the company or any other companies in the United States as well as abroad. He was just a hired manager… And now he is fired from all the positions."

Commissioner Gary Okuda wanted to know more about Valery Grigoryants' own place in the corporate hierarchy. The chart outlining corporate structure indicates that Vitaly Grigoryants is the "ultimate beneficial owner" of all the entities, from Waikoloa Highlands up through Davies Partners, Ltd.

L-R Commissioner Dawn Chang, commissioner Edmund Aczon; deputy attorney general Randall Nishiyama; commission chair Jonathan Scheuer; Dan Orodenker, LUC executive director; commissioner Nancy Cabral. Present but out of the photo: commissioner Gary Okuda, commissioner Lee Ohigashi.

"Are you the ultimate beneficial owner or is your brother?" Okuda asked.

"The owner as you can see is my brother. We have a separate agreement where we make all the decisions together," Grigoryants replied.

"I'm trying to determine the accuracy of Exhibit 28," Okuda said, referring to the corporate ownership outline. "Is the first block at the top, which indicates Vitaly Grigoryants as ultimate beneficial owner – is that first block completely accurate or is there additional information that needs to be added?"

"No, everything is correct. No additional information needs to be added," Grigoryants answered.

Who's Who

Commission chair Scheuer also pursued a line of questioning about ownership.

"I want to make sure I heard you correctly earlier. You testified that Mr. Martirosian has no ownership in any of these entities? Is that correct?

Grigoryants affirmed his statement.

"So I'm trying to understand the exhibit," Scheuer said, "the May 9, 2016, resolution signed by Aykaz Ovasafyan as well as Mr. Martirosian appointing Ms. [Natalia] Batichtcheva as director for Waikoloa Highlands, Inc." The exhibit shows that Martirosian signed as a shareholder of Vitoil, which apparently held a 20 percent ownership in Waikoloa Highlands. Ovasafyan signed as the shareholder representative of Arch, which was listed as owner of an 80 percent share of Waikoloa Highlands.

"I see what you mean," Grigoryants responded. He went on to describe Ovasafyan as "director of Arch company. And also he's nominal [sic] of Arch, but beneficial owner of Arch is Vitaly."

Scheuer asked for an explanation of the difference.

"There is a trust agreement between Vitaly Grigoryants and Ovasafyan where Ovasafyan is the nominal owner, where he keeps his shares in the trust for the benefit of Vitaly," Grigoryants said. Scheuer asked that the trust agreement be entered into the record.

As far as Martirosian's apparent ownership interest in Vitoil, spelled out on the exhibit, that, too, was a mistake. Per Grigoryants, Martirosian "never had any interest and still now he doesn't have any interest."

Scheuer: "So, regarding Exhibit 5, it was given to us as an exhibit by you, as a basis for decision making, but you state now it is erroneous as regards Martirosian's ownership and role?"

Grigoryants: "Yes. And I can explain. We give you what we have. There's a mistake… We give it to you. We didn't make any changes on that document."

Scheuer then asked Grigoryants if he was listed in any of the documents provided. "I see your brother's signature and name, but not yours. Are you pointed to anywhere in these documents?"

Grigoryants identified a letter on Arch Limited letterhead, signed by Ovasafyan and dated October 12, stating that Vitaly Grigoryants "is holding position of the president and Valery Grigoryants is holding position of the vice-president of Arch. Ltd."

Additional documents submitted by Waikoloa Highlands show there are in fact two directors of Arch listed in corporate papers filed with the Bahamian government: Ovasafyan of Moscow and Roberto Rodriguez Bernal, of Panama.

Commissioner Okuda then questioned Grigoryants about his understanding and intentions regarding the land purchased in Hawai'i.

"I would say we had the intention to develop, but we didn't know where to start, how to start at that time just because we didn't have any experience of development in the United States," Grigoryants said. Martirosian then retained the services of planning consultant and former Hawai'i County planning director Sidney Fuke to help with the process. "So the role of Mr. Fuke was to guide us, to explain. He was supposed to tell, advise Stefan on what stages to go through and then Stefan was supposed to inform us."

Okuda: "But in any event, you understood that certain approvals and certain things would have to be done with government entities to proceed, correct?"

Grigoryants: "Everybody knows. It's common knowledge."

Okuda: "And you agree that if the people working for your company have made promises to any of the government entities here in Hawai'i your company is supposed to live up to those promises, correct?"

Grigoryants: "I don't evade any responsibility. I accept full responsibility. I just regret that we discovered things too late."

The Money Trail

Another issue that concerned the commissioners was financing. A document provided to the commission indicated that an Armenian bank wholly owned by Valery's brother Vitaly Grigoryants had committed $45 million to Arch and had agreed to allow those funds to be transferred from Arch to Waikoloa Highlands, which would use the funds to develop the project.

"You say you have authority to make decisions," commissioner Dawn Chang said in her questioning of Grigoryants. "What are you doing different now to ensure that the development proceeds that you didn't do when Mr. Martirosian was in charge?"

Grigoryants noted that there was a new director, Natalia Batichtcheva, in place. "Secondly, we hired in project manager [Joel] La Pinta. We secured financing… We are planning, since we are not local, to invite a local developer for mutual cooperation."

"In 2008," when the LUC issued its approval for the project, "we didn't know about the subdivision, that we had to make the project," Grigoryants said.

Under further questioning, Grigoryants said that in 2010, his company did have $92 million available for financing the project, but invested in the movie industry instead. "If we knew, we could have invested into

this project."

Chang probed further: "This 45 million dollars set aside for or committed by your brother's bank, if you have different opportunities, other than this Waikoloa development, will you withdraw that money for this project?"

Grigoryants said that wouldn't happen.

"Would you put that money in an escrow account to ensure it goes to this project?" Chang asked.

"It's not a business approach," Grigoryants answered. "Nobody would approve 45 million in escrow for 10 years. We don't need 45 million every year."

La Pinta provided additional testimony on Waikoloa Highlands' capital needs. Asked by Edmund Aczon whether he had a financial plan for the project, La Pinta said he did. "It is my responsibility," he said. "I did the financial modeling."

How much will the project cost? Aczon asked. "Is 45 million enough?"

"Actually, it's way more than we need," La Pinta said. "What happens is, this is done in increments. As increments go forward, we sell lots, which reduces capital costs. This particular model here, the peak capital during the entire sell-out of the project toward development costs comes to $15.8 million."

Under the scenario outlined by Lim in statements to the LUC and by La Pinta, the lots should be able to be sold before any actual "backbone infrastructure" – roads, water lines, other utilities – are developed. After the county grants tentative approval to a subdivision plan, Waikoloa Highlands will register the lots with the state Department of Commerce and Consumer Affairs (DCCA). That paves the way for the DCCA to issue a preliminary order of registration, which allows the developer to enter into contracts for sale of lots. Eventual installation of infrastructure is assured through the posting of a completion bond.

La Pinta elaborated: "You wouldn't subdivide and put streets in for 398 lots," he said. "You do it in increments. Each increment is done as sales occur. Proceeds from sales would come back to help fund the project. So when I described that number" -- $15 million – "it was based on a certain rate of sales, a certain rate of doing development incrementally."


Valery Grigoriants

Chang asked La Pinta whether he was confident Waikoloa Highlands could proceed on the existing environmental studies that were completed more than a decade ago. "You are confident those studies are still relevant and pertinent to today?" she asked.

"Yes," La Pinta replied.

The sufficiency of environmental studies was a theme picked up by Scheuer as well, who noted that since the LUC approved the original docket, the State Historic Preservation Division had revised its rules.

Regarding water, Scheuer asked if La Pinta knew how much the water demand for full build-out would be.

"I only focused on the first phase," La Pinta replied. "We would have to execute an extension agreement" with the private water company now expected to serve the development.

"Do you know which aquifer the water comes from?" Scheuer continued.

"We rely on West Hawai'i Water Company. It's not within the purview of our work," La Pinta said.

"Sorry," Scheuer said. "I understood as an expert in development, you'd be able to testify as to water for the entirety of the project."

Was La Pinta aware of the sustainable yields of the aquifer that the project would draw on? Scheuer asked.

No.

"Are you aware the [state] Water Commission is going to go out with revised numbers for those aquifers?"

No.

"Are you aware that the Water Commission is preparing to revise downward the sustainable yields for the two aquifers in this area?"

No, La Pinta answered.

"Are you aware the downward revision of sustainable yield could result in designation of these areas as groundwater management areas?"

La Pinta said he was aware of that, but acknowledged he did not know much about it.

Scheuer then asked if La Pinta was familiar with *Unite Here v. City and County of Honolulu*, the Hawai'i Supreme Court case decided in 2010 that addressed the question of the shelf life of environmental disclosure documents.

La Pinta acknowledged he was not familiar with it.

Affordable Housing

A condition of the LUC approval of the petition to reclassify the land from Agricultural to Rural was that the developer satisfy Hawai'i County conditions for an affordable housing contribution. Chapter 11 of the county code describes how those contributions are to be calculated. For the project anticipated by Waikoloa Highlands, the developer needs to earn affordable housing credits equal to 20 percent of the total number of residential lots in the project. With 398 residential lots planned, that number comes to 80. Generally, one affordable unit equals one credit.

As *Environment Hawai'i* reported in September, the county's Office of Housing and Community Development (OHCD) signed off on a deal where some 11.7 acres of land owned by Waikoloa Highlands was transferred to a for-profit company, Plumeria at Waikoloa, which in turn resold it to a third company, Pua Melia, which is in talks with the county to develop affordable housing and a commercial center on the site.

But because of a drainage channel that cuts through the property, at most just 32 units of affordable housing can be built by Pua Melia, far short of the 80 credits required by the county's affordable housing law.

Although the OHCD administrator gave Waikoloa Highlands a release from further need to comply with affordable housing conditions in July 2017, the county has now taken the position that Waikoloa Highlands has not yet fulfilled the affordable housing condition. In connection with challenges to the sufficiency of the affordable housing agreement, representatives of Waikoloa met on October 19 with the OHCD to discuss the possibility of conveying another three or four acres to an entity that would develop low-cost housing.

The county's statement of position on the show-cause order, drafted just days before the LUC hearing, states: "The county has concerns about the affordable housing agreement and affordable housing release, but believes petitioner [Waikoloa Highlands] is engaging in good faith negotiations to fulfill its affordable housing obligations. The affordable housing agreement was supposed to be in compliance with Chapter 11, article 1 of the Hawai'i County Code and required the land to be conveyed to a nonprofit corporation. … and that the land be sufficient to accommodate the number of affordable homes the developer would have needed to build.

"Although the affordable housing release was premised upon the land being conveyed to a nonprofit, the land was conveyed to Plumeria at Waikoloa LLC. This entity

does not appear to have been a nonprofit entity and subsequently sold the land to another entity for a reported $1.5 million. That entity has submitted an application for affordable housing project to OHCD but this project will not accommodate the number of affordable homes that the developer would have needed to build. A nonprofit entity has expressed interest in a project to build more affordable homes than required if it had sufficient land."

At the commission meeting, La Pinta described a recent meeting with the OHCD. "They asked us to come and meet with them to acquire more land to accommodate 80 affordable units on the site. … We would like to accommodate them. They're taking about working with a nonprofit. They like to do the 80 town-homes as affordable rentals. … We ended it with, we're willing to work with them," La Pinta said.

Commissioner Edmund Aczon raised the matter of Waikoloa Highlands' ultimate responsibility to comply with the affordable-housing requirement, suggesting that conveying the land to Plumeria at Waikoloa didn't necessarily absolve Waikoloa Highlands from its responsibilities. "The petitioner is responsible to make sure the conditions are met," he said.

La Pinta responded by saying that after the transfer, "the county agency is in charge from that point on to work with developers."

Aczon: "I beg to differ."

Jeff Darrow, planning program manager for the county Planning Department, was questioned by Lim on the sufficiency of the affordable housing agreement entered into by the county's Housing Office and its subsequent release of Waikoloa Highlands from the housing condition.

"Why was this release agreement executed by the county?" Lim asked.

"I can't answer that question," Darrow replied.

When asked who might be able to, Darrow identified the housing administrator, Neil Gyotoku, and the deputy corporation counsel advising his office, Amy Self.

Darrow went on to say that at the time the housing agreement was signed and the release granted, "it was the understanding that that agreement would satisfy the affordable housing requirements" imposed both by the LUC and by the county's own rezoning ordinance, last updated in 2013.

"Why the change of position?" Lim asked.

"A question has arisen on the transfer of the 11.7 acres to an entity that was not considered a nonprofit entity."

The entry to the Waikoloa Highlands project area.

Lim pursued the topic: "The only issue the county had with the method of satisfying the affordable housing requirement was that the conveyance was made to a for-profit company rather than a nonprofit?"

The county attorney, Ron Kim, objected at that point, stating that Darrow wasn't the person who could answer that.

Lim: "The petitioner is concerned. We had an agreement. Now the county says you didn't do what you needed. We're trying to determine what, exactly, they want us to do."

"The position that we have is that currently, in looking at the release agreement and looking at Chapter 11, which is the housing code, is that there is a conflict and that needs to be resolved," Darrow said.

Commissioner Okuda asked Kim whether he could detail how WH has not satisfied the affordable housing condition.

"The main factual problems with the agreement are that it doesn't comply with its own terms or the county code. The county cannot contract to trump its own code," Kim replied. The code requires "that if the developer is to donate land to either a nonprofit or county in lieu of developing it itself, the conveyance must be to either the county or a nonprofit. In this case, the conveyance was to a for-profit, which turned around and sold the property for a reported $1.5 million.

"And the other problem with the property that was conveyed is that it is not supposed to have any unusual characteristics that would make it difficult to develop. Yesterday, Mr. La Pinta testified to the substantial drainage easement that made it difficult to develop, and also the unusual shape. Finally, the land donated is supposed to be sufficient to accommodate the number of affordable housing units which the developer is required to build, and in this case the actual owner now of the property is saying he can only build – I believe the number we had yesterday was 32 affordable housing dwellings. So those are the problems I see. Also, by its own terms, the housing agreement claimed Plumeria at Waikoloa was a nonprofit, which was not true."

"I think we have a different understanding than the petitioner," Kim concluded, "but if we could go through with negotiations to donate an addition three acres, then it sounds like the petitioner would be able to meet the affordable housing requirement."

When Okuda raised the matter of estoppel – the idea that the county could be barred by raising a claim of a violation when its own agency had signed off on the proposal – Kim replied that this was not an issue. "The county can't be bound by estoppel," he replied, arguing that the agreement was an "*ultra vires* act" – that is, the housing agency exceeded its legal authority when it signed the agreement and release.

Okuda: "So, even if the petitioner might have been misled into believing it had complied with the affordable housing agreement, because the county wasn't authorized to take the action, then its kind of the petitioner's tough luck."

Kim noted that the county code was a public document, easily obtained. "If the petitioner had read the code," he said, "they would understand that they had not fulfilled the code."

Even so, the county's position supports as appropriate the current LUC classification of the land as Rural.

In the Event of Reversion

Much of the questioning of Darrow was

focused what might happen if the LUC reverted the land to Agricultural.

Darrow outlined some of the hoops the landowner would need to go through to develop the land in a fashion similar to that already proposed. There would need to be a zone change, since the property is now in the county's rural zone, conforming with the LUC designation. The one-acre zoning for rural residences would need to be changed to Family Ag, one-acre, or FA 1a. However, Darrow added, "In the record, it shows the actual agricultural significance of this land is minimal."

Commissioner Chang observed that even if reversion occurred, "There is still potential use of this property," so long as the landowner's plans were consistent with county zoning and its General Plan.

And, in any case, the same requirement of Chapter 11 for affordable housing contributions would apply, Darrow noted.

The current zoning ordinance expired in March, he said, so even if the LUC did not revert the land, Waikoloa Highlands would still need to get the zoning ordinance of 2013 "refreshed," as he put it. If reversion did occur, then things would be more complicated, requiring an amendment to the General Plan.

Chang also noted another option if the LUC ultimately voted to revert: Restarting the boundary amendment process before the commission.

Lim had a final question for Darrow: If the commission reverted the land "this month" and the county processed the General Plan amendment required to accommodate the development on Agricultural land, how many years would it take from today to complete the general plan amendment?

"Just a guess, but several years," Darrow replied.

"In excess of three years?" Lim asked.

"Could be."

"Rezoning, how long does that take?" Lim asked.

"Normally six months to one year."

Lim: "So the processing time for as re-do of the project might be a minimum of four years."

Darrow: "It very well could be."

'Due Process'

Hawai'i County did not object to keeping the Waikoloa land in the state Rural land use district, but did list a number of conditions, in addition to that of affordable housing, that it claimed Waikoloa Highlands had yet to fulfill.

The state the Office of Planning, on the other hand, did not object to reversion to Ag. The requirements for traffic management improvements, affordable housing, archaeological preservation, Civil Defense measures, failure to file notice of changes in ownership, and failure to file annual reports were among the unfilfulled conditions that Dawn Apuna mentioned in explaining the office's position.

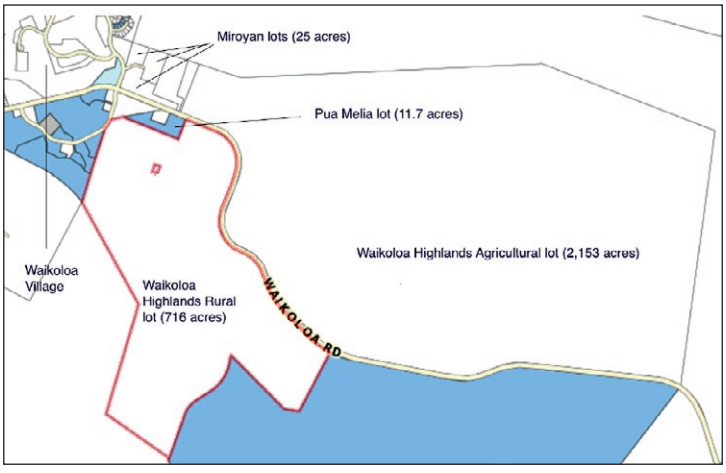
In addition she said, there had been "no substantial commencement of the use of the land … No document draws the connection between Martirosian's bad acts and the failure to move forward. It is unclear why the project has not substantially commenced since Martirosian was removed two years ago."

The Office of Planning had no witnesses to call, although Apuna was accompanied by Rodney Funakoshi, administrator of the OP's planning program.

Lim attempted to have Funakoshi called as a witness, even though Apuna had not offered him as one.

"If the Office of Planning is going to rely on written testimony, then we have the right to question the witness who supports it."

"We're in a show-cause proceeding," Lim said. "The petitioner wants to prove the similarity or dissimilarity with other show-cause proceedings."



After a short executive session, Scheuer rejected Lim's request. "When you were explaining the nature of your inquiry, I said they went to argument morethantospecific questions required of a witness from the Office of Planning. I clarified that we would be providing an opportunity for all parties to still present closing argument as well as briefing."

Lim: "For the record, we believe the testimony of Mr. Funakoshi would assist the petitioner's argument that the present order to show cause proceeding is subject to potential claims for violation of due process and equal protection as compared to other similarly situated properties. The only way I can prove that is through the Office of Planning witness."

"You've stated that on the record," Scheuer noted. He added, however, "I would clarify that for now, the possibility that Mr. Funakoshi could be called hasn't been closed."

As the meeting drew to a close, commissioners described the nature of materials that they wanted the parties to file briefs on. The county was asked to provide written documentation of its position on affordable housing and to describe the county's planning process.

Okuda requested briefs on what, in light of a court case brought by Bridge 'Aina Le'a against the state, constitutes "substantial commencement of the use of the land." In addition, he asked for "presentation of legal authority … as to whether the internal management of the petitioner is relevant to this proceeding."

Chang, on the other hand, suggested the Bridge 'Aina Le'a case wasn't germane to the Waikoloa situation. "I would like the parties to brief, in looking at this decision and order, whether – what is the standard of review in light of condition number 2 and condition number 3." Condition 2 defines completion of the project: "petitioners … shall complete buildout of the project," going on to define it as "completion of backbone infrastructure to allow for sale of individual lots." Condition 3 allows for reversion in the event of failure. "I don't even know whether 'Aina Le'a even applies, since in this case, the decision and order itself defines failure," Chang said.

Commissioner Cabral: "In addition to all the other homework assignments, I would like to ask the petitioner if we could get clarification, a written statement or clarification, of the items that are different from what was previously reported in writing."

The briefs and additional information are due by November 19, eight days before the next scheduled hearing. The Land Use Commission posts materials it receives from the parties on its website: luc.hawaii.gov.

— Patricia Tummons

Another Lawsuit Challenges Permits Given to Hu Honua Biomass Plant

Like a roly-poly doll, Claudia Rohr takes a punch and springs right back up again. Last December, the woman who owns a bed-and-breakfast operation in the Hilo neighborhood of Keaukaha filed a complaint in 3rd Circuit Court against Hawai'i County agencies for granting permits to the Hu Honua plant in Pepe'ekeo, which proposes to burn biomass to generate around 30 megawatts of electricity.

That lawsuit was dismissed in September by Judge Greg Nakamura, who held that the complaint, which sought to force Hu Honua to conduct an environmental assessment for the project, was untimely, given that the challenged action occurred in 2011.

The more recent lawsuit names as defendants the state Departments of Health and Land and Natural Resources, the County of Hawai'i Windward Planning Commission, Planning Department, and Department of Public Works, and Hu Honua Bioenergy, LLC.

The Hu Honua plant

The actions that Rohr is challenging now – arguing that they are subject to review under Hawai'i's Environmental Policy Act (Chapter 343) – involve permits issued by the Department of Health under the National Pollutant Discharge Elimination System and for underground injection control (UIC) wells.

Rohr argues that the permits authorize activities that "rise to the level of an 'action' which meets three of the categories of action" under Chapter 343 and that they are not exempted under any of the exceptions allowed under the same law.

This time around, Rohr's challenge to the contested actions does fall within the 120-day time frame for judicial appeal. The NPDES permits she is challenging were issued on June 6 and September 6 by the DOH's Safe Drinking Water Branch. The DOH's Safe Drinking Water Branch issued its approval to construct three UIC wells on June 14.

The Department of Land and Natural Resources is properly a defendant, Rohr claims, inasmuch as it is "a necessary party to resolve the issues regarding Hu Honua's alleged encroachments onto state-owned land; and to resolve the issue of Hu Honua's use of submerged lands in the conservation zone for thermal wastewater management."

As background, Rohr notes that in 2011, Hu Honua sought to certify the shoreline in connection with an effort to repair a collapsed flume. Rohr challenged this at the time, and as a result, she says, Hu Honua abandoned its efforts to repair the flume, applying instead for permits for UIC wells.

In March of this year, Rohr says, she complained to the DLNR about Hu Honua's use of state land without having obtained an easement. Hu Honua then withdrew its request for the certified shoreline – as noticed in the September 8, 2018 Environmental Notice published by the state Office of Environmental Quality Control. (A certified shoreline is good for no more than one year. That means that even if Hu Honua had not formally withdrawn its 2011 application, there is little chance that it could have been approved in any event.)

By withdrawing the application for a certified shoreline, Rohr says, she was left "with no administrative resolution in sight, and no due process."

Rohr's correspondence with the DLNR Land Division, however, undercuts the claim that Hu Honua will be needing an easement. Rohr did complain to the DLNR on March 16 that Hu Honua would be using "the remaining piece of outfall pipe or 'concrete chute' that broke at the cliff face for managing industrial storm water discharges from most areas (about 17 acres or more) of their power plant facility."

In support of her claim, Rohr noted that Hu Honua had told the county of Hawai'i Planning Department in September 2017 that they are "continuing to use the outfall pipe 'as is' for storm water discharges." In addition, she wrote, Hu Honua's "Final Plan" shows that the primary drainage basin is linked to the outfall pipe.

The DLNR followed up on the complaint in a letter to Hu Honua dated July 9. In it, Land Division administrator Russell Tsuji informed Hu Honua and Maukaloa Farms, LLC, which owns the property, that if the outfall "is being used to discharge storm water, then the landward property owner must obtain an easement from the state as well as all required permits. Additionally, in seeking an easement from the state, the applicant must comply with Chapter 343."

On August 28, Hu Honua president Warren Lee responded. "At this time, Hu Honua no longer requests or requires a shoreline certification … because it no longer intends to repair, replace, or use the collapsed outfall structure. Instead, all discharge from plant operations and development-generated storm water runoff will go into underground injection control wells or dry wells, all of which are located on site."

Accordingly, because Hu Honua no longer requests or requires a shoreline certification, and because Hu Honua will not repair, replace, or use the collapsed outfall structure, there is no need for a determination of whether there is an encroachment and no need for an easement."

The Hawai'i County Department of Public Works is named as a defendant by Rohr, inasmuch as it is charged with administering county laws relating to erosion and sedimentation control and floodplain management. Rohr seeks to have it participate in the litigation "to help determine if Hu Honua's drainage-settling basin, used for concentrating stormwater in the old mill house foundation has any permits or approvals or is certified by a licensed engineer; and whether this is a 'new structure' and/or 'new use' requiring permits and approvals."

In addition, Rohr argues that changes in the operating plan of Hu Honua mean that the temperature of water discharged into the ocean will be higher than the temperature stated when initial permits were received – and that the resultant damage to nearshore ecosystems will be increased. ***— P.T.***

BOARD TALK

Board Rejects Plan To Dump Rocks Along Lanikai Seawall

On October 26, the state Board of Land and Natural Resources denied the owners of a $9 million beachfront lot in Lanikai a Conservation District Use Permit to dump a sloped pile of small rocks over a 2,000-square-foot section of the beach fronting their deteriorating seawall to keep it from failing.

The Department of Land and Natural Resources' Office of Conservation and Coastal Lands (OCCL) had recommended rejecting the permit, mainly because it failed to meet its criteria for Conservation District Use Permits and because the state has a policy that generally prohibits private protection structures seaward of the shoreline.

"We feel that if the homeowners want to improve their armoring, then they should do it on their property in this case," OCCL administrator Sam Lemmo told the board. The property, owned by Elizabeth Rice Grossman, spans more than 22,000 square feet. To allow the installation of a rock apron on the public beach would set a bad precedent for his office, he added.

Sea Engineering's Chris Conger, however, tried to explain how the rock apron might actually bring more sand into the area. He noted that in 1968, a rock scour apron was legally installed across the subject and neighboring properties, but the rocks fronting Grossman's property were removed in 2004 to avoid having to obtain an easement for them from the DLNR.

Conger said that neighbors who retained the 1968 scour apron have more sand fronting their seawalls, and a 1995 paper by University of Hawai'i scientists found that in Lanikai, in general, dissipative structures had more sand fronting them than vertical seawalls.

"This might be the right place to do a sand apron," he said.

Board member Keone Downing questioned the wisdom of focusing on the seaward side of the seawall when Grossman's primary objective was to protect the upland development. Given that the mauka side of the seawall reportedly suffered from sinkholes, Downing asked what Grossman was doing inside her property to protect her wall. "Putting riprap is not stopping water going under," he said.

Conger said the riprap's main purpose was to relieve wave pressure on the wall. "If you can stop the beating, you can prevent some undermining," he said.

Waves crash against Elizabeth Grossman's seawall in Lanikai.

Conger's Sea Engineering colleague added that a geotextile material beneath the riprap would slow water from penetrating beneath the wall.

Despite the consultants' explanations, some board members remained unconvinced the project was worthwhile. "Why don't you improve your wall? That's the simplest thing. It's on your land," Kaua'i board member Tommy Oi asked. "What's going to stop the owners all the way down from asking for the same thing?"

"There is a precedent question. Yes sir," Conger replied.

Board member Chris Yuen, a former head of the Hawai`i County Planning Department, was open to the proposal. "My internal policy is, I want to be tough on people who don't have seawalls and want to build them, but allow people who have seawalls to repair them," he said.

Yuen noted that an OCCL report shows that the section of beach fronting the property is eroding and asked Conger whether any effort to retain sand in the area was hopeless.

"At this point, there's not enough sand for it to ever create a new beach. … What we're talking about is an incremental improvement," Conger replied.

While the Lanikai Association, a community group, supported the project, Teresa Parsons of the Kailua Neighborhood Board reported that the board did not offer its support when first presented with the proposal years ago.

When it came time for the Land Board to vote, Lemmo discouraged the board from basing its decision on the hope that the rock curtain was going to allow for sand accretion.

"The reasons to not [approve] are more important for me. Everybody in Lanikai is watching this. Trust me. We're going to be getting into a sloping rubble love-fest. The reality is, when you have chronically eroding shoreline like Lanikai, it's unlikely that anything is going to make a difference. … Plus we have a situation with sea level rise.

"I don't know if you want to go down this road, authorizing rock blankets. It's not the end of the world if you do it, but I just think it's a weak argument," Lemmo said.

Yuen asked Lemmo about approaching the project as an experiment: Let Grossman dump the rocks. If sand doesn't accrete, she removes it; if it does, the rocks stay.

Lemmo said he didn't think such an

arrangement was fair to his staff. "If it doesn't work out, do you realize how much energy it will take to get them to take it out? It's extremely, extremely onerous on everybody," he said.

Whether or not the rock curtain would work was not the main issue of concern to Lemmo, anyway. "Are we going to keep armoring the shoreline, when they have a perfectly reasonable option?" he asked.

Downing cited the many ways the experiment idea was problematic: "What's the line to take out or leave in? Who's going to decide? How many years [before a decision is made]? If we do get to that point, who makes the call?. … You point to him; the other guy says no. We go into court about it. … For some reason, the history of us putting stuff in the water, it never comes out even when we're supposed to take it out," he said, adding that rocks are not easy to move.

In the end, the board voted 6-1 to support Lemmo's recommendation.

Downing said there was no guarantee the riprap would hold sand. Oi and board member Stanley Roehrig expressed their concern about creating a bad precedent after the department has fought for so many years against shoreline hardening.

"On North Shore, at Sunset Beach we've been 'geeving it to them'. Sometimes they take desperate measures. Boy, do they get fined," Roehrig said, referring to past enforcement cases against landowners who installed emergency measures without authorization from OCCL.

Yuen was the only no vote. "It may be hopeless in the end. The beach in this area is most likely doomed to sea level rise [but] I think the applicant made a good presentation," he said.

❖ ❖ ❖

Board Issues Fine For Kane'ohe Seawall

On September 28, the Land Board fined a Kane'ohe Bay homeowner $10,750 for building a seawall on state Conservation District land after the Office of Conservation and Coastal Lands (OCCL) told him not to.

In 2011, the office received a complaint about unauthorized mangrove removal fronting a small parcel owned by the state, as well as a larger lot owned by Charles Tsu Yew Wong. After investigating, the OCCL sent him a letter ordering him to clean up any mud or silt on the land and do no additional work, including seawall repair or construction. Even so, when Wong's contractor finished cleaning the land, Wong directed him to restore the seaward area to what it was like before the mangrove work was done. A rocky embankment, which Wong argued was installed several decades ago, originally fronted the land. Rather than restore it, he had a proper seawall built.

Grossman's seawall at a low tide.

"I'm sorry. It's a ripple effect of a chain of events that I didn't foresee," Wong told the board, noting that he had, in good faith, called a number of state offices for advice on the mangrove removal before starting his work.

OCCL administrator Sam Lemmo, however, claimed that Wong erected the seawall to aid his efforts create two developable lots, an accusation Wong vehemently denied. A few years after the work was done, Wong asked the DLNR about buying the 400-square-foot state parcel. He told the board that he later found out the purchase wouldn't benefit him because the parcel is in the Conservation District and would not add to his total developable area.

Lemmo recommended imposing a maximum fine of $15,000 for the unauthorized seawall, plus an administrative penalty of $750. Land Board member Chris Yuen, however, was more sympathetic and recommended Wong pay $10,000 for the violation plus the administrative penalty and also remove the 28-foot seawall along the state's property. The board unanimously approved the motion. (Our September 2018 New & Noteworthy item details Wong's efforts to develop his lot.)

—Teresa Dawson

Environment Hawai'i, Inc.
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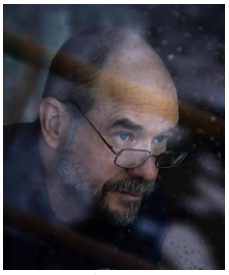
Mining the Deep Sea: Treasure vs. Destruction In the Ocean's Most Pristine Ecosystems

Extracting minerals from the abyssal depths of the ocean has long been an objective of countries around the world. And one of the areas that has been most coveted by countries and mining operations is the Clarion-Clipperton zone, which lies between Hawai'i and Mexico.

Since 2004, Craig Smith, professor of oceanography at the University of Hawai'i, has been studying these deep-sea areas, among other things. With a Pew Fellowship in Marine Conservation, Smith organized workshops and drafted recommendations to the International Seabed Authority (ISA) and other international agencies on the design of marine protected area networks for seamount systems impacted by trawl fisheries, for abyssal nodule regions targeted for mining, and for hydrothermal-vent and cold-seep ecosystems impacted by mining, fishing, and other activities.


Craig Smith

The ISA has now provisionally adopted the recommendations from Smith's Pew Fellowship work to place 1.44 million square kilometers in the abyssal Pacific nodule region – the Clarion-Clipperton zone – in a network of areas protected from mining, in an effort to safeguard biodiversity and ecosystem function across the region.

Smith is currently leading a research program, funded by the Moore Foundation, the Pew Foundation, and the National Oceanic and Atmospheric Administration's Office of Ocean Exploration and Research, to evaluate the biodiversity and representivity of these so-called Areas of Particular Environmental Interest (APEIs).

Smith will be giving a presentation on his work in this field at Environment Hawai'i's annual dinner, to be held this year on January 18 at the 'Imiloa Astronomy Center in Hilo.

About the Speaker

Smith obtained his Ph.D. from Scripps Institution of Oceanography in 1983. His interests include biodiversity, disturbance ecology, and human impacts on seafloor ecosystems. His research and conservation efforts have focused on the vast and poorly understood deep sea and Antarctica, where high diversity, fragile habitats, and slow recovery rates cause ecosystems to be especially sensitive to human impacts and climate change.

In addition to Antarctica, Smith conducts research in mangroves, submarine canyons, whale-fall communities, cold seeps, continental slopes, and abyssal plans to obtain a broad perspective of natural and stressed marine ecosystems. He has published more than 180 scientific papers.

In 2017, he was awarded the Senckenberg Nature Resarch Society's prize recognizing his outstanding achievement in nature research and his contributions toward the protection and preservation of the natural environment.

Smith continues to be active in the design of marine protected areas for deep-sea mining and in the study and conservation of deep-sea and Antarctic ecosystems. At his Benthic Ecology Lab at the School of Ocean and Earth Sciences and Technology, he supervises numerous graduate students and post-docs.

Save the Date

When: January 18, 2019, 6-9 pm
Where: 'Imiloa Astronomy Center
What: Environment Hawai'i annual dinner
Who: Craig Smith, Professor of Oceanography, UH-Manoa
Time: 6-9 p.m.
Cost: $70 per person (includes $35 tax-deductible contribution)
Reservations: Call 808-934-0115