

## Shoreline Setbacks

While the rest of the world is more concerned than ever about the impacts of rising sea levels, the Hawai'i County Department of Parks and Recreation hasn't yet got the memo. Or so it would seem, at least, from the bizarre way in which its director gave the green light to a new coastal fortification in Keaukaha.

In fact, everything about the genesis of the new wall is unusual, if not bizarre, as our cover article recounts.

More encouraging news is to be found in two natural area reserves: 'Ahihi-Kina'u, where wildlife is thriving years after the area was closed to the public, and Pu'u Maka'ala, where the first release of captive-reared 'alala in decades is set to occur later this year.

### IN THIS ISSUE

2

*New & Noteworthy: Solar Charges; Puccinia Rust; Feral Cats*

3

*Editorial: The Wall Should Come Down and the Parks Director Resign*

6

*NARS Commission Permits Release Of 'Alala at Pu'u Maka'ala*

7

*Wildlife Reclaims 'Ahihi-Kina'u During Closure to Public*

8

*Rent, Subdivision Issues Confound Efforts To Fix DLNR's Revocable Permit Mess*

9

*Kaua'i Permit Case Skewers Notion That DOT Doesn't Need Supervision*

10

*Board Talk: Coastal Resilience Program; Legacy Land Funds; Shark Hunt in NWHI*

12

*Navy Could Spend \$60 Million Cleaning Pearl Harbor Sediments*

## Prominent Architect, County Parks Head Flout SMA Regulations to Build Seawall

There's a brand new seawall in the Keaukaha district of Hilo. State and county laws establish stringent conditions before permits for this type of construction can begin, but the builder in this case, Honolulu architect Robert K. Iopa, didn't bother with any of them.

Instead, he and Clayton Honma, head of the Hawai'i County Department of Parks and Recreation, appear to have conspired to allow the wall to be built under a "Friends of the Park" agreement, which itself was worked out without following the department's own rules.

The new wall, in an area locals call Lalakea ice ponds, generally follows the alignment of a much older wall that was destroyed in the 1946 tsunami, if not earlier. On the mauka side lies a 17,800-square-foot lot purchased by Iopa in 2012. This is where

Iopa intends to build a house that he says was inspired by a tale of a giant crab, 'A'ama Nui, that watches over the area. The tale itself was written by Iopa and kumu hula Pualani Kanahale and was published by his architectural firm, WCIT Architecture, as a children's story book, *'A'ama Nui: Guardian Warrior Chief of Lalakea*.

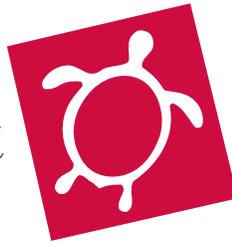
That book, which Iopa describes as the first installment in a planned "Hawaiian Architectural Book Series for Children," reveals the design that he has drawn up for not just the house but the grounds as well. There is a 2,630-square-foot living area on the second floor, elevated about 20 feet above the ground. The paved lower level serves as a patio and carport. The upper-level decks and a high observation post that rises above the roof look out over the rocky

to page 4



The newly built seawall fronting property owned by architect Robert Iopa in the Lalakea area of Hilo.

# Environment Hawai'i



Volume 26, No. 11

May 2016

## NEW AND NOTEWORTHY

**HECO Hikes Solar Charges:** In an April 14 filing with the Public Utilities Commission, Hawaiian Electric announced it would be charging an as-yet undetermined fee to all 1,100 homeowners still awaiting approval of their net-energy-metering (NEM) applications. The company claims that the circuits that the applicants' systems would feed into already have so much solar power that it must conduct interconnection requirement studies before the new connections can be added.

Such studies, HECO informed the applicants, "can be expensive" and the customers would be responsible for picking up the costs. It asked the NEM applicants to let the utility know by the end of May whether they want to continue to pursue the NEM option.

In addition, HECO wants to charge the 66 applicants desiring to connect under the grid-supply system \$1,700 each. The grid-supply and self-supply options are all that were left to homeowners wanting to install solar energy systems

after the PUC ended net-energy-metering last fall. People applying for approval of grid-supply systems were given three options: pay for the study, convert to a self-supply system, or withdraw the application. Should grid-supply applicants wish to proceed as originally intended, HECO asked that the \$1,700 be paid within 15 days of their receipt of the notice informing them of the fee.

The PUC was not pleased that HECO announced its intention to send the notice to applicants just a day before it said it was going to put them in the mail, on April 15. In responding to HECO's notice, PUC chief counsel Thomas Gorak wrote, "Given that HECO filed the HECO letter with the commission at 3:50 p.m. on Thursday ... informing the commission that it intended to send out the customer letters on Friday, ... the commission has had no opportunity to review the substance of the HECO letter or the attachments."

"In the future," he concluded, "please file such letters a minimum of ten business days prior to sending them to customers."

the Department of Agriculture was reported to be working on a rule to protect 'ohi'a and other trees in Hawai'i from the rust. That draft was the subject of the BOA's 2015 action.

In January, the board approved the next step, when it authorized board chair Scott Enright to schedule public hearings on the proposed rule and appoint a hearing officer.

Jonathan Ho of the DOA's Plant Quarantine Branch told *Environment Hawai'i* that his division plans to submit the rule amendment to the Small Business Regulatory Review Board by May 18. After that, he said, the governor will be asked to approve holding public hearings on the rule in June and July.

**advoCats Gets a Boost:** In March, the office of Big Island Mayor Billy Kenoi issued a proclamation declaring the month to be *advoCats* Month. The group maintains several large trap-neuter-return (TNR) colonies of feral cats along the Kona coast. In his proclamation, Kenoi repeats the claims of this and similar groups that the TNR programs are "the most humane, effective, and cost-effective way to reduce homeless cat populations in the long term."

That isn't how the American Bird Conservancy sees it. In 2011, it called upon the nation's mayors to oppose TNR programs, which, the group says, do little to keep cat populations down (people with unwanted cats will often view dumping their unwanted animals at such a colony as a humane way of getting rid of them). Also, ABC notes, even neutered cats will continue to prey on birds the rest of their natural lives. What's more, they harbor a number of serious diseases potentially affecting humans, other cats, birds, and even Hawai'i's endangered monk seals.

Kenoi's office was asked about the genesis of the proclamation. Craig Kawaguchi, executive assistant to the mayor, said the request for it was not "made in writing. Nancy Hitzemann from *advoCats* visited the mayor's office ... in person to request the proclamation." Hitzemann is the group's vice president.

According to Kawaguchi, *advoCats*' first request for a proclamation was back in 2007, when Harry Kim was mayor.

### Environment Hawai'i

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

Patricia Tummons, Editor  
Teresa Dawson, Staff Writer

Environment Hawai'i is published monthly by Environment Hawai'i, Inc., a 501(c)(3) non-profit corporation. Subscriptions are \$65 individual; \$100 non-profits, libraries; \$130 corporate. Send subscription inquiries, address changes, and all other correspondence to Environment Hawai'i

190 Keawe Street, Suite 29, Hilo, Hawai'i 96720.  
Telephone: 808 934-0115. Toll-free: 877-934-0130.  
E-mail: ptummons@gmail.com  
Web page: <http://www.environment-hawaii.org>  
Twitter: Envhawaii

*Environment Hawai'i* is available in microform through University Microfilms' Alternative Press collection (300 North Zeeb Road, Ann Arbor, Michigan 48106-1346).

Production: Frances Officer

Copyright © 2016 Environment Hawai'i, Inc.  
ISSN 1050-3285

### Officers

Patricia Tummons, *President and Treasurer*

Deborah Chang    Teresa Dawson  
*Vice President    Secretary*

### Directors

Kathy Baldwin    Mary Evanson    Valerie Monson

**Puccinia Rust Rule:** More than a year ago, the state Board of Agriculture approved a draft rule to curtail domestic imports of plants that are potential hosts of puccinia rust, a fungus that affects plants in the Myrtaceae family, which includes Hawai'i's 'ohi'a trees. The rust was first detected in Hawai'i in 2005 and a one-year emergency ban on imports of Myrtaceae species was imposed in 2007. After that, staff at

### Quote of the Month

*"We're getting out of that Goldilocks zone, that comfort zone."*

— **Sam Lemmo,**  
**Office of Conservation  
and Coastal Lands**

## E D I T O R I A L

## The New Keaukaha Seawall Must Come Down And the Parks Director Should Resign

Rarely are the state's laws to protect natural resources and coastal areas so flagrantly violated as they have been in the case of the new seawall built in the Keaukaha area of Hilo.

One would think that the builder, celebrated architect Robert Iopa, would have known better. And if he didn't, then surely Clayton Honma, Hawai'i county parks director, would have set him straight.

That didn't happen. Instead, Honma now claims a 1927 executive order turning over the Leleiwi shoreline area to the county for management as a park grants him absolute authority to ignore Conservation District and Special Management Area (SMA) protections.

Of course, Honma knows better. The Department of Parks and Recreation has over the years submitted numerous applications for SMA permits to the Planning Department, for everything from major construction projects to ones as minor as the placement of standards for rescue tubes at beach parks.

Although the Planning Department seems to have been out of the loop as far as seawall construction is concerned, it is not off the hook, either. It was a mistake for the department to let Iopa use a 1993 certified shoreline, valid for just 365 days, to calculate the shoreline setback area. Yes, it was within the planning director's discretion to do so, but it was still wrong, as the planning director now seems to have acknowledged in his recent insistence on Iopa providing such a survey forthwith.

### *The Violations*

Chapter 205A, Hawai'i Revised Statutes, governs development in coastal areas. Under that law, the planning departments of the four counties are given authority to regulate development inland of the shoreline, and they receive training and state and federal funds to help them carry out this responsibility. Neither the Hawai'i County Department of Parks and Recreation nor any other county agency has legal authority to circumvent this.

Whether the old wall could be rebuilt and under whose authority are questions that could have been answered only by a certified shoreline survey. If it turned out

that the remains of the pre-existing wall were makai of the certified shoreline (as, in fact, portions of it were in 1993), then jurisdiction would have fallen to the Department of Land and Natural Resources, whose Office of Conservation and Coastal Lands has generally taken a dim view of proposals to rebuild seawalls. The few exceptions it does consider are when a landowner's house or other vital structure is at risk — which certainly was not the case here: Iopa has no structure at all on his property, aside from the low dry-stack wall.

The county Planning Department is well aware of the controversies that attend seawall construction, and probably for this reason informed Iopa last January that he would be required to obtain a certified shoreline survey if he wished to proceed with construction of the seawall. In granting him a permit for other improvements however, it opened the door to his bringing in tons of fill material that has leveled out a section of the coast that used to be characterized by smooth rocks and boulders, hummocky grasses, and cool, quiet pools — notwithstanding the permit condition that the activity proposed in the shoreline setback area “not alter the existing grade of the shoreline setback area” and not “affect beach processes or artificially fix the shoreline.”

Then there are the state Conservation District rules. The county park land fronting Iopa's parcel lies within the Conservation District, where almost all work requires a Conservation District Use Permit, issued by the DLNR's Office of Conservation and Coastal Lands. Tree-cutting, wall-building, grading, and filling — among other things — all need advance approval from the OCCL and, in the case of seawalls, from the Board of Land and Natural Resources as well.

Finally, in granting the Friends of the Park agreement to Iopa, Honma seems to have violated his department's own Rule 12, governing such agreements. That rule anticipates that the agreements will be with community groups or organizations, not individuals. Iopa's recent effort to transfer the agreement to a freshly minted non-profit, of which he is chair and apparently sole member, seems to be a belated attempt

to address this shortcoming.

### *Troubling Signs*

It is heartening that the Planning Department has finally issued a stop-work order to Iopa, although by the time it got around to that, most of the damage had been done.

But just how the problems Iopa and Honma have created will be resolved remains to be determined. If the wall is allowed to stay and Iopa is rewarded with an unimpeded view from his new house to the ocean across a landscaped, tree-free lawn, then members of the public will have every right to believe Hawai'i County has two sets of rules: one for friends of the administration, and another for everyone else. Confidence in the administration of Iopa's high-school chum, Mayor Kenoi, which many thought had reached rock bottom following his misuse of his government charge card, will sink to depths never before recorded.

The only solution — to restore faith in government by law and to bolster the public's flagging confidence in the county's executive departments — is to remove the wall. No after-the-fact approvals. No risible claims of restored fish pond walls. No lame assertions of protecting public safety. No spurious non-profits.

The state Office of Conservation and Coastal Lands should require Iopa to dismantle the new construction, haul out the fill, and restore, as much as possible, the pre-existing natural conditions. The Board of Land and Natural Resources should then impose sanctions against not only Iopa, but the Parks Department as well. Meanwhile, the state's Office of Coastal Zone Management should give a refresher course to the county Planning Department on the workings of the CZM law. To require a certified shoreline only after the need for one becomes abundantly clear undermines the legal processes of shoreline development anticipated in that statute.

Last but by no means least, the actions of Honma must be addressed. He has abused the public trust, has violated laws, and has by his actions in this case demonstrated he is unworthy to serve as head of an executive agency of the County of Hawai'i. He should resign or be forced out.

**Iopa from page 1**

coastline, which is part of a long strip of land that was given over to the county's management as a park back in 1927 by territorial governor Wallace R. Farrington. (At the time of Farrington's executive order, the area of the park land was said to be 39 acres; today, the area is estimated to be around 17.4 acres.)

In the book's description of the garden, a water feature — a circular “plunge pool or hot tub” — is to be located immediately behind the “restored historic rock wall.” “Mother of pearl” tile would line the pool floor, representing the giant crab's one eye.

Documents obtained from the county suggest Iopa has abandoned plans for the pool. In all other respects, he has reshaped the area to accord with his vision.



PHOTO: HAWAII COUNTY PLANNING DEPARTMENT

Staff from the county Planning Department inspect the area makai of Robert Iopa's lot in December 2014, before the pre-existing wall was rebuilt, vegetation removed, and fill brought in.

**A 'Friend of the Park'**

Documents released to *Environment Hawai'i* suggest Iopa first floated his plans to the county sometime last year. An email he sent to county parks director Clayton Honma on November 2 (and copied to planning director Duane Kanuha and deputy corporation counsel William Brillhante) states that he was writing “in regard to my property in Keaukaha that we discussed a few months back.”

“I am interested in moving forward with the ‘Friends of the Park’ agreement with the county (P&R [Parks and Recreation]) as discussed and wanted to see how best to complete this process.”

Iopa suggested there was a need to act quickly on his request. “[I]t is of interest to mention that I have talked to [wall builder] Billy Fields and he is available to do the restoration/repair and new work. Billy has his crew in Hilo for the next month working at the Hilo Police Station. My best timing to begin my work would be right after he is done at the police station. Regardless of

timing, I am very interested in having Billy do this work. As a master mason, I would have to believe that the added significance of his craftsmanship to the public wall section would be of great interest to the county for future posterity. ... Of course, I would have a personal interest too.” (The ellipsis appears in the original.)

Honma responded encouragingly just a day later. “[A]fter our review and approvals, you can proceed with your project,” he told Iopa. “Whatever permits required are expected to be done by you, however, if you need any EA [environmental assessment] exemptions from us for our portions, we can have that written up.”

The Parks Department's Rule 12 sets out the conditions for such agreements, stating that they are open to “all community groups and organizations.” On November 17, however, when Iopa submitted his FOP application, just he and his wife were listed as the applicants. Work to be done under the Friends agreement, he said, included: “repair existing rock wall ...; remove 3-5 existing ironwood trees (invasive) and plant 2-3 new native trees (kou or milo).” The wall repair, he indicated, was optional “if problematic.” The “preferred option,” however, would include “loko i'a wall repair.” (The description of the structure as a fishpond, or loko i'a, wall is novel. Although there are fishponds in the area, there is no known fishpond that this wall would have been a part of.)

Honma signed the agreement on November 19 and returned it to Iopa on December 4. The agreement, he said, “includes repairing the existing loko i'a rockwalls which are located adjacent to your property.”

**Meanwhile, at Planning**

Just one day after Honma had signed the Friends of the Park agreement, Iopa applied to the Planning Department for a Special Management Area (SMA) permit, submitting his application on the “short form assessment for non-shoreline parcels.” The permit would allow him to build his house and associated improvements. The department rejected this, apparently finding that his property did not qualify as a “non-shoreline parcel.”

On December 21, Iopa applied again, this time filling out the county's SMA “use permit assessment application,” with the help of planner William Moore. The application was for his house and related

improvements, including a driveway, landscaping, and a dry-stack wall within the shoreline setback area. “In addition, the applicant is proposing to repair the existing stone walls along the makai boundary,” the application stated.

Although under state law, certified shorelines are valid for no more than one year, Iopa relied on a shoreline survey done in 1993 in stating that the residence would be “sited to assure it will be outside of the forty (40) foot shoreline setback area.” “Minor improvements and activities are proposed to be development [sic] within the shoreline setback areas,” he said, but these “will be limited to the construction of dry stack walls and landscaping that will not alter the existing grade of the shoreline setback area.”

On January 25, Planning Department director Kanuha notified Iopa that the department had determined that the “subject parcel is located entirely within the Special Management Area (SMA) and has frontage along the shoreline.” Because the proposed house was less than 7,500 hundred square feet of floor area and would not be part of a larger development, it “may be determined exempt from the definition of development,” Kanuha wrote. Therefore, the “proposed repairs and improvements ... shall not require further review against the SMA guidelines.”

Although Iopa had stated he would be making improvements within the mandatory minimum 40-foot setback area (as measured from the 1993 survey), Kanuha granted him an exemption from the requirement that he would need to obtain a new certified shoreline survey that would define more precisely the boundaries of the setback area. Citing the department's Rules of Practice and Procedure, he noted that “minor structures” were allowed so long as they did not “alter the existing grade of the shoreline setback area” and are limited to “landscape features (i.e., benches, chairs, borders, wooden trellis, bird feeders...); walkways for access; and sprinkler systems.” Landscaping and “minor clearing (grubbing) of vegetation” is also allowed, so long as the Planning Department determines that it would not affect beach processes or artificially fix the shoreline and would not interfere with public access or public views to and along the shoreline.

While Iopa got a pass on the dry stack wall, Kanuha specifically did not allow the rebuilding of the remnant stone wall. This, he said, “would require the submittal of a shoreline survey and additional information. Therefore the repairs to the existing

stone walls are not being considered at this time.” (The emphasis is Kanuha’s.)

### Back at Parks

Kanuha’s denial of permission to work on the rock wall did not stop Iopa from moving forward with his plan to rebuild it. Although the Parks Department has no legal authority to permit work in the SMA or on Conservation District lands, Honma did not instruct Iopa to work with either the Planning Department or the state Department of Land and Natural Resources’ Office of Conservation and Coastal Lands. In an article in the *Hawai'i Tribune-Herald* of April 17, Honma was reported to have claimed that the 1927 executive order executed gave his department jurisdiction over development in the area. (Honma did not respond to multiple requests for an interview from *Environment Hawai'i*.)

Six days after Kanuha’s denial of permission to rebuild the wall, Iopa obtained the required certificate of liability insurance from Big Island Tree Service, the company he had retained to remove ironwood trees straddling the area of the wall. Work began soon thereafter.

On February 19, a Friday, Iopa emailed the Parks Department, attaching the arborist’s certificate of insurance and mentioning his expanded plans for tree removal. “Additionally,” he wrote, “after further review of the onsite conditions, I would like to include two additional ironwood trees to our agreement for removal.” Honma apparently called Iopa to discuss the matter, and in an email dated Sunday, the 21<sup>st</sup>, Iopa thanked Honma for that. He also attached photos to his email, showing “the ironwood tree proposed for and/or recently removed per our Friends of the Park Agreement.”

Grainy copies of the photos provided to *Environment Hawai'i* show six large ironwood trees in and around the remnant stone wall. All have been removed.

No sooner were the trees taken down than workers moved in with backhoes and other equipment. The dry stack wall was built and work began on the mortared seawall. Within a few days, neighbors say, a high storm surge carried water up and over the dry stack wall, which was then rebuilt.

Although none of the work authorized by the Planning Department was supposed to alter the existing grade of the shoreline area, several cubic yards of fill were brought in and placed behind the new wall, making what was once a rocky area of tide pools now a level expanse. In addition, the wall-building, tree-cutting, and fill appears to have extended onto the property of Iopa’s

neighbors and county park land.

### Community Concerns

On March 14, the online news site *BigIslandNow.com* published a letter to the editor from Ardena Saarinen, asking members of the public to attend a meeting of the Leleiwi Community Association to be held that evening to discuss what she called an illegal wall.

Saarinen told *Environment Hawai'i* that the meeting was a disaster, with Iopa and his family members and friends attacking critics verbally.

Still, the rancorous meeting had one positive outcome. Bethany Morrison, a planner with the county, says that staff from the Planning Department visited the site on March 15 in response to complaints about work being done on Iopa’s property. Following that, Kanuha informally told Iopa to stop further work.

Since that time, no work appears to have been done — but then again, most of the work on the wall had already been finished at the time Iopa was told to stop work on the site.

In light of the community’s concerns, Iopa approached the Parks Department with a request to revise the Friends of the Park agreement. On March 29, he emailed Honma again, addressing him now as “Director Honma” instead of the more informal “Clayton” used in previous emails.

This time, Iopa said, he wanted to “amend the Friends of the Park Agreement I was granted. . . . As there has become greater attention regarding the work I had proposed as part of our original agreement, I think there is reason to further define and describe the proposed work to illustrate the extent and its intended public benefits.

“Assuming your acceptance of this amendment, I would look to proceed with a SMA application for the work contemplated.”

The attached letter bore a heading “Malama Kipuka Hawai'i,” although no address, phone number, or other contact information was provided either in the letterhead or in the letter itself. In it, Iopa stated that the organization was a 501(c)(3) organization, “where I presently service as the Board Chair.” The revised Friends of the Park agreement, Iopa proposed, would allow improvements and maintenance on approximately 1,600 square feet of land, half of which, Iopa claimed, was county park land and the remainder belonged to him and his wife.

“The Malama Kipuka Hawai'i proposal is to restore a part of the history of this place

and to create an attractive and meaningful park setting for the communities [sic] use and enjoyment,” the letter continued. Five “proposed” improvements were listed: the wall restoration; removal of “invasive” tree species; “planting of native species tree and groundcover;” “maintenance of improved park area;” and “expanded park usage area.”

By this time, of course, the trees had already been removed and the wall built. It is not apparent from anything in the letter that Malama Kipuka Hawai'i had the authority to grant the public the use of the Iopas’ land.

(Whether Malama Kipuka Hawai'i is a 501(c)(3) organization, recognized by the Internal Revenue Service, could not be determined by *Environment Hawai'i*. The group did file articles of incorporation with the state Department of Commerce and Consumer Affairs last December 10, stating it was a non-profit corporation that would have no members. Signing as incorporator was Annie Okazaki, an attorney with the Honolulu firm of Alston Hunt Floyd & Ing. Iopa was listed as the organization’s agent.)

Two weeks after Iopa’s request to Honma, and a month after the Planning Department’s site visit, planning director Kanuha finally communicated formally with Iopa, instructing him to stop work “makai of the proposed dry stack rock wall.” He also notified Iopa that his office was undertaking an investigation into Iopa’s activities — not only on Iopa’s own property, but also on neighboring land as well as the park land. This, Kanuha said, was being coordinated with the Department of Parks and Recreation as well as the state Department of Land and Natural Resources, since “some of the work may have occurred seaward (makai) of the shoreline.”

Finally, Kanuha wrote, “We also require that you submit a shoreline survey for the above referenced property, as soon as possible, by securing a licensed surveyor, licensed by the State of Hawai'i. This survey will be used to determine the landowner authorization and jurisdiction needed for the work.”

If Iopa is found to have violated DLNR rules, he could face fines of up to \$15,000 for each violation plus administrative costs, costs associated with land or habitat restoration, and damages to public land. If violations are found to be willful, the potential penalties could be much higher.

(*Environment Hawai'i* made repeated requests to Iopa and Honma for comment. Neither had responded by press time.)

— Patricia Tummons

## NARS Commission Grants Permit For 'Alala Release at Pu'u Maka'ala

Last month, the Natural Area Reserves System Commission unanimously approved a one-year special use permit to the San Diego Zoo for the much-anticipated release this year of the endangered native Hawaiian crow, also known as the 'alala. The release follows decades of recovery efforts by the state and private contractors, which has cost millions of dollars and will likely cost millions more. With so much invested and so much at stake, the release of the birds into the wild will involve much more than simply walking into the forest and freeing them from a cage.

The zoo's planned management and monitoring of the birds released into the Pu'u Maka'ala Natural Area Reserve will include the installation of a greenhouse-style aviary, mobile living quarters able to house up to five people overnight, a mobile office, 15-foot-tall telemetry towers around the release site to help track the birds' movements, feeding stations, capture sites, and artificial nests known as hack towers. The office and living quarters will be placed near the Kulani Correctional Facility at a previously cleared site.

Once built, the aviary will start housing a group of young birds in July. The zoo plans to release them in September when they are about three to four months old, and release a second group in November. The zoo has decided to release young birds because they may adapt to new surroundings more easily than older birds that have already established a territory at the Keauhou Bird Conservation Center near Volcano, where the birds are reared.

All birds, 12 in total this year, will be outfitted with GPS and VHF transmitters. Over the next five years, the zoo hopes to release 12 birds a year. If any die, zoo staff will recover them to determine cause of death; sick or injured birds may be removed from the wild, the permit application states.

The last time 'alala were reintroduced into the wild, in the 1990s, several factors contributed to their failure to thrive: Fitted with backpack radio transmitters, they were released into pasture lands in South Kona, where they may have been easy prey for predatory birds such as the native Hawaiian hawk (also known as 'io) or, according to Department of Land and Natural Resources wildlife biologist Fern

Duvall, barn owls, which are known to eat crows. The 'alala were also released into an area where they were perhaps more apt to be exposed to *Toxoplasma gondii*, a parasite carried and spread by feral cats. Of the 27 birds released, all but six of them died and the remaining birds were recaptured.

This time around, the birds will be taught predator avoidance — by, for example, showing the birds models of hawks and sounding alarm calls — and will be released in an ungulate-free reserve that has rich, protective forest cover and fewer 'io than the Kona release site. According to Jackie Gaudioso-Levita of the Department



Wild 'Alala in silhouette.

of Land and Natural Resources' Division of Forestry and Wildlife, only five 'io were found during a survey of 19 stations along fence lines at Pu'u Maka'ala — far fewer than the dozens sighted in South Kona, where in 2006 to 2007 they were suspected of killing a number of released 'alala.

Protecting the 'alala from toxoplasmosis, which afflicted several of the birds that had been released in the 1990s, is one of the release team's biggest concerns and will be difficult to achieve, says DOFAW wildlife biologist John Vetter. *Toxoplasma gondii* cysts are commonly found in the feces of cats, which are present within the Pu'u Maka'ala NAR, and can persist in the environment for years.

"Feral cats can inhabit even the wettest

forest," Duvall says. Vetter adds that the release team doesn't expect that *Toxoplasma gondii* prevalence in the reserve is any lower than at the old release site.

The reserve's management plan and the 'alala release plan both call for removing small predatory mammals (e.g., rats, mongooses, and cats), which are also vectors for toxoplasmosis. In addition to trying to reduce the prevalence of the cysts in the birds' immediate environment, Vetter says managers are also hoping that with a dense forest to forage in, the birds won't want to "go to ground as much." If necessary, the birds may be even be trained to avoid cat feces before they're released, according to the plan.

Although 'alala are not known to have inhabited the Kulani area of Pu'u Maka'ala, perhaps because it was too rainy, a NARS report states that it was selected as the best release site "due to ongoing management of habitat and predator control." At the NARS Commission's meeting last month, Bryce Masuda of the San Diego Zoo acknowledged that the 'alala is known primarily from the Kona side, but added that Pu'u Maka'ala is on the border of its known range and the hope is that the birds will eventually expand into their former range.

At the commission's meeting, Duvall suggested that it might be more prudent to build a release site on forest reserve lands in the 'alala's known home range rather than in a highly protected NAR. Duvall, who headed efforts in the 1980s to rear 'alala in captivity on Maui, questioned whether compromising the NAR was justified.

Hawai'i NARS manager Nick Agorastos replied that he had found a spot within the NAR — an old water tank site — where infrastructure could be built without compromising the forested area, according to draft minutes of the meeting. Gaudioso-Levita also pointed out that the forest reserves outside the NAR may be affected by Rapid 'Ohi'a Death (ROD), so managers "don't want to go there." (ROD is a fungal disease that has killed thousands of acres of 'ohi'a trees on Hawai'i island.)

In the end, the commission chose to limit the permit to one year so that conditions can more easily be revisited and adjusted in following years, if necessary. "There have been years of talking and not doing; we are at a point where we need to take risks and not be paralyzed with further inactivity while trying to protect the rare," commission member Sheila Conant said. — T.D.

## Extended Closure Spurs Wildlife To Reclaim Areas at 'Ahihi-Kina'u

Who knew that the threats posed by unexploded bombs would be such a blessing to threatened and endangered Hawaiian wildlife?

In June, the state Board of Land and Natural Resources is expected to decide whether or not to keep most of the 'Ahihi-Kina'u Natural Area Reserve closed two more years to accommodate the U.S. Army Corps of Engineers' efforts to clean up ordnance left in the reserve since it was a training target back during World War II. The board will most likely agree with the Natural Area Reserves Systems Commission's vote last month to maintain the closure, which means that by the time the Land Board revisits the matter in 2018, the reserve will have been closed — and the resources there allowed to rest and recover — for an entire decade. According to reports by Department of Land and Natural Resources staff, several protected wildlife species are making the most of the respite.

The Land Board first closed the reserve, located on the south coast of Maui, in August 2008 to protect its resources, including anchialine ponds and ancient Hawaiian archaeological sites. Some 250,000 visitors a year once flocked to the reserve, many of them lured there by guidebooks prom-

ising some of the best snorkeling on the island. They used the ponds as toilets and trampled corals. Public safety was also a concern at the time, with so many visitors venturing out into such a remote, rugged, and arid area.

It was pure coincidence that around the time of the closure, the discovery of unexploded ordnance by NARS staff had prompted the U.S. Army Corps to inspect the reserve, formerly part of the Kanahena bombing range. The Corps mostly found ordnance scraps, but did locate a few unexploded munitions that may eventually have to be blown up in place.

Sometime in the next four years, the Corps is planning to do a partial cleanup of the reserve to create buffers around selected sites such as the anchialine ponds, cultural features, and trails that may eventually be used for managed access. Exactly what sites will be cleaned and how much access will ultimately be allowed still needs to be determined, according to NARS staff.

In the time since the Land Board first closed the reserve, "it became clear that some of the resources in the restricted areas were showing improvement," an April staff report to the NARS Commission states. "Endangered birds were utilizing areas of the reserve that they had

never been recorded in, most likely due to impacts of the high human use before the restrictions. Breeding success showed improvement and new species of migratory birds appeared in the reserve for the first time. Green sea turtles" — a species federally listed as threatened — "were also recorded basking on beaches in one of the restricted areas on a consistent basis. Previous to the 2008 restrictions, turtles had never been recorded in these popular recreational areas. Hawaiian monk seals have also hauled ashore to rest in the same areas," it states.

Peter Landon, manager of the 'Ahihi-Kina'u NAR, says he hasn't really documented the changes in wildlife use of the area, but has spotted monk seals — an endangered species — basking in the reserve during marine debris cleanups.

Wetland birds such as the endangered Hawaiian stilt, or 'ae'o, that live in and around the anchialine pools have also ramped up their use of the reserve since the closure, says Fern Duvall, a wildlife biologist with the DLNR's Division of Forestry and Wildlife. Duvall says snow geese, a migrant species, were spotted shortly after the closure.

With regard to the stilts, "the noticeable thing is not an increase in bird numbers, but rather bird behavior. If you have people going straight up to pools, [the birds] would take off," he says, adding that at 'Ahihi-Kina'u, where the barren lava landscape offers little to no shade, "eggs can overheat if the birds are scared away." With the reduction of humans in the reserve, two pairs of stilts that nest at one of the larger pools have successfully reared three and four chicks per pair per season, "meaning they have great survivability," he says. Having done annual waterbird counts there since 1996, Duvall says he believes the birds have never been as reproductive as they are now. If and when the Corps detonates the unexploded ordnance, that could scare the birds away if it occurs during the breeding season, Duvall says.

With the Corps possibly needing four years to complete its work in the reserve, the Land Board may need to vote again in 2018 to extend the closure for another two years. A small section at the boundary of the reserve is open and actively used by the public, but the rest has been recently fenced off. Landon says that since the fence has been put up, the number people trying to sneak into the closed area to reach the snorkeling coves has tapered off. Still, he says, he catches people attempting to do so about once a month. — T.D.

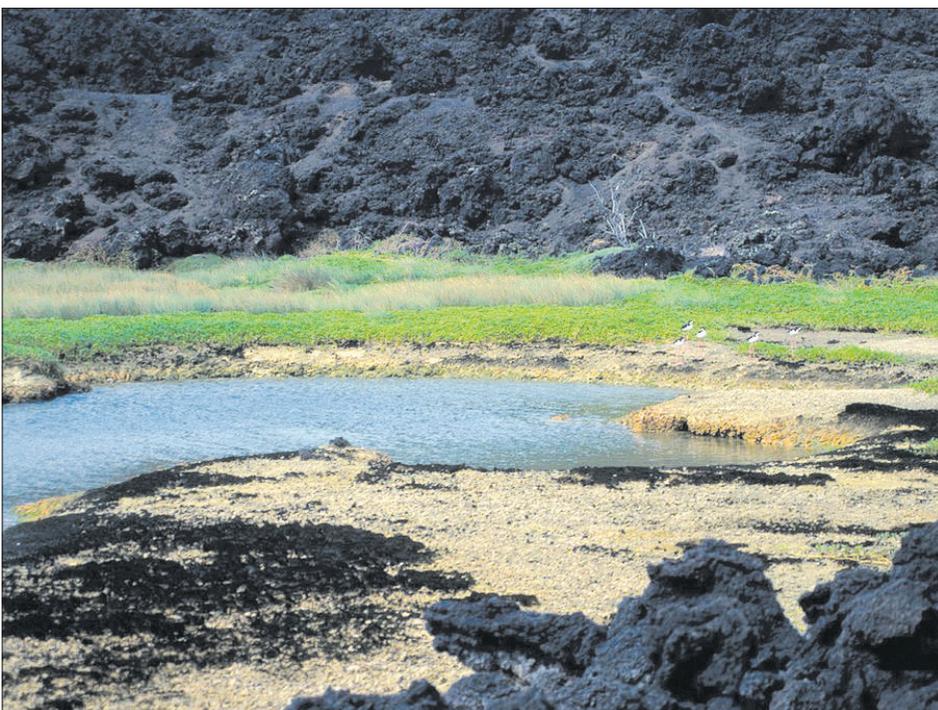


PHOTO: FOREST & KIM STARR

Endangered Hawaiian stilts at one of the anchialine pools in the 'Ahihi-Kina'u Natural Area Reserve.

## Rent, Subdivision Issues Confound Efforts To Fix DLNR's Revocable Permit Mess

As pointed out earlier this year by members of the public and the press, the state Department of Land and Natural Resources' management of its month-to-month revocable permits (RPs) has, at the very least, resulted in the state receiving far less revenue than what it could be getting for the use of public lands and waters. By allowing permittees to retain their permits for years — or even decades — with little or no change in rent or any opportunity for others to bid on them, the DLNR is likely losing out on millions of dollars a year. The DLNR's Revocable Permit Task Force set up by director Suzanne Case was slated to report to the Legislature by the end of last month its findings and recommendations on best practices for issuing revocable permits and those practices are expected to be in place by June 30. Based on discussions at the Board of Land and Natural Resources' March 24 meeting regarding the DLNR Division of Boating and Recreation's (DOBOR) permits, however, it's clear that fully resolving the various issues surrounding the department's RPs will likely take years.

Last July, the Land Board voted to increase the rent of and continue for one year 33 RPs managed by DOBOR, none of which had been officially renewed since at least 2011. DOBOR, relying almost exclusively on two agents borrowed from the department's Land Division, had recently

**"If it's an RP, it should be available for competition pretty much at all times."**

**— Suzanne Case, Land Board chair**

discovered that not only were its RPs not being properly renewed, but that the rents being charged were scandalously low. The agents found that the division was receiving only \$277,654 in rent a year from the permits, which cover nearly 20 acres of state land. In other words, the division was only charging an average of 32 cents per square foot for its lands. For 16 of those permits, where DOBOR was charging \$200 or less a month, the rate was only a penny per square foot. This despite the fact that for more than half of the area encumbered by all of the RPs, the current market value ranged between \$4 and \$82 per square foot, they found.

"There's no rhyme or reason as to how

these rents were established," DOBOR administrator Ed Underwood told the Land Board at the July meeting.

As it reported to the Land Board at its March 24 meeting, the division is working toward getting fair market appraisals for the properties under RPs that are worth appraising. (Some RPs cover areas as small as 36 square feet and would not generate enough revenue to justify the cost of an

**"We always hear, 'Well I want that land.' When the rent is really cheap, of course everybody wants it."**

**— Keith Chun, Land Division**

appraisal. Rent for those properties may be determined another way, according to DLNR staff.)

Once true market rents are determined, the division will get a sense of the real demand for the permits, Keith Chun told the Land Board at its March meeting. Chun is one of the two Land Division agents who assisted in DOBOR's permit review.

"We always hear, 'Well I want that land.' When the rent is really cheap, of course everybody wants it," he said. When the rents department-wide are finally set at market rates, however, it may be a different story, especially given how deeply rents are currently discounted.

"You read in the paper the rents are discounted 25 percent and 50 percent or what have you. Whether that is valid or

not, the misleading part is a lot of these RPs ... have been in existence for 20 or 30 years. In 1990, it may have been a 25 percent discount. But in today's rents, that thing is not 25 percent," he said. In 2013, staff worked with an appraisal firm to assess all 350 RPs managed by the Land Division. The preliminary findings: rents were 1000 to 4000 percent below market rent, Chun said.

"Obviously, you're going to get people around saying well how come I can't get an RP like that, but if you actually brought it to market rates, it would probably flush out some bottom feeders. What Ed is doing now will get us a better idea of what we should be charging," he said.

With regard to the matter of which permit areas should be put up for a lease, DOBOR and Land Division have found that a number of the RPs are for areas that are part of larger lots that have not been subdivided. To retain the option of leasing out the rest of the land not used by a permittee, the DLNR may have to subdivide, or possibly establish a condominium property regime, if it wants to eventually issue a long-term lease. Otherwise, the department could issue a lease for a small area of use "and it could encumber 300 acres," Chun said.

Honokohau small boat harbor is one such case, where the sole permittee, GKM,

Inc, has a permit that covers only nine acres, while the tax map key lot actually includes about 100 acres. With pressure on the use of that area growing, Chun said, the department needs to make sure the lands there allow for expansion and that any expansion be planned out and not done "in a piecemeal fashion."

Whether or not subdivision issues need to be worked out, Case stated, "if it's an RP, it should be available for competition pretty much at all times. Where public mistrust comes in is if they don't feel like there's an open process, [that some] guys have an inside deal on it and we're going to continue to renew year, after year, after year."

Raising rents to market rates may dampen competition over those permits or even force the current permittees out. In any case, Case said, "I want to affirm the state's obligation to charge fair market rent. ... If people don't like it, it's a political thing. I know there is pressure that comes on either side of that."

**— T.D.**



Honokohau Small Boat Harbor.

## Kaua'i Permit Case Skewers Notion That DOT Doesn't Need Supervision

House Bill 2408 and Senate Bill 2937, which proposed transferring to the state Department of Transportation the authority to approve its own revocable permits, stalled out this legislative session. And that may be a good thing, given recent revelations over the way the DOT has handled some of its airport permits.

In 1993, the state Board of Land and Natural Resources delegated authority to DOT to issue revocable permits, but it was later determined the delegation was “not proper,” according to testimony DOT submitted to the state Legislature. The proposed legislation, the DOT wrote, “clarifies the statutes to allow the DOT to issue revocable permits without approval by the [Land] Board.” The department argued that the process of acquiring Land Board approval of permits causes unnecessary delays and revenue losses, is “labor intensive, time consuming, and repetitious.”

“The DOT is best suited to manage lands it owns and controls, especially with regard to revocable permits for aeronautic, airport-related, maritime, and maritime-related uses because it is most directly connected to these industries and operations, and can best adapt and adjust to accommodate industry needs,” it wrote.

The Department of Land and Natural Resources and the Office of Hawaiian Affairs, which receives 20 percent of rental revenues generated from all ceded lands, testified that the Land Board permit approval process, where permit requests are heard at a public meeting, provides much-needed transparency.

“OHA expresses serious concern regarding this measure, because it may deprive the public of any opportunity to review and comment on the use of some of our most lucrative public lands, including public lands held in trust for the benefit of Native Hawaiians and the general public,” OHA’s testimony stated.

In the future, permitting and leasing of airport lands may be done by the board of a new entity, the Hawai'i Airport Authority, which Senate Bill 3072 proposes to create. In the meantime, that authority rests with the Land Board.

Most often at Land Board meetings, DOT permits are approved without any public comment and, until recently, minimal questioning by board members. But

with the return of Land Board member Chris Yuen and the addition of member Stanley Roehrig — both from Hawai'i island — DOT officials are commonly grilled over whether their requests for direct leases promote competition and are, in general, in the best interest of the state.

At the Land Board’s February 26 meeting, the DOT requested approval of a 35-year lease for 18,113 square feet at the Lihue Airport to Jack Harter Helicopters, Inc. (JHH), one of a handful of helicopter tour companies that operate there. Straight away, Yuen pointed out that despite state laws requiring direct leases to encourage competition, the DOT had not provided the board with any specific finding that the JHH lease achieves that. If a direct lease does not encourage competition, it must be put out to public auction. The DOT, however, stated in its request that a direct lease was the only way for the department to ensure grant terms with the Federal Aviation Administration are met. Under those grant terms, all fixed-base operators — private companies that provide on-airport facilities and services for aviation-related activities — must be subject to the same rental rates. A public auction of the lease would likely cause disparate rental rates, the DOT argued.

Regardless of FAA grant conditions, it turns out that the underlying reason the department recommended a direct lease was because JHH has a vested interest in the site. The company has occupied the space under a revocable permit since 2006. According to Ethan Tomokiyo, the DOT property manager for neighbor island airports, JHH built an \$800,000 hangar on the parcel in or around 2009. Tomokiyo, who has held his position since 2011, was quick to disavow any involvement.

“It was not my call. DOT did it,” he said. Tomokiyo said Harter was supposed to have applied for and secured a lease before constructing the hangar. Instead, Harter built it while on a revocable permit. “Does he take a risk too? Yeah,” Tomokiyo said. “I’ll admit, it’s not what we should have done. It’s the wrong way. Dead wrong.”

“He probably knew the lease process would take long. It takes four to six months,” Tomokiyo continued. Harter probably worked with the airport manager at that time, who determined it would be quicker to put JHH on a permit at first “and

later we slide you in — that’s not a good word. Wrong. Excuse me, that’s my local. We would not ‘slide you in,’ but we would ... work towards a lease,” he said.

Upon hearing the DOT’s rationale, Land Board member Roehrig just had to comment.

“What you just said makes me scratch my head. I just read the legislation, SB 2937. It says it’s a good idea to have the Airports Division do this” — issue revocable permits — “without coming to the Land Board because its quicker and, you know, less fuss and it’s all plain vanilla. But it isn’t plain vanilla. You just demonstrated if you don’t get checks and balances this is what can happen. Later on, you gotta come back and check one foul ball,” he said.

“Like it or not, that’s what the Land Board ends up doing — making sure other departments uphold our trust responsibility over state land. That’s what’s at stake here,” he said.

The Land Board deferred the lease matter in February with some specific instructions from board members about what they want to see in future permit or lease requests. When the Land Board receives requests for direct leases without an explanation of how it encourages competition, it’s a red flag, Roehrig told Tomokiyo, adding that the board has told this to DOT representatives about ten times in the last year.

“Explain if you wanna make a deal. Explain what it is. If it’s a justifiable reason, we go along with it. If you no more say nothing ... we get our antenna up,” Roehrig said.

Land Board chair Suzanne Case noted that the Department of Land and Natural Resources is doing a similar analysis of revocation permits managed by its Land Division.

“The concepts we’re looking at could apply here also. These are concepts of fair price, opportunity for competition, short-term versus long-term. ... The documentation of your analysis of those questions, the more you can document them in your submittal, the easier it is for us,” she said.

When the DOT brought the matter back to the board on April 22, however, its justification for the lease still had not changed and the board ended up taking the entire morning trying to determine whether issuing JHH a 35-year direct lease was fair, especially when all other helicopter tour companies at the airport only had 15-year leases. In the end, the board approved the lease, but reduced the term to 15 years and required the company to offer maintenance to other aircraft operators within one year.

— T.D.

## BOARD TALK

## Coastal Resilience Project Receives \$1 Million in Federal, State Funds

On March 11, the Board of Land and Natural Resources voted to authorize the Department of Land and Natural Resources to enter into an agreement with the University of Hawai'i that would provide the school with \$100,000 in cash and more than \$300,000 in in-kind services as a match for an \$845,000 federal coastal resiliency grant.

The project covered by the grant will include the development of: 1) a web-based hazard exposure and vulnerability mapping tool, 2) guidelines for integrating coastal resiliency into existing planning frameworks; and 3) guidelines and training for post-disaster rebuilding and recovery.

Under Act 83 of the 2014 legislative session, the Hawai'i Climate Adaptation Initiative Act, the state must develop a statewide Sea Level Rise Vulnerability and Adaptation report by the end of next year. UH's project will contribute toward the completion of that report, according to Sam Lemmo, administrator for the DLNR Office of Conservation and Coastal Lands, which has been tasked with leading efforts to meet the requirements of Act 83.

"We're always looking for opportunities to enhance our work, looking to expand beyond sea level rise," he told the Land Board. Funds appropriated to develop the sea level rise report will be used as a portion of the matching funds required by the grant, issued by the National Oceanic and Atmospheric Administration, he said.

Although the University of Hawai'i has already developed some rather detailed mapping tools that show certain coastal hazards (i.e., tsunami or storm wave inundation) in certain areas of the state, more can be done. The proposed mapping tool would show erosion and coastal inundation hazard exposure under sea level rise scenarios throughout the state with a high enough resolution to be effectively used by planners and communities.

"This grant will really improve the web-based hazards map," Lemmo said. "I believe it's worth the investment. It'll make the end product ... much more powerful."

Land Board chair Suzanne Case said she hoped the project will lead to the incorporation of sea level rise into more county plans and in the calculation of shoreline

setbacks. To date, even with all the studies and mapping tools that the university has already produced showing the potential local impacts of sea level rise, some counties have been slow to make use of them.

"We're hoping something will stick," Lemmo said.

"After this is all done, what do you see is going to need to be done?" asked O'ahu Land Board member Keone Downing.

Case reiterated that things such as adequate shoreline setbacks, beach hardening policies, and planning documents need to be in place so that new construction is kept out of inundation zones. What's more, she said that emergency planning needs to be done so decision-makers have the ability to say "when we have our next El Niño, these are the areas where we need to start thinking about evacuation plans, where the roads are going to disintegrate."

"The ultimate outcome is a paradigm shift in the way we're developing our coastlines," said UH coastal geologist Bradley Romine, who helped draft the grant proposal.

On Kaua'i, the county will at least have to revisit its setbacks, according to Kaua'i Land Board member Tommy Oi. "Their old setbacks won't work already. The roads ... waves washing up every year. They're gonna have to take somebody's house to move the road."

Lemmo suggested that those kinds of dilemmas will become commonplace. The Interagency Climate Adaptation Committee, which will ultimately produce the sea level rise report, "is going to show we have been operating under an assumption that is no longer the case. ... Things are changing and this report will underscore that. ... We're getting out of that Goldilocks zone, that comfort zone."



## Board Approves \$4.5M in Grants To Five Legacy Land Projects

On April 8, the state Board of Land and Natural Resources approved its 2016 slate of projects to receive a total of \$4.5 million from the Land Conservation Fund. The "Legacy Land" grants include the following:

- \$175,000 to Hi'ipaka LLC and the Trust for Public Land (TPL) to help buy 3.75 acres in Waimea Valley with a number of cultural sites, including the final resting place of Hewahewa, the kahuna nui under Kamehameha I.

- \$1.3 million to TPL and the Maunaloa Fishpond Heritage Center to help buy 0.77 acres in Kuli'ou'ou on O'ahu. The high cost for such a small lot can be attributed to the fact that it's a buildable, coastal lot in an expensive neighborhood. The lot is being purchased to help protect the adjacent Kanewai fishpond and the freshwater spring that feeds into both the pond and Maunaloa Bay. "Ownership and stewardship of Kanewai Spring by Maunaloa Fishpond Heritage Center will not only safeguard the health and function of this precious freshwater source, but will provide opportunities for educational access for schools, community groups and the public," a DLNR Division of Forestry and Wildlife report states. "Although the property protected by this project is small in acreage, an entire ecosystem will be enhanced."

- \$1.5 million to TPL and the DLNR's Division of Forestry and Wildlife (DOFAW) to help buy 3,027 acres in Helemano from Dole Food Company. DOFAW hopes to create a Helemano Wilderness Recreation Area with the land, which will finally secure public access to the Poamoho Ridge Trail, a premier route to the summit of the Ko'olau mountains and the 'Ewa Forest Reserve.

- \$1.5 million to TPL and DOFAW to help buy 53 acres in fee at Kawela Bay on O'ahu's North Shore and a conservation easement over 606 acres at Turtle Bay. The 53 acres will be leased back to Turtle Bay Resort for 65 years. The land under the easement will be permanently restricted from further development. Both purchases are part of a \$35 million deal approved by the state Legislature.

- \$25,000 to DOFAW to buy 4,470 acres of Kuka'iau Ranch to add to the Mauna Kea Forest Reserve. The amount represents only a portion of the original request of nearly \$1.4 million. Should any extra funds become available from any of the other projects (except the Turtle Bay one), the Land Board authorized its chair to redirect them to this project.

With regard to the Helemano lands, board member Chris Yuen stressed, "We really have to have that. The whole access thing, it's a problem."

DOFAW administrator Dave Smith said that significant funds from other sources still need to be raised to complete the purchase.

“We keep chipping away. If we reach \$10 million, we’ll get some assurance from Dole we can get it,” he said. “Helemano is not a done deal.”



## Shark Fishing Approved At French Frigate Shoals

The Land Board has again authorized the removal by federal resource managers of up to 17 Galapagos sharks that threaten the endangered Hawaiian monk seal pup population at breeding beaches at French Frigate Shoals (FFS) in the Northwestern Hawaiian Islands. Last year, they were allowed to take up to 20 and caught only one.

Of the 600 or so Galapagos sharks that hang around the shoals, only a very small subset seems to be targeting the seal pups, NOAA research ecologist Stacie Robinson told the board at its April 8 meeting.

“Catching one shark seems not very successful from a fishing point of view. What’s going on with that?” asked Land Board member Chris Yuen.

Robinson explained that the low catch numbers are because their goal isn’t to simply catch a whole bunch of sharks, it’s to catch specific sharks in shallow waters while influencing the ecosystem as little as possible.

“One option would be to go deeper. Our approach is to err on the side of caution. We don’t want to expand our [fishing] area. The chances of catching an innocent shark would go up. ... We want to make sure if we catch one it’s a guilty one,” she said, adding that they would also not want to chum the waters and attract more sharks to the shallows.

She said that bad weather and funding cuts have also limited the number of days they have been able to fish for sharks.

“We’re hoping this summer we can have several days of fishing to get our numbers up,” she said.

Although moving the adult females to safer areas isn’t really feasible, since they are pretty faithful to their birthing sites, Robinson said NOAA does translocate pups as soon as they’re weaned from Trig Island to Tern Island a few miles away.

“That’s been really successful,” she said.

When board member Keone Downing suggested that the scientists take a fisherman with them to FFS to catch more sharks, NOAA’s Jeff Walters explained that they

had done that when they had more funds. Even if they had the funds, however, “it’s hard to find someone who wants to go up there for so many weeks, and they’d get really frustrated with how strict we are on the [fishing] methods,” he said.



## Malama Maunalua Gets \$95,000 For Community-Based Planning

For all the publicity that Malama Maunalua has received for its good works, Land Board member Keone Downing is not only unimpressed, he’s adamant that the non-profit is the wrong group to receive nearly \$100,000 in funds to help bring the community together.

“Malama Maunalua has been a bad neighbor to the community groups in Maunalua Bay. It’s real hard for me to give them money for this when they’ve not wanted to sit down with community groups, to the point they formed a group called Imua Maunalua for this task,” he said at the Land Board’s April 8 meeting.

“The community was already frustrated with them because they never signed on to what a lot of things the community wanted to do,” he said. “We’re going to give them \$95,000 to try to bring the community together. From their past record, they’re gonna fail.”

The state Legislature appropriated the funds last year to: 1) develop and implement a community-based, partner-supported bay-wide management plan; 2) conduct large-scale marine restoration community events, such as invasive algae removals; and 3) “foster the next generation of marine stewards by providing internship and career opportunities,” a report by the DLNR Division of Aquatic Resources states.

Despite Downing’s misgivings, Land Board chair Suzanne Case supported the grant, noting that she has worked in several capacities with Malama Maunalua and the Great Huki, referring to the massive invasive algae cleanups organized in part by her former employer, The Nature Conservancy of Hawai‘i.

“What needs to happen is broad collaborative planning,” she said. “A number of groups would like to do that but don’t seem to get everybody under the same tent.”

“Do you think it’s worth it to give them \$95,000 for them to be the lead?” Downing asked.

Case responded that the Legislature makes its own determinations on what projects to fund. “The agencies don’t have a say in grants-in-aid. ... From a staff perspective, it’s not discretionary. What we’re approving is a contract.”

She added, “I’d like to enlist your help in the conversations.”

In the end, the board approved the grant, with Downing the sole dissenter. — *T.D.*



Sign me up for a  new  renewal subscription at the  
 individual (\$65)  non-profits, libraries (\$100)  
 corporations (\$130)  economic downturn (\$40)

To charge by phone, call toll free: 1-877-934-0130

For credit card payments:

Account No.: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Signature of account holder: \_\_\_\_\_

name \_\_\_\_\_

address \_\_\_\_\_

city, state, zip code \_\_\_\_\_

email address \_\_\_\_\_

Mail form to:  
 Environment Hawai‘i  
 190 Keawe Street  
 Suite 29  
 Hilo, HI 96730

We are a 501(c)(3) organization. All donations are tax-deductible to the extent allowed by law.

Address Service Requested

Printed on recycled paper 

## Navy Poised To Clean Sediments At Several Sites in Pearl Harbor

It may be unrealistic to think that anyone will ever be able to safely eat crabs or fish caught in Pearl Harbor, which, as the U.S. Navy says, is a “natural trap, or sink, for sediments and chemicals discharged with surface water runoff from approximately 110 square miles of watershed, or 20 percent of O’ahu’s land surface.” Even so, the Navy is going to take a shot at reducing contaminants in several parts of the harbor enough so that fish might be safe to eat within the next decade or two.

In 2009, the Navy determined that sediments at ten sites in the harbor — part of a larger Superfund site — were polluted with metals (antimony, cadmium, copper, lead, mercury, silver, and zinc), PCBs, and chlorinated pesticides, namely dieldrin and endosulfan. At four of those sites, the Navy proposed no active remediation because it felt the chemical concentrations there “do not pose unacceptable risk to people or the environment.” At the other six, however, the Navy has determined the sediments include chemicals that do threaten human health and the environment. Those sites include Southeast Loch, Oscar 1 and 2 Piers Shoreline, Off Ford Island Landfill and

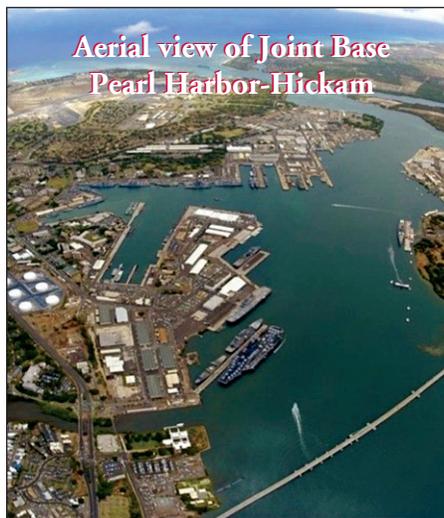


PHOTO: NAVFAC

Camel Refurbishing Area, Bishop Point, Off Waiau Power Plant, and Aiea Bay.

If it sticks with the plan it proposed earlier this year, the Navy may be spending nearly \$60 million remediating contaminated sediments from those sites. Simply dredging the sediments would have been the expensive option and would have cost about half a billion dollars to implement. Instead, the Navy has recommended some

focused dredging at two of the sites, some sand mixing, as well as the use of activated carbon. The public comment period on the plan ended in March and a Record of Decision on the preferred alternatives is expected to be signed by the Navy, the EPA, and state Department of Health in 2019, according to Denise Emsley, public affairs officer for the Naval Facilities Engineering Command Hawai'i.

Because of the contamination in the harbor, the Navy limits fishing to certain sites and it's strictly catch-and-release. Should the proposed plan be implemented, PCB concentrations in fish tissue is projected to drop to 190 µg/kg (wet weight for fish fillets) within the 10 to 20-year natural recovery period following completion of remedy construction, the Navy's plan states. “The fish tissue target is based on the [Hawai'i Department of Health] (2012) fish advisory level for limited fish consumption. EPA and HDOH have concurred with the preferred alternatives presented,” it states. The DOH advises that a person may safely consume up to one four-ounce serving per month of fish with that level of PCBs in their tissue.

— T.D.

### Pearl Harbor Sediment Remediation Project

Site	Contaminants	Remediation*	Preferred Alternative Cost
Southeast Loch	Copper, lead, mercury, and total PCBs	Focused dredging w/ ENR, AC, MNR	\$47 million
Oscar 1 and 2 Piers Shoreline	Cadmium, copper, lead, mercury, zinc, and total PCBs	ENR, MNR	\$2.5 million
Off Ford Island Landfill and Camel Refurbishing area	Total PCBs	ENR	\$270,000
Bishop Point	Antimony, lead, mercury, and zinc	ENR	\$1.2 million
Off Waiau Power Plant	Total PCBs	Focused Dredging w/ MNR	\$5.2 million
Aiea Bay	Lead, mercury, and zinc	MNR	\$2.4 million
Total Cost			\$58.57 million

\*ENR (enhanced natural recovery) involves placing a thin layer of clean material (i.e., sand) to mix with the surface sediment and accelerate natural recovery rates. AC stands for Activated Carbon. MNR (monitored natural recovery) relies on natural processes that reduce chemical concentrations and includes long-term monitoring to achieve remedial action objectives within 30 years.