



Approved by Commission on
Water Resource Management
at the meeting held on
8-20-14

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

COMMISSION ON WATER RESOURCE MANAGEMENT

August 20, 2014
Honolulu, Oahu

STAFF SUBMITTAL

Authorize the Commission on Water Resources Management to Conduct a Site Visit
To View Anchialine Ponds at the Kohanaiki Shores Development and have a
Limited Meeting with Representatives of Kohanaiki Shores, LLC
in the Keauhou Aquifer System Area, North Kona, Hawaii

SUMMARY OF REQUEST:

The Commission on Water Resource Management ("Commission") proposes to conduct a site visit to view anchialine ponds in the Keauhou Aquifer System Area, North Kona, Hawaii, including ponds at the Kohanaiki Shores Development ("Kohanaiki"). See Exhibit 1. This is not a regular Commission meeting. There will be no deliberations or decision making related to this site. The purpose of this visit is to see anchialine ponds. Due to safety reasons, the site visit needs to be conducted as a "limited meeting."

BACKGROUND:

On September 17, 2014 the Commission proposes to conduct site visits to view anchialine ponds in a number of areas along the coast in North Kona, Hawaii. The site visit is part of the Commission's overall investigation of the Keauhou Aquifer System Area, North Kona, Hawaii. The site visits will generally be open to the general public.

At the Kohanaiki site there are a number of safety concerns related to ongoing construction, limited access ways and parking areas, and intrusion into private areas. These factors all mitigate against public gathering or movement at this site. The landowner is willing to have the Commission visit the site, but has expressed reservations about the public as a whole due to safety and liability concerns. Exhibit 2 is the letter from the Kohanaiki Shores representatives explaining why a limited meeting is necessary.

ANALYSIS:

There is a need for the Commission to understand the physical topography and characteristics of an area, but where it is not practical or it is not safe for the public attend a site visit, the law provides for "limited meetings."

Haw. Rev. Stat. §92-3.1 provides as follows:

§92-3.1 Limited meetings. (a) If a board determines that it is necessary to meet at a location that is dangerous to health or safety, or if a board determines that it is necessary to conduct an on-site inspection of a location that is related to the board's business at which public attendance is not practicable, and the director of the office of information practices concurs, the board may hold a limited meeting at that location that shall not be open to the public; provided that at a regular meeting of the board prior to the limited meeting:

- (1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;
 - (2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and
 - (3) Notice of the limited meeting is provided in accordance with section 92-7.
- (b) At all limited meetings, the board shall:
- (1) Videotape the meeting, unless the requirement is waived by the director of the office of information practices, and comply with all requirements of section 92-9;
 - (2) Make the videotape available at the next regular meeting; and
 - (3) Make no decisions at the meeting. [L 1995, c 212, §1; am L 2008, c 20, §1]

It is important for the Commission to visit and see anchialine ponds in the context of the water systems in North Kona. Some of the sites are safe for the public to attend. Others are not. The Kohanaiki site is not suitable for such public gatherings.

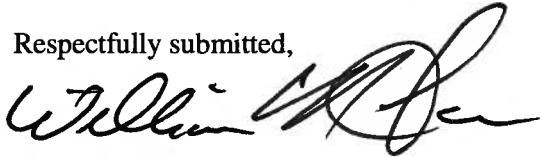
Therefore, the Commission should approve a "limited meeting" for this site visit in accordance with the provisions of Haw. Rev. Stat. §92-3.1.

RECOMMENDATION:

Staff recommends that the Commission, pursuant to and consistent with Haw. Rev. Stat. §92-31:

1. Find that a "limited meeting" at Kohanaiki is necessary for practical and safety reasons.
2. Authorize a limited meeting at Kohanaiki provided it is conducted in accordance with the legal requirements set forth in the statutes.

Respectfully submitted,



WILLIAM M. TAM
Deputy Director

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.,
Chairperson

Exhibits:

1. Location of Existing Ground Water Monitoring at the Shores at Kohaniki
2. Letter from Kohaniki Shores, LLC

QUEEN KA'AHUMANU HIGHWAY

Brackish Well #KO4

UH-2594 INJECTION WELL LOCATION

Brackish Well #KO3

Brackish Well #KO5

REVERSE OSMOSIS PLANT

Brackish Well #KO2

Brackish Well #KO6

Brackish Well #KO7

Brackish Well #KO8

Monitoring Well #200

Monitoring Well #201

AUDUBON SAMPLE POINT SW-1 (S-1)

Monitoring Well #402

Brackish Well #KO1

Monitoring Well #401

Monitoring Well #400

VACANT LAND

AUDUBON SAMPLE POINT GW-3 (POND P-13)

KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK

AUDUBON SAMPLE POINT GW-6 (POND P-92)

AUDUBON SAMPLE POINT GW-5 (POND P-49)

Monitoring Well #300C

AUDUBON SAMPLE POINT GW-7 (POND P-139)

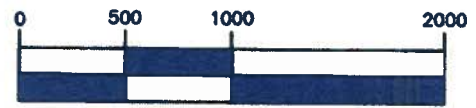
Monitoring Well #300B

Monitoring Well #300A

County Park

PACIFIC OCEAN

GRAPHIC SCALE



(IN FEET)

1 inch = 1,000 ft.

**THE SHORES AT KOHANAIKI SITE PLAN
SHOWING EXISTING GROUND WATER MONITORING LOCATIONS**

TMK 7-3-09: 003 (3RD DIVISION)



SCALE: 1"=1,000'

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KOHANAIKI

August 7, 2014

Mr. William Aila, Chairperson
Commission on Water Resource Management
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

Subject: September 17 Commission Site Tour

Dear Chairman Aila:

Kohanaiki would be pleased to host the Commission on Water Resource Management on its site tour on September 17. We understand that you wish to inspect the shoreline and the near-shore anchialine ponds plus our on-site water wells, water quality monitoring wells, and reverse osmosis plant. We also understand that there will be an unknown number of members of the public accompanying the Commission.

The best access to the shoreline and most of the anchialine ponds will be from the new County Park, which is accessible on a paved road around our property and has more than adequate parking. Participation by the public would be easily accommodated.

Access to our water wells, monitoring wells, and other facilities will need to be from within our Kohanaiki community. While we can readily accommodate the Commission members, we are concerned about the logistics of accommodating the public. The various water system components are spread over the entire 450 acres of Kohanaiki, and some have very limited access or parking near enough to be practical for a large group. We also have safety concerns around managing a significant number of people on site because we have a substantial amount of construction activity on site including heaving equipment in operation. For these reasons, we request that the on-site portion of the tour be limited to members of the Commission and related staff.

We will have available during your visit our cultural and natural resource managers who are most familiar with these aspects of our property. Please let us know how we can best coordinate the Commission's tour to make sure it meets all of your needs.

Yours truly,



Joe Root
President and Chief Executive Officer

Exhibit 2