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

DATE:	THURSDAY, MARCH 16, 2006
TIME:	11:00 A.M.
PLACE:	KALANIMOKU BUILDING ICSD VIDEO CONFERENCING CENTER 1151 PUNCHBOWL STREET - BASEMENT HONOLULU, HAWAII 96813

Chairperson Peter Young called the emergency meeting of the Board of Land and Natural Resources to order at 11:08 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Toby Martyn
Ms. Taryn Schuman
Mr. Gerald DeMello
Mr. Ron Agor

STAFF

Mr. Eric Hirano, Engineering
Mr. Tarey Low, DOCARE
Mr. Alvin Kyono, DOFAW
Ms. Lori Takabayashi, Land
Ms. Faith Ching, CWRM
Ms. Gerry Kahili, DAR
Mr. Wayne Souza, Parks
Mr. Wade Ishikawa, DAR
Mr. Daniel Ornellas, Land
Mr. Alton Miyasaka, DAR

OTHERS

William Wynhoff, Deputy Attorney General
Mr. Colin Wong, Attorney General's Office
Ms. Melody Heidel

Chairperson Young and Board Members DeMello, Martyn, Agor and Schuman each verbally noted that they've seen, read and approved the Findings regarding the Emergency meeting.

Item L-1: Authorize the Department of the Attorney General and its agents, employees, consultants, and investigators, to enter upon private property for the purposes of investigating and inspecting dams and

reservoirs located within the County of Kauai pursuant to Hawaii Revised Statutes Chapter 179D.

Deputy Attorney General William Wynhoff disclosed that the Board may hold an emergency meeting if the Board finds that there is an imminent peril to the public welfare which requires a meeting or if an unanticipated event requires the Board to take action. If the determination is made that it is an unanticipated event the Attorney General is required to concur, which Attorney General Mark Bennett has done.

Mr. Wynhoff made it known this submittal deals with the emergency situation occurring on the island of Kauai. He went on to say the state is mobilizing as many government resources available to respond to the situation as well as to ensure there won't be any further disasters at that area or in other areas. Mr. Wynhoff disclosed the Board of Land and Natural Resources (BLNR) has authority over dams including dams on private property and one of its powers with respect to dams and reservoirs is the power to authorize entry onto private land which is the subject of today's submittal. He pointed out the government has other means of entering onto private property but it is their intention to make sure all authority is being invoked. Mr. Wynhoff communicated that at present there are no issues with landowners stopping government officials or representatives from going onto their land but in this case it might not be possible for the state to track down the owner of the property to obtain permission to access their land. Mr. Wynhoff disclosed that the Attorney General has already contacted a dam expert and this action would authorize that individual to enter onto private property. As events are moving so quickly, Mr. Wynhoff asked the Board if needed to be able to amend the submittal as it may be possible that the Attorney General has already retained this expert.

Board Member Agor asked the Attorney General if a situation occurs in which an agent of the state inspects a private dam and a decision is made that immediate mediation needs to happen will the state take responsibility for that dam or do we instruct the private owners to do something about that situation. Mr. Wynhoff acknowledged that it is a very important question but that issue is not an issue before the Board today. If a situation occurs and immediate action must be taken to prevent a disaster, Mr. Wynhoff believes that action will be taken. Mr. Wynhoff assured Board Member Agor that there is no doubt in his mind that everything would be done to try to prevent a repeat of what has happened.

Melody Heidel, Conservation Organizer with the Sierra Club testified in support of staff's recommendation. Given the circumstances she feels it is critical to approve staff's recommendation to ensure public safety and the environmental health of the community. Mr. Heidel stated that they are available through a public partnership to assist in any way through their Blue Water Hotline and Response Team.

The Board amended the Recommendation as follows:

"3. The Board's action shall be retroactive to the extent necessary and proactive in the event that there are any other consultants or investigators retained ."

Unanimously approved as submitted (Agor/Martyn).

There being no further business, Chairperson Young adjourned the meeting at 11:15 a.m. Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review.

Respectfully submitted,

Terry Crowell

Terry Crowell

Approved for submittal:

PETER T. YOUNG
Chairperson
Department of Land and Natural Resources