

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

DATE: FRIDAY, JANUARY 9, 2009
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HI 96813

Chairperson Laura Thielen called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

MEMBERS

Laura Thielen
Robert Pacheco
Samuel Gon III
Taryn Schuman

Timothy Johns
Jerry Edlao
Ron Agor

STAFF

Morris Atta, LD
Kimberly Mills, OCCL
Dan Quinn, SP

Dawn Hegger, OCCL
Paul Conry, DOFAW

OTHERS

Linda Chow, Deputy Attorney General
Stan Zitnik, Item D-2

Bill Medeiros, Item D-2
Steven Lim, Item K-1

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1 December 12, 2008 Minutes.

Amended minutes were distributed prior to today's meeting.

Taryn Schuman recused herself.

Approved as amended (Johns, Gon)

Item D-2 Cancellation of Governor's Executive Order No. 309, Reset Aside to the County of Maui for Health and Safety Programs, and Consent to Lease of Lands, Wakiu and Kawaipapa, Hana, Maui. TMK: (2) 1-3-006:004.

Numerous written testimonies were distributed.

Morris Atta, Administrator for Land Division, explained that this old executive order (EO) covers the old physician residence and the EO is very narrow making use of the property very limited. The County of Maui asked the Department to address the situation by cancelling the easement EO and re-issuing an EO to the County for a health description agreeing to a lease under that EO for an independent contractor, Hui Laulima O Hana.

Stan Zitnik, Executive Assistant to Mayor Charmaine Tavares, reported that the Mayor is in full support and asked the Board's support.

Maui County Council Board Member, Bill Medeiros, representing East Maui asked for the Board's support. Mr. Medeiros reported a list of partners and supporters.

The Board expressed appreciation to staff.

Unanimously approved as submitted (Edlao, Gon)

Item K-1 Conservation District Use Application (CDUA) HA-3474 for the Proposed Hauler and Utyro Single Family Residence Located at Kaueleau, Puna, Island of Hawaii, TMK: (3) 1-3-002:071

Dawn Hegger for Office of Conservation and Coastal Lands (OCCL) reported background of the proposed project. There was community opposition, but it changed after the applicant moved the structure. Ms. Hegger asked to amend condition #15 because asking the applicant to limit plantings to 1.5 acres is restrictive and to instead ask the applicant to submit a final landscaping plan to OCCL for approval prior to ground disturbance. The applicant wants to remove invasive species and replace it with native species.

Chair Thielen asked whether the applicant was proposing to remove the hala grove which they are not per Ms. Hegger. Chair Thielen suggested including language that the hala grove is not included because of concerns and Ms. Hegger agreed.

There was some discussion regarding short and long term single family dwelling vacation rental and commercial purposes.

Steve Lim of Carlsmith Ball representing the applicant described maintenance of the hala grove and that his clients agreed with moving the house location after meeting with the community. A grant of easement will be filed in favor of the community.

Member Agor departed.

Member Gon asked whether the applicant is willing to work with the community with regard to the landscaping of native and Polynesian introduced plants. Mr. Lim referred to Exhibit 6 noting removal of ironwood trees and replanting with natives. Member Gon said that removing the trees too fast might result in undesired affects and suggested working slowly and with the community to monitor.

Mr. Lim said that cultural practitioners are allowed to gather.

The Board suggested the language for #15 “preserve and maintain the hala grove.” Mr. Lim said that this is fine with the applicant.

The Board:

Approved staff’s submittal by amending recommendation #15 by adding:

“...Risk project, the applicant will submit a final landscaping plan to OCCL for approval prior to ground disturbance, and preserve and maintain the hala grove.”

Unanimously approved as amended (Pacheco, Gon)

Item C-1 Request for Approval of a Memorandum of Agreement Between the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, the State of Hawaii Department of Land and Natural Resources, and the Hawaii Wildlife Center

Paul Conry, Administrator for Division of Forestry and Wildlife, reported background and asked to amend Item B2, page 3 of the Memorandum of Agreement by adding after “...response coordinator, contingent upon the availability of funds,...” which he distributed hard copies.

Member Pacheco expressed approval with this project.

The Board:

Approved staff’s submittal by amending page 3, item B2 to read:

2. DLNR will pursue the hiring of a State oiled wildlife response coordinator, contingent upon the availability of funds, to assist in all aspects of oiled wildlife response within the Sate, including coordination with the other Trustees and HWC.

Unanimously approved as amended (Pacheco, Gon)

Item D-1 Grant of Perpetual, Non-Exclusive Easement to State of Hawaii, Department of Transportation, Highways Division for Highway Rock Fall Mitigation and Fencing Facility, Access, and Utility Purposes; and Issuance of an Immediate Right-of Entry for Construction Purposes, at Wailua-Nui, Koolau, Maui, TMK: (2) 1-1-008: portion of 005 and (2) 1-1-002: portion of 002.

Item D-3 Rescind Prior Board Action of September 8, 2006, Item D-9, for a Grant of Perpetual, Non-Exclusive Easement to Misha Bowman for Access and Utility Purposes, Makawao, Maui, TMK: (2) 2-9-003:050 portion of. (MDLO) Daniel

Morris Atta representing Land Division reported no changes.

Unanimously approved as submitted (Edlao, Pacheco)

Item E-1 Approve an Amendment with the Department of the Navy for the Renewal of a License for Non-Federal Use of Real Property and for Acceptance of an Environmental Condition of Property at Aiea Bay State Recreation Area, Aiea, Oahu, Tax Map Key: (1) 9-9-4:2 & 6 portions

Dan Quinn, Administrator for State Parks,

Unanimously approved as submitted (Schuman, Johns)

Item L-1 Appointment of Windward Oahu Soil and Water Conservation District Director

Unanimously approved as submitted (Johns, Edlao)

Item M-1 Conveyance of Remnant E-5, East Molokai Road, Federal Aid Secondary Project No. 2-A(1), Kaunakakai-Kamalo, Molokai, Tax Map Key: (2) 5-4-02:Road (Portion)

Item M-2 Conveyance of Remnant E-6 (Portion) and 22-A, East Molokai Road, Federal Aid Secondary Project No. 2-A(1), Kaunakakai-Kamalo, Molokai, Tax Map Key: (2) 5-4-02:Road (Portion)

Item M-3 Conveyance of Remnant Parcel 1 (Portion), Hana Highway (Paia Spur), NRS 17-A, From Junction of New Puunene Road with Haleakala Road (F.A.P. 5-C) to Lower Paia Village, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-8-01:Road (Portion)

Unanimously approved as submitted (Johns, Edlao)

Adjourned. (Johns, Gon)

There being no further business, Chairperson Thielen adjourned the meeting at 9:34 a.m. Recordings of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Adaline Cummings
Land Board Secretary

Approved for submittal:



Laura H. Thielen
Chairperson
Department of Land and Natural Resources