

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

DATE: FRIDAY, JANUARY 11, 2013  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

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

**MEMBERS**

William Aila, Jr.  
Dr. Sam Gon  
John Morgan

David Goode  
Jerry Edlao

**STAFF**

Sam Lemmo/OCCL  
Dan Quinn/PARKS  
Randy Kennedy/DOFAW  
Sheri Mann/DOFAW

Russell Tsuji/LAND  
Curt Cottrell/PARKS  
Lisa Hathaway/DOFAW  
Carty Chang/ENG

**OTHER**

Bill Wynhoff, Deputy Attorney General  
Patti Miyashiro: M-4  
Mike Maberry: K-1, K-2  
Douglas Giannetti: D-13  
Brad Wallis: E-1  
Randy Hongi: D-10

Ross Smith: M-1, M-2, M-3, M-5  
Carl Young: M-4  
Randall Schmitt: D-9  
Kathleen Giannetti: D-13  
Randy Iwada: D-10  
Manuel Medeiros: D-14

{NOTE: Language for deletion is [bracketed], new/added is underlined.}

**Item A-1      November 30, 2012 Minutes**

**Approved as submitted (Edlao, Gon)**

**Item A-2 December 14, 2012 Minutes**

Agenda item A-2 was not ready.

**Item M-1 Issuance of a Concession Agreement to AMPCO System Parking for the Management and Operation of the Automobile Parking Facilities at Lihue Airport, Tax Map Key: (4) 3-5-01:portion of 8**

Ross Smith, Department of Transportation (DOT) – Airports Division, Property Manager presented item M-1 that the existing operator needs to upgrade their financial system to make sure everyone is adequately paying the State for the privilege of parking at the airport.

**Item M-2 Consent to Assignment of State Lease No. DOT-A-08-0010, Marjet Inc. to George's Aviation Services, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-76:5**

Item M-2 is for a personal hangar and is in the process of selling it to another entity for personal use.

**Item M-3 Amendment No. 2 to Concession Agreement No. DOT-A-11-0005, Retail Concession, DFS Group L.P., Kahului Airport, Tax Map Key: (2) 3-8-001-019**

Item M-3 is to add space to a concession at Kahului Airport.

**Item M-5 Consent to Assignment of State Lease No. DOT-A-09-0060, and State Lease No. DOT-A-09-0061, from DTG Operations, Inc. Hilo International Airport, TMK: (3) 2-1-12: portion of 92**

**Item M-6 Consent to Assignment of State Lease No. DOT-A-87-0019, State Lease No. DOT-A-77-0030, Parking Permit No. 96-1248, Parking Permit No. 12-0007, and Revocable Permit No. 6481, from DTG Operations, Inc. dba Dollar Car Rental to Simply Wheelz LLC., Honolulu, International Airport, TMK: (1) 1-1-03: portion of 1**

Items M-5 and M-6 is the result of a ruling by the Federal Trade Commission that operators must divest themselves of the Wheelz operation to Advantage Rent-A-Car at airports. Hertz would have to give up their Thrifty location in Hilo and the Dollar location on Oahu to allow Advantage Rent-A-Car to operate.

**Unanimously approved as submitted (Edlao, Gon)**

**Item M-4 Amendment to Prior Land Board Action of April 24, 1998, Under Agenda Item K-1, Regarding Issuance of Leases for State Land for Cement Silo Terminal Operations Together with Easements for Offloading and**

**Transmission of Bulk Cement, Kalaeloa Barbers Point Harbor, Ewa, Oahu, TMK: (1) 9-1-14:24, see attached Exhibit "A."**

Patti Miyashiro, Department of Transportation (DOT) – Harbors Division, Property Manager introduced Carl Young another Property Manager. Item M-4 is a housekeeping item to amend existing use for Hawaiian Cement.

**Unanimously approved as submitted (Gon, Morgan)**

**Item K-1 Annual Report from the University of Hawaii, Institute for Astronomy on the status of the Haleakala High Observatory Site (HO) Management Plan, Pu'u Kolekole, Makawao District, Maui, TMK (2) 2-2-007:008 (non-action item).**

**Item K-2 Status Report from the University of Hawaii, Institute for Astronomy on the Implementation of the Programmatic Agreement regarding Conservation District Use Permit MA-3542 for the Advanced Technology Solar Telescope, Haleakala High Observatory Site (HO), Pu'u Kolekole, Makawao District, Maui, TMK (2) 2-2-007:008 and 2-2-007:007 (non-action item).**

Sam Lemmo representing Office of Conservation and Coastal Lands (OCCL) conveyed that items K-1 and K-2 are two non-action items and both are annual report requirements that were attached first to a Management Plan and approved for the Haleakala High Altitude Observatory and the recent approval of the ATST (Advanced Technology Solar Telescope). There is redundancy because the annual report for the Management Plan includes reporting on natural resource conservation efforts taken place at Haleakala in addition to cultural and archaeological work involving a programmatic agreement between the State, the Feds and U.H. The requirement to report on the implementation of the programmatic agreements on the cultural and archaeology is echoed in the ATST approval. He doesn't see anything that is out of order.

Mike Maberry testified that he is the Assistant Director of the University of Hawaii (UH), Institute for Astronomy and that they stand on their report and was here for any questions.

Member Edlao asked about the exterior design and Mr. Maberry said there is the ATST Native Hawaiian Working Group who is working with the engineers for the ATST project. New technology was developed to minimize the color or appearance of the facility and they will put in a motif that is culturally appropriate for the site which they are still discussing.

Member Goode asked what the status of construction was. Mr. Maberry said the circle has been cleared or dressed that MECO (Maui Electric Co.) is coming over from one of the transformers to be completed this week. The excavator is now setting at the site of the ATST and rearranging rocks with consultation by the Native Hawaiian cultural monitor in such a way to create a visual barrier between the site and the east facing ahu.

**Item D-9 Grant of Term, Non-Exclusive Easement to Kenton T. Eldridge and Hannelore G. Eldridge for Pier Purposes, Wailupe, Honolulu, Oahu, Tax Map Key: (1) 3-6-001:021 seaward.**

Russell Tsuji representing Land Division briefed the Board on item D-9 that he doesn't think there is any concern by the applicant and he had nothing to add.

Randall Schmitt representing the owners testified that the pier has been there since 2008 and this was one last step that got overlooked to close this. It has been sold to his clients, but the Eldridges still living there.

**Unanimously approved as submitted (Morgan, Gon)**

**Item D-13 Grant of Term, Non-Exclusive Easement to Douglas & Kathleen Giannetti for Seawall Purposes, Assess Administrative Costs of \$200, Kawailoa, Waialua, Oahu, Tax Map Key: (1) 6-1-003:024-0001 seaward.**

Mr. Tsuji said this is another seawall easement and didn't have anything to add.

Doug Giannetti testified that during their shoreline certification an encroachment was identified and this is to rectify it and he acknowledged with a yes when asked by Member Gon whether he was ok with staff's recommendations.

**Unanimously approved as submitted (Morgan, Gon)**

**Item E-1 Requesting Approval for the Department of Land and Natural Resources Division of State Parks to Enter into a Memorandum of Agreement (MOA) with the Pacific Historic Parks, and to Authorize the Chairperson to Negotiate and Approve a Three Year Lease for a Pilot Project for the Operation of an Interpretive and Merchandising Kiosk in Diamond Head State Monument, Oahu**

Dan Quinn representing Division of State Parks introduced Curt Cottrell, Assistant Administrator briefed the Board on item E-1 and turned it over to Mr. Cottrell who presented some background information about Diamond Head State Monument. They are at 3,000 people a day and \$5 per car a day. He reported the challenges staff had with illicit sales and eliminated that by putting lights in the tunnel and a concession selling food and water. There is still a problem with illicit t-shirt vendors and illicit interpreters, but once staff provides their own the illicit goes away. He showed some photos of the interpretive kiosk and storage shed nearby. Staff's option was to put to bid, but they didn't know what an upset price would be citing a Hanauma Bay concession. Pacific Historic Parks (PHP) has been working with the National Park Service (NPS) at Pearl Harbor for 33 years, a premier visitor destination and Diamond Head is a premier attraction, but no merchandise or souvenirs. The Division is looking at a more modest income source balancing income and maintaining a quality atmosphere. Staff entering into an MOA upon approval and a 3 year lease which is how PHP has been operating and this is more a relationship than money generation.

Mr. Cottrell related how PHP generated money through grant writers and fundraising about \$50 million dollars to help the NPS revitalize and re-do Pearl Harbor augmenting sales in how they generate funds. Rather than going out to bid he thinks PHP has the capacity to work with staff in

development of quality merchandise because they know what sells adding the interpretive element for visitors. Referring to page 2 of the submittal, Mr. Cottrell talked about the 3 goals pointing out that the private sector has been selling Diamond Head goods on-line, but the Department gets zero money. PHP would go on-line with this merchandise giving the visitor an option to shop at the kiosk or on-line. Staff is looking at 10% of gross because they recognize that PHP is footing the bill for startup costs. Staff is working with DOD (Department of Defense)/Civil Defense within the Monument to place a visitor center. PHP will run the kiosk, produce on-line merchandise and provide interpretive information. They will have a 3 year run to generate funds and come up with a design for a visitor center. If that works staff would go to the Legislature to leverage the money they generate integrating into the design and request money via CIP. In addition to new revenue for the Department and enhancing the value to our 3,000 visitors a day, this is the first step toward a partnership with an organization with a proven track record with a Federal partner that we emulate to replicate their style of management. The Diamond Head State Monument Foundation is interested in adding another interpretive position toward our interpretive efforts.

Brad Wallis, President/CEO of Pacific Historic Parks distributed some folders with brochures and testified relating some background information about their organization noting that they have had successful campaigns to build visitors center(s). Their infrastructure supports education, fundraising, marketing with the goal to enhance visitor education at Diamond Head State Monument in cooperation with the State and they are grateful for this opportunity for a long term relationship.

Member Gon asked to describe briefly PHP's activities with Kalaupapa. Mr. Wallis explained they work in cooperation with the NPS. There is a residence converted into a concession where 4 tour concessions stop by with about 40 to 50 people a day. PHP donates more than they could ever take in revenue because it is their mission. By law all of their money is donated to support their mission. Guam, Saipan and Kalaupapa PHP either breaks even or donate significantly and have been in Kalaupapa for 10 years.

Member Gon asked what peaks their interest in Diamond Head and Mr. Wallis said it is an iconic site that already has visitation and they are looking to develop a new relationship with the State for the long term. It does have World War II relevance with some sites within the crater and when properly done it will enhance the visitor experience.

Member Edlao asked whether they will have an ancillary MOA with the Foundation. Mr. Wallis confirmed that will be between PHP and the Foundation. Their Board of Directors likes to see education and like to have people on the ground. If this is approved they will immediately bring a proposal for an MOA with the Foundation and with the intent that those funds be used to hire an interpreter on the ground.

Chair Aila asked whether PHP will have the prehistory of a site (example Pu'uloa before Pearl Harbor) with the NPS and the tourist industry and encouraged PHP to tell the whole story. Mr. Wallis agreed that they did have conversations with NPS about Pearl Harbor before the Navy that there was a cultural history at Diamond Head before today and they would be interested in working with the State on that. Mr. Cottrell said staff had developed a video on Diamond Head

describing when it was known as Leahi and the cultural aspect. Also, it ties in with WWII and to have quality interpretation. Chair Aila said to tell the entire history of the place because it is place based.

Member Morgan said he thinks it is a great resource there and staff has chosen the right people to work with and is looking forward to this. Member Gon echoed that, to have the 3 years with MOA and enhance the strengths at the end of that period.

Member Goode said he is glad they are not sacrificing quality for quantity and asked about Monsarrat Avenue State revenue over 3 years. Mr. Wallis said he hasn't factored it in as the State perspective, but as gross revenue about \$3.2 million generated. They talked about 4% of gross in the first 6 months, 6% of gross in the second 6 months and 10% for the remaining second and third year. For performance, it's a blank sheet for both partners not knowing what will happen and from a business stand point they need to enter in slowly and get a handle on our costs. After a year under their belt they can get a handle of what that revenue stream will be. Mr. Cottrell mentioned their discussions about net versus gross and decided for gross not knowing what will happen.

Member Gon said that 3,000 people a day is not a bad position to be in. Mr. Cottrell said they will start with t-shirts, certificates, water bottles, pins, caps and they will work with the Foundation on the design, fabrics. PHP knows what the consumer wants and will put out some products and adjust, but probably not more than 15 different things at one time. Referring to the photo of the visitor center he described how much space they have. There is storage and it's a good relationship. Mr. Wallis agreed due to the constrained space they could only develop around 12-15 items and encouraged grant writing to support a new visitor center. For now this is low risk for them and a good time to get to know one another.

Member Gon asked what ability they may have to have crossover visitors to Pearl Harbor to visit Diamond Head and vice versa. Mr. Wallis said over time there is potential for that, but absolutely, Pearl Harbor works with all the tours and they will work to cross pollinate encouraging people to visit Pearl Harbor and Diamond Head. Member Gon said he is curious to see what percentage of people who only visit Pearl Harbor will visit Diamond Head if available and vice versa.

A gentleman representing PHP said he coordinates with all the tour operators coming to Pearl Harbor updating them on when their peak and slow periods are. Mr. Wallis said they try to move more tours to afternoons to Diamond Head because they are at capacity at Pearl Harbor in the mornings. Mr. Cottrell said that way their entry revenue goes up.

**Unanimously approved as submitted (Morgan, Gon)**

**Item D-10 Consent to Second Amendment to Construction and Operation Agreement under General Lease No. S-3709, Oceanic Institute, Lessee, to Attractions Hawaii, Sublessee, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-014:004.**

Mr. Tsuji conveyed that item D-10 is an amendment to the agreement and gave some background on it. He didn't have any comments.

Randy Iwada, counsel for Oceanic and introduced Randy Hongi who is a senior engineer/manager at Oceanic and Mr. Iwada testified that they didn't have anything to add and were here for any questions.

Member Gon asked whether they were fine with staff's recommendation and Mr. Iwada said they were.

**Unanimously approved as submitted (Morgan, Edlao)**

**Item D-14 Grant of Term, Non-Exclusive Easement to West Coast Roofing, Inc. for Seawall Purposes; Assess Administrative Costs of \$200, Makaha, Waianae, Oahu, Tax Map Key: (1) 8-4-005:seaward of 002.**

Mr. Tsuji asked if the representative had any objections to staff's submittal/recommendation.

Manuel Medeiros said no and testified that Jim Thompson who they hired couldn't be here today and Mr. Medeiros is new to this. He understands that they will be charged only the administrative costs. Mr. Tsuji said yes \$200.00.

Mr. Medeiros asked where the setback is. Mr. Tsuji said that is for the County, but usually its 40 feet from wherever the shoreline is. Chair Aila suggested checking with the City on the setback.

**Unanimously approved as submitted (Morgan, Gon)**

**Item D-11 Grant of Term, Non-Exclusive Easement to Minatoya Real Estate, LLC for Seawall and Steps Purposes; Assess Administrative Costs of \$200; Kualoa, Koolaupoko, Oahu, Tax Map Key: (1) 4-9-009:seaward of 005.**

Mr. Tsuji reported that item D-11 is connected to staff's Legislation that Minatoya had an easement and this area that was previously within the shoreline is not now. Staff is adding the administrative costs because this was complicated requiring a lot of staff time, but no fine. If Legislation passes staff will come back to the Board on the compensation.

**Item D-2 Cancellation of Revocable Permit No. S-7818, Donna Nunes-Hoopii, Permittee, Por. Kapaa Town Lots, Kapaa, Kawaihau, Kauai, Hawaii, Tax Map Key: (4) 4-5-011:010.**

There was some discussion on whether to withdraw or defer where Chair Aila asked whether anyone was here to testify on item D-2 to defer and there was none. Deputy Attorney General Bill Wynhoff said he was fine with that because in his view once it's open if someone is here they are allowed to testify.

**WITHDRAWN**

- Item D-1** Amend Prior Board Action of August 10, 2007, Item D-2, Sale of Remnant to James G. Page and Judith C. Page, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-002:abutting parcel 25.
- Item D-3** Cancellation of Revocable Permit No. S-7671 to Jeannett Virginia Martins and Request for Waiver of Level One (1) Hazardous Waste Evaluation Requirement, Kapaa Homesteads, Kawaihau, Kauai, Tax Map Key: (4) 4-6-006:028 and 029.
- Item D-4** Amend Prior Board Action of November 10, 2011, Agenda Item D-3, Sale of Remnant State Land to Herbert P. Ornellas and Lorraine B. Ornellas, Waiakea Homesteads, 1<sup>st</sup> Series, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-4-46:08 by Changing the Identification of the Land to Acknowledge the Partitioning of the Applicants' Property.
- Item D-5** Amend Prior Board Action of October 8, 2004, Item D-14, Grant of Perpetual, Non-Exclusive Easement to Honomalino-Okoe Community Association, for Access and Utility Purposes, Honomalino & Okoe, South Kona, Hawaii, Tax Map Key: (3) 8-9-003: portion of 001 & 083, and 8-9-005: portion of 002. Purpose of the Amendment is to Change the Grantee's Name to Honomalino Bay Property Owners Association.
- Item D-6** Amend Prior Board Action of December 13, 2002, Item D-32: Dedication of Land and Grant of Easement to the State of Hawaii by Wailuku Agribusiness Company, Inc., Set Aside to the Department of Education for Playfield Purposes, and Authorize the Issuance of an Access Easement, Waihe'e, Wailuku, Maui, Tax Map Key: (2) 3-2-07: Portion of 1. And  
  
Amendment: Change the Name of the Grantor of the Deed and Easement from Wailuku Agribusiness, Company, Inc. to Stanford Carr Development LLC.
- Item D-7** Issuance of a Right-of-Entry Permit to MC&A Inc. for Beach Activities Purposes to be held on January 28, 2013; Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-3-037: portions of 021.
- Item D-8** Issuance of Right-of-Entry Permit to Waikiki Community Center for Beach Activities Purposes to be held on February 23 and 24, 2013 at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-37:portion of 21
- Item D-11** Grant of Term, Non-Exclusive Easement to Minatoya Real Estate, LLC for Seawall and Steps Purposes; Assess Administrative Costs of \$200; Kualoa, Koolaupoko, Oahu, Tax Map Key: (1) 4-9-009:seaward of 005.
- Item D-12** Consent to Assign Grant of Non-Exclusive Easement No. S-5338, Brian Grazer, Trustee of the Brian Grazer Trust of 1995, Assignor, to

**Thomas McCormick, Trustee of the McCormick US Properties Trust 2012, Assignee, Amend the Easement Conditions by Allowing the Easement to Run With the Abutting Property and Updating the Insurance Provision; Pupukea, Koolauloa, Oahu, Tax Map Key: (1) 5-9-001:038 portion.**

**Item D-15 Amend Prior Board Action of December 14, 2012, Item D-18, Annual Renewal of Revocable Permits on the Islands of Hawaii, Maui, Molokai, Kauai and Oahu. The Purpose of the Amendment is to Add a Revocable Permit from the Hawaii District to the Renewal List, Delete Two Revocable Permits from the Maui District from the Renewal List, and Delete One Revocable Permit from the Kauai District from the Renewal List.**

There were no changes to the above items per Mr. Tsuji.

**Unanimously approved as submitted (Gon, Edlao)**

**Item C-3 Authorization for the Chairperson to Negotiate and Sign a Memorandum of Agreement (MOA) with the State of Hawai'i, Department of Defense (DOD), for Access, Conservation Management, and Maintenance Obligations for Former Kulani Correctional Facility Lands, Waiakea, South Hilo, TMK: (3) 2-4-08:09 Por.**

**And Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Subject MOA.**

Randy Kennedy, Acting Administrator for Division of Forestry and Wildlife (DOFAW) introduced Lisa Hathaway from the Big Island. He briefed the Board on item C-3 to allow the Chair to negotiate an MOA between the Board and State's Department of Defense (DOD) for a portion of the former Kulani Correctional facility lands currently being used for DOD's Youth Challenge Academy under a revocable permit (RP) and DOFAW right-of-entry pursuant to exhibit A. Staff recommends the Chair to negotiate and sign the MOA and approve the declaration of exemption.

Member Gon asked whether this MOA was different from the MOA when Kulani Correctional Facility was in place. Lisa Hathaway said there was no MOA. This would serve as a good template for the upcoming when Department of Public Safety (DPS) returns by 2014. A big thing is the release of the alala in 2014 requiring 24/7 access for staff. There is more public using the area and people hiking in from the Saddle Road area.

Member Gon asked whether that traffic is recent or been happening a long time. Ms. Hathaway said she thinks it has been happening a long time based on the graffiti at the Old Boys Home and more people know that it's a Natural Area Reserve and can pass through. Their administrative rules allow that.

**Unanimously approved as submitted (Gon, Edlao)**

**Item C-1 Issuance of Special Use Permit No. FW-2013-H-01 to Palani Ranch Company, Inc., Kailua-Kona, HI, North Kona, Hawaii, TMK: (3)-7-4-002:por. 007.**

**And Request Approval of Declaration of Exemption from Chapter 343, HRS, Environmental Assessment Requirement for the Project.**

Written testimony from Hope Kallai was distributed to the Board members.

Mr. Kennedy conveyed item C-1 background which is a renewal permit and noted that Ms. Hathaway and Sheri Mann were here for questions.

**Unanimously approved as submitted (Edlao, Morgan)**

**Item C-2 Request for Approval of a Forest Reserve Management Plan for Keālia and Moloa'a Forest Reserve, Kaua'i.**

Mr. Kennedy asked the Board's approval on item C-2.

Member Goode asked whether staff saw the testimony regarding access. Chair Aila handed the written testimony to Sheri Mann. Member Gon said it asks what the current access status is. Chair Aila said primarily Moloa'a.

Sheri Mann apologized that she hadn't seen this and the Chair asked what plans are there for providing access to Moloa'a. Ms. Mann said there are some issues of it being landlocked and having to cross over private lands. Staff has had discussions with the landowners with decommissioning of the Moloa'a Ditch and consulted with CWRM (Commission on Water Resource Management) and Engineering on what it would take. There are other ways to get into the Forest Reserve and there are no restrictions.

Member Morgan asked wasn't there a reference to a road already there.

Chair Aila said this person is asking how a traditional and customary practice occurs if there is no access to it where he asked Member Gon whether he had any experience with this. Member Gon said it's with the landowner(s) knowledge and consent. The Chair said maybe staff should talk to the landowners that there is a PASH right and asked whether we can facilitate a process for folks who want to conduct traditional, customary practices in this area to work with landowners to gain access. Ms. Mann said they are doing that right now in terms of looking at future management in there as well as how they would get in there to do any work on that ditch and staff could bring that up on some methodology for the public to gain access.

Member Gon said if the parcel is landlocked and even the State doesn't have an agreement with the private landowner that is one of the first things we would have to establish anyway to conduct any land management. Ms. Mann said that is an objective which is what they have in this management plan that they would need access – hunters, the ditch, invasive species.

Mr. Wynhoff commented that he presumes there is access somewhere and to look under the historical records where the traditional, customary access is than you might have a right to access, but unless that research was done and what he is hearing is staff is going to approach this cautiously in approaching landowners saying we have a right. You guys appear more negotiating and that strikes me as the proper approach. We're a long way of going hard ball saying we have a right at this point.

Ms. Mann said this is one of the first steps in implementing any of these. We would have to go through a lot of different things in terms of access, creating new access, putting together agreements and we do that across the State. Member Morgan thanked her for articulating that because that would be a dangerous precedent where Member Gon pointed out there were pre-existing relationships when the forest reserve was established.

Mr. Wynhoff said that the Board action before us today is not making the access any worse. Whatever access there is, there is. He understands the concern, but the action isn't that. Ms. Mann said staff tried to articulate that in the submittal, but this is just a plan. Any actions within this plan staff would like to implement they will come back to the Board.

There was some discussion by the Board members that there is a plan for access.

**Unanimously approved as submitted (Gon, Morgan)**

**Item L-1 Appointment of Alan Gottlieb as West Oahu Soil and Water Conservation District Director**

**Item L-2 Appointment of Lisa Zeman as South Oahu Soil and Water Conservation District Director**

Carty Chang representing Engineering Division said he had no changes to items L-1 and L-2.

**Item L-3 Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules for Job No. B45XM82B, Ma'alaea Small Boat Harbor Ferry Pier Replacement Wailuku, Maui, Hawaii**

Mr. Chang explained that when staff says that the Board approved the Ma'alaea wharf project it is for Phase I which is for land improvement projects. Staff is asking for the ferry pier and the reason why they deliberately broke it up was the ferry pier has a lot more challenges with coral, endangered species and working in the water. It is still considered exempt under Chapter 343 because it is replacing an existing pier in-kind and does fall under an existing exemption that Boating has referring to Exhibit A. Staff is asking to declare that this project is exempt under the applicable statutes and rules and this project will have minimal or no significant impacts and therefore exempt from an EA.

**Unanimously approved as submitted (Morgan, Edlao)**

**Adjourned (Gon, Edlao)**

There being no further business, Chairperson Aila adjourned the meeting at 10:04 a.m. Recording(s) of the meeting and all written testimonies 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:



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William J. Aila, Jr.  
Chairperson  
Department of Land and Natural Resources