

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

DATE: FRIDAY, AUGUST 23, 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 9:11 a.m. The following were in attendance:

MEMBERS

William J. Aila, Jr.
Dr. Sam Gon
James A. Gomes
Shawn Smith

Rob Pacheco
David Goode
Reed Kishinami

STAFF

Sam Lemmo/OCCL
Ed Underwood/DOBOR
Dan Quinn/PARKS
Roger Imoto/DOFAW
Carty Chang/ENG

Russell Tsuji/LAND
Maria Carnevale/NWHI
Andrew Choy/DOCARE
Kevin Moore/LAND

OTHERS

Bill Wynhoff/Deputy Attorney General
Randy Vitousek: K-1
Mililani Trask: J-1
Alice Greenwood: F-3, F-2, E-2
Martin Hsia: E-1
Pelika Bertelmann: F-2
Wayne Tanaka: E-2

Ross Smith/DOT: M1 – M5
William Gibson: J-1
James Waddington: F-3
Lloyd Mak: D-11
Edmund Saffery: E-1
Lela Hubbard: F-4, E-2
Michael Meister: E-3

Item M-4 Amendment No. 5 to Lease No. DOT-A-92-0014 Restaurant and Lounge Concession, Additional Premises Host International, Inc., Kahului Airport TMK: (2) 3-8-01:19 (Portion).

Ross Smith, representing the Department of Transportation (DOT), Airports Division, said that item M-4 is an amended item. DOT is asking to amend "Article III, Premises", to allow for additional space needed for grease traps.

Unanimously approved as amended (Pacheco, Gon)

Item M-1 Amendment to Prior Board Action of May 11, 2012 (Item M-1), as Amended on May 24, 2013 (Item M-1), Issuance of a Direct Lease to Hyak Aviation LLC, Honolulu International Airport to Change the Terms of the Annual Ground Lease Rent TMK: (1) 1-1-072: 11 (Portion).

Mr. Smith asked to amend a prior Board action issuance of a lease to one of the tenants on the South Ramp of Honolulu International Airport. DOT has done a mathematical calculation of rent step-ups throughout the term of the lease and the current lease is being amended so that there are two re-appraisals within the term. For the years 2011-2015, the rent will be set by the appraisal and then back to the mathematical calculations for the years 2015-2021 to be reappraised again.

Unanimously approved as submitted (Gon, Gomes)

Item M-2 Issuance of a Fueling Facility Lease Hawaii Fueling Facilities Corporation Kona International Airport at Keahole TMK: (3) 7-3-43: Portion of 003.

Mr. Smith conveyed some background on item M-2 and said there were no changes to item M-2.

Item M-3 Issuance of Direct Lease to Island Movers, Inc. Honolulu International Airport TMK: (1) 1-1-72:5 (Portion).

Mr. Smith conveyed some background on item M-3, the issuance of a direct lease to Island Mover, Inc. to use an existing porch building on the South Ramp Airport for cargo inspection.

Item M-5 Issuance of a Direct Cargo Facility Lease Gooch, Inc. DBA Hawaii Inspection Services Honolulu International Airport TMK: (1) 1-1-03: 015.

Mr. Smith conveyed some background on item M-5, the issuance of direct cargo facility to Lease Gooch, Inc., who will be doing cargo inspections in another part of the airport.

Member Sam Gon was glad to see security action in the airport.

Items M-2, M-3 and M-5 unanimously approved as submitted (Gon, Pacheco)

Item K-1 Proposed Rule Amendment HA 13-02 Request for Public Hearing and Small Business Impact Determination: Petition to Amend Title 13, Chapter 5,

Hawaii Administrative Rules (HAR) to Redesignate Land That Lies Within the Limited Subzone into the General Subzone, Ho'okena, South Kona, Hawai'i County, Tax Map Key: (3) 8-6-013:009.

Sam Lemmo, Administrator for the Division of Conservation and Coastal Lands (OCCL), conveyed some background on item K-1, the proposed rule amendment to change the subzone from restricted subzone to a less restricted subzone for single family residence. The first step in that process is to have the Board's authorization to hold a public hearing.

Member Shawn Smith asked if the Administrative staff was okay with the submittal and Mr. Lemmo said yes.

Randy Vitousek, a representative for the applicant, expressed his frustration regarding perceived inconsistencies in OCCL's treatment of properties in the limited subzones and said this change was needed.

Unanimously approved as submitted (Pacheco, Gomes)

Item D-9 RESUBMITTAL:

- (1) **Rescind Prior Board Action of June 4, 2004, Item D-12, Fee Simple Sale of Reclaimed (Filled) Land to Michael Gallagher and Ada Murakami, Niu, Honolulu, Oahu, TMK (1) 3-7-002:seaward of 008; and**
- (2)(a) **Authorize Grant of 55-Year Term, Non-Exclusive Easement to Michael Gallagher and Ada Murakami for Seawall and Filled Lands Purposes, Niu, Honolulu, Oahu; TMK (1) 3-7-002:seaward of 008; or alternatively,**
- (b) **Enforcement Action Against Michael Gallagher and Ada Murakami as Owners of TMK (1) 3-7-002:008 for Unauthorized Encroachment, Niu, Honolulu, Oahu, TMK (1) 3-7-002:seaward of 008.**

Russell Tsuji, Administrator for the Land Division, conveyed the history and background on item D-9, concerning the owner of the property and seawall and filled land issue.

When Member James Goode asked if Michael Gallagher has found council, Mr. Tsuji said that Mr. Gallagher was provided council, Greg Kugle, Attorney for Papakea Association of Apartment Owners (PAOAO), who represented a neighbor and was very familiar with the area.

Mr. Tsuji presented a two-part recommendation: (1) to rescind the fee simple sale, and (2) to authorize grant of the non-exclusive easement.

Mr. Tsuji explained that it will be more difficult since the Legislature requires two-thirds super majority for any fee simple sale transaction. Mr. Tsuji explained that the seawall is built on

ceded submerged lands. The two choices are to either to remove or allow the seawall to remain. Removing the wall may cause further erosion to the property. OCCL felt that the seawall encroachment does not have a future negative impact on the shoreline.

Member Gomes asked why one neighbor had to remove their seawall while Land Division is allowing this seawall to remain.

Mr. Tsuji explained that the impact on the beaches or shorelines is complex. Land Division is dealing with each seawall one at a time. The Board had concerns on getting the easement and receiving the deposit. They want a commitment from the landowner to pursue the easement and to collect a deposit.

Chairperson William Aila asked if Mr. Tsuji has a two-part recommendation, and Mr. Tsuji said that this is a difficult issue because the owner made improvements in what was once the shoreline, and furthermore it was on ceded lands. Chairperson Aila noted that the Statute does not allow for some encroachment on ceded lands, but this was on ceded, submerged lands. They built their wall and increased their private property. Mr. Tsuji noted that encroachments on ceded land need to go to the Legislature for approval and need a 2/3 supermajority to pass.

Mr. Lemmo said that this was encroachment on State land and letting it stay will have a future negative impact.

The Board discussed the issue, and more particularly, how they could enforce requiring the removal of the wall since it is continuous along several neighbors' property as well. They felt that the easement was the better option because it gave the landowner a choice. If he refuses to sign the easement, this item could come back to the Board. It was noted that the landowner could be difficult to reach, but they agreed to allow him 30 days to sign the easement and to put down a \$7,000 deposit.

The Board motioned to approve (1a) and modified (2a) to proceed with the government easement and accept deposit.

Unanimously approved as amended (Gon, Gomes)

Item J-1 Petition for a Declaratory Ruling by William Gibson Regarding the Expiration of His Regular Mooring Permit for the Honokohau Small Boat Harbor.

Written testimonies from William Gibson and Mililani Trask were distributed to the Board members on item J-1.

Mr. Underwood, Administrator for the Division of Boating and Ocean Recreation (DOBOR), said item J-1 was a similar issue item from the previous Land Board meeting held on August 09, 2013. William Gibson failed to renew his mooring and commercial permits prior to the

expiration date and within the 30-day grace period. Staff wrote a letter, which was returned as undeliverable although it was sent to the address that was provided. DOBOR does not have the authority to reissue a lapsed permit.

Member Rob Pacheco said that the distinction between a commercial and a regular mooring permit is that the regular mooring permit has a 30-day grace period in which to renew. The commercial permit does not.

Mr. Underwood explained the process: fill out two separate applications (one for the mooring permit and one for the commercial permit). It is obvious that there are two separate permits. Mr. Gibson was late applying for both permits. It is possible in the Statute to amend rules to include the 30-day grace period for commercial permits.

Chairperson Aila asked if there is a wait list at the harbor and Mr. Underwood said yes.

William Gibson, owner of Hookele, testified on item J-1 and said that he was in Hana, Maui, for an entire month helping a family member with storm damage repairs. He said that he did not receive the certified letter. His son was working on the boat for several months at sea. Mr. Gibson's request to the Board is to reverse this decision. There was no posting of a notice to the Board, no telephone call or mail while issuing a temporary mooring permit. He received a telephone call regarding the expiration of the temporary permit.

Mililani Trask testified on item J-1. She expressed her support on behalf of her brother-in-law, Mr. Gibson, and their family owned business.

Member Pacheco asked Ms. Trask about the suggestion concerning the rules being amended to allow a 30-day grace period for commercial permits. Ms. Trask said that would be good, but she did not know how to address the process that was provided by Statute, which required a public hearing.

Member Pacheco asked Mr. Underwood how many people are on the waiting list for the regular mooring permit, and Mr. Underwood said that there are a total of 78 people on the waiting list, and 21 people on the waiting list for a commercial permit. Mr. Underwood said that the people have been on the list since October 2000 for the mooring permit and April 2004 for the commercial permit.

Member Pacheco made a motion to hold a discussion in Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. Member Gon seconded that.

9:50 AM EXECUTIVE SESSION

10:15 AM RECONVENE

Chairperson Aila asked Bill Wynhoff, Deputy Attorney General (AG), to discuss the concept of the permit expiring for the benefit of the audience.

Mr. Wynhoff advised the Board that according to the rule (HAR 13-231-5), the permit automatically terminates at the end of the year. The permit terminated automatically, and not by any action of the Department. Thus, there can be no contested case against the Department, because there was no action taken. The permittee has no property rights in the permit (Cassidy vs. State of Hawaii, HDOT). Therefore, the AG's view is that the permit has terminated and the only action that the Department can take is to issue another permit. The rules dictate that the new permit goes to the next person on the waiting list. Therefore, although we sympathize with Mr. Gibson, the law dictates the process.

Unanimously approved as submitted (Pacheco, Goode)

Item F-3 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Ms. Cynthia Vanderlip, Kure Atoll Conservancy, for Access to State Waters to Conduct Photography and Anthropogenic Item Collection Activities.

Maria Carnevale, Co-Manager for Papahānaumokuākea Marine National Monument of the Northwest Hawaiian Islands (NWHI), presented and conveyed some background on item F-3 to collect photographs, items like glass balls for sale, to help fund the conservation and management of the Monument.

Member Gon asked if this kind of permit has been granted before in the National Monument at Midway (same model), allowing a non-profit to collect items to be used to fund and support conservation programs at Kure.

Member David Goode asked about finding debris.

James Waddington, an applicant, testified on item F-3. He said that he was not part of the non-profit Atoll Kure Board. He shared his experiences at Kure and the need for additional funding opportunities.

Member Gomes asked about the non-profit side to gather and include the removal of debris entanglement.

Ms. Carnevale said members would collect items for the non-profit while on the island, to help with debris collection and collection of glass balls for sale back in the main Hawaiian Islands.

Member Gomes asked what are they looking to sell and are they looking to sell items such as shells?

Ms. Carnevale said no shells, but to take photos of items for calendar sales and glass balls for fundraising sales.

Alice Greenwood testified on item F-3 and expressed concerns about cultural and intellectual property rights.

Member Pacheco asked how does collecting glass balls and taking photograph by the non-profit infringe on cultural and intellectual property rights. Ms. Greenwood said that she was not sure but it feels like it takes away from the Hawaiian culture.

Unanimously approved as submitted (Pacheco, Goode)

Item D-11 Cancellation of Governor’s Executive Order No. 3837 Setting Aside State Lands to Department of Defense for Oahu Veterans Center, Aiea, Ewa, Oahu, Tax Map Key: (1) 9-9-003:035, 9-9-012:005, 046 & 047.

Mr. Tsuji conveyed the history and background on item D-11 concerning the executive order with the Department of Defense (DOD). DOD no longer needs to use the property. They have cleaned up the environmental issues while leaving a pump house. Staff recommends allowing the cancellation of the executive order with the understanding that we are going to demolish the pump house and remove the remaining structure. Once the removal and clean-up are completed, the property can be useable again.

Lloyd Mak, Assistant Chief Engineer representing DOD, informed the Board that the money has been appropriated.

The Board members expressed their concerns about the effectiveness of the removal of mercury in the ground, in the pump house building, and the pump house lot.

Mr. Mak said that the mercury had been removed from the ground, but there was still mercury in the pump house, so the pump house would have to be removed.

Unanimously approved as submitted (Pacheco, Gon)

Item E-1 Denial of Request for Contested Case Hearing by Martin E. Hsia Regarding BLNR Agenda Item E-1, June 14, 2013, Regarding the Request for Approval to Remove Various Improvements Located Within Easements Within Diamond Head State Monument and Appurtenant to Diamond Head View Lots, Unit 1, Lots 1 and 1A, Kapahulu, Honolulu, O’ahu, Tax Map Key: (1) 3-1-047:048 and 049.

Dan Quinn, Administrator for the Division of State Parks (SP), conveyed some background on item E-1.

Martin Hsia asked to withdraw the contested case.

Mr. Wynhoff shared Mr. Hsia’s various legal options for a Statute contested case.

Chairperson Aila asked what action will take place for the Board.

Mr. Wynhoff said that if Mr. Hsia withdrew, he has the right to come back to the Board again.

Edmund Saffery, Attorney for Poka Place LLC, presented his client's general position but had no position on Mr. Hsia's request to withdraw the matter.

The Board discussed its options. The matter was withdrawn and no action was taken.

Withdrawn

Item F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Ms. Pelika Bertelmann, Nā Maka o Papahānaumokuākea, for Access to State Waters to Conduct Cultural Monitoring Activities.

Ms. Carnevale conveyed some background on item F-2, referring to Pelika Bertelmann traveling to Nihoa. The activities would take place on September 1. This is the third phase of a project; the first two parts were in the main Hawaiian Islands. Ms. Bertelmann proposes to fish, enter the entitled areas and do a service project. There will be no excavation. The proposal has been reviewed by all agencies, and all of the agencies are supportive. Staff recommends approval.

Member Gon disclosed that he had participated in a similar permit to monitor opihi last year. He was also curious as to the results of the whole project. Ms. Bertelmann said they would be leaving from Niihau, which is the gateway to the NWHI. There will be a formal give-back presentation to the community and the management agencies. They will be doing a round of presentations. These would probably take place on Niihau, and also on the Hawaii Island where most of the cultural working group lives. Member Gon pointed out that he was more interested in the outcome of the subsistence project. How does the group do outreach? How about the exchange and rebuilding of relationships? He noted that three (3) members of the group are direct lineal descendants who trace their lineage to the early 1900s. Eleven people will go on the trip.

Ms. Bertelmann agreed that this was important and also pointed out that they were only asking for a near shore permit.

There was a discussion about the near shore policies of both National Oceanic Atmospheric Administration (NOAA) and the Marine Monument that required that you consume anything you catch and that nothing can be taken out of the Monument (without a permit). That accords with the goals of the subsistence project.

Alice Greenwood testified in support of the project.

Unanimously approved as submitted (Gon, Kishinami)

Item F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Mr.

Nainoa Thompson, Polynesian Voyaging Society, for Access to State Waters to Conduct Training Sails for Apprentice Navigators Using Non-Instrumental Navigation Activities.

Ms. Carnevale provided background on Item F-1. The Polynesian Voyaging Society (PVS) is requesting access for land based cultural observations, including offerings. Access will be at sunset and sunrise. There will be no overnight camping. Agencies and the Monument Management Board (MMB) have reviewed this permit. The MMB has approved this project. Staff recommends approval.

Unanimously approved as submitted (Gon, Gomes)

Item F-4 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Russell Brainard, Coral Reef Ecosystem Division, National Oceanic and Atmospheric Administration, for Access to State Waters to Conduct Reef Assessment and Monitoring Research Activities.

Ms. Carnevale provided the background for Item F-4, a request for a research permit to the French Frigate Shoals. This is mainly the continuation of previous work which includes sea water sampling, removal of equipment, dives for assessment and other activities consistent with previous permits. All of the agencies have reviewed the permit. MMB endorses the permit application. Staff recommends approval.

Lela Hubbard testified in opposition. She said that there should be more enforcement patrols in the area and she is concerned that permittees are taking fish and are more concerned about money than keeping the area pristine. She encouraged DLNR to seriously consider technologies that would allow remote monitoring of the area.

Unanimously approved as submitted (Gon, Pacheco)

Item B-1 Request Approval to Seek the Governor's Approval to Indemnify the City and County of Honolulu Department of Parks and Recreation for the Use of Koko Head Shooting Complex on September 21-22, 2013 for National Hunting and Fishing Day Celebration.

Andrew Choy, representing the Division of Conservation and Resource Enforcement (DOCARE), provided background on item B-1. The National Hunting and Fishing Day Celebration is an annual event. This will be its 23rd year. The City and County of Honolulu Department of Parks and Recreation is requesting indemnity from the State for use on September 21-22, 2013 for this event.

In response to Member Gon's question about attendance, Mr. Choy said that last year's event had 700 people. Proceeds from the event are split between the Foodbank and a fishing club. Last year they collected 2,500 pounds of food and \$2,000 for the fishing club.

Unanimously approved as submitted (Gon, Pacheco)

Item E-2 Denial of Request for Contested Case Hearing by Lela Malina Hubbard Regarding BLNR Agenda Item E-1, April 26, 2013, Regarding the Request for Authorization for the Construction and Use of a Burial Tomb on the Grounds of the Royal Mausoleum State Monument for Abigail K. Kawananakoa and Delegation of Authority to the Chairperson to Issue a Construction Right of Entry for said Tomb at Mauna ‘Ala, Kawananakoa, Nu‘uanu Valley, O‘ahu, Tax Map Key: (1) 2-2-021: 012 (por.).

Written testimonies from Lela Hubbard and Kamana‘opono Crabbe were distributed to the Board members on item E-2.

Mr. Quinn presented the submittal on item E-2.

Lela Hubbard expressed concern with the Board not granting her request for the contested case hearing in a related Board submittal. She continues to oppose construction of a burial tomb for Abigail K. Kawananakoa.

Ms. Greenwood expressed concerns about her ability to be buried at Mauna‘Ala.

Wayne Tanaka, from the Office of Hawaiian Affairs (OHA), discussed Article XII, Section 7 of the State Constitution. Member Gon asked how OHA’s interpretation of Article XII, Section 7 impacted the staff recommendation.

The Board discussed their discomfort with this item but recognized that legally, they had the responsibility to make the decision on Ms. Kawananakoa’s request.

Ms. Hubbard hoped that something positive will come out of this and suggested that experts, such as people knowledgeable about Hawaiian history, be consulted in addition to Mr. Mai‘oho (Kahu).

Unanimously approved as submitted (Pacheco, Gomes)

Item E-3 Issuance of Right-of-Entry Permit for Site Access Purposes to Michael Meister, Pupukea Paumalu State Park Reserve, Paumalu, Ko‘olauloa, O‘ahu, Tax Map Keys: (1) 5-9-006:038 (por.) and (1) 5-9-005:038 (por.).

A written testimony from Doug Cole was distributed to the Board members on item J-1.

Dan Quinn provided background on item E-3, a right-of-entry permit to the Paumalu State Park Reserve to allow Michael Meister the ability to build a fence on his property, which is adjacent to the Park.

Michael Meister testified that a fence is needed to prevent people from crossing his property to get from a bunker on State land to a bunker on his property. There is a trail between the two

bunkers. He has posted signs, but that does not stop people from accessing his property. He is concerned about safety and liability. The Board asked about specific regulations regarding leaving the property intact, ensuring that the excavator doesn't cause undue damage, etc.

Mr. Meister said that he will stay inside the perimeter. He owns the excavator and does excavation for a living, so he will be running the machine himself. He made the request because he cannot get materials and equipment to that part of his property, so he has requested access through State land. He also assured the Board that he has walked the trail and there is enough clearance on the road for him to get the excavator through without damage to the surrounding plants. Some of the clearing will be done on State property, which is okay with SP.

Unanimously approved as submitted (Pacheco, Gomes)

Item C-1 Request Approval to Issue an Invitation for Bid and Authorization to Award, Execute, Amend, and Extend a Contract(s) to Install Ungulate-Proof Fencing for Maui District Including Hana Forest Reserve, Koolau Forest Reserve, Hanawi Natural Area Reserve and Molokai Forest Reserve, TMKs (2) 1-2-004:07, por; 1-3-001:001, por; 6-1-001:002, por.

And

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for These Projects.

Item C-2 Authorization for the Chairperson to Negotiate and Sign a Memorandum of Agreement (MOA) with PATH Peoples Advocacy for Trails Hawai'i (PATH), for the Purpose of Cooperative Management and Maintenance of Selected Trails Suitable for Public Use in the Makāula - `O`oma Section of the Honua'ula Forest Reserve, North Kona District, Island of Hawai'i, TMK: (3) 7-3-01:02

And

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

Item C-3 Request Approval for Selection of the Competitive Sealed Proposal Process and Authorize the Chairperson to Award, Execute, Amend, and Extend Contract(s) to Install Ungulate-Proof Fencing within Manukā Natural Area Reserve, TMKs (3) 8-9-006-001, 8-9-006-002, 8-9-006-014 por., 9-1-001-006 por. and 9-1-001-007 por., Ka'u and South Kona, Hawai'i

And

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for This Project.

Roger Imoto, Administrator for the Division of Forestry and Wildlife (DOFAW), said there were no changes to items C-1, C-2 and C-3.

Member Gon complimented the management infrastructure areas concerning the fencing and natural areas in the Maui District.

Member Pacheco also complimented the division and noted that it was a nice place for the public.

Items C-1, C-2 and C-3 unanimously approved as submitted (Gon, Pacheco)

Item D-6 Approval in Principle for Acquisition of Private Lands situate at Honokohau and Honolua, Lahaina, Maui, identified as Tax Map Key No.: (2) 4-1-001:010.

Kevin Moore, Acting Administrator for Land Division, said that approval was needed so the Department could start its due diligence on the property.

Member Gomes asked how much was being approved? Mr. Moore said 2 million.

Unanimously approved as submitted (Gomes, Smith)

Item D-3 Issuance of Right-of-Entry Permit to John Willard of Maui Surf Ohana at Haneoo, Hamoa, Hana, Maui, Tax Map Key: (2) 1-4-007: Portion of 009.

Member Goode suggested that the staff recommendation include traffic control as a condition of the permit.

Unanimously approved as amended (Goode, Gomes)

Item D-4 Consent to Sublease, General Lease No. S-5284-A, Hawaiian Cement, Lessee, to Haleakala Solar Inc., Sublessee, Pulehunui, Maui, Tax Map Key: (2) 3-8-008:031 por.

Member Goode recommended that staff add a condition for additional solar panels and to read them every month per the agreement. This would give the Board some information on whether remnant lands should be sold or used for photovoltaic generation.

Unanimously approved as amended (Gomes, Goode)

Item D-1 Issuance of Right-of-Entry Permit to The Rotary Club of West Kauai on Unencumbered Lands for a Community Service Project to Remove Stairs that are Functionally Obsolete and Clean the Area; Waimea Valley, Waimea, Kauai, Tax Map Key: (4) 1-6-003:056 (portion).

Item D-2 Issuance of Right-of-Entry Permit onto Unencumbered State Beach Land to Essex House Condominium Corporation dba Kauai Marriott Resort &

Beach Club for Beach Cleaning and Maintenance, Stream Mouth Maintenance, Storm Maintenance and Leveling of Recreational Areas; Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.

Item D-5 Issuance of Right-of-Entry Permit to 808 For Life Promotions LLC at Kihei, Kamaole, Kula, Maui, Tax Map Key: (2) 3-9-005: Seaward of 052.

Item D-7 Request that the Board Grant Petition for Contested Case Hearing by KRS Investments LLC, dba South Pacific Kayaks & Outfitters, and Tiki Team Adventures, for a Contested Case Hearing as to Enforcement Action Against KRS Investments LLC, dba South Pacific Kayaks & Outfitters, and Tiki Team Adventures Involving Unauthorized Commercial Activities Conducted on State Unencumbered Lands at Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:001 and for Authorization to Select and Appoint a Hearing Officer.

Item D-8 Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd for Beach Activities Purposes to be held on September 6, 2013 at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:portion of 021.

Item D-10 Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Drainage Purposes, Issuance of Management Right-of-Entry; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-021:Seaward of 038.

Mr. Tsuji said there were no changes to items D-1, D-2, D-5, D-7, D-8 and D-10.

Items D-1, D-2, D-5, D-7, D-8 and D-10 unanimously approved as submitted (Pacheco, Gon)

Item L-1 Certification of Election of Greg Hendrickson as Kona Soil and Water Conservation District Director.

Item L-2 Certification of Election of Larry Jefts and Appointment of See Ba Thee to Serve as Directors of the West Oahu Soil and Water Conservation District.

Item L-3 Appointment of Kapua Sproat Fonoimoana as Windward Oahu Soil and Water Conservation District Director.

Carty Chang, representing Engineering Division, said that there were no changes to items L-1, L-2 and L-3.

Items L-1, L-2 and L-3 unanimously approved as submitted (Gon, Kishinami)

Adjourned

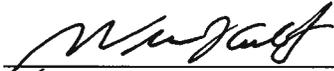
There being no further business, Chairperson William Aila adjourned the meeting at 11:55 a.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Marlou Lamblack
Land Board Secretary

Approved for submittal:



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