

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

DATE: FRIDAY, MAY 9, 2014  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Board member Sam Gon called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

**MEMBERS**

Sam Gon  
Reed Kishinami  
Thomas Oi

James Gomes  
David Goode

**STAFF**

Linda Chow-Deputy AG  
Russell Tsuji-LAND  
Ed Underwood-DOBOR  
Alton Miyasaka-DAR  
Alyson Yim- ENG

Sam Lemmo-OCCL  
Maria Carnavale-DAR  
Lisa Hadway-DOFAW  
Kevin Yim-DOBOR

**OTHERS**

Eric Leong/ DOT-HAR  
Steward Allen/ K-2  
Mark Earison/ K-2  
Chipper Wichman/ K-1  
Nathan Okubo/ D-2  
Kehau Springer/ F-4

Ross Smith/ DOT-AIR  
James Barry/ K-2  
Dan Purcell/ K-2  
Rick Havlcan/ K-1  
Stephanie Nagata/ K-3  
Sterling Kim/ J-2

**Item A-1 Approval of February 28, 2014 Minutes**

Member Goode recused. He was not in attendance that day. The minutes also say that he was in attendance. He asked that the minutes be amended to reflect his absence.

**Unanimously approved as amended (Gomes, Kishinami)**

**Item M-1 Consent to Assign Harbor Lease No. H-09-48, Ameron International Corporation, DBA Ameron Hawai'i, Assignor, to Ameron Hawai'i, LLC,**

**Assignee, Premises Adjacent to Pier 60 and Ke‘ehi Lagoon, Tax Map Key No: 1<sup>st</sup>/ 1-2-23: Portions of 33.**

**Item M-2 Issuance of Two (2) Revocable Permits to Ameron Hawaii, LLC, Situate at Ke‘ehi Industrial Lots, Kalihi-Kai, Honolulu, O‘ahu, Tax Map Key No. 1<sup>st</sup>/ 1-2-23: 50 and Tax Map Key No: 1<sup>st</sup>/ 1-2-23: 64, 70, 75, 77, 82, 88 and Portions of 33 and 58.**

**Item M-3 Direct Issuance of a Revocable Permit to Hawaiian Cement for Cement Offloading Equipment at Pier 7, Kalaeloa Barbers Point Harbor, Hawai‘i.**

Eric Leong, Property Manager for the Department of Transportation-Harbors Division (DOT-HAR) had no changes and was present to answer any questions.

**Unanimously approved as submitted (Oi, Gomes)**

**Item M-4 Issuance of a Revocable Permit for Aircraft Storage, Eric H. Nakamoto, Dillingham Airfield, Waiālua, Hawai‘i, Tax Map Key: (1) 6-08-14-16 (Portion).**

**Item M-5 Issuance of a Revocable Permit for Mobile Fuel Truck, Sky-Med, Inc. DBA Pacific International Skydiving Center, Dillingham Airfield, Waiālua, Hawai‘i, Tax Map Key: (1) 6-08-14-01 (Portion).**

**Item M-6 Issuance of a Revocable Permit for Aircraft Storage Purposes, Chad G. Holcomb, Honolulu International Airport, Tax Map Key: (1) 1-1-76:21 (Portion).**

**Item M-7 Issuance of a Revocable Permit for Passenger Check-In Counter, Storage and Equipment Storage Area for Airline Operations Purposes, Mokulele Flight Service, Inc., Kalaeloa Airport, Island of O‘ahu, State of Hawai‘i, Tax Map Key: (1) 9-1-13: Portion of 32.**

**Item M-8 Issuance of a Revocable Permit for Parking for Aircraft Tie-Down Parking Purposes, Mokulele Flight Service, Inc., Kalaeloa Airport, Island of O‘ahu, State of Hawai‘i, Tax Map Key: (1) 9-1-13: Portion of 32.**

**Item M-9 Amendment No. 2 to Concession Agreement No. DOT-A-08-0011 to Raise Luggage Cart Rental Fee and Implement Reward Fee, Smarte Carte, Inc., Honolulu International Airport, Hilo International Airport, Kahului Airport, Kona International Airport at Keāhole and Līhu‘e Airport.**

**Item M-10** Amendment No. 21 to Concession Lease No. DOT-A-92-0018 for the Purposes of Adding Two (2) Floor Spaces, Restaurant and Lounge Concession, Host International, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-03: 1 (Portion).

**Item M-11** Issuance of a Revocable Permit for Land for the Storage of an Office Trailer and Related Parking, Kona Jet Partners, LP, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.

Ross Smith representing the Department of Transportation-Airports Division (DOT-AIR) briefly reviewed each item.

Member Gomes asked what is basis was for assessing rent for T-hangars. Smith said that in all cases rentals are set by appraisal. They do a statewide appraisal every 1-2 years. T- hangars are done on a square footage basis.

**Unanimously approved as submitted (Goode, Kishinami)**

**Item K-2** Conservation District Use Application (CDUA) MA-3663 for a Shoreline Protection Structure by the Hololani Resort Condominium Association of Apartment Owners, Located at 4401 Lower Hono-a-Pi'ilani Road, Kahana, Maui, Seaward of Tax Map Key: (2) 4-4-010:009.

*Written testimony was submitted by James H. Barry.*

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands (OCCL) asked for patience as he explained this item. Lemmo gave some background on the environmental characteristics. The erosion area has a .7/.8 ft. per year erosion rate. This has a large seasonal area component. There are times during the year where there is no beach. Lemmo explained the picture of exhibit #4 pointing out the location of different resorts. This area has been experiencing erosion problems for the past 15-20 years. In 2007 OCCL issued an emergency authorization for existing sandbags. One condition was that they come up with the permit solution, so they are here proposing a hybrid shore protection structure; which is a vertical seawall with a sloping revetment on the bottom side; the length would be 370-400 ft. along the HCR shore front. They are proposing to terminate the structure 30 from the Kahana Shoreline; reason being to reduce or mitigate the potential for flanking. The shoreline has been certified. A FONSI (finding of no significant impact) was issued. It was OCCL's opinion that this project itself is not significant. When the FONSI was issued the applicant was notified, and the footprint of this structure affects the conservation area. There was a public hearing on this matter on Maui and generally the people were supportive. Abandonment is not recommended and is not a viable option. Lemmo gave potential options to restore the beach. It was found that these types of structures have the potential to create shoreline erosion.

Member Gomes asked what would happen in the next 65 years, what this beach front would look like if the staff recommendation is not followed. Lemmo said that the beach would continue to erode.

Lemmo explained that since there is no sand source, OCCL is recommending that the structure be shifted mauka to reduce the footprint of the structure. The applicants has come back from discussion and are only willing to move the structure back a little.

Member Gomes asked what the effect would be on surrounding land owners if shoreline protection gets in. Lemmo said the neighbors, Kahana Sunset, are already experiencing erosion. At this point in time, they are not able to predict and outcome. If armoring goes forward the people of Kahana Sunset will probably come to the board and ask for the same thing. Lemmo said there shoreline hardening is shoreline hardening. Seawalls and revetments equate to the same thing. There was discussion about the possibility of rock revetment and other options. Lemmo said rock revetment would not set a good precedence.

There are still many other permits the applicants need to get so it could take years before the project starts. Lemmo explained that that this isn't something that needs to be rushed. OCCL's 180 day review period is up at the next meeting (May 25, 2014) so a decision does have to be made by then.

Stewart Allen, president of the Association Apartment Owners at Hololani introduced himself.

James Barry introduced himself along with Mark Earison, president of Sea Engineering. Barry explained that the land is eroding, the beach comes and goes, as long as there is sand, there will be a beach.

Member Gomes asked Barry how long ago it was that they realized there was an issue and repair work needed to be done. Barry said in winter of 2006/2007 there was major North Shore wave that brought the land erosion within the "emergency immediate danger distance" from the footprint of the buildings.; it was at that point that they come to the department and to begin the process of getting a temporary structure in place. Barry then explained that the real problem is the diminishing sand resource.

Member Gomes questioned how they are just now noticing the erosion after 40 plus years, if the Hololani was built in 1972. Allen explained that it wasn't when the erosion was noticed, it was that it got so close to the buildings that it became an imediate danger. Barry said that consulting started in 1988.

Barry read his written testimony which gave background and history about himself, as well as the AOA's plan to address this erosion issue. Barry is acoastal engineer and has been for the past 19 years, he has been working on a plan for the Hololani project for the past 7 years. He highlighted the need for an erosional control structure stating that without any form of shore protection, it is likely that the Hololani will sustain significant damage and possible total failure. Barry explained that they have come up with a plan that they call a hybrid structure that combines the merits of a rock rubble mound structure with those of a vertical seawall. He addressed the mauka drift, and noted that they are placing the revetment as far mauka as possible

while maintaining a 5ft offset from the Hololani buildings and doing minimal upland excavation south of the structure near the Royal Kahana property. The project will also facilitate improvements to Drain Line "C". He explained that if this is left unaddressed, it will only get worse with time, become more difficult to fix, and may result in severe damage to the buildings and extensive hardship for the inhabitants.

Member Goode asked if the Hololani was open for public access to the beach. Anderson said that was one of the things he committed to doing, was to create public access across Hololani and to the beach as part of this project. This was part of the EA discussion and they are okay with the Board adding a recommendation allowing public beach access.

Member Gon pointed out that public access might be covered in recommendation #11. Barry noted that their revised alignment is noted in exhibit #6 of their written testimony. Anderson added that there is support from the Royal Kahana, as well as the Valley Isle condo's next to them.

Member Gon asked Lemmo if he could clarify exhibit #6 that was submitted because it was difficult to see the violations. Lemmo explained that the certified shoreline is on the left side of the diagram. Member Gon asked Lemmo if he was okay with the revised alignment. Lemmo said the flanking issue for Kahana Sunset isn't excavating on Kahana Sunset land and won't be excavating for another 30ft. so he's not sure what the issue is. On the drainage side, Lemmo said he doesn't know why a wall can't be accommodated along with the drainage system. OCCL feels the recessed design will allow a sink for more sand in that area, to extend the life of the beach.

Member Oi asked if an easement over the rock revetment would be issued to them. Lemmo said that they would have to get an easement for a piece of the structure on state land, probably around half a million dollars just for the easement.

Member Goode suggested it not exceeded 2,000 square feet and that would give them the opportunity to redesign and look at their options. Just leave it to them not to exceed a certain number.

Anderson responded that the structure is part of the protection so it is needed. He said they are working with the county. As far as putting a limit on the square footage, the structure can't be compromised; the only other option is to put in a vertical seawall. This will be a big 12ft wall, which they are trying to avoid.

Dan Purcell testified that this is privatization of the Hawaiian shoreline, you can't walk on water. This blocks and privatizes the shoreline for people and will be a real problem. He said that an environmental impact statement needs to be done. Purcell complained that there was no visual presentation and that the project documents aren't available online.

Member Gomes asked about the EA. Gon said an EA was done, but an EIS was not.

Lemmo said he understands the engineer's concerns, but the department is faced with serious policy issues and need to make sure the right steps are being followed.

Member Gon commented that the board could approve this item, then require a reexamination of their structure and encroachment.

Member Goode acknowledged Lemmo for all that he does and how difficult this item has been. Member Goode then made a motion to approve the staff recommendation and added a condition change that the permittee shall provide, maintain and properly sign a public access way through the property to the shoreline. Member Gomes seconded.

Member Gon commented that although this is an approval of this application, it does impose a strong recommendation to redesign the protection structure and to locate itsubstantially landward of the current design.

**Unanimously approved as submitted (Goode, Gomes)**

**Item B-1 Request Board Approval to Enter Into Contracts for Furnishing Helicopter Transportation Services for the State of Hawaii between the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement, Windward Aviation, Inc. and Manuiwa Airways, Inc.**

Kirk Smyth with the Division of Conservation and Enforcement (DOCARE) Administration presented item B-1 and had no changes.

**Unanimously approved as submitted (Gomes, Kishinami)**

**Item K-1 Conservation District Use Application (CDUA) KA-3684 regarding the proposed Lāwa’i Kai Special Subzone Master Plan and Management Plan 2013-2033 for the National Tropical Botanical Gardens, located in the Kōloa District, Island of Kaua’i, on Tax Map Keys: (4) 2-6-002:001 and (4) 2-6-002:004; 005; 006; 007; 008; & 009.**

*Written testimony was submitted by Mayor Bernard P. Carvalho Jr., Richard Haviland, Ivan Kaneko, Jody Kjeldsen, Keith Nitta, and Susan A. Lebo (SHPD).*

Lemmo reviewed item K-1 explaining that this is to approve the Lāwa’i Kai CDUA to manage facilities, operations and resources within the Lāwa’i Kai subzone. In the rules there is the ability to establish special subzones, this is the eighth special subzone established in the state. The rule process has been completed. They are now before the Board to get approval on the uses. All Lemmo noted the public access issues are fine, nothing is going to be changed regarding to access. There is a Lāwa’i Kai advisory committee who are going to make sure all conditions are implemented.

Member Gomes asked if the structures that are currently on the site have permits. Lemmo said these are historic and are for the conservation of their plants. This is the first subzone that incorporates the marine area.

Chipper Wichman director and CEO of the Natural and Botanical Garden emphasized that nothing was new, there are no proposal for new structures. This makes things from a nonconforming use to permitted confirming use. The whole goal of this is preservation, the entire property is historic.

Member Gon asked Wichman if they were okay with all the recommendations. Wichman said he was okay with Susan Lebo's (SHPD) recommendations. He also acknowledged the help from OCCL staff, especially Alex Roy for taking this on task halfway through the project and investing so much into this project.

Rick Havlcan a member of the Lāwa'i Kai citizens group testified in strong support of this project. Havlcan stated that this is a rare opportunity for the department to partner with fantastic nonprofit landowner with an educational mission.

**Unanimously approved as amended (Oi, Gon)**

The following conditions were added;

22. Based on recommendations from the Hawaii State Historic Preservation Division (SHPD) the following two (2) tasks will be completed **within the first 12 months** of this approval:
23. The applicant will provide the SHPD with GPS data for Site #659 (*burial cave*) and photographs of its current condition, and
24. The applicant will conduct a supplemental Archeological Inventory Survey (AIS) on Site #990 (*trail*) and immediate vicinity to document any trail segments that may exist, and if found, will prepare a preservation plan for Site #990.
25. In addition, the SHPD requires that, 1) an AIS be completed should any future work be proposed within an unsurveyed area shown in Exhibit 1, and 2) the Historic Preservation Plan for Allerton Garden described in the *Lāwa'i Kai Special Subzone Master Plan and Management Plan 2013-2033* will be completed within 3-5 years from the date of BLNR approval;

**Item D-2 Approval of Term Extension of General Lease No. S-5187; Aloha Petroleum, Ltd., Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-009:042.**

*Written testimony was submitted by Nathan T. Okubo.*

Russell Tsuji administrator for the Land Division explained that this is a 20 year extension, but Aloha Petroleum wants the option to cancel at 10 years and they are going to go with \$595,000 in improvements. In case they cancel in 10 years or don't last 10 years, they have asked to split 50/50 and show receipts that they have expended the first 50% by December 31, 2015, if they go further for the last 10 then submit the Hawaii district receipts by December 31, 2025 showing that they have expended that amount. Staff has no objections, however it is noted that oil is being stored on site. The lease currently has no requirement for an environmental phase one

assessment. They would like to add this to the terms of the amendment. The department didn't know at the time the lease was auctioned that this would be a water containment center. Tsuji had some recommendations to address the splitting of the 50/50 but would like to hear from the applicant first.

Member Goode asked if the 50/50 split goes forward is the department going to account for the fact that the value is going to be less in 10 years. Tsuji responded that they haven't, Member Goode asked Tsuji to think about it. Tsuji confirmed that this is option #1 (\$595,000) and they aren't considering option #2.

Nathan Okubo the attorney for Aloha Petroleum explained that they do want to do the \$595,000 and would like to do it in two separate increments, reason being with the 10 year right to terminate they think it is an equitable approach to do 50% up front and in the event that they are there past 10 years, then do the remainder 50%. That way improvements will be a amortized over that 20 year period. If they do terminate prior then it seems fair to only acquire that 50%.

Member Goode asked Okubo if they would be amendable to some inflation adjustment. Okubo said the original proposal was the whole \$595,000 and they would prefer not to do any kind of inflation adjustment. Okubo said they were going to make adjustments to improve the property.

Tsuji asked Okubo to clarify if the \$595,000 option to do improvement to 2 tanks or a larger tank farm. Okubo said they were going to repair the containment tanks but the whole \$595,000 has not been allocated yet.

Member Gon asked if they were amendable to the recommendation Tsuji just made in regards to the phase one environmental assessment. Okubo said this is an older lease and thinks it's unusual to do a phase one when there are no environmental issues but a phase one could be done maybe at the surrender of the premises. Tsuji said yes and agreed that a phase one would be done at the surrender of the premises. Okubo then agreed that the amendment would be okay.

Member Goode was concerned about the containment tanks. From his understanding with tanks like this, there needs to be some kind of containment around the tanks in the event of rupture or significant leaks. Member Goode asked if there were containments around these tanks. Okubo said he believed so, but would need to confirm with his client. Member Goode said he thought that was an automatic requirement. Okubo said that as far as he is aware they are compliant in all areas.

Member Gomes made a motion to go into executive secession. Member Goode seconded.

11:15AM EXECUTIVE SECESSION  
11:32AM RECONVENE

Member Goode stated that the Board has been advised that the department can enter into a 20 year lease extension with the full \$595,000 or a 10 year extension, but not a 10 and maybe another 10 without coming back to the Board. The \$595,000 with the 20 year or the year extension or if the Board considers half of that (around 300) and a 10 year extension. Okubo

didn't agree. He believes the Board has the authority to 20 years, with the right to terminate after 10 years and referred to chapter 171-36.

Deputy Attorney General Linda Chow explained that chapter 171-36B allows the Board to extend its leases for the purpose of allowing a lessee to amortize from the cost of improvements to the property. Aloha Petroleum feels it would need a 20 year term to amortize for the \$595,000, but if they are only committing to making improvements to half that amount at this time, then it is right to justify just half that time. Okubo said that they are agreeing to make the whole \$595,000 now for the whole 20 years, but are just delaying payment of the other 50% in the event that they terminate occupancy before 10 years. They are ready to say that they will do the whole \$595,000, but if they aren't the lessees after 10 years, then the second payment is not due and payable at that time.

Member Goode said that he sees the logic of what he is trying to do, but would rather make the motion of a full 20 years of \$595,000 with \$195 thousand in improvements done in the first couple of years, and with the amendment that upon abandonment a phase one environmental is conducted.

Okubo asked if that included the right to terminate after 10 years or to terminate at 10 years. Tsuji said it was the right to terminate at 10, but it's not a standard provision. A decision needs to be made today because the lease expires in 15 days. .

Member Goode suggested just doing a 10 year lease extension, Okubo said they would like the 20 and believes their position is sound.

Tsuji asked Okubo what happens if Aloha Petroleum would rather not take the 20 years and go only ten (10) years. Okubo said he would have to consult. Okubo asked if they do commit to the whole \$595,000 up front, would the Board agree to the 20 years with the right to terminate. Tsuji clarified that that they were proposing that by December 31, 2015 they will have the \$595,000 in improvements done, with the option to terminate at 10 years. Okubo said that if that's the only way they can get the whole 20 years with the option to terminate after 10 years, then yes, but he needed to consult with his client.

Okubo asked for about 15 minutes to call his client. The Board said okay.

After speaking with his client, Okubo is asking to amend their request to a 10 year term with 50% of the improvements, \$297,500 on December 31, 2015.

Tsuji discussed the changes needed to accommodate this amendment.

Member Goode brought up the issue of the containment system; containment systems are regulated by the Department of Health (DOH) and there would be review by DOH. Member Goode then made a motion to amend the recommendation as previously discussed of a 10 year extension and in item B there be a minimum of \$297,500 in improvements, that the receipts be provided by December 31, 2015, item C read that a phase I environmental assessment

be required at the end of the lease to be sure the property is clean, and re alphabetize D,E and F. Member Gomes seconded.

**Unanimously approved as amended (Goode, Gomes)** With the agreement of the Lessee, who was represented by Nathan Okubo, Esq., the Board approved: (1) an extension of ten (10) years commencing May 19, 2014 through May 18, 2024 on the condition that lessee provide receipts of expenditures of at least \$297,500 by December 31, 2015; and (2) a provision in the extension document committing the lessee to performing at least a phase I environmental site assessment for the premises upon the expiration or early termination of the lease.

The specific amendments to the staff submittal are as follows:

- Page 3, no. 1 of applicant requirements changed 20-year extension to 10-year extension
- Page 3, no. 3 to read: “By December 31, 2015 complete a minimum of \$297,500 worth of improvements...”
- Page 6, recommendation section change 20-year extension to 10-year extension
- Page 6, recommendation section 1B to read in its entirety:  
“B. Lessee shall complete a minimum of \$297,500 in improvements which can be in the form of: (i) new containment permitting, design and construction, or (ii) conducting the inspections and repairs recommended in the Powers Engineering & Inspection, Inc. report dated March 21, 2014, or a combination of (i) and (ii), and submit to the Hawaii District Land Office receipts for expenditures by December 31, 2015, or the lease extension shall be subject to cancellation.”

**Item K-3 2014 Annual Report by the Office of Mauna Kea Management on the Mauna Kea Comprehensive Management Plan, Mauna Kea Science Reserve, Ka’ohe Mauka, Hāmākua District, Hawai‘i, Tax Map Key (3) 4-4-015:009 (non-action item).**

Lemmo explained that item K-3 is a status report, something that they must do every year.

Stephanie Nagata gave background about the Comprehensive Management Plan (CMP). In April of 2009 the Board approved a CMP for UH managed lands on Mauna Kea, in the summit region. The CMP contains over 100 management actions to protect the cultural, natural and scientific resources on Mauna Kea. When this was approved in 2009 it was a requirement that UH submit in writing and in person the status of the implementation of the CMP. After 5 years, they are now in the short term process. Most of the management actions have been implemented, or are in progress, or are ongoing. The management actions are categorized into 5 major categories that are in the report, but she highlighted a few in her oral testimony. The first priority is research, they continue to learn about the resources. They are currently collaborating with UH’s departments of geography and meteorology and looking to develop a sea level to summit monitoring system to look at weather and climate change and to look at the impacts of the ecosystem along this radiant. They have initiated a four year study of the status of permafrost. They are currently funding an erosion study to understand the erosion on the mountain. The

Governor just released 2 million in CMP funding for the public areas and the visitor information center. There has been a significant increase in public visitation. The next significant category is monitoring; they continue to do annual monitoring of the Wekiu bug as well as other invasive arthropods. To date there are no species that have a potential to impact to the summit region. The archeological monument plan was recently approved by SHPD and the burial council approved a burial treatment plan last year. The third priority category is research management programs; they continue to develop the invasive species plan. There was an invasive ant but it is a B-9 ant. An automatic vehicle monitoring system was installed. The county of Hawaii donated speed bumps, signs and pedestrian crosswalks. The fourth category is education and outreach. The long term goal is to manage and control the invasive species, and then to re-vegetate the area with native vegetation. The fifth category is printed materials; they are in the process of finalizing the cultural resources brochure and are updating the public safety brochures. Finally Administrative rules, they are moving forward with the drafting of rules, and plan on doing small community meetings.

Member Gomes asked what mid-level elevation was, Nagata said the mid-level elevation was the 9,200 ft elevation, which contains the visitor's center and support facilities. Member Gomes next asked how much firewood there was, Nagata said that there's quite a bit.

Member Goode asked what the status was of the lake. Nagata explained that the lake has come back significantly, but not to the full height.

Member Gon stated that since this is a non-decision making item, no public testimony was needed. The full report is available online.

**Non-action item.**

**Item F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Shauna Kēhaunani Springer, Nā Maka o Papahānaumokuākea and Conservation International - Hawai'i Fish Trust, for Access to State Waters to use Traditional Ecological Knowledge to Examine Intertidal Ecosystems Activities. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.**

**Item F-3 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Christopher Bird, Texas A&M University-Corpus Christi, and Dr. Robert Toonen, Hawai'i Institute of Marine Biology, University of Hawai'i, for Access to State Waters to Conduct Intertidal Biodiversity Survey Activities. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.**

**Item F-4 Request for Authorization and Approval to Issue an Amendment to Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit, PMNM-2013-023, issued to Ms. Pelika Bertelmann, Nā**

**Maka o Papahānaumokuākea, for Access to State Waters to Conduct Cultural Monitoring Activities. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.**

Maria Carnavale, Co-manager for Papahānaumokuākea Marine National Monument reviewed items F-2, F-3 and F-4. She explained that these permits have already gone through the review process and the Papahānaumokuākea Marine National Monument management Board.

Member Gomes asked how these studies can improve the main Hawaiian Islands. Carnavale explained that that those selected come from the main Hawaiian Islands, so there is a lot of knowledge sharing that is brought back.

Kehau Springer explained that that work that is in these permits is an extension of the work that is done on the main Hawaiian Islands. This is a gathering of practioners and researchers to expand their knowledge of Hawaii. Springer explained that they were able to put out reports for management of opihi.

Member Gon commented that he has experienced this and recommends everyone going to because it is an amazing expansion of culture.

**Unanimously approved as submitted (Gomes, Oi)**

**Item J-2 Request by Sterling Kim for Reimbursement of Repairs Made to Slip # 74/76 Located at the Mā‘alaea Small Boat Harbor, Maui.**

Ed Underwood, Administrator for the Division of Boating and Ocean Recreation (DOBOR) reviewed item J-2. Sterling Kim shared a pier with another permittee, a request came in to DOBOR for a request from the other permittee to make the repairs. They were going to re-attach the dock to the piles that had come loose. They were also going to re-attach the deck boards, the costs were going to be shared between the two permittees. The work was done. However, subsequent to the work being done, there was a request by Kim for reimbursement. When this project was approved by DOBOR it was known that the permittees were going to pay the costs. This is an after-the-fact request. Normally if a permittee is going to make repairs to a dock and seek reimbursement, DOBOR would require structural plans because once the repairs are made the state assumes the dock and the liability. Since DOBOR has been working with Kim, they decided it would be best to bring this matter before the Board to seek a recommendation.

Member Goode asked about the standard form in exhibit A, the application for construction doesn't ask if they will want reimbursement, but they offered that the cost will be split evenly. At the bottom of the form where they signed it says they will comply with the provisions rules, and one of those rules allows for reimbursement. Underwood agreed.

Member Gomes commented that the Board shouldn't set a different policy or procedure for this case. Policy and procedures need to be followed in every case.

Sterling Kim owner of Malae Kai Enterprises testified that this permit was applied for in December 2013 because they noticed the dock was falling apart. They met with the harbor master and the harbor master said that there were not sufficient funds for the state to go through with the repair of the dock. The permittees would have to put up the money for the repair. In July 2013, the dock failed and they were required to move to another dock. After meeting with the harbor master, she said they have the ability to put in for reimbursement. A DLNR engineer went out to look at the dock said there was no guarantee as to how long that fix would last. Currently there is a design project that is ongoing to get the dock permanently fixed. Kim said they were just seeking reimbursement for something they pay rent for.

Member Gomes asked Underwood if there were any reports that were done when the engineer went out. Underwood said there was no report, just the pictures that the engineer took when he went to check the site. Member Gomes said there is no rule that allows for the reimbursement, and you can only get reimbursement through the offset of mooring fees.

AG Chow explained that the only thing that is stated is that they can offset the mooring fees but there is no reimbursement provision.

Underwood said that the only reason they brought this before the Board was because DOBOR took the position that they were not going to grant an after the fact reimbursement because it was stated in the application the two permittees would pay for it.

Kim said that he met with Chair Aila they looked at the different statutes and they concluded that there was a statute that would allow reimbursement. Underwood said that was the private harbor financing improvements statute.

AG Chow read statute 200-19; for private financing small boat harbor improvements.

Dan Purcell suggested clarifying the difference between public and private policy. He gave examples of how understaffed the department is.

Member Gomes commented that he was against any kind of reimbursement.

Member Goode commented that he feels inclined to some type of reimbursement because repair was done to a public resource, even though it wasn't done with the right paperwork. If the total cost paid by both parties was \$19,000 then that's half of it, but we didn't approve all of that. He said he would be amendable to half of the \$19,000 because that was what was approved, then half of that to Kim because there were two parties involved. Member Goode said he understood that there is a process, but in the end it works on the improvements.

Member Goode said he would be amendable through offset mooring fees in the amount of \$5,000 which represents half of half of the roughly \$20,000 request. Half, because the other was used by the different entity and half because the process wasn't followed. Member Gomes seconded.

Kim said if the dock failed again, then they would just relocate. He said they didn't know they had that option before.

Member Oi commented that he views this as work being done to a public facility, whether or not it was correctly documented they paid for it. Member Oi made an amendment to increase the amount to \$9,500. No one seconded.

Member Gon asked a vote for the original motion of a \$5,000 reimbursement. Gomes, Goode, Gon and Kishinami were all in favor, Oi was opposed.

Kim asked if the dock fails again then just leave it, and there will be proper protocol. Underwood confirmed. The Board advised Kim to get things in writing.

**Approved as submitted (Gomes, Goode)**

**Item M-12 Briefing to the board on the results of a study of the Pre-Contact Hawaiian Ecological Footprint in the Hawaiian Islands. For discussion purposes. No decision making will be made.**

Member Sam Gon explained that this was a presentation that he offered to the Commission on Water Resources Management (CWRM) and was encouraged to offer it to this Board as well.

Member Gon began his presentation with an overview of his project and the geography of pre-contact human ecological landscapes in the Hawaiian Islands. He explained that native forests offer us the opportunity to look into past history. It makes us think about the ecological footprint of pre-contact Hawaii compares with our modern footprint today. Hawaiian biological diversity has been lost and changed due to humans. The Hawaiian culture has also been lost in language, knowledge and sovereignty. The most important milestone is the footprint of the Hawaiian presence prior to the arrival of Captain Cook in 1778.

It is known that the strong ecosystems of the Hawaiian Islands have enabled Hawaiians to become one of the pinnacles of the Polynesian societies. Hawaiians have excelled in voyaging, feather work, fishing, fishponds, kapa fabrics, and all sorts of crafts. During the millennium of Hawaiian presence in the archipelago, changes to native ecosystems began with extensive and intensive agriculture in wet and dry lowland settings. This along with the effects of occupation and daily living in the larger coastal regions in which close to one million Hawaiians lived and engaged in all activities of a thriving Polynesian culture prior to 1778. When we think of the activities we do daily in life, we can ask ourselves about the cumulative impacts of those activities multiplied by hundreds of thousands across a finite island landscape. Oahu has resources and varying geographic and climatic conditions. The high mountains feed streams, bringing water and nutrients to the lowlands, which create rich breeding grounds for near shore marine fish.

“Hawaiian footprint” is shorthand for geospatial areas that were occupied, directly manipulated, and significantly changed from pre-existing Hawaiian ecosystems types into traditional Hawaiian uses. The geographic context for such Hawaiian cultural features is comprised of the ahupua’a traditional land divisions within their moku or districts.

After three years of work through a partnership with the research department of the Office of Hawaiian Affairs, a footprint analyses has been extended to all the island of the islands of the archipelago. Even though there are eight islands in the Hawaiian archipelago, the islands are described as Na Moku Eha, the four islands (Hawaii, Maui, Oahu and Kauai). Together these four islands make up over 90% of the footprint.

The Ultimate goal is to provide a geospatial history of land use and change across the Hawaiian Archipelago, building on the milestone of the pre-contract Hawaiian footprint.

In ancient times less than 10% of the land was displaced by human activity, where well over 50% of the land is displaced now by our modern footprint and we need to work hard to reverse this trend. Part of the problem is that we live in an age where growth is a sign of health and vitality. You cannot have continual growth in a limited island system. Hawaii needs to be a model of a more sustainable impact both here and around the world.

The audience applauded.

**Non-action item.**

**Item C-1 Request For Authorization for The Chairperson to Sign, Execute, and Amend Agreement(s), Contract(s), And Other Document(s) Regarding The Moanalua Gardens Foundation For Plans, Research, Designs And Construction of Road Improvements For Kamananui Valley Road, Moanalua Section of The Honolulu Forest Reserve, Tax Map Keys 1-1:013:001, 1-1:004:005, and 1-1:008:013, Oahu  
And  
Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for the Project.**

Lisa Hadway administrator for the Division of Forestry and Wildlife (DOFAW) had no changes to item C-1.

**Unanimously approved as submitted (Gomes, Kishinami)**

**Item C-2 Request for Approval to Enter into a 2-Year Contract with the Zoological Society of San Diego to Provide Services to Operate the Endangered Bird**

**Captive Propagation Facility on Maui, the Maui Bird Conservation Center, and to Provide Expert Avicultural Services to Conduct Related Forest Bird Propagation Projects at the Keauhou Bird Conservation Center on the Island of Hawaii and Throughout the State.**

**And**

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

*Written testimony was submitted by Tyler Hee.*

Hadway had no changes to item C-2.

**Unanimously approved as submitted (Oi, Kishinami)**

**Item D-4 Amend Prior Board Action of June 8, 2012, Item D-7, Issuance of Revocable Permit to Kimo I. Dacalio for pasture purposes, Kanaio, Ka‘ū, Hawai‘i, Tax Map Key: (3) 9-6-012: portion of 004.**

**Purpose of the amendment is to correct the TMK reference from TMK: (3) 9-6-012:004, to TMK: (3) 9-6-012: Portion of 004, to exclude the Māmalahoa Highway and drainage easements from the permit area.**

Tsuji had no changes.

Member Gomes asked if the department was still assessing the rental of \$40 a month charge instead of \$33 a month and has the department gone out and told them that of that 100 acres of land only 70 acres are usable for pasture. Tsuji explained that the \$40 is the minimum rent.

AG Chow elaborated: The prior TMK listed the parcel as a whole but a part of it is of the parcel is a highway, and so unusable. Therefore, the TMK had to be changed to reflect those portions excluded from the lease for highway purposes. .

**Unanimously approved as submitted (Gomes, Kishinami)**

**Item D-1 Request for Right-of-Entry Permit and Grant of Term, Non-Exclusive Easement to Stephanie L. Skow, Katherine L. Skow, and Matthew O. Nelson for Seawall Repair Purposes, Waipouli, Kawaihau, Kaua‘i, Tax Map Key: (4) 4-3-009: seaward of 001.**

**Item D-3 Amend Prior Board Action of March 14, 2014, Item D-6, Consent to 10-Year Term Extension of General Lease No. S-3583, Yamada Consolidated, Inc., Pursuant to Act 207, Session Laws of Hawaii 2011, Waiākea, South Hilo**

**Hawai‘i, Tax Map Key: (3) 2-2-037:052, 092 & 093.**

**The Amendment is to Seek Board’s Authorization to correct Condition C of the Recommendation to be consistent with the terms and conditions of the lease, which requires only a \$1,800 bond.**

**Item D-5 Amend Prior Board Action of April 13, 2012, Item D-8 by Revising the Easement Area and Stipulating the Consideration; Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Electrical Transmission Lines Purposes; Issuance of Construction and Management Right-of-Entry; Moanalua, Honolulu, O‘ahu, Tax Map Key: (1) 1-1-064:025 portion.**

*Written testimony was submitted by Roy Pfund.*

**Item D-6 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on May 10, 2014, Waikiki, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Portion).**

**Item D-7 After-the-Fact Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. for Beach Activities Purposes on April 28, 2014, Waikiki, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:Portion of 021.**

Tsuji had no changes to items D-1, D-3, D-5, D-6, or D-7.

**Unanimously approved as submitted (Kishinami, Goode)**

**Item F-1 Request for Approval to Authorize the Chairperson, Board of Land and Natural Resources, to Expend *Port Royal* Trust Funds (Not to Exceed \$665,757.00) to Continue Operations in FY 2015 and FY 2016 of the Sea Urchin Hatchery at the Division of Aquatic Resources ‘Anuenue Fisheries Research Center.**

Alton Miyasaki had no changes to item F-1.

Member Gon recommended visiting this unique project.

**Unanimously approved as submitted (Oi, Kishinami)**

**Item J-1 Request to Write-Off Uncollectable Accounts.**

Kevin Yim boating staff officer representing DOBOR passed out the names and write offs of accounts. These accounts have gone to collections. The collections agency was unable to find the person and the debt was discharged or the vessel was impounded. The boat was the collateral. The law was recently changed so that if you owe money after your boat is impounded then you won’t be able to register or get a permit for your boat, and you will still owe the money. The law

passed two years ago. DOBOR is writing them off so they can be pursued if any of these people resurface. These all happened prior to the law being passed.

**Unanimously approved as submitted (Kishinami, Goode)**

**Item L-1      Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules**

**Job No. F37C614C, Entry Improvements, Phase 2, Diamond Head State Monument, Honolulu, O'ahu, Hawai'i.**

**Item L-2      Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules**

**Job No. H70C805A, Mālaekahana SRA – Kahuku Section, Park Improvements and Repairs, O'ahu, Hawai'i.**

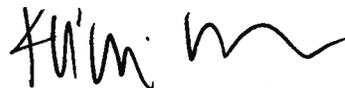
**Item L-3      Appointment of Adam Killerman and Certification of Elections of Howard Greene and Greg Williams to Serve as Directors of the West Kauai Soil and Water Conservation District.**

Alyson Yim representing the engineering division had no changes to items L-1, L-2 or L-3.

**Unanimously approved as submitted (Gomes, Oi)**

There being no further business, Member Sam Gon adjourned the meeting at 1:19 p.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,



Ku'ulei Moses  
Land Board Secretary

Approved for submittal:



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