

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

DATE: FRIDAY, APRIL 24, 2015
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

Acting Chairperson Carty Chang called the meeting of the Board of Land and Natural Resources to order at 9:04 a.m. The following were in attendance:

MEMBERS

Carty S. Chang
Stanley Roehrig
Christopher Yuen
Keone Downing

James Gomes
Thomas Oi
Ulalia Woodside

STAFF

Sam Lemmo-OCCL
Russell Tsuji-LAND
Maria Carnavale-PMNM
Molly Shmidt-DOFAW
Nikki Ann Thompson-BOC
Gayson Ching-ENG

Tiger Mills-OCCL
Jason Redulla-DOCARE
Lisa Hadway-DOFAW
Curt Cottrell-PARKS
Ed Underwood-DOBOR

OTHER

Bill Wynhoff/Deputy AG
Anne Shiigi/DOT-AIR
Frank Fistes/ K-2
James McCully/ D-4, D-3
Roy Ikeda/ D-12
Joe McEvoy/ E-1
Lenny Rapoza/ D-1
Chris Conger/ D-15

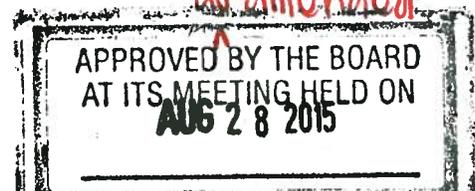
Ross Smith/DOT-AIR
Sandy Gills/DOT-AIR
Gordon Inouye/D-4
Brenda Lowrey/D-12
Eddie Holmes/D-16
Charles Littnan/ F-1
Kamauela Cobb Adams/ D-2

Item A-1 Approval of October 24, 2014 Minutes

Member Yuen and Member Woodside stated that they both provided notes with amendments to the Land Board Secretary.

Unanimously approved as amended (Yuen, Woodside)

Member Gomes thanked Chair Chang for serving as interim Chairperson until a permanent one had been appointed. Chair Chang thanked the Board, said the he looked forward to working with



Ms. Suzanne Case, and announced that her conformation before the Senate was today at 11:30AM. Ms. Suzanne Case was present.

- Item M-1** Issuance of a Revocable Permit for Material Storage and Stockpiling, Hawaiian Dredging Construction Company, Inc., Ewa Interisland Maintenance Area, Honolulu International Airport, Tax Map Key: (1) 1-1-003:001 (portion).
- Item M-2** Issuance of Revocable Permit for an Interim Rental Car Facility, Advantage OPCO, LLC, DBA Advantage Rent A Car, Honolulu International Airport, Tax Map Key: (1) 1-1-03:001, (1) 1-1-03:061 (portions).
- Item M-3** Issuance of a Revocable Permit for an Interim Rental Car Facility, Avis Rent A Car System, LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-03:001, (1) 1-1-03:061 (portions).
- Item M-4** Issuance of a Revocable Permit for an Interim Rental Car Facility, Budget Rent a Car System, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-03:001, (1) 1-1-03:061 (portions).
- Item M-5** Issuance of a Revocable Permit for an Interim Rental Car Facility, EAN Holdings, LLC DBA National Car Rental, Honolulu International Airport, Tax Map Key: (1) 1-1-03:001, (1) 1-1-03:061 (portions).
- Item M-6** Issuance of a Revocable Permit for an Interim Rental Car Facility, The Hertz Corporation, Honolulu International Airport, Tax Map Key: (1) 1-1-03:001, (1) 1-1-03:061 (portions).
- Item M-7** Issuance of a Revocable Permit for a Construction Management Field Office, Mitsunaga & Associates, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-003:051 (portion).
- Item M-8** Issuance of a Revocable Permit for Aircraft Equipment Parking, Aircraft Service International, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-72:69 (portion), (1) 1-1-72:70 and (1) 1-1-76:08.
- Item M-9** Issuance of a Revocable Permit for Office Space, Trans Executive Airlines of Hawai'i, Inc., DBA Trans Air, Honolulu International Airport, Tax Map Key: (1) 1-1-72:69 (portion).
- Item M-10** Issuance of a Revocable Permit for Aircraft Parking, Atmos, Inc., Kalaeloa Airport, Island of O'ahu, State of Hawai'i, Tax Map Key: (1) 9-1-13:32 (portion).
- Item M-11** Issuance of a Revocable Permit for Aircraft Parking, Barbers Point Flight School, LLC, Kalaeloa Airport, Island of O'ahu, Tax Map Key: (1) 9-1-13:32 (portion).

- Item M-12** Issuance of a Revocable Permit for Office Space, Barbers Point Aviation Services, LLC, Kalaeloa Airport, Island of O‘ahu, Tax Map Key: (1) 9-1-13:32 (portion).
- Item M-13** Issuance of a Revocable Permit to Park a Storage Container, Barbers Point Aviation Services, LLC, Kalaeloa Airport, Island of O‘ahu, Tax Map Key: (1) 9-1-13:32 (portion).
- Item M-14** Issuance of a Revocable Permit for Aircraft Parking, K&S Helicopters, Inc. DBA Paradise Helicopters, Kalaeloa Airport, Island of O‘ahu, State of Hawai‘i, Tax Map Key: (1) 9-1-13:32 (portion).
- Item M-15** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, EAN Holdings, LLC DBA Alamo Rent-A-Car, Kahului Airport, Tax Map Key: (2) 3-8-001:249.
- Item M-16** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, DTG Operations, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12:104.
- Item M-17** Issuance of a Revocable Permit for Rental Car Operations, Advantage OPCO, LLC, DBA Advantage Rent a Car, Lihū‘e Airport, Tax Map Key: (4) 3-5-01: Lihū‘e Airport.
- Item M-18** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, Avis Rent A Car System, LLC, Lihū‘e Airport, Tax Map Key: (4) 3-5-01:08 (portion).
- Item M-19** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, Budget Rent A Car System, Inc., Lihū‘e Airport, Tax Map Key: (4) 3-5-01: 08 (portion).
- Item M-20** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, DTG Operations, Inc., Lihū‘e Airport, Tax Map Key: (4) 3-5-01:08 (portion).
- Item M-21** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, EAN Holdings, LLC, DBA Alamo Rent A Car, Lihū‘e Airport, Tax Map Key: (4) 3-5-01:08 (portion).
- Item M-22** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, EAN Holdings, LLC, DBA National Car Rental, Lihū‘e Airport, Tax Map Key: (4) 3-5-01: 08 (portion).
- Item M-23** Issuance of a Revocable Permit for Storage of Rental Car Vehicles, The Hertz Corporation, Lihū‘e Airport, Tax Map Key: (4) 3-5-01:08 (portion).
- Item M-24** Issuance of Revocable Permits for Rent A Car Operations, Avis Rent A Car System, LLC, Kahului Airport, Kona International Airport at Keahole, Hilo

International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.

- Item M-25** Issuance of Revocable Permits for Rent A Car Operations, Budget Rent A Car System, Inc., Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.
- Item M-26** Issuance of Revocable Permits for Rent A Car Operations, DTG Operations, Inc., DBA Dollar Rent A Car, Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.
- Item M-27** Issuance of Revocable Permits for Rent A Car Operations, DTG Operations, Inc., DBA Thrifty Car Rental, Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport.
- Item M-28** Issuance of Revocable Permits for Rent A Car Operations, EAN Holdings, LLC., DBA Alamo Rent A Car, Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.
- Item M-29** Issuance of Revocable Permits for Rent A Car Operations, EAN Holdings, LLC, DBA Enterprise Rent A Car, Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.
- Item M-30** Issuance of Revocable Permits for Rent A Car Operations, EAN Holdings, LLC, DBA National Car Rental, Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.

Item M-31 Issuance of Revocable Permits for Rent A Car Operations, The Hertz Corporation, Kahului Airport, Kona International Airport at Keāhole, Hilo International Airport, and Līhu‘e Airport, Tax Map Key: (2) 3-8-01: Kahului Airport, Tax Map Key: (3) 7-3-43: Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-12: Hilo International Airport, Tax Map Key: (4) 3-5-01: Līhu‘e Airport.

Ross Smith property manager for the Department of Transportation-Airports Divisions-DOT-AIR presented items M-1 through M-31 and said that Ann Shige and Sandy Gills with- DOT-AIR were also present for questions.

Member Woodside asked if item M-16 should refer to the count of Hawaii not the County of Maui. Smith confirmed. Item M-16 should read County of Hawaii. All the other items had no amendments.

Unanimously approved as amended (Gomes, Roehrig)

Item K-2 Conservation District Enforcement OA 15-28 Regarding Alleged Unauthorized Land Uses Located in the Conservation District by Frank Fistes Located at 4730 Haleho‘ola Place, Pālolo Hill Tract, O‘ahu, Tax Map Key: (1) 3-3-029:038.

Written testimony was submitted by Frank Festes and Andy Wiegand.

Sam Lemmo Administrator for the Office of Conservation and Coastal Lands-OCCL acknowledged that testimony was submitted by a member of the public.

Lemmo presented item K-2 detailing the location and the parcel. He explained that on March 11th, there was a complaint from the Kokua Line saying that soil had been moved onto the hillside at East Pālolo Valley. Staff went out and did a site inspection and found a large amount of soil on the hillside without any best management practices in place. The staff member told the owner that he had no authorization to work and suggested he stop working. On March 16th, OCCL issued a notice of alleged violation to the land owner Mr. Fistes. There was some miscommunication on the delivery of the notice, but OCCL ultimately got him the notice. On April 8th, staff went back to the site to deliver the notice to Fistes and they again made it clear that no work can be done on conservation lands without authorization from OCCL. On April 9th Mr. Fistes came to the OCCL office and Lemmo agreed to go out to the site. Lemmo went out and surveyed the situation, he determined this was very serious and wanted to bring this before the Land Board as soon as he could.

OCCL believes this constitutes as a major violation, they could potentially assess a fine of \$15,000 for what happened. Lemmo said they were also recommending a number of actions including a fine of \$15,000, administrative costs, and they are asking him to attain a geotechnical engineer to assess the hillside to determine what mediation measures need to be made to stabilize the slop area. OCCL would like that report within 2 weeks of this meeting and would like him to remediate the hillside based on the geotechnical engineer’s recommendations, and OCCL would

like Fistes to give a post remediation report. There are also several other standard conditions that OCCL impose on violation cases.

Member Gomes asked if \$500 was adequate enough for administrative fees for the time staff spent on this. Lemmo said it might be on the low side. Member Gomes asked if the side that Fistes casted things over the side was his boundary. Lemmo explained that the property boundary ends about halfway down the slope.

Member Woodside asked if Fistes was trying to build in the urban area. Lemmo wasn't sure what he was doing, he said Fistes was building a driveway in a small area, there was nowhere for him to build a house except for on the slope (conservation district). Lemmo wasn't sure what Fistes' intent was.

Member Woodside asked if there were any BMPs in place. Lemmo said there was a silt fence on top, but none on the slope.

Chair Chang asked if this were under 10,000 sq. feet and if the work could be authorized. Lemmo said no.

Member Roehrig asked Lemmo if he spoke with anyone from the County. Lemmo explained that there was some communication because they did issue the building and grading permit for the driveway, Lemmo was also in contact with the Department of Public Planning. Member Roehrig asked if Fistes told him what he wanted to do. Lemmo said Fistes told him he wanted to build a house, but Lemmo didn't understand because you can't build a house in the conservation area without a permit.

Member Roehrig asked if the City had any authority over the conservation portion. Lemmo indicated that there was an agreement that for conservation areas they will authorize building and grading permits.

Frank Fistes testified that he was the owner of the property. He said he got a permit for the driveway purpose. He told the Board that he had diabetes and was away for 1 week at Stanford trying to get his stent replaced. He said it's not an excuse, but he wasn't here. Fistes said he hired a contractor who pushed the dirt forward (over the mountain). Fistes said when he came back he fired the guy immediately. He apologized that this happened.

Fistes handed out his engineering reports. He said he was present today to fix this problem and is willing to do anything to get this problem resolved and is willing to do what the engineers suggest.

Member Gomes asked Fistes when he went to Stanford, what the date was. Fistes wasn't for sure, he would have to go look at his old tickets.

Member Gomes asked Fistes if he showed the contractor the letter he got from the state and tell him he got a cease and desist order. Fistes said that his contractor was not licensed, that he was working under Fistes. Member Gomes told him that was why he asked when he went to

Stanford, Member Gomes wants to know if Fistes was being honest or not. Fistes said he would produce the ticket if he need to.

Member Roehrig asked Fistes how his health was today. Fistes said he was here, but he still has more work to be done. Member Roehrig told him that he needed to get a lawyer, anything could happen, he could have a heart attack just sitting here. Fistes said he would put his faith in the Board's hand.

Member Woodside asked Fistes if he was ready to do what was in the report. Fistes said yes. Member Woodside said that the recommendations were just about remediating what has been done, she asked Fistes what his future plans for the property were. Fistes said he had house plans; he was going to get the proper permits. Member Woodside told him that the plans he presented were only remediation, there would be a whole new set of plans for the geotechnical part. He said he would get whatever he needs to get.

Member Oi told Fistes that he hired a contractor that wasn't licensed, so he was responsible. Fistes understood, and apologize. He said he would correct it.

Member Downing asked Fistes if he went immediately to the City or State when he came home. Fistes said the State already came to him. He fired the guy and stopped all work. Member Downing asked if he saw the violation before they served him the papers. Fistes said no, when he came back this work was already done.

Member Woodside told Fistes that on March 12th an inspection was done and he was verbally told by staff then on April 8th you were told again, so for about a month. Fistes said work continued but it wasn't on conservation land, he had a permit from the County to do the other work.

Member Roehrig asked staff what kind of work was done in March after the 1st notice. Kimberly "Tiger" Mills, Staff Planner with OCCL explained she spoke with Fistes on March 12th and requested that he stop work. She said she didn't know what they were doing from that time to the time she went back. She took pictures as shown in the submittal.

Member Yuen asked Fistes where the excavator was supposed to put the cut material. Fistes said on the right side, he put it there when Fistes was there, but he ended up pushing it forward.

Member Downing asked Fistes what his plans were with the soil. Fistes said he planned to use that soil for his landscaping later on, not push over. Either landscape or haul it away later.

Member Yuen told Fistes the staff wants to hire a geotechnical expert, you have done that, they want you to complete any remediation; they give you a 30 day period. The engineer you hired gave three options, two of which included moving the dirt by hand, and the 3rd, which is the one he recommends is stabilizing the embankment with a cloth cover and revegetating it. Lemmo said he didn't have a chance to evaluate that. Member Yuen didn't think that the Board could say that this would be the option that staff would agree to.

Member Yuen asked Fistes if he was asking that the fine of \$15,000 be reduced. Fistes said yes please.

Member Roehrig asked Lemmo if building a house on the cliff is in the cards or now. Lemmo said he wasn't sure that Mr. Fistes understands the effort it would take to even present a case to the Board. He would have to get a CDUA, and file an environmental assessment. For OCCL to even look at his application they would need to have fairly completed engineering specks and drainage and erosion control measures, and geotechnical work. Lemmo said that would cost several hundred thousand dollars just to get it to the Board to consider this.

Member Roehrig asked how long it would take to get Fistes' feasibility ready. Lemmo said it was up to him; maybe 6-12 months to get an application completed.

Member Gomes commented that to him it seemed that more work was done in April than March by looking at the pictures. He said him personally, will be voting for the violation. Fistes apologized and said he would fix this.

Member Gomes told Fistes' that anything could've happened; there could've been a storm, the rocks could've fell on someone's house and killed someone or damaged the homes. The violation has happened.

Chair Chang asked Fistes if he was aware of the rockfall incident that fell below his house in 2011. Fistes said no, he was on the Hawaii Island. Chair Chang wanted him to be aware of the instability of this land.

Member Downing asked Lemmo what the zoning of the lot was. Lemmo said it was a conservation district, not residential, but the rules have a provision that you may apply for one single family residence on a conservation zone lot.

Chair Chang was extremely concerned about the falling rocks. Member Roehrig said he was concerned about the condition of these rocks being right on the edge and suggested that the first thing would be to move the rocks from off the edge. Fistes said he could remove those rocks right away.

Member Woodside said she was comfortable with staff's recommendation, she thought there were some areas that needed a little bit more clarification. She suggested adding weather there was an immediate concern on the engineering report. Recommendation #4 doesn't specifically say OCCL staff will review and approve the desired treatment or remediation measured.

Lemmo suggested going into executive session if the Board would like to change the language.

Andy Wiegand testified in support of this and stood on his written testimony. Wiegand said that he is a land owner below Fistes' property. Wiegand commented that he thought there was a flaw in granting a grading permit to Fistes. He wasn't sure 542 cubic yards is supposed to go, but asked the Board make sure that any kind of action taken is supervised by an engineer.

Member Yuen asked what 542 cubic yards represented. Wiegand said that represents the amount of earth that was moved according to the newspaper article. Member Yuen said the engineer's report wasn't sure how much dirt was there. Ball parking the depth by the area covered an estimate would be about 700 cubic yards.

Chair Chang asked Wiegand if it was known why the rocks fell in 2011. Wiegand said the two adjacent properties had construction going on, but every time you touch land or move earth, there is an impact. He was just happy and blessed that no one got hurt.

Member Roehrig made a motion to go into Executive Session pursuant to Section 92-5(a) (4), Hawai'i 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 Gomes seconded.

10:26 AM EXECUTIVE SECESSION
10:43 AM RECONVENE

Member Yuen made a motion to adopt the staff recommendation with one amendment that it say that the remediation work be done under the supervision of a licensed, qualified professional and that staff can allow time extensions at good cause. He added that this was a serious violation that the owner ultimately needs to be responsible for. Member Roehrig seconded.

Member Roehrig emphasized that right away means as soon as reasonably possible under proper licensed supervision. Member Yuen added that if staff satisfied that there is good cause, then staff can extend the time for remediation beyond 30 days, if staff feels Fistes is making good faith efforts. Member Roehrig made it clear that the boulders be moved back as soon as possible under a licensed professional.

All were in favor.

Chair Chang advised Fistes that he has the right to request a contested case hearing.

Unanimously approved as amended (Yuen, Roehrig)

Item D-4 Approve Mediated Settlement of Rent Reopening Dispute in General Lease No. S-3837, Floral Resources/Hawai'i, Inc., a Hawai'i corporation, Lessee, Waiakea Homesteads, 1st Series, Lot 18, Block 601, Waiakea, South Hilo, Hawai'i, TMK No. (3) 2-2-044:004.

Russell Tsuji Administrator for Land Division-LAND explained that the recommended rent was \$15,000 for a five year period, from June 14, 2014 to December 16, 2016 with a bump up to \$17,000 for the period of December 17, 2016 to June 15, 2019. They also agreed to let the lessee reduce his bond.

Member Yuen asked why the lessee's appraisal was about 1/3rd of the department. Tsuji said that the lessee's appraisal was based on agricultural ground the department's was valued on ag land

and did a rate of return based on commercial industrial which is why the department's came out a little higher. Tsuji said he doesn't base this on an agricultural lease.

Member Yuen commented that he was kind of alarmed. Tsuji said there will never be two same appraisals; theirs is based on their qualifications and their analysis. Member Yuen appreciated his explanation.

Member Roehrig thanked everyone for going through the mediation process and coming to a settlement. He also disclosed that Andy Wilson used to be his partner and Alan Okamoto used to be his lawyer.

Tsuji added that the mediation process has been going well and is hoping that it will continue.

Gordon Inouye thanked the Board and explained that everything on their land is for agricultural purposes. Inouye felt like there were flaws in the appraisal process and should be reviewed; they were however in an agreement with LAND on this project.

Tsuji explained that for the appraisals, they use the professional services route, there is a pre-qualified list of appraisers and for each job there is a selection committee.

James McCully testified that he had work done by this same appraiser and he did research on this. In 2013 the department had 54 appraisals contracted by DLNR and this appraiser was awarded 33 of them. He was chosen 85% of the time. McCully brought this up because this type of work should be done by a qualified employee of the state, if not it should be a disinterested person. As a lessee he argued that there is a broader list of appraisers than are currently being utilized by LAND. He said this can be made pono by spreading the work out statewide.

Tsuji responded that the issue of spreading the work out has been looked at before; LAND was ordered by the procurement office that they must follow the professional services route. Professional services select the most highly qualified regardless of price or any qualifications. The CGA license is the minimal license to do appraisal work in the State of Hawaii; the MAI is volunteer type, which requires certain testing that is given to a certain categories of appraisers.

Member Woodside asked if there were different levels of State requirements in the licensing. Tsuji said you have to go through educational purposes and take a test.

Unanimously approved as submitted (Roehrig, Gomes)

Item D-12 Consent to Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment; Related to Governor's Executive Order No. 4411 to the Department of Education; Ho'olehua, Moloka'i, TMK: (2)5-2-015:001.

Tsuji asked to replace exhibit E, the change was that the parties to the unilateral agreement is between the Department of Education and the County.

Member Woodside asked why the right to farm act is being applied to the whole 34 acres.

Brenda Lowrey with the Department of Education-DOE explained that it was because the whole school site is one property, so the part of the property they are asking to be urban is agricultural and that is neighboring property to the agricultural land and that is what the right to farm is.

Member Yuen questioned whether the right to farm act applied to the state.

Member Woodside pointed out that there are some issues with school and farming operations. This is an important condition as it relates to schools and agriculture lands.

Roy Ikeda a land use planner with DOE was present for questioning.

The Board approved staff's recommendation as amended by replacing the Exhibit E, the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment to be between the State of Hawaii through the Department of Education and the County of Maui.

Unanimously approved as amended (Gomes, Oi)

Item D-16 Issuance of Right-of-Entry Permit to Eddie D. Holmes and Lorraine M. Holmes for Maintenance of Seawall Purposes; Kahalu'u, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-7-010:seaward of 082.

Tsuji-LAND indicated that this owner has come before and has been given approval to purchase to legitimize the wall to filled lands. They have purchased this land and the shoreline is going in so LAND is asking to give them a right of entry to fix the wall.

Eddie Holmes the property owner testified that this should've been done under the original agreement but now he found out that it was never happened. He also just found out the stairs that lead to the beach need to be taken away. Holmes doesn't think this is fair, this is the way he bought the property.

Member Roehrig suggested working with staff because the stairs is not before the Board today, only the right of entry.

Unanimously approved as submitted (Roehrig, Yuen)

Item D-3 Resubmittal: Consent to Mortgage and Extension of Lease Term; General Lease No. S-4331 and S-4332, James William McCully, Trustee of the James William McCully Revocable Living Trust dated September 24, 1992 and Francine Marie Morales McCully, Trustee of the Francine Marie Morales McCully Revocable Living Trust dated September 24, 1992, Waiākea, South Hilo, Hawai'i, Tax Map Key: 3rd/2-2-37:144.

Tsuji-LAND said this is a resubmittal because William McCully was out of town and unable to attend the last meeting. Tsuji asked for an amendment to request that recommendation #2 of the submittal add condition "D. There shall be a rent re-opening by independent appraisal on April

16, 2026, which shall determine the rent for the ten years of the extended lease term. The appraiser shall be selected by the State and paid for by the lessee."

James McCully accepted staff revisions.

Unanimously approved as amended (Roehrig, Yuen)

Item B-1 Request Board Approval to Enter into Contract for two (2) twenty-two foot (22') patrol vessels for the State of Hawai'i between the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE), and NAVATEK Boat Builders, LLC.

Jason Redulla Acting Administrator for the Division of Conservation and Resource Enforcement- DOCARE reviewed item B-1.

Member Downing asked 22ft was all he needed and what would be the best. Redulla explained 22ft provides them a good platform, typically boating operations are mission specific, for long range missions, a big boat works best. These two will work best for near shore operations.

Member Yuen asked how much these two vessels were. Redulla said these boats went out to bid and the cost was \$354,567.94 for both vessels and accompanying trailers.

Unanimously approved as submitted (Oi, Gomes)

Item E-1 Cancellation of Revocable Permit No. SP0402 Issued to Camp Hale Koa Association and Waiver of Requirement for a Phase I Environmental Site Assessment, Tax Map Key: (4) 1-4-002:055, Pu'u Ka Pele, Waimea Canyon State Park, Waimea (Kona), Kaua'i and Issuance of Direct Lease to Camp Hale Koa Association, for Recreational Campground Purposes, Tax Map Key: (4) 1-4-002:055, Pu'u Ka Pele, Waimea Canyon State Park, Waimea (Kona), Kaua'i.

Curt Cottrell Assistant Administrator for State Parks-PARKS conveyed item E-1. Steve Soares with PARKS asked to propose an amendment to the submittal. The submittal currently asks for a waiver for a phase I environmental assessment, however PARKS doesn't believe there is any contamination on the property and because the current occupant is the same as the one they are proposing PARKS is asking to waive the requirement of a phase I. They are seeking to add into the recommendation that the property is going to be leased as is.

Joe McEvoy a director with Hale Koa handed out some brochures. McEvoy gave some history explaining that this was from WWII, they went in as volunteers with donations and re-did everything. The intent is to 1) make it safe 2) affordable, right now it's \$360 for a group of 30 and \$12 for each additional person. They just want it to be a nice affordable place for people to go camping. McEvoy mentioned that he would like to see a longer term lease so they can get more grants. People don't like to give grants when there is a short term lease on it.

Member Gomes asked if they have been following County codes and if they have a building permit. McEvory said they have been following County codes, and as far as permits, they don't have structures that have been torn down so they don't need a permit. They are fine with the recommendations.

Member Oi asked why the term is only 10 years. Soares explained that the length of a lease should be proportional to the investment that the lessee would make in the property. In this case Camp Hale Koa took this lease as a revocable permit in 2011, as is.

Member Oi made a motion approve as amended, Member Yuen seconded and suggested bringing this back to deal with the nonprofit issue.

Unanimously approved as amended (Oi, Gomes)

Item F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Frank Parrish and Ann Garrett, National Oceanic and Atmospheric Administration, National Marine Fisheries Services, for Access to State Waters to Conduct Shark Removal Activities.

Maria Carnevale, State Co-manager for Papahānaumokuākea Marine Monument presented item F-1, the applicant was present for questions. This is similar to the one last year, it went out for review. The permit went out for endorsement, all but one agency endorsing the permit. The Office of Hawaiian Affairs-OHA was in opposition. The recommendation was to approve.

Member Woodside asked what OHA's reason for opposition was. Carnevale explained their position was the as prior years.

Member Woodside asked how the permit or activities been influenced or have they changed as a result of working with cultural practitioners or the working group.

Charles Littnan, the applicant explained that the basics have not changed very much. What has changed the most was they are trying to use as much of the shark as possible for scientific purposes. They have had discussion and agreements to collect for cultural uses. Part of that was to work with staff to better appreciate the seriousness and respect of the work being done from a cultural perspective.

Member Woodside questioned that there were cultural practitioners that joined them. Littnan said yes there were two that went to observe and share their experiences with them. He said most of it was building relationships.

Member Woodside commented that quota hasn't changed.

Unanimously approved as submitted (Woodside, Yuen)

Item D-1 Amend Prior Board Action of September 23, 2011, Item D-1, Cancel Governor's Executive Order No. 4045 to County of Kauai for Residential Treatment Facility Purposes, Hanapēpē, Waimea, Kaua'i, Tax Map Key: (4) 1-8-008:063. The Purpose of the Amendment is To Approve the Reset Aside of the Premises to the County of Kaua'i for Hawaiian Stewardship Program Purposes.

Tsuji-LAND reviewed item D-1, Lenny Rapoza was present.

Member Oi indicated that a major problem was that public and salt pond users had a problem with the cess pools contaminating the salt beds. He asked the problem would be resolved. Tsuji said yes, with a septic tank.

Member Gomes was also curious if they would be responsible the previous residential requirements which were never fulfilled.

Lenny Rapoza Director of Parks and Recreation for the County of Kauai testified that they have had had conversations with the salt makers. He handed out a map to show the relation of the salt beds and the parks that are being managed. They are looking at the relation to the salt pond park which is right next to the park beds. The treatment of the sewage at the park are being handled with septic tanks. They are looking at mitigating that problem by doing this project.

Member Gomes asked if anyone else was asking for this property. Rapoza said no, the only problem they have had has been with homeless.

Member asked what the scope was of this Hawaiian Stewardship Program. Rapoza said they want to work with the salt practitioners. This site will provide an area where the story can be told of the culture of the area as well as the salt bread making. This is for educational purposes of the area itself.

Unanimously approved as submitted (Oi, Gomes)

Item D-2 Amend Prior Board Action of March 28, 2014, Item D-4, "Set Aside to County of Kauai for Affordable Housing, Various lots in Wailua Houselots, Kapa'a, and Hanapēpē, Waimea, Kauai. Tax Map Keys: (4) 4-1-11:016,020, (4) 4-1-9:054, (4) 4-5-008:009,012, (4) 4-5-011:007, (4) 1-9-009:006,007,008,009, (4) 1-9-010:003, (4) 1-9-010:033, (4) 1-6-004:003."

The purpose of the amendment is to issue an immediate management right-of-entry permit.

Tsuji presented item D-2.

Kamuela Cobb Adams with the County of Hawaii explained that the right of entry is needed to access these different lots. If this is approved they will be back to review the result of those studies.

Member Gomes asked why there was no right of entry in February 2014. Tsuji apologized, staff missed it, and it's normally automatic.

Member Gomes then asked if this easement for Rendell Roe was just for his road. Member Oi explained that an easement had to be issued for him to get to his driveway.

Member Oi recommended going back to the community to be sure they were okay with what is going on. Rapoza explained the process and explained that this is a good opportunity for the County and State to work together to get people into (affordable) housing.

Member Gomes asked what other types of lands they are looking at. Rapoza said they buy houses, not the lots and sell them as lease hold properties.

Member Oi recalled a right of entry to the property then it ended. Rapoza explained that they just let it expire. Member Oi suggested bringing it back to the Board and rescind the past action. Rapoza agreed.

Unanimously approved as submitted (Oi, Gomes)

Item D-15 Grant of Term, Non-Exclusive Easement to Hitoshi Yoshikawa for Seawall, Boat Ramp, and Pier Purposes; Issuance of Management Right-of-Entry, Kane'ohē, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-4-018:seaward of 072.

Tsuji-LAND had nothing to add.

Chris Conger representing Sea Engineering gave the history of the property. The original owner Ms. Wong went in for an easement in 2001, it was approved but during that process they realized there were two other encroachments. In 2003 she reapplied for those and were brought to the Board with positive response. However Ms. Wong passed away and the property was in a trust for about 10 years and was recently sold to their clients. They are currently working on fixing issues that need to be done; these 3 encroachments are part of what needs to be done.

Unanimously approved as submitted (Yuen, Oi)

Item C-1 Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Compliance Requirements For The Grant-In-Aid to The 501(C)(3) Nonprofit Organization, Mālama O Puna, in The Keau'ohana Forest Reserve Tax Map Key: (3) 1-2-009:004 In The Puna District Of Hawai'i Island.

Lisa Hadway Administrator for the Division of Forestry and Wildlife-DOFAW explained that this approval will allow them to pass the contract over to the nonprofit to implement the project.

Member Yuen asked how much money was involved. Molly Shmidt-DOFAW said it was now 92 thousand.

Chair Chang clarified that this was just the addition of the declaration of exemption.

Unanimously approved as submitted (Yuen, Gomes)

Item D-6 Consent to Assign General Lease No. S-5237, Annie Emmalia Ka Leong, Lessee/Assignor, to Annie E. K. Leong, as Trustee of the Annie E. K. Leong Revocable Living Trust dated March 19, 2014, Assignee, Miloli‘i-Ho‘opuloa, South Kona, Hawai‘i, Tax Map Key: (3) 8-9-014:051.

Item D-7 Amend Prior Board Action of January 23, 2015, Item D-5, Forfeiture of General Lease No. S-5189, Fishing Island, Inc., Lessee, Non-Exclusive Mooring Rights in Offshore Waters of Kailua-Kona, Island of Hawai‘i, Hawai‘i.

The purpose of the amendment is to correct the effective date of forfeiture from January 23, 2014 to January 23, 2015.

Item D-9 Issuance of a Right-of-Entry Permit to Jeanine Thomason (Event Manager) for The Maui Film Festival at Wailea, 2015 Event, at Wailea Beach, Maui, Hawai‘i: Tax Map Key:(2) 2-1-023: seaward of 007.

Item D-10 Cancellation of Governor’s Executive Order No. 2129 to the Board of Supervisors of the County of Maui, for Home for the Care of the Aged; and Issuance of a New Governor’s Executive Order to the County of Maui, Department of Housing and Human Concerns, to Serve the Frail, Elderly or Disabled, and Other Allied Purposes; and Consent to a New Lease Agreement between the County of Maui, Department of Housing and Human Concerns, as Lessor, and the Hale Makua Health Services, as Lessee, at Pāpōhaku, Wailuku, Maui, Tax Map Key: (2) 3-4-019:002.

Item D-11 Issuance of Right-of-Entry Permit to Jack Starr of TS Aloha, Inc. for the Kimo’s Mala Longboard Surf Contest at Lāhainā, Maui, Tax Map Key: (2) 4-5-004: Seaward of 012.

Item D-12 Consent to Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment; Related to Governor’s Executive Order No. 4411 to the Department of Education; Ho‘olehua, Moloka‘i, TMK: (2)5-2-015:001.

Item D-13 Issuance of Right-of-Entry Permit to Hawai‘i Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on May 9, 2015 Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Portion).

Item D-14 Issuance of Right-of-Entry Permit to Hilton Hawaiian Village LLC for Beach Activities Purposes on May 8 and 9, 2015, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portion of 021.

No changes to item D-6, D-7, D-9, D-10, D-11, D-13 and D-14.

Unanimously approved as submitted (Roehrig, Gomes)

Item D-5 Sale of Lease at Public Auction for Intensive Agriculture Purposes, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-048:001.

Tsuji-LAND explained that recommendation 4 is amended by changing the references to a pasture lease to intensive agriculture.

Unanimously approved as amended (Yuen, Oi)

Item D-8 Cancellation of Revocable Permit Number S-5285 to Hana Ranch Inc. for Pasture Purposes, and Issuance of a New Revocable Permit to Hana Ranch Land, LLC, for Pasture Purposes at Hāna Maui, Tax Map Key: (2) 1-4-003:007 and 008.

Tsuji-LAND amended item D-8.

Recommendation 2 should be replaced in its entirety to read as follows:

- "2. Authorize the cancellation of Revocable Permit No. S-5285 to Hana Ranch Inc. and the issuance of a new revocable permit to Hana Ranch Land, LLC covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein, and further subject to the following:
 - a. The effective date of the cancellation shall be determined by the Chairperson and shall immediately precede the date of the issuance of the new revocable permit;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State."

Unanimously approved as amended (Gomes, Roehrig)

Item G-1 Request Authorization to Issue a Request for Proposals (RFP) and to Enter into a Contract for the Digitization and Indexing of Official Bureau of Conveyances Microfilm and Recordation Books.

Nikki Ann Thompson Registrar for the Bureau of Conveyances-BOC reviewed item G-1. This is a multiyear contract and will be completed as they have funds. There are currently remainder

funds to use, they have also been blessed to have the legislative approvals to have about 700 thousand dollars each year for next year and the year after.

Member Roehrig suggested pursuing non judicial foreclosures.

Member Yuen ask if \$700,000 was for each year. Thompson said that approach would be a renewable contract each year. If it doesn't work the first year, they will know right of way. Member Yuen was concerned about the formatting of this. Thompson explained that backup is being monitored. Microfilm is still archived.

Unanimously approved as submitted (Yuen, Gomes)

Item J-1 Request Approval to Issue a Revocable Permit to Diamond Parking, LLC for the Purpose of Operating a Parking Concession at the Mā'alaea Small Boat Harbor, Maui.

Ed Underwood Administrator for the Division of Boating and Ocean Recreation-DOBOR conveyed item J-1. They came up with a draft parking plan after meeting with the community. DOBOR isn't sure what this will generate so the agreement is in the range of the mid-teens to low 20's or 60% of revenue generated, whatever is grater is what the parking concession will pay the state.

Member Woodside asked who gets to park in the permitting area. Underwood said the permit area is for all boaters. The only portion of parking that is not in rule are these public parking rates.

This did go to public meetings; there were about 5 or 6 meetings. The only complaints were from employees that work on the catamarans, they felt that \$90 a month for parking was too much. DOBOR will create parking areas for employees at a rate of \$20 a month.

Unanimously approved as submitted (Gomes, Oi)

Item L-1 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules, Job No. D00CO61A, DOFAW MakikiValley Trail, Pedestrian Bridge Replacement, O'ahu, Hawai'i.

Gayson Ching representing Engineering-ENG hand no changes to item L-1

Unanimously approved as submitted (Gomes, Oi)

Item K-1 Conservation District Enforcement KA 13-18 Regarding Alleged Unauthorized Land Uses Located in the Conservation District by Carl David, Located at Kūhiō Hwy, Hā'ena, Kaua'i, Tax Map Key: (4) 5-9-002:065.

Withdrawn.

There being no further business, Acting Chairman Carty Chang adjourned the meeting at 1:03p.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:



Suzanne D. Case
Chairperson
Department of Land and Natural Resources