

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

DATE: FRIDAY, SEPTEMBER 11, 2015
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

Acting Chair James A. Gomes called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

MEMBERS

James A. Gomes
Stanley Roehrig
Keone Downing

Thomas Oi
Christopher Yuen

STAFF

Russel Tsuji/LAND
Mike Vitousek/SHPD
Irene Sprecher/DOFAW
Barbara Lee/LAND
Carty Chang/ENG

Alan Downer/SHPD
Scott Fretz/DOFAW
Curt Cottrell/SP

OTHER

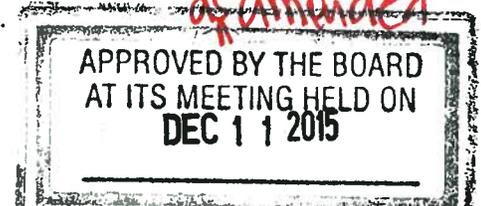
Bill Whynhoff/ Deputy Attorney General
Ethan Tomokiyo/DOT-AIR
Calvert Chun/DOT-Harbors
Walter Hong/K-1
Jodi Aleong/D-8

Ann Shiigi/DOT-AIR
Patti Miyashiro/DOT-Harbors
Miles Sakane/D-1
Richard Stewart/I-1
James Kamana Manaku/C-1

ITEM M-1 Issuance of a Revocable Permit for Aircraft Parking, FMY, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.

ITEM M-2 Rescission of Prior Board Action Under Item M-3, December 9, 2010, and to Authorize the Issuance of a Hangar Facilities Lease by Public Auction for General Aviation Purposes, Kawaihapai Airfield, Waiālua, Hawai'i, Tax Map Key: (1) 6-08-14-23.

Ann Shiigi with the Department of Transportation Airports Division-DOT-AIR presented items M-1 & M-2. Shiigi had nothing to add and the Board had no questions.



Unanimously approved as submitted (Roehrig, Oi)

- ITEM M-3 Issuance of a Revocable Permit for Office Space, Ticket Counters, and Baggage Handling Area in Main Terminal Bldg., Virgin America, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.**
- ITEM M-4 Issuance of a Revocable Permit for T-Hangars, an End Room, and Trailer Parking, Windward Aviation, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.**
- ITEM M-5 Issuance of a Revocable Permit for Aircraft Parking, Civil Air Patrol, Hawaii Wing, Lana‘i Airport, Tax Map Key: (2) 4-9-02: Portion of 55.**
- ITEM M-6 Issuance of a Revocable Permit for a T-Hangar, Christopher Linden and Mark Swann, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-7 Issuance of a Revocable Permit for a T-Hangar and an End Room, Scott Robertson, Jeffrey & Donna Nooney, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-8 Issuance of a Revocable Permit for Aircraft Parking, Air Ambulance Specialists, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-9 Issuance of a Revocable Permit for Aircraft Parking, Carol Anne Murray, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-10 Issuance of a Revocable Permit for Aircraft Parking (Space 523-109), Helicopter Consultants of Maui, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-11 Issuance of a Revocable Permit for Aircraft Parking, Helicopter Consultants of Maui, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-12 Issuance of a Revocable Permit for a T-Hangar, K & S Helicopters, Inc., Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.**
- ITEM M-13 Issuance of a Revocable Permit for a T-Hangar (End Room), K & S Helicopters, Inc., Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.**

ITEM M-14 Issuance of a Revocable Permit for a T-Hangar, Wailea Aircraft, L.L.C., Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43:Portion of 40.

Ethan Tomokiyo with the Department of Transportation Airports Division-DOT-AIR reviewed items M-3 through M-14. Tomokiyo had nothing to add and the Board had no questions.

Unanimously approved as submitted (Roehrig, Oi)

ITEM M-18 Issuance of Lease by Direct Negotiation to Garden & Valley Isle Seafood, Inc., Unit FV9 of The Domestic Commercial Fishing Village, Near Pier 38, Tax Map Key: 1st/ 1-5-42: Portions of 7 and 17, Honolulu Harbor, O'ahu.

Calvert Chun with the Department of Transportation Harbors Division-DOT HAR presented items M-15 through M-21.

In regards to item M-18, Member Roehrig asked what the legal basis of the direct negotiation was, than it being at public auction. AG Bill Wynhoff stated that there is a provision in the HRS that allows for a direct lease when it is for maritime purposes.

Member Yuen asked what the advantage for the public participating in direct negotiations, rather than participating in a public auction. Ethan Tomokiyo from DOT airports division explained that they were the only applicant for this space.

Member Yuen asked what the application process is. Tomokiyo answered that we have spaces available at the fishing village and the application is reviewed by staff.

Patty Miyashiro, property manager at DOT harbors, expanded that the fishing village was established for that intent as a commercial village with the fish auction there. The users of the spaces there were limited to that type because that is what the location is intended for. Miyashiro added that Pacific Ocean producers they are fishing related.

Member Roehrig asked what does that mean.

Miyashiro answered that they provide equipment to recreational and commercial Fishermen and that they have been established there. They came soon after the fish auction people. This is a fish whole sailing organization, so they would purchase from auction and sell it wholesale.

Member Oi asked if they come before the board to request auction for these spaces.

Miyashiro answered they did not and it was all direct negotiation, they would still come before the board before finalizing the process.

Member Yuen asked were there a situation where there were more than one applicant and wanted to go before public auction. Miyashiro said there were none.

Member Yuen asked when did this available for lease. Miyashiro answered that this lot came a year to year half ago. The interested party was the actual association itself that wanted the space,

they ended up stopping negotiation. She added that they can take it back to our administration and that doing direct negotiation has been the norm.

Member Yuen was confused as to why this seems to be the normal procedure rather than something that is done in a specific case if the site is really suited.

Member Roehrig asked if this is an emergency and that does the board need to do immediately. Miyashiro answered that they were not aware.

Member Oi added that when this area was established, there should be written policy from dot harbors on this area that you are doing direct negotiation from day 1. If you go to public auction, price tag will turn away people.

Member Oi asked the applicants on how they would feel if we defer this item? Would you be able to come back a later date with answers?

Member Downing added that this land is not vacant. Out of all the pieces, are they filled or empty. Miyashiro added that there are 2 other lots that don't have improvements on. Lot 6 has been recently assigned to the tenant on lot 4 and 5. They will bring plans to put up a structure. Tennant defaulted on lot 3.

Member Roehrig added that he would like to have the applicant specifically check how the direct negotiation is going to encourage completion in the marketplace 171-59-59B HRS. He wanted to see if there are any written policies or rules that relate to this place and to discuss with the community to see who else would want to get involved with this that can put up the cost of the infrastructure.

Member Oi moved to defer Item M-18.

Member Yuen seconded the motion.

Unanimously moved to defer (Roehrig, Oi)

ITEM M-15 Consent to Assign Harbor Lease No. H-89-11, Aloha Petroleum, LTD., Assignor, to Aloha Petroleum, LLC, Assignee, Barbers Point Harbor, 'Ewa, O'ahu.

ITEM M-16 Consent to Assign Harbor Lease No. H-96-1, Aloha Petroleum, LTD., Assignor, to Aloha Petroleum, LLC, Assignee, Barbers Point Harbor, 'Ewa, O'ahu, Tax Map Key No. 1st/ 9-1-014:8.

ITEM M-17 Consent to Assign Harbor Lease No. H-01-08, Aloha Petroleum, LTD., Assignor, to Aloha Petroleum, LLC, Assignee, Nāwailiwili Harbor, Kaua'i, Tax Map Key No. 4th/ 3-2-004:17 and 40.

- ITEM M-19 Issuance of Revocable Permit Alaska Marine Line Inc. dba Aloha Marine Lines, Near Pier 29, Kaholaoa, Kauluwela & Kaliu, Honolulu, Oahu Tax Map Key: 1st/1-5-38:01 (Portion).**
- ITEM M-20 Issuance of Revocable Permit McCrabe, Hamilton & Renny Company, Limited, Near Pier 29, Kaholaoa, Kauluwela & Kaliu, Honolulu, O‘ahu, Tax Map Key: 1st/1-5-38:01 (Portion).**
- ITEM M-21 Issuance of Six (6) New Revocable Permits to Hawaii Stevedores, Inc. to Replace Existing Revocable Permits of Horizon Lines, Inc., Situate at Honolulu Harbor, O‘ahu; Kahului Harbor, Maui; Hilo Harbor, Hawai‘i; and Nāwiliwili Harbor, Kaua‘i.**

The Board approved items M-15 through M-21, less item M-18.

Unanimously approved as submitted (Roehrig, Oi)

- ITEM D-1 Lessee’s Request for Discretionary Approval for Lease Term Extension, Act 207, Session Laws of Hawaii 2011, General Lease No. S-3742, JH Moku Ola, LLC, Lessee; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease Provisions for General Lease No. S-3742; Lot 29, Waiākea Industrial Lots, Waiākea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-058:014.**

Russell Tsuji Administrator for Land Division had nothing to add to item D-1.

Miles Sakane was fine with the recommendation.

Unanimously approved as submitted (Roehrig, Oi)

- ITEM K-1 Conservation District Use Application (CDUA) KA-3744 for a Single Family Residence and Related Improvements by Mark J. Maxon and Robert E. Shaw Located at Hā‘ena, Hanalei, Kaua‘i, Tax Map Key: (4) 5-9-002: 067**

Sam Lemmo, OCCL administrator had comments to add to Item K-1. Lemmo explained that this was a 3500 sq ft structure, built to comply with FEMA flood regulations, built 25ft above grade. The CDUA with comments were that an AIS updated, applicant has done a supplementary AIS, found negative as of the trenching. The community association concerns were the perennial stream. They asked for a smaller home, and to not be used as a commercial purpose at the time the applicant has been transparent. We went through the EA and approved by the chair at former meeting, currently it is not beach front lot, it is mauka of Kuhio Highway.

Member Oi asked what was the height limitation for Kauai was. Lemmo said the height restriction is 25ft unless you have to raise it higher due to flood mitigation.

Member Oi had thought that Kauai County had a regulation on height. Lemmo answered that it would not apply in conservation areas and only on county lands.

Member Oi added that the house would have to go through the building and permitting in county Lemmo confirmed through the building department and county regulations. In terms of setbacks it is guided by the conservation regulations.

Member Yuen discovered a typo in Page 11. That says Makua beach is located approximately 1.5 miles from project site and thought that it is .15 miles. It is across the street.

Walton Hong introduced himself representing the applicant and expanded to a few comments made. The applicants had acquired the property since 1998. They are very involved with the community. Having open dialoged with the Kupuna and hearing stories about night marchers. Hearing those recommendations they moved the house more Mauka. We emphasized that the property get a proper blessing as for the height limitations, the county CCO in Haena has a 25ft limit. But due to of flood requirements, it is adjusted.

Unanimously approved as submitted (Oi, Roehrig)

ITEM I-1 Enforcement Action against Richard Stewart for Alteration of Historic Properties During the Course of Land Alteration Activities Without a Permit. Kalaoa Ahupua'a, North Kona Moku, Island of Hawai'i, Tax Map Key: (3) 7-3-005:015.

Written testimony was submitted by Kamana 'opono Crabbe, Ph.D.

Alan Downer, administrator of SHPD introduced himself and explained on Item I-1

Acting Chair Gomes asked what determined the amount of the fine and not giving the maximum amount. Downer answered that we are not assessing the 10k fine, we are trying to assess the fine without making it impossible for the land owners. We are trying to send a message as a violation.

Acting Chair Gomes disagreed and thought that the fine is a slap on the wrist compared to the damage done. Downer added that they had internal discussions about this, it reflects the amount of assessments on rare occasion. Moving forward we would be looking for more severe penalties.

Acting Chair Gomes added that they would like to set a precedence.

Member Roehrig wanted to hear what the land owner had to say before making any comments.

Richard Stewart introduced himself. He had some exhibits to submit to the board. There are 2 letters from former Hawaiian family owners of the land and law received from the county prior to doing it. Stewart bought this property through a partition action from a local newspaper. It is AG zoned 4 acres.

Stewart's intentions were to rezone the parcel. He said he went to the county and they told me I would need a permit and approval letter. I hired Carl Smith Ball to assist me with rezoning and development of this property, and had AIS reports. While speaking with a local friend, he informed me he knew one of the elders that owned this property and introduced me to get a clearance letter in 2009.

Stewart gave it to his attorney which they gave to SHPD and they sent out an investigator, which is noted by Vitousek's report. The women from SHPD found that it was densely vegetated. Stewart instructed his attorney to get a contract and negotiations with Dr. Allen Hau Associates. I asked the county if a permit was needed to clear the brush on the property. Clear the brush with specific machinery and not a bulldozer I thought we were doing well for the property from Cal. There was no financial gain.

Member Downing asked how much did he paid for this property. Stewart answered, 400,000 dollars.

Stewart explained that according to the county definition, it states that grubbing any act in which vegetation (including trees, timber, shrubbery, and plants) is removed, dislodged, uprooted, or cleared from the surface of the ground. I understand there are significant archeological sites now. I know they are agricultural sites.

Acting Chair Gomes added that early in your testimony you mentioned about cutting a fire break because of your 13 neighbors. To cut a fire break, grubbing the whole lot is not required. He knew exactly what that machine looks like, he personally has one, and it is an excavator. If you are stating that you were going to do a fire break, these pictures show more than a fire break. Stewart responded that when he contacted Cal. He said they could clear the whole land because it will make it easier to do the survey and create mulch and prevent nuisance and trespass.

Member Yuen added that you were cited for grubbing violation and so your recourse to challenge it to go through the county board of appeal. Stewart added that the board resulted that I was grubbing without a permit. The gentleman on the board stated that any machinery above 33 tons is a bulldozer and that I relied on the contractor and not attorney and should have done a more thorough evaluation. Mr. Cal testified that I was mowing and not grubbing in the testimony.

Member Yuen added that the board is trying to track down the end result. In the submittal we only have a statement that the violation was issued. The board of appeals sided that this was a violation.

Stewart explained that he did not want to appeal.

Member Yuen asked about Allen Haun and has he done an archeological survey. Did he conclude that these sites were a part of the Kona field system? Stewart explained that he cannot say for sure, I think he did. He has detailed maps about it.

Acting Chair Gomes asked when he had the contractor come in with the excavator and the investigation was done. But in the investigation it states that there were destruction of pre-contact wall.

Mike Vitousek, lead archeologist for Hawaii Island SHPD gave more information on Item I-1. Currently they have not completed Allen Haun report because it makes treatment recommendations for each site. He wasn't sure what Haun thought.

Member Yuen asked if he had not read it. Vitousek answered that we have identify pre-contact to the site. The way Haun records is different to us. They may record all of the agricultural feature of the site and provide description. But not record as a site number.

Member Yuen made a motion to approve. Member Roehrig seconded.

Acting Chair Gomes added that he was not in agreement with the staff in the amount of the violation; he thought it should be max. Moving forward we should be looking at this more thoroughly. This is a slap on the wrist. It is the way he feels.

Unanimously approved as submitted (Yuen, Roehrig)

ITEM D-8 Issuance of Direct Lease to Ho`ōla Nā Pua for Residential Treatment Facility Purposes; Amend Prior Board of July 25, 2014, Item D-9 by Allowing Security Presence under the Immediate Right-of-Entry for Due Diligence Purposes; Waiale'e, Ko'olauloa, O'ahu, Tax Map Key (1) 5-8-001:051.

Written testimony was submitted by Ho`ōla Nā Pua.

Russell Tsuji-LAND presented item D-8.

Jodi Aleong, chairman of Hoolanapua, site developer, thanked the board for the opportunity to permit this. If approved to proceed she said this would allow them to put family on the site, they are willing to camp out, but we are putting up the fence. They have permits to put up the chair fencing and landscaping. They feel putting some people on the site would deter the vandals coming in.

Unanimously approved as submitted (Oi, Roehrig)

ITEM D-4 Approval in Principle for Issuance of a Term, Non-Exclusive Easement to Blow Up, LLC for AM Radio Transmission Tower Purposes; Authorize the Issuance of an Immediate Right-of-Entry for Due Diligence Purpose; Moanalua, Honolulu, O'ahu, Tax Map Key (1) 1-1-003: Portions of 003 and 207.

Russell Tsuji- LAND added that the pull back on approval in principle for now and let the applicant finish the 343. This applicant is for an antenna on a DOT right of way. To make room for the rail.

Unanimously approved as amended (Roehrig, Yuen)

ITEM D-9 Approve Receipt of Non-Appropriated Other Federal Funds from Hawaii Department of Health, and Authorize Chairperson to Expend Funds in Accordance with Terms and Conditions of Memorandum of Agreement MOA-2013-011/8642 and its Annexes between Hawai'i Department of Health and the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

Russell Tsuji told the Board that Barbara Lee is present to elaborate more on Item D-9. LAND was requesting the board to receive funds from Japan, related to Japan marine debris. Barbara Lee is the lead for the Japan marine debris program. This is just to ask for formal authorization.

Barbara Lee, project development specialist at LAND, pointed out as it states the funds received from Japan were unprecedented. There were no protocols in place how to administer the funds. Internally we tried to adapt existing rules and regulations on procurement and provide some framework to operate under. It was classified as non-federal because it is Japanese. It is a gift fund/ diplomatic.

Lee explained that the US was given \$ 5 million Dollars. NOAA divided it up to 5 states involved to each state and once those funds were used up, they could request more. Alaska had requested for 4 times because they don't have a place to dispose the trash once collected.

Acting Chair Gomes asked how much has been spent. Lee answered that we spent about \$40-50k on individual things. We have larger projects for this fall, including aerial survey of the islands and marine removal projects. We are expected to use the funding by Jan 2016. Any leftover would be given back to NOAA.

Acting Chair Gomes asked if all the debris from the tsunami is already here, or have they stopped. Lee said that it will continue to come for years to come, the circulation pattern in current. It hits Alaska first and sometimes gets circulated out.

Acting Chair Gomes asked if any of this debris been forecasted to have radiation. Lee answered that DOH monitors and have not noted anything out of the ordinary.

Member Yuen added that it was very generous for Japan to give us funding for cleanup.

Lee added that we only respond to reports coming in. What we ask public to do is to call in things that they cannot handle. Most marine debris is handled by community groups etc. volunteer.

Unanimously approved as submitted (Roehrig, Oi)

- ITEM D-2 Issuance of Right-of-Entry Permit to John Willard of the Maui Surf Ohana as part of the Hawaiian Surfing Association for a Youth Surf Event at Haneo‘o, Hāmoa, Hāna, Tax Map Key: (2) 1-4-007: Portion of 009.**
- ITEM D-3 Issuance of Right-of-Entry Permit to Envisions Entertainment & Productions, Inc., for Aerial Fireworks Display Purposes at Kapalua, Lāhainā, Maui, Tax Map Key:(2) 4-2-004: seaward of 015 and 016.**
- ITEM D-5 Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Waterlines and Water Meters Purposes, Sand Island, Honolulu, O‘ahu, Tax Map Key: (1) 1-5-41: Various.**
- ITEM D-6 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From October 2, 2015 to September 30, 2016, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Por).**
- ITEM D-7 Request Consent to Sublease General Lease No. S-5805, Waikīkī Community Center, as Sublessor, to: Native Hawaiian Hospitality Association, United Self Help, Waikīkī Beach Chaplaincy Inc. and International Church of the Foursquare Gospel, dba Hope Chapel, as Sublessees, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-6-025:008.**

Member Oi asked that under character of use, who determines these different agencies to comply with use. Tsuji answered that from our understanding, multi service community center to house community services is broad. I think the board can definitely question it.

Member Roehrig added that when he sees this, there was one at Sand Island I remember the lessee was letting other people in but they never checked if they were 501(c)(3) and they just went with a verbal agreement. Until the next meeting, Land division should make sure they have their paperwork in order. So that the lessee will not make side deals with direct negotiation with law.

Tsuji added that the sublease might not need to be 501(c)(3) and this board had approved for-profit operations under as a sublessee operation for a nonprofit lessee, under the condition that whatever revenue to be used as sublease rent to help fund their nonprofit organization. There is no requirement under the law. I normally tell them that the revenue has to help their nonprofit org. If any of this for profit org makes you lose your status with the federal government that will conflict with your direct lease.

Unanimously approved as submitted (Roehrig, Oi)

ITEM C-1 Request for Approval of the Waimea Valley Forest Stewardship Management Plan and Forest Stewardship Agreement with Hi'ipaka LLC, Tax Map Key (1) 6-1-002:002, Waiālua District, Island of O'ahu

And

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

Scott Fretz acting Administrator from the Division of Forestry and Wildlife DOFAW elaborated on Item C-1

Member Downing asked if OHA is in charge of the valley or is it DLNR. Fretz answered that this program is designed to provide assistance to private lands. It is a private entity of the lease under OHA's jurisdiction.

Member Downing asked that shouldn't OHA be taking care of this. Fretz answered that they applied to this program it goes through this advisory committee.

Member Downing asked if this is a private company but then to me it is for private land and not someone else's OHA should be coming for the money. Fretz answered that he can take it back to the committee.

Member Yuen asked if he could give other examples. Fretz answered not off the top of my head, but we have staff here to get back to you.

Member Roehrig asked if OHA gets any of the grant. Fretz answered no.

James Kamana a concerned grandparent, testified on Item C-1. Kamana goes to waimea falls park a lot and wondered how that is going to affect us. Because with OHA they allow access, so if these guys are going to take over Waimea, will that affect my ability to be there?

Acting Chair Gomes added that you have a cultural right to be there.

Kamana added that he just wanted to be sure that this is not on that agenda to not prevent our cultural access right.

Fretz added that they do not have a role in that.

Member Yuen added that the fee is owned by OHA, which would not be eligible. So they had some discussion. Hipaka LLC is a spinoff of OHA. Fretz mentioned other examples of lessee of Gov. Lands obtaining a forest Stewardship grant.

Irene Sprecher, lead staff from DOFAW expanded on Item C-1. There is one here in Kalihi valley has a forest Stewardship project with us for 30 acres that they manage. Land is owned and managed by state parks. They have a long term lease on the property. On big island the Lapoihoi

train museum entered in a project with us as well and managed by the department. To be eligible they have to be a private entity managing the land.

Acting Chair Gomes added that if it is a private entity. That has the right to access to there, to answer James question. He asked if it possible for him to come and practice his cultural right and if it is that something you could answer. Sprecher answered that it is beyond my understanding or scope.

Fretz added could be something we look into with the AG.

Unanimously approved as submitted (Yuen, Roehrig)

ITEM C-2 Authorization for the Chairperson to Renew, Sign, and Amend a Memorandum of Agreement with Path Peoples Advocacy for Trails Hawai'i for the Purpose of Cooperative Management and Maintenance of Selected Trails Suitable for Public Uses in the Makāula - 'O'oma Section of the Honua'ula Forest Reserve, North Kona District, Island of Hawai'i, Tax Map Key (3) 7-3-01:02.

ITEM C-3 Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, and Amend Contract(s) for the Capital Improvement Project to the 501 (C) (3) Nonprofit Organization, Kōkua Kalihi Valley Comprehensive Family Services, on the Division of State Parks Tax Map Keys: (1) 1-4-014:001; (1) 1-4-014:026; & (1) 1-4-016:003 in Kalihi Valley, O'ahu

And

Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Compliance Requirements for the Capital Improvement Project.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM E-1 Request to Approve and Adopt Amendment to Hawaii Administrative Rules (HAR), Title 13, Section 146-6 to Set Fees for Camping, Lodging, Day-Use Pavilions, Parking and Entrance at State Parks.

The Purpose of Adding §13-146-6 is to Set Fees for Camping, Lodging, Day-Use Pavilions, Parking and Entrance at State Parks Which Were Previously Approved by the Board of Land and Natural Resources.

The Rule Amendment can be Reviewed Online at:

<http://ltgov.hawaii.gov/the-office/administrative-rules/> or can be reviewed in person at any State Parks District Office from 8:00am to 3:30pm, Monday

through Friday, except State holidays. Location and contact information for State Parks' offices is available online at <http://dlnr.hawaii.gov/dsp/>

Curt Cottrell, new administrator for state parks-PARKS introduced Item E-1. Currently Parks gets about 5.6 mil general funds from the leg. Currently we are at 4.1 million in revenue. Almost 50% funded by dispositions, permits, parking. That leaves 9.7 million dollars of total funds absent of tat funds to run state parks system. This represents 35% of our operational income. Camping lodging generate \$979,000. Parking generates 2.3 million dollars. Total revenue is about 3.3 million dollars of revenue. 20% goes to OHA. We can no longer come before the board to raise or lower fees.

Member Downing asked how come Diamond Head does not have resident exemption. Cottrell answered that was done 17 years ago, the first and only state park up to 2010 where the division charged. It was determined from a logistical stand point that residents pay. Residents are able to pay for an annual pass.

Acting Chair Gomes asked that long term for parks that are not with these fees, when will they come online. Cottrell answered that Makena is next. We contact parking vendors on the market and we ask them what the best method to collect fees since they are the expert. We come back for a RP and go direct negotiation with selected parking company. And they test drive the market for us, so after a year we have an idea of the income stream with how we set the bid price on a longer lease.

Acting Chair Gomes asked in regards to Makena is even if you put parking in the park. On Sundays they park on the street and it goes for a mile and I question what is going on since the park is closed. This is on Sunday afternoon to later. How do you address that? Even during the day, people walk in. Cottrell answered that in terms of capacity. I do not have a fast and quick answer. We have 2 lots there, one is unimproved, and we may look for capital improvement.

Acting Chair added that an issue is facilities. There is nothing in Makena, there might be a bottle neck there. Cottrell added that he does not have the stats but one of the value benefits that where the station has personnel. One thing we can provide is less breaking of cars. At a minimum we can provide to the consumer. We have longer terms for Makena. We need a comfort station there. There are public behavior issues there.

Acting Chair Gomes added that the fishing community might want access too in the community.

Cottrell added that what we are really regulating is cars.

Member Yuen asked how come this has to go before administrative rule now instead of the board. Cottrell answered that it is advice of the AG for consistency and codify it in the rules.

James Kamana Manaku Sr. was curious about Diamond Head. He got a call from DLNR informing me that they were concerned about cultural access. And why the policy was changed for Diamond Head. As a cultural practitioner and if we would be affected by it.

Acting Chair Gomes answered that you won't since you are a resident.

Unanimously approved as submitted (Roehrig, Oi)

ITEM L-1 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules for Job No. F50C713B, Wahiawa Freshwater State Recreation Area Park Improvements, Wahiawā, O'ahu, Hawai'i.

ITEM L-2 Approval for Award of Construction Contract and Declaration of Exemption from Environmental Assessment Requirements of Chapter 343, HRS, and Chapter 11-200, Hawaii Administrative Rules for: Job No. 500BK54G, Stream Mouth Maintenance at Various Locations, Kaua'i, Hawai'i.

Carty Chang Administrator for Engineering-ENG had nothing to add to items L-1 or L-2.

Unanimously approved as submitted (Roehrig, Oi)

Member Roehrig moved to adjourn meeting.

Member Oi seconded the motion.

There being no further business, Acting Chair James A. Gomes adjourned the meeting at 11:33a.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