

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

DATE: FRIDAY, JANUARY 22, 2016
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

Chairperson Suzanne D. Case called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

MEMBERS

Suzanne D. Case
Thomas Oi
Christopher Yuen
Keone Downing

James Gomes
Stanley Roehrig
Ulalia Woodside

STAFF

Sheri Mann-DOFAW
Kevin Moore-LAND
Ian Hirokawa-LAND
Alyson Yim-ENG

Russell Tsuji-LAND
Andrew Chow-Hunter Ed.
Irene Sprecher-DOFAW

OTHERS

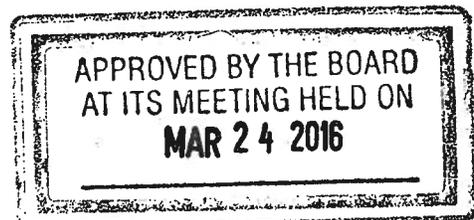
Cindy Young/Deputy AG
Lloyd Maki/ M-1
Ross Smith/DOT-AIR
David Bettencourt/M-17, M-24
Carl Schlack/ D-21
Boyd Bond/D-15
Andrew Coiit/D-14

James K. Manaku Sr./ C-4
Stan Fujimoto/ D-16
Robert Weston/M-17
Ethan Tomokiyo/DOT-AIR
Charman Akina/D-12
Peter Kubota/ D-17
John Thatcher/D-13

ITEM C-1 Issuance of Special Use Permit No. FW-2016-H-01 to Palani Ranch Company, Inc., Kailua-Kona, North Kona, Hawai'i, Tax Map Key (3)-7-4-002:Portion of 007 to Employ Livestock Grazing for Wildlife Prevention And Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Assessment Requirement for this Project.

Withdrawn

ITEM E-1 Consent to Assign General Lease No. SP-0168, Back to Eden, Inc., Assignor, to Christine R. Wilkinson, Assignee, Lot 79, Kokee Campsite Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:063.



Withdrawn

ITEM E-2 Consent to Assign General Lease No. SP-0145, Anne Colgate Sutton, Assignor, to Anne Colgate Sutton and Richard Carpenter Sutton, Jr., Assignees, Waimea Canyon State Park, Lot 37, Pu'u Ka Pele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:044.

Withdrawn

The Board agreed to defer the minutes until later in the day.

ITEM C-4 Request Authorization for the Chairperson to Negotiate, Sign, Execute, Amend, Terminate, and Extend a Memorandum of Agreement with Dole Food Company, Inc. for the Establishment of a Public Access Route to the 'Ewa Forest Reserve and Poamoho Trail, O'ahu, Tax Map Key Numbers (1) 6-4-004:001 and (1) 6-4-004:003, and to Designate an Access Road as a Feature Regulated by the Nā Ala Hele Program.

Sheri Mann Acting Administrator for the Division of Forestry and Wildlife-DOFAW introduced Aaron Lowe. Mann handed out a map and explained that this was an access agreement and they would like to renew this MOU.

There were no questions.

James K. Manaku Sr. testified that this has been long overdue and thanked the Board and staff.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM M-1 Request Approval to Execute a Memorandum of Agreement to the City and County of Honolulu/ Honolulu Police Department (HPD) for an existing substation and emergency generator constructed on Department of Defense (DOD) property, retention, of an HPD Office Trailer on-site, and HPD access to, and partial use of the DOD Hawaii Army National Guard (HIARNG) Building 300A and parking lot located at 4087 Diamond Head Road, Honolulu, Oahu, Tax Map Key 3-1-042:040.

Lloyd Maki Chief Engineer with the Department of Defense- DOD presented item M-1.

Unanimously approved as submitted (Gomes, Roehrig)

ITEM D-2 Approve Form of Lease for General Lease No. S-6074, Office of Hawaiian Affairs, Lessee; Consent to Sublease under General Lease No. S-6074, Office of Hawaiian Affairs, as Sublessor, to Ho'omana also known as Ho'omana Inc., as Sublessee, Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-004:021. General Lease No. S-6074 contains non-standard provisions relating

to sanitation, compliance with laws, repairs to improvements, indemnity, hazardous materials, building construction, and removal of trash.

Russell Tsuji Administrator for the Land Division-LAND explained that this language was worked out with the Office of Hawaiian Affairs-OHA and had nothing to add.

Member Roehrig asked if there were any others that were similar to this one.

Tsuji said yes, University of Hawaii was a prime example.

There was no public testimony.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM D-16 Consent to a Memorandum of Understanding between State of Hawaii, Hawaii Housing Finance and Development Corporation and The United States Department of the Interior, Fish and Wildlife Service to Establish Two No Development Areas of Approximately 2.9 and 1.3 acres as Critical Habitat for Three Endangered Native Plant Species; and

Authorize the Chairperson to Issue Right-of-Entry Permits to The United States Department of the Interior, Fish and Wildlife Service, as needed, in Accordance with the Memorandum of Understanding between State of Hawaii, Hawaii Housing Finance and Development Corporation and The United States Department of the Interior, Fish and Wildlife Service on State Lands located at Kealakehe, North Kona, Hawaii, Tax Map Key: (3)7-4-020:004 portion.

Tsuji-LAND introduced Stan Fujimoto with Hawaii Housing Finance and Development Corporation-HHFDC and noted that he was available for questions.

Fujimoto gave a brief explanation of the history detailing that Fish and Wildlife gave 15 thousand acres which included all this land, and they were able to locate these acres to set aside.

Chair Case asked Fujimoto to explain why the agreement was 20 years.

Fujimoto explained that it can be terminated at any time by any party.

Member Yuen commented his understanding is that this was the second one like this. The submittal says its critical habitat, but he didn't think this was critical habitat.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM M-17 Issuance of a Heliport Lease, County of Kauai, Fire Department, Lihū'e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.

Ross Smith from the Department of Transportation Airports Division-DOT-AIR presented item M-17 and explained that this covers about 25,000 square feet.

Robert Weston Fire Chief with the County of Kauai introduced himself and explained that there were several FAA restrictions that prohibit them for charging for rescues using the helicopter.

Member Oi commented that he came today thinking that rent should be gratis but after talking to DOT, he feels that the County can budget maintenance, but they cannot budget rescuing people daily. He was glad this was being done for Kauai.

David Bettencourt testified appearing as an individual. He wondered if this was even lawful, he wanted the State to be able to produce an opinion. Bettencourt understood in Kauai, they contract out services. Some operators were concerned that if ends up statewide, then they will give leases to build their own facilities that may be used for purposes other than fire department activities. He said this property would be occupied by Airborne in attrition to the Fire Department or be able to house or preform maintenance on helicopters for non-Fire Department Purposes, it is an unfair advantage given to operators compared to the ones that are required to pay. He feels this would be a bad policy.

Bettencourt indicated that at the last meeting Member Roehrig asked him if the operators wanted a revocable permit or a lease, that they had to agree in writing that all the disputes are resolved by DOT and Airports internally and not right of arbitration.

Member Roehrig commented that everyone needed to be treated equally and asked Ross Smith howcome slack was being given to some, but not others. Smith said DOT was issuing a permit to the County, not the private entity who was operating on behalf of the County. DOT has no control over who the County hires and how they charge for their activities.

Member Woodside asked if the lease could be worded so that the helicopter lease is solely for the County of Kauai to use their rescue helicopter and not for other commercial ventures.

Chief Weston responded the helicopter is owned by the County of Kauai, it is not owned by a private entity. They contract for pilots and for maintenance. The current contractor is Airborne Aviation, in 12 months it will go out for bid again. The contractor is aware that the helicopter space is only for the County of Kauai operations. This facility would only be used for fire department operations. The FAA requires them to have a water rescue plan incase an aircraft goes down. They are the water rescue plan for the Lihue airport.

Member Oi made a motion to approve with amendment to include that this is only for County helicopter use. Member Gomes seconded.

Member Yuen commented that they would use their helicopters for authorized use/ County purposes, Member Woodside agreed. All other members agreed also.

Unanimously approved as amended (Roehrig, Gomes)

- ITEM M-2** Issuance of a Revocable Permit for Airline Office, Jin Air Co., Ltd., Honolulu International Airport, Tax Map Key: (1) 1-1-003: 051 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for Operations Office, Primeflight Aviation Services, Inc., Diamond Head Domestic Building, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 053 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, Terry J. Gumz, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 21.
- ITEM M-5** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Airstart Aero Hawai'i LLC, Kawaihapai Airfield, Waiālua, Hawai'i, Tax Map Key: (1) 6-08-14-17 (Portion).
- ITEM M-6** Issuance of a Revocable Permit for a Fixed-Base Operation, Air Service Hawaii, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
- ITEM M-7** Issuance of a Revocable Permit for a Fixed-Base Operation, Bradley Pacific Aviation, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
- ITEM M-8** Issuance of a Revocable Permit for Office space for a Fixed-Base Operation in the Main Terminal, Air Service Hawaii, Inc., Lanai Airport, Tax Map Key: (2) 4-9-02: Portion of 55.
- ITEM M-9** Issuance of a Revocable Permit for Office space for a Fixed-Base Operation in the Main Terminal, Bradley Pacific Aviation, Inc., Lanai Airport, Tax Map Key: (2) 4-9-02: Portion of 55.
- ITEM M-10** Issuance of a Revocable permit for Aircraft Parking, The Original Motor Glider Rides of Hawaii, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.
- ITEM M-11** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Brian J. Daniel, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.
- ITEM M-12** Issuance of a Revocable Permit for Cargo Spaces, Hawaiian Airlines, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.
- ITEM M-13** Issuance of a Revocable Permit for Cargo Spaces, Trans Executive Airlines of Hawaii, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.
- ITEM M-14** Issuance of a Hangar and Facilities Lease by Public Auction, Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

- ITEM M-15 Issuance of an Air Terminal Facility Lease by Public Auction, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 003.**
- ITEM M-16 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Jeffrey W. Hoff, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.**
- ITEM M-18 Issuance of a Revocable Permit for Air Cargo Operations, Commodity Forwarders, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**
- ITEM M-19 Issuance of a Revocable Permit for Air Cargo Operations, Trans Executive Airlines of Hawaii, Inc., Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 08.**
- ITEM M-20 Issuance of a Revocable Permit for Commuter Terminal Operations, Bradley Pacific Aviation, Inc., Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 08.**
- ITEM M-21 Issuance of a Revocable Permit for Commuter Terminal Spaces for Fixed-Base Operations, Air Service Hawai‘i, Inc., Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 08.**
- ITEM M-22 Issuance of a Revocable Permit for Commuter Terminal Spaces for Tour Operations, Wings Over Kauai LLC, Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 08.**
- ITEM M-23 Issuance of a Land Lease for the Storage of Non-Motorized Equipment by Public Auction, Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 08.**

The Board next took up items M-2 through M-23, less M-17.

Member Yuen disclosed that for items M-13 and M-19 that involves Trans Executive Airlines, he ships some product through that airline.

Member Downing asked if items M-10 and M-11 were just different types of t-hangers.

Ross Smith Property Manager with the Department of Transportation Harbors Division-DOT HAR clarified that one was a tie down and one was a t- hanger.

Unanimously approved as submitted (Roehrig, Gomes)

- ITEM M-24 Renewal of Revocable Permits on the Islands of Hawai‘i, Maui, Moloka‘i, Kaua‘i and O‘ahu (See Exhibit 1).**

Smith-DOT-AIR explained that DOT was asking for a continuation of existing revocable permits that had been used in the prior years.

Member Roehrig suggested getting an attorney general's opinion on whether it is appropriate to approve in this case. He was concerned on whether or not the Board can even do this.

Smith was concerned that if they don't get approval, all the permits will desist. Member Roehrig suggested limiting for the duration.

Member Yuen commented that he did see a difference in what the department of transportation typically does and the DLNR in terms of its revocable permits. The bulk of these items are really small issues, but there are a few where the Board needs to move revocable permits into leases so it fits the model.

Smith explained that a lot of times DOT is not in control of a lot of what happens on the airport for example, if they were to issue a lease in a terminal building for counter space. If they find out that their business is declining, they may want to give back some space to save money. The revocable permit functions well; a longer term lease would be very difficult.

Chair Case asked if how DOT mitigates if someone else wants space and there is no process for other competing uses to get involved. Smith explained that it was based on a hierarchy; for example if an airline needs a space that is under a revocable permit to a ground transportation operator, then DOT will terminate the lease for the ground transportation operator.

Chair Case was concerned on how to sort our long term regularly renewed permits. Smith said some of these were issued to replace the old ones.

Ethan Tomokiyo with DOT-AIR detailed that the bulk of the request are old, these are tenants that they are trying to bring their permits up to what they should be. They are also trying to update their rents, because they were not up to market.

Chair Case agreed that there did need to be some clarification on the criteria and what should collectively be evaluated.

Member Woodside asked if the Board previously asked DOT to come back with background for each of the revocable permits.

Chair Case recalled asking DOT to chunk it out so they were spread out throughout the year. They also asked for a little bit of context including how long they have been there. She suggested a shorter term renewal here to give DOT time to work it out.

David Bettencourt felt like the problem might be over stated. He said that a lot of these revocable permits are for standardized properties. He felt the problem was the appraisals; it got appraised at such a high rate that no one was even interested in the property.

Member Woodside made a motion for the Board 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; everyone voted in favor.

10:02AM EXECUTIVE SECESSION
10:31AM RECONVENE

Member Yuen made a motion to renew all of the permits that were being asked to be renewed for a period of 6 months and that DOT bring more information about the permits when they come back in 6 months. The issues that the Board was concerned about were; 1) is there completion for the types of permits or the areas were the permits were given out- the Board would like to know if it was fair to renew one group of people continuously and if there was completion for limited space 2) there should be a list of the actual commencement date of the revocable permit; the Board is not so interested in a routine of standard groups 3) There should be an explanation for why big dollar amounts are in a revocable permit. Member Roehrig seconded the motion.

All were in favor.

Unanimously approved as amended (Gomes, Roehrig)

ITEM D-21 Issuance of a 55-year Term, Non-Exclusive Easement for Access Purpose to Brian Lester Sakamaki, Donna J. Walden, as Trustee under that unrecorded Donna J. Walden Revocable Living Trust dated September 14, 1988, and Giampaolo Paul Boschetti; Mutual Termination of General Lease No. S-3980, Makiki, Honolulu, Oahu, Tax Map Key: (1) 2-4-029:066.

Tsuji-Land disclosed the council for the applicant was present, Donna Walden.

Member Gomes asked to see the photos and asked what the purpose of that ditch was.

Tsuji thought it was for drainage.

Member Yuen asked staff to look at that, he thought drainage was City and County.

Tsuji explained that sometimes this happened with unencumbered state lands.

Carl Schlack representing the applicant explained the location of the photos.

There were no more questions and no public testimony.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM D-12 Grant of Term, Non-Exclusive Easement to the Keolahou Land Trust for Access and Utility Purposes, Piihonua, South Hilo, Hawaii, Tax Map Key: (3) 2-4-008:004 and 2-6-018:001.

Tsuji disclosed that counsel for this is his sister-in-law.

Chair Case disclosed that Carlsmith Ball and Charman Akina use to donate to her former employer.

Member Woodside disclosed that Charman Akina is a donor to her current employer, The Nature Conservancy.

Member Yuen asked why the successors of Carlsmith still had an interest in this.

Charman Akina explained that Don Caralsmith passed away and there was a lot of family litigation, when his mother passed, it became more intense. It went on for 10 years, so they are now trying to straighten things out.

Member Yuen asked about the lease that ran from 1968 that ran for 35 years, which would've been 2013.

Akina said that the two 40 acres properties were owned by Carlsmith.

Chair Case said that it was missing in the submittal.

Member Roehrig disclosed that he knew all of the Carlsmith attorneys; Chair Case said she knew them all as well.

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

Unanimously approved as submitted (Yuen, Roehrig)

ITEM D-15 Cancellation of Governor's Executive Order No. 3398, the Bond Memorial Public Library, to the Department of Education for Library Site purposes, Kapaau, North Kohala, Hawaii; TMK: (3) 5-4-005:030.

Kevin Moore- Assistant Administrator for Land Division-LAND disclosed that this was an unusual situation. This was a library site, the Hawaii State Library system moved to a new site, this old site was under an executive order and had been acquired by the territory of Hawaii in the 1920s in a deed that contained a reverter clause that if the property ever ceased to be used as a library, then it would return to the grantor who was Caroline S. Bond.

After trying to find a lineal decedent, one entity came forward but they couldn't establish a legal chain of title under the reverted clause. After further communication a proposal came up to return the property to the known heirs of the grantor, one of whom is Boyd Bond.

Chair Case clarified that it was already reverted; the Board is just to acknowledge who this is going to.

Boyd Bond said he didn't know what to do, and wanted to know what the deed was. Bond wanted to know where the title came from. He's not clear on what the next step was.

Member Roehrig asked an order of reverter was needed.

Deputy Attorney General Cindy Young said that was a separate issue, what was before the Board today is solely for the canceling of executive order 3394.

Chair Case argued that whatever happens, the state doesn't own this land anymore.

Member Roehrig agreed, but was just concerned that a late family member would come in.

Member Oi commented that this is not the State's problem, it's written in the deed.

Bond said he needs a document saying how this needs to be transferred.

Member Roehrig told Bond that he needed to hire his own lawyer.

Chair Case suggested title insurance.

Member Yuen commented that he was glad Bond was willing to work with that project.

Member Roehrig made a motion to approve as submitted, Member Oi seconded.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-1 Issuance of Right-of-Entry Permit to Keauhou Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-02:seaward of 2.

There were no questions, and no public testimony.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-17 Consent to Assignment of General Lease No. S-5700, from Frederick Giannini, Foreclosure Commissioner, as Assignor, to Conen Nakamura, as Assignee; and

Consent to Assignment of General Lease No. S-5700, from Conen Nakamura, as Assignor, to Kealakehe Freight, LLC, as Assignee, Kealakehe, North Kona, Hawaii, Tax Map Key: (3)7-4-020:018 & 020.

Tsuji-LAND introduced Peter Kubota whose client was the purchaser for a foreclosure auction; he is the proposed purchaser.

Tsuji detailed that this went through the foreclosure process, but being that the commissioner is an officer of the court, it was pointed out that the standard from may not be appropriate. Tsuji asked to make the following amendment....

The Board amended recommendation A.1 to add the following language at the end of the sentence:

, with an amendment to the standard continuing liability clause, however, to clarify that Lessor's consent shall not release Hiram Rivera from all responsibilities, obligations, liabilities, and claims respecting or arising under or out of said general lease;

Kubota explained that the reason there were two transfers was because in the foreclosure process the judge appeared in bid and made a specific order that the actual bidder has to take title in the foreclosure auction so, he would vest title in himself then transfer to a solely owned limited liability company. Kubota had no objection to the proposed language.

Unanimously approved as amended (Gomes, Roehrig)

ITEM D-14 Request for Extension of Land License No. S-353, United States Department of Transportation, Federal Highways Administration for Removal of Rock Aggregate Purposes, Kaohe IV, Hamakua, Hawaii, Tax Map Key: (3) 4-4-015: portion of 008 and 4-4-016: portion of 005.

Tsuji-LAND said this was a housekeeping matter; this is the final leg of the road.

Andrew Coit, a project engineer with Federal Highways was present for questions.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM D-7 Issuance of Right-of-Entry Permit for Construction and Land Maintenance Purposes to the County of Hawaii, Department of Parks and Recreation, Onto State Land Situated Between Kamehameha Ave., Manono St. and Kuawa St., Waiakea, South Hilo, Hawaii Tax Map Key. (3) 2-2-032:003, 004, 008, 019 & 087.

Tsuji-LAND conveyed item D-7; nothing to add.

The County Representative was present.

Member Roehrig disclosed that he gave legal advice to one of the members of the Napiahi family about this project; they were in a chain of title to this property.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-13 Consent to Assign General Lease No. S-6029, Connections New Century Public Charter School, Assignor, to Connections New Century Public Charter School and Community Based Education Support Services – Friends

**Of Connections, Assignees, Kaumana and Kukuau 2nd, South Hilo, Hawaii,
Tax Map Key: (3) 2-5-006:141.**

Member Roehrig disclosed that he was friends with the applicant.

Member Yuen was concerned that if they don't get the permits to build the school, that the property not be tied up in this lease for a long time. He asked if there was a way for the state to get the property back if they end up not using the property.

Tsuji said there was a use provision, if they were to do something in violation, it would be an instance of default. He wasn't sure a specific provision was written.

John Thatcher, Principal of Connections Charter School said they didn't have anything built on the grounds right now; they are still waiting on the permits. Their main intention was to use the grounds for teaching the kids about agriculture and forestry.

Member Yuen wanted there to be some kind of clause just in case they don't make use of it. He was fine with them continuing the project.

Chair Case stepped out.

Member Gomes took over.

Member Yuen made the following amendment, Member Roehrig seconded.

The Board amended the staff submittal by conditioning its consent to the assignment of lease by requiring an amendment of the lease to add a provision requiring the Assignee/Lessee and staff to report back to the Board in ten (10) years on the status of the Assignee/Lessee fully utilizing the site consistent with the character of use (school purposes) provision. The Assignee/Lessee expressed concurrence with such amendment of lease.

Unanimously approved as amended (Yuen, Roehrig)

ITEM D-19 Authorize the Chairperson to Execute Supplemental Agreement No. 1 to an Existing Lease for Real Property with the United States of America, Department of the Army, for Additional Lease Area within Fort Shafter Military Reservation for Public School Purposes, Honolulu, Oahu, Tax Map Key: (1) 1-1-008:portion of 005.

Tsuji-LAND reviewed item D-19.

The applicants were present.

Unanimously approved as submitted (Roehrig, Oi)

ITEM B-1 Request Review and Approval of Student Manual, Instructional Videos, and Online Course Updates to the Hunter Education Program Curriculum.

Andrew Chow with the Hunter Education Program presented item B-1; the updated materials have been provided to the Board members and have been approved by the International Hunter Education Association. They are looking to update their manual, videos and to provide an online course. They are looking to provide an online course with a mandatory in class secession for completion, which would give 2 options for students to complete course.

Chow handed out a sample agenda of courses and a sample agenda of what they want the courses to look like.

Member Woodside asked if 4 hours was enough time to cover all areas. Chow said yes, all the material would be covered.

Member Gomes asked what his time frame was. Chow said they would like to be able to offer the online course in the fall.

Unanimously approved as submitted (Yuen, Roehrig)

ITEM C-7 Request Approval to Amend a Fiscal Year 2015 Grant from the Legacy Land Conservation Program to Livable Hawaii Kai Hui by Revising the Required Terms of a Conservation Easement for the Protection of Resource Values as Stated in the Project Application

And

Request Approval for the Board to Enter into a Nondisturbance and Attornment Agreement with Livable Hawaii Kai Hui, the Trust for Public Land, and the City and County of Honolulu Concerning the Land to be Acquired Under a Fiscal Year 2015 Grant from the Legacy Land Conservation Program to Livable Hawaii Kai Hui

And

Request Authorization for the Chairperson to Approve the Amendment, if Necessary, of Four Grants from the Legacy Land Conservation Program by Revising the Required Terms of a Conservation Easement for the Protection of Resource Values State in the Project Applications

And

Request Authorization for the Chairperson, on Behalf of the Board, to Enter into a Nondisturbance and Attornment agreement with the Parties to a Conservation Easement for the Protection of Resource Values state in a Project Application, Concerning the Lands to be Acquired with a Grant from the Legacy Land Conservation Program.

Sheri Mann-DOFAW introduced Ian Hirokawa with Land Division-LAND. Mann explained that they were trying to acquire land from a private land owner and purchase it to a local nonprofit, Livable Hawaii Kai Hui. They have used the trust for public lands as bridge as a part of this acquisition. They have used a number of funding agencies; one of which is the City and County.

The City and County requires a conservation easement on lands which they use their monies to purchase so that required an attornment which would allow each entity to be giving back the amount of money based on the percent of money they put into the acquisition if something happens in the future. The third request is asking the Chair to approve the same type of request for 4 Legacy Land acquisitions that are coming up in the near future. The fourth request is asking authorization of the chairperson on behalf of the Board to enter into these kinds of torment agreements in the future.

Ian Hirokawa provided further background explaining that this was a way of working it out so the County can meet their requirements and DLNR can meet theirs.

The Board had no questions.

Unanimously approved as submitted (Oi, Gomes)

12:13 PM RECESS
1:22 PM RECONVENE

ITEM C-2 Request Approval of a Revised Forest Stewardship Management Plan and Increased Cost Share Support for the Susan Kaye Lundburg Forest Stewardship Agreement, Tax Map Key (3)-4-1-004:45, Pa‘auilo, Hāmākua District, Hawai‘i.

Sheri Mann-DOFAW introduced Irene Sprecher. Mann conveyed item C-2. An error was made in the recommendations it states \$55,752 it should say \$48,010.

Chair Case noted that there would be no further public testimony as there was no on left in the audience.

Unanimously approved as amended (Woodside, Gomes)

ITEM C-6 Status Report for the Hawai‘i Conservation Reserve Enhancement Program and Authorization of Chairperson to Execute Conservation Reserve Enhancement Program Agreements.

No changes.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM C-3 Request for Approval to Enter into a Grant Agreement Between the National Fish and Wildlife Foundation and the Division of Forestry and Wildlife for \$500,000 in Private Funds to Complete the Land Acquisition and Management Project Entitled “Conservation and Restoration Initiative at Upper Kūka‘iau Ranch, Hawai‘i Island,” Tax Map Key Numbers (3) 4-2-008:021 and (3) 4-2-008:008.

Chair Case disclosed that The Nature Conservancy-TNC was here former employer and she has worked on this project.

Member Woodside disclosed that TNC is her current employer.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM C-5 Authorization to Procure (3) Motor Vehicles for DOFAW Maui Branch's Fire Management Program.

No changes to item C-5.

Unanimously approved as submitted (Gomes, Oi)

2:00 PM Chair Case left meeting; Member Gomes takes over.

ITEM L-1 Request Authorization to Select Consultants; Delegate to the Chairperson Authority to Negotiate, Enter and Execute Agreements with Consultants, Contractors and/or Government Agencies to Implement and Administer Projects in Support of Hawai'i Revised Statutes (HRS) Chapter 179D, Dams and Reservoirs; Execute Right Of Entry Agreements for these Projects; and Declare These Proposed HRS Chapter 179D Projects Exempt from Requirements of HRS Chapter 343 and Hawai'i Administrative Rules (HAR) Title 11, Chapter 200, Environmental Impact Statement Rules.

Alyson Yim representing the Engineering Division-ENG had no changes to item L-1.

Unanimously approved as submitted (Gomes, Roehrig)

ITEM L-2 Appointment of Pepe Miranda to Serve as a Director of the Kona Soil and Water Conservation District.

Yim-ENG had no changes to item L-2.

Unanimously approved as submitted (Woodside, Gomes)

ITEM D-6 Assignment of Chairperson Suzanne Case, Board Member Stanley Roehrig and Board Member Chris Yuen to an Investigative Committee of the Board of Land and Natural Resources on Issues Pertaining to the Rehabilitation, Redevelopment or Future Planning of State Lands in the Banyan Drive and Kanoelehua Industrial Areas, Waiakea, South Hilo, Hawaii, Tax Map Keys: 3rd/ 2-1- and 2-2- multiple plats and parcels.

ITEM D-3 Consent to Assign Grant of Non-Exclusive Easement No. S-4607, Richard C. Kauai Sr., Assignor, to Richard C. Kauai Sr., Scott K. Kauai Sr. and Bonnie-

Jeanne A. Kauai, Assignees, Kapaa, Kawaihau (Puna), Kauai, Tax Map Key (4) 4-6-009:050.

ITEM D-4 Sale of Remnant State Parcel to Christopher D. Sanderl and Julia R. Sanderl, Por. of Kapaa Homesteads, 4th Series, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:014

Issuance of Immediate Right-of Entry Permit to Christopher D. Sanderl and Julia R. Sanderl for Site Visit and Survey Purposes, Por. of Kapaa Homesteads, 4th Series, Kapaa, Kauai, Tax Map Key: (4) 4-6-014:014.

ITEM D-5 Approve Mediated Settlement of Rent Dispute in General Lease No. S-3624, 69 Railroad, LLC, a Hawaii Limited Liability Company, Lessee, Relating to a Ten-Year Extension of General Lease No. S-3624, located in Hilo, Hawaii, TMK No. (3) 2-1-012:026.

There were no changes and no questions for items D-6, D-3, D-4 or D-5.

Unanimously approved as submitted (Gomes, Oi)

ITEM D-8 Request for Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3596, Lesley Hill, Lessee, Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-2-049:011.

The Board amended the date of completion of the remaining renovations and improvements in recommendation B.1 to read “July 31, 2017”.

Unanimously approved as amended (Roehrig, Yuen)

ITEM D-9 Request for Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3593, Automotive Supply Center, Ltd., Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-2-049:012.

ITEM D-10 Request for Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3595, Heide & Cook, LLC, Waiakea, South Hilo, Hawaii Tax Map 3Key: (3) 2-2-050:086.

ITEM D-11 Consent to Sublease General Lease No. S-4308, KAR Property, LLC, Lessee, to Lei Maile Hawai'i LLC, Sublessee, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-2-058:002.

No changes to items D-9, D-10, or D-11.

Unanimously approved as submitted (Roehrig, Yuen)

- ITEM D-18 Issuance of a Right-of-Entry Permit to Chrysalis, Inc. dba Chrysalis Events Hawaii to Host a Beach Volleyball Tournament for a Corporate Client at Wailea Beach, Wailea, Honuaula, Maui, Tax Map Key: (2) 2-1-023: seaward of 007.**
- ITEM D-20 Set Aside to City and County of Honolulu for Parks Purposes, Kalihi and Kewalo, Honolulu, Oahu, Tax Map Key: (1) 1-3-004:123 and (1) 2-4-010:015.**
- ITEM D-22 Consent to the Assignment and Assumption of Sublease under General Lease No. S-5975, Reduce Reuse Recyclers Services Hawaii LLC, dba RRR Recycling Services Hawaii, as Lessee/Sublandlord, Locations Investment, Inc., as Subtenant/Assignor, to WSC Capital LLC, as Assignee, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-7-036:079.**

No changes to items D-18, D-20 or D-22.

Unanimously approved as submitted (Yuen, Roehrig)

- ITEM D-23 Issuance of Right-of-Entry Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display on January 28, 2016 at the beach fronting Turtle Bay Resort, Kahuku, Koolauloa, Oahu, Tax Map Key: (1) 5-7-001:Seaward of 013.**

The Board amended the submittal to require the applicant to provide a deposit of \$2,500 to ensure timely clean-up of the State submerged lands in the area after the event. The Board directed staff to conduct an inspection after the event to ensure the area is satisfactorily cleaned up. If staff determines that the clean-up is unsatisfactory, the deposit will be forfeited and the Board shall be advised of the unsatisfactory clean-up and forfeiture of deposit the next time a permit for fireworks display is requested in this area.

Unanimously approved as amended (Roehrig, Yuen)

- ITEM A-1 Approval of June 26, 2015 Minutes**

Member Yuen asked to change “Ohio” to “Ohia” on page 14; also on page 18, “oopa” should be “oapu”.

Unanimously approved as amended (Yuen, Roehrig)

- ITEM A-3 Approval of July 24, 2015 Minutes**

Member Yuen asked that it be added that he recused himself from item C-1.

Member Yuen also asked staff to follow up with DOBOR on the RPs. In the minutes it stated that the Board asked DOBOR to bring the RPs back in 6 months, it has been 6 months and they still haven’t brought them back.

Member Oi noted that on page 5 “tree” should be “three”

Unanimously approved as amended (Yuen, Roehrig)

ITEM A-4 Approval of September 25, 2015 Minutes

Member Yuen made a motion to approve as amended per the amendments the Board received that morning.

Unanimously approved as amended (Yuen, Roehrig)

ITEM A-5 Approval of October 9, 2015 Minutes

Unanimously approved as submitted (Roehrig, Oi)

ITEM A-6 Approval of October 23, 2015 Minutes

Unanimously approved as (Yuen, Roehrig)

ITEM A-7 Approval of November 13, 2015 Minutes

Deferred

2:25PM Member Yuen made a motion to adjourn; Member Roehrig seconded; all were in favor.

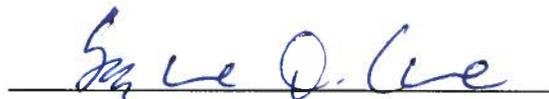
There being no further business, Chairperson Suzanne D. Case adjourned the meeting at 2:25p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ku'ulei Moses', with a wavy flourish at the end.

Ku'ulei Moses
Land Board Secretary

Approved for submittal:

A handwritten signature in blue ink, appearing to read 'Suzanne D. Case', written over a horizontal line.

Suzanne D. Case
Chairperson
Department of Land and Natural Resources