

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

January 24, 2014

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 13OD-121

OAHU

Amend Prior Board Action of October 11, 2013, Item D-3; Consent to Merger of Oceanic Institute into Hawaii Pacific University; Mutual Termination of General Lease No. 3709; Oceanic Institute, Lessee; Issuance of Direct Lease to Hawaii Pacific University for Scientific Research and Public Exhibiting Facilities of Marine Life; Waimanalo, Koolaupoko, Oahu; TMK (1) 4-1-014:004. And

The Amendment is to seek Board's Authorization for Incorporating Pipeline and Encroachment Easements, Revising the Rent Payable, and Adding Tax Map Key (1) 4-1-014:011 to the Direct Lease.

**BACKGROUND:**

On October 11, 2013, under agenda item D-3, the Board approved the subject request involving direct issuance of a 65-year lease to Hawaii Pacific University ("HPU"). The new lease is intended to replace General Lease No. (GL) 3709, currently leased to the Oceanic Institute ("OI") and due to expire in 2027. A copy of the prior submittal is attached as **Exhibit 1**.

Today's request is to seek the Board's authorization to include the pipeline and encroachment easements and revise the rent payable accordingly, and add a tax map key in the new lease.

**GL 234 and Hawaiian Home Lands in Waimanalo**

Pursuant to Section 203 of Hawaiian Homes Commission Act 1920, "Waimanalo (four thousand acres, more or less), in the District of Koolaupoko", is designated, among others, as "available lands", and such "available lands" are excluded from the definition of public lands under Section 171-2, HRS.

The area under GL 3709 was also originally part of the "available lands" as described above. When the Board approved the sale of GL 3709 on March 2, 1962, under agenda item F-22, the submittal actually mentioned that "... the land in question is a portion of the lands acquired from the Department of Hawaiian Home Lands in the exchange ...". The exchange effectively removed the subject area from the "available lands" and GL 3709 was subsequently issued to OI around 1962.

In 1982, OI found out it needed a forty (40) foot strip of land outside the GL 3709 area to erect security fencing. OI requested permission from the Hawaii Home Commission (“HHC”), because the requested strip of land was portion of available lands under the jurisdiction of the Department of Hawaiian Home Lands (“DHHL”).<sup>1</sup> The forty (40) foot strip of land is identified as tax map key (1) 4-1-014:011 with an area of 3.856 acres.

On August 26, 1982, HHC approved the issuance of a revocable permit to OI for the requested purposes. The revocable permit was subsequently replaced by a lease (“GL 234”)<sup>2</sup> approved by HHC on November 28, 1989 for “the purpose of constructing, maintaining and operating a scientific research facility for the study of marine life.” OI was obligated to pay rent to DHHL under GL 234, in addition to the rent payable to DLNR under GL 3709 over two different leased premises owned and managed by two different State entities.

On June 25, 2002, HHC approved a motion to withdraw its claim to Kalanianaʻole Highway right-of-way [including the GL 234 area], in addition to other lands in Waimanalo. A copy of a letter dated September 30, 2002 from DHHL is attached as **Exhibit 2**. As noted on page 2 of the DHHL letter, the resolution of the title issue enabled the Department of Transportation (“DOT”) to conduct the highway improvements and rock slide mitigation measures.

EO 4177 [including the GL 234 area] was issued to DOT in 2004, and GL 234 was placed under the management of DOT. Since 2004, OI continued to remit the rent payable under GL 234 to DOT. Currently, the area under GL 234 is occupied by portions of OI’s fish tanks, wall, and landscaping area.

Upon review of EO 4177, staff notes that GL 234 was not included as an encumbrance when the management jurisdiction of such lands was transferred to DOT under the EO. In hindsight, a new lease should have been processed either by DOT or DLNR around 2004 to replace GL 234 since DHHL was no longer the landlord.

With the forthcoming new 65-year lease, staff intends to correct the oversight by adding the former GL 234 area to the GL 3709 area colored red and yellow respectively on **Exhibit 3**.

#### Pipeline easement

Pursuant to GL 3709, OI has the right to the “...easements under and across Kalanianaʻole Highway ... to the ocean for the pumping and discharge of sea water as required for the operation of the exhibiting and research facilities ...”

Upon checking with OI, staff understands that the current pipelines are at the original locations when GL 3709 was issued. In addition, OI is no longer discharging any saltwater to the ocean.

---

<sup>1</sup> The subject 40-foot strip of land was not under the jurisdiction of the Board of Land and Natural Resources in 1982. OI went to the appropriate agency and obtained permission to utilize such land.

<sup>2</sup> DHHL also used “General Lease” in its documentation. However, neither the Land Board nor DLNR was involved in the issuance and management of GL 234.

Instead, OI has multiple underground injection wells, as authorized by the Department of Health, to address the issue of discharge water, in accordance with the current legal requirement.

Staff notes that the rights to the pipeline easement originally provided in GL 3709 were not clearly addressed in the October 2013 Board approval. Since the existing lease includes the right to such pipeline easement as described above, staff believes including a similar pipeline easement in the new lease is in order. HPU agrees to provide the map and description of the pipeline easement, to be inserted into the new lease.

DOT's comments on GL 234 and pipeline easement

DOT, under its policy, requires any party to obtain authorization from DOT to continue the usage of such drainage facilities over the right-of-way. Therefore, DOT asks that the new lease be subject to such approval as DOT may deem necessary. HPU has no objection to this requirement.

Furthermore, DOT has no objection to the continuance of the 40-foot encroachment easement area described above in the new lease, provided that a standard condition allowing the withdrawal of the easement area, or portions thereof, for public purposes including road widening, is incorporated in the lease. In the event this condition is triggered, HPU will be required to remove the improvements upon request from DOT. Staff will make the recommendation accordingly, noting that withdrawal for public purposes is a standard lease condition.

Staff notes that the legal description of the lease will cover Parcel 4 (105 acres+), together with the encroachment and the pipeline easements.

Rent payable for the encroachment and pipeline easement

As mentioned in the October 2013 submittal, it was determined that \$140,800 was the fair market rent for 105 acres of lease land pursuant to an appraisal done around October 2012, which is equivalent to approximately \$1,300 per acre.

Staff understands OI is currently paying \$9,000 per year under GL 234, equivalent to about \$2,300 per acre. Staff recommends the Board authorize adding an additional \$9,000 to the annual rent of the lease previously approved by the Board. HPU indicates its agreement to adding \$9,000 to the annual rent payable to the new lease.

Since the pipeline easement was originally provided for in the current lease, the appraisal done in 2012 for the purpose of rent reopening would have taken into account the pipeline easement. Therefore, staff does not recommend any additional rent attributable to the pipeline easement.

Under the new lease, HPU is consolidating the rental payment to one single State agency, i.e. DLNR, instead of two separate payments to DOT and DLNR.

To conclude, staff recommends the Board authorize to amend its prior action and set the annual

base rent for the new lease at \$149,800.

Environmental Assessment Exemption Notification

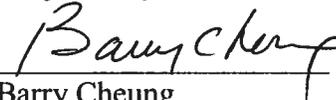
At the prior meeting of October 2013, the Board declared the request exempt from the preparation of environmental assessment. See Exhibit B of the prior submittal. The proposed incorporation of the pipeline and encroachment easements is to document the continuance of the current use of State lands. Therefore, staff believes the same exemption declared by the Board in October 2013 is still applicable, subject to the addition of tax map key (1) 4-1-014:011 to the direct lease.

Staff recommends the Board amend its prior action by adding the pipeline and encroachment easements as described above in the new lease to HPU.

RECOMMENDATION: That the Board:

1. Amend its prior action of October 11, 2013, Item D-3, by adding the pipeline and encroachment easements in the new lease to be issued to Hawaii Pacific University subject to the terms and conditions described above, and further subject to the following:
  - A. The annual base rent for the first thirty (30) years of the new lease shall be \$149,800;
  - B. Withdraw for public purpose provision which allows the leased premises or easement area to be withdrawn for public purposes including road widening; and the lessee shall, upon request by DOT, remove all improvements within such withdrawn area;
  - C. The pipeline easement shall be subject to the approval of the Department of Transportation; and
  - D. Add tax map key (1) 4-1-014:011 to the direct lease.
2. Other terms and conditions in the October 11, 2013 approval shall remain in full force and effect.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 11, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 13OD-121

OAHU

Consent to Merger of Oceanic Institute into Hawaii Pacific University; Mutual Termination of General Lease No. 3709, Oceanic Institute, Lessee; Issuance of Direct Lease to Hawaii Pacific University for Scientific Research and Public Exhibiting Facilities of Marine Life, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-014:004.

APPLICANT:

Oceanic Institute and Hawaii Pacific University, domestic nonprofit corporations

LEGAL REFERENCE:

Section 171-6, 43.1, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-014:004, as shown on the attached map labeled **Exhibit A**.

AREA:

105.937 acres, more or less.

ZONING:

State Land Use District: Conservation  
City and County of Honolulu LUO: P-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
October 11, 2013 90.

D-3

**EXHIBIT " 1 "**

CURRENT USE STATUS:

Encumbered by General Lease No. ("GL") 3709 issued to Oceanic Institute for constructing, maintaining and operating a scientific research facility for the study of marine life and a public exhibiting facility of marine life, together with easements for pipeline rights-of-way for the intake and discharge of sea waters, commencing from October 21, 1962 and expiring on October 20, 2027.

CHARACTER OF USE:

Scientific research and public exhibiting facilities of marine life purposes.

LEASE TERM:

Sixty-five (65) years

COMMENCEMENT DATE:

Upon mutual termination of GL 3709.

ANNUAL RENT:

A rental reopening was conducted effective October 21, 2012, which determined the annual rent at \$140,800 or 1.5% of gross annual revenue, whichever is the greater, for the period from October 21, 2012 to October 20, 2022. Since the reopening was done recently, staff recommends the Board adopt the same rent for the first ten (10) years of the requested lease.

Further, staff recommends a fixed 30% to the base rent and 0.5% to the percentage rent increase for two subsequent ten (10) years periods, which will be followed by normal 10-year reopenings. Such rental structure is likely to enhance the fiscal planning for the lessee. The proposed rent structure is provided below:

Year 1 – 10

\$140,800 or 1.5% of gross annual revenues, whichever is the greater.

Year 11 – 20

\$140,800 x 1.30 or 2.0% of gross annual revenues, whichever is the greater.

Year 21 – 30

\$140,800 x 1.60 or 2.5% of gross annual revenues, whichever is the greater.

METHOD OF PAYMENT:

Base rent - semi-annual payments, in advance.

Percentage rent – semi-annual payments, in arrears.

RENTAL REOPENINGS:

The annual base rent and the percentage rent shall be reopened and redetermined at the end of the thirtieth (30<sup>th</sup>), fortieth (40<sup>th</sup>), fiftieth (50<sup>th</sup>), and sixtieth (60<sup>th</sup>) years.

PERFORMANCE BOND:

Twice the annual base rent amount.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation." (See **Exhibit B**)

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>  x  </u>	NO <u>  </u>
Registered business name confirmed:	YES <u>  x  </u>	NO <u>  </u>
Applicant in good standing confirmed:	YES <u>  x  </u>	NO <u>  </u>

APPLICANT REQUIREMENTS:

None.

REMARKS:

Pursuant to a public auction held in 1962, GL 3709 was issued to Pacific Foundation for Marine Research, a domestic non-profit corporation for the purposes noted above. Oceanic Institute ("OI") became the lessee subsequently and continued to operate the research facility at the location. Sea Life Park (sublessee) and Gloria Bridal Services, Inc. (sub-sublessee) operating the theme park and the wedding chapel respectively at the location have received the Board's consent to the sublease and sub-sublease.

Hawaii Pacific University ("HPU") and OI are affiliated entities and they are planning to undergo a merger between them. Upon the merger, HPU will emerge as the sole entity and OI will only retain its trade name. HPU will assume the role of the lessee of the leased premises. Nevertheless, the forthcoming expiration date of 2027 for GL 3709

creates certain limitations on HPU in securing future grants and donations. Therefore, HPU decided to request a new 65-year lease from the Board to facilitate the continuation of the marine research activities. It is anticipated that the merger will be finalized before the issuance of the new lease. Therefore, staff recommends the Board consent to the merger for housekeeping purposes.

HPU is not planning to conduct any major improvement with the exception of normal wear and tear repair to the existing improvements. For any future improvements planned for the facility which may trigger other regulatory requirements, e.g. environmental assessment, conservation district use permit, HPU is aware that they have to comply with those permit requirements. Same situation also applies to Sea Life Park and Global Bridal Services, Inc.

**Exhibit C and D** are the lists of achievements accomplished and federal and State grants received by OI respectively.

Staff understands there are pipelines under and across Kaupo Beach Park and the Kalanianaʻole Highway connecting the current facilities for intake and discharge of sea water as allowed in the existing lease since its commencement in 1962. However, the pipelines are not shown on the existing map for GL 3709. In March 2003, the Kaupo Beach Park was transferred to the Department of Hawaiian Home Lands while the abutting portions of Kalanianaʻole Highway were set aside in 2006 to the Department of Transportation (“DOT”) pursuant to Governor’s Executive Order No. 4177 for roadway improvement purposes. Upon approval of today’s request, HPU will approach the respective agencies for authorization to continue using the pipelines.

In addition, OI is the lessee of a 40-foot wide strip of land within EO 4177 currently managed by DOT. The lease (“Lease 234”) allows for landscaping with no buildings or structures permitted. Similar to the preceding paragraph, HPU will approach DOT regarding Lease 234 for future disposition, for example, assignment or re-issuance of new lease.

Pursuant to 171-43.1, HRS, “[t]he board may lease, at a nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they were certified by the Internal Revenue Service.” Applicant has provided evidence of 501(c)(3) status in the file.

#### **Sublease and Sub-sublease**

In the past, the Board has given its consent to the sublease [for Sea Life Park] and sub-sublease [for Global Bridal Services, Inc.] on the premises. Staff recommends the Board in granting approval for today’s request, if applicable, require the new lease be subject to the sublease and sub-sublease until their original expiration dates or otherwise

renegotiated. HPU is in the process of obtaining written consent from the sublessee and sub-sublessee to the proposed mutual termination and issuance of new lease.

Comments from agencies

Department of Planning and Permitting notes that portion of the requested location is located in the Special Management Area, and any future improvements will be subject to the review for compliance regarding the applicable ordinance. They have no objection to the issuance of a new lease at this moment.

Board of Water Supply requires the lease be subject to access by BWS to all its facilities within the subject parcel.

Office of Conservation and Coastal Lands reminded Applicant of the need of consultation for any land use requirement. Since HPU is not planning on any new land use requirement now, and HPU is aware of the need for consultation for future land use requirement.

Department of Facility Maintenance, Division of State Parks, Department of Parks and Recreation, Division of Aquatic Resources, Department of Health have no comment or objection to the request.

Department of Hawaiian Home Lands, State Historic Preservation Division, Commission on Water Resource Management, and Office of Hawaiian Affairs have not responded to the solicitation for comment at the of writing this submittal.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:

1. Consent to the merger of Oceanic Institute and Hawaii Pacific University pertaining to General Lease No. 3709 under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. Review and approval by the Department of the Attorney General; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

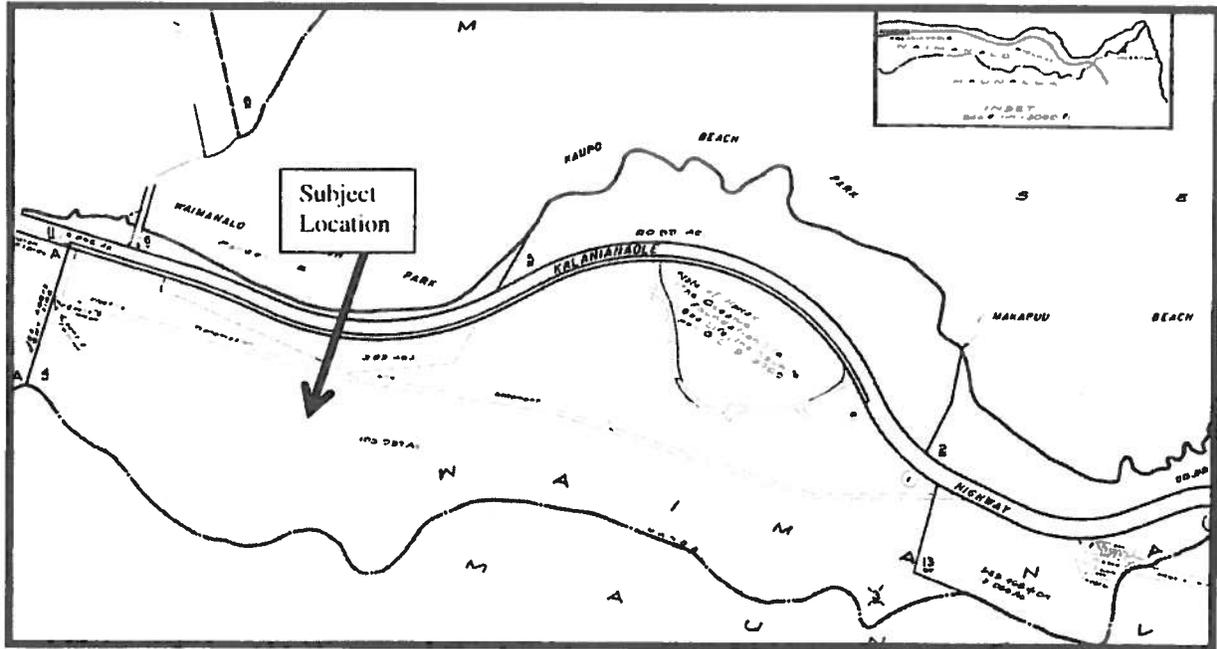
3. Authorize the mutual termination of General Lease No. 3709 under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current mutual cancellation form, as may be amended from time to time;
  - 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.
  
4. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a direct lease to Hawaii Pacific University covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current (non-profit) lease document form, as may be amended from time to time;
  - B. The lease shall be subject to the existing sublease and sub-sublease entered into by the Lessee and approved by the Lessor pursuant to General Lease No. 3709 and which sublease and sub-sublease shall remain in full force and effect (provided that the new lease to HPU also remains in effect), or until such time as the sublease and sub-sublease are earlier terminated, expired, or otherwise renegotiated;
  - C. Subject to access to Board of Water Supply facilities on the premises;
  - D. Review and approval by the Department of the Attorney General; and
  - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson



**TMK (1) 4-1-014:004**

**EXHIBIT A**

### EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Direct Issuance of Lease for Scientific Research and Public Exhibiting Facilities of Marine Life

Project / Reference No.: PSF 13OD-121

Project Location: Waimanalo, Koolauapoko, Oahu, Tax Map Key: (1) 4-1-014:004

Project Description: Issuance of a new lease on the existing facilities.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The applicant is not planning on conducting major change to the existing topographical and vegetation condition of the property. As such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Agencies as noted in the submittal

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
William J. Aila Jr., Chairperson  
Date 9/27/13

## EXHIBIT B

## Oceanic Institute Achievements

### Local Impacts

- 1) Developed hatchery and nursery technologies for the Pacific threadfin (moi) resulting in the establishment of the nation's first commercial off-shore cage operation on the island of O'ahu.
- 2) Provided fish eggs, fish fingerlings, shrimp postlarvae, live algae, feed, information, and training to local farmers to assist Hawaii aquaculture businesses.
- 3) Mentored and supported local volunteers, interns, undergraduate students, and graduate students in aquaculture-related sciences to help career decisions and development.
- 4) Provided selectively bred shrimp to local companies resulting in a multi-million dollar per year shrimp broodstock industry in Hawaii which is highly regarded worldwide.
- 5) Conducted training and education workshops and provided fish fingerlings across the islands for Hawaiian fishpond revitalization projects and to inspire local Hawaiian youths to become interested in aquaculture as a cultural legacy.
- 6) Developed ground-breaking technologies to rear copepods which serve as live feed for difficult-to-rear fish species in Hawaii.
- 7) Advanced the knowledge base for the captive reproduction of marine ornamental fish, such as yellow tang and flame angelfish, to help conserve these valuable species inhabiting Hawaii's coral reefs.
- 8) Developed tag-and release technologies and protocols for the stock enhancement of mullet and moi in Hawaii's nearshore waters.
- 9) Plans to build and operate a pilot-scale feed mill in Hilo to test novel feed ingredients, including agriculture and fisheries by-products, for Hawaii's terrestrial animal and aquaculture farmers.

### National Impacts

- 1) Maintains a permanent seat on the Aquaculture Committee for the American Feeds Industry Association, the largest organization representing the U.S. animal feeds industry.

**EXHIBIT "C"**

- 2) Collaborated with the U.S. Department of Agriculture, Agriculture Research Service, to develop aquatic feed ingredients using products and by-products from the Alaskan fisheries to assist long-term sustainability of federal marine resources.
- 3) Led administrative and key research roles in a 7-state consortium to develop shrimp farming in the U.S., funded by the U.S. Department of Agriculture, U.S. Marine Shrimp Farming Program.
- 4) With partners from Mississippi and Florida, developed preliminary captive production and stock replenishment technologies for the red snapper for restocking efforts in the Gulf of Mexico.
- 5) With partners from Hawaii, was the first to demonstrate the feasibility of open-ocean aquaculture in the U.S., setting the stage for follow-up research with commercial projects nationwide.

#### **International Impacts**

- 1) Introduced the concept of biosecurity, including the use of specific pathogen free (SPF) animals, to shrimp aquaculture, resulting in the global adoption of these strategies to a multi-billion dollar per year industry.
- 2) Played a significant role in changing the dominant shrimp species cultured worldwide from the giant tiger prawn to the Pacific white shrimp. In fact, much of the world's farmed shrimp can trace their genetic origins back to OI's shrimp breeding program.
- 3) Written and published manuals for intensive shrimp production and hatchery operations for milkfish, striped mullet, and Pacific threadfin (moi). These manuals are used by researchers and commercial farmers all over the world and have helped solidify OI's role as a world leader in aquaculture research and development.
- 4) Transferred milkfish hatchery technologies to milkfish-farming countries such as Taiwan, Indonesia, and the Philippines.
- 5) Constructed the first marine fish hatchery in Egypt and trained local technicians for sea bream, sea bass, and striped mullet culture.

**OCEANIC INSTITUTE**  
**Current Federal and State Grant Listing**  
 As of 8/23/13

Agency	CFDA No.	Grant Title	Program Manager	Period of Award		Award Amount
				Start	End	
<b>USDA/Agriculture Research Services:</b>						
USDA-ARS	10.001	Tropical Aquaculture: Develop Feeds for Optimum Nutrition of Cultured Shrimp and Finfish	Warren Dominy Warren Dominy Dong-Fang Deng	09/29/08 09/29/09 09/29/10	09/28/09 09/28/10 09/18/13	1,002,264 921,171 921,171 2,844,606
<b>USDA National Institute of Food and Agriculture:</b>						
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 22 & 23)	Cheng-Sheng Lee	09/01/08 09/01/09	08/31/09 08/31/12	735,379 735,322 1,470,701
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 24 & 25)	Cheng-Sheng Lee	08/01/10 09/01/11	07/31/11 07/31/15	735,321 733,851 1,469,172
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 26)	Cheng-Sheng Lee	08/01/12	07/31/16	733,071
USDA-NIFA	10.218	Center for Applied Aquaculture - CAA 1995	Randy Honke	04/01/98	12/31/15	2,252,368
<b>USDOC Economic Development Administration:</b>						
USDOC EDA	11.300	OLC Annex	Randy Honke	05/19/08	09/30/13	1,500,000
<b>USDA National Institute of Food and Agriculture - Passthrough, Pacific Bioresea:</b>						
USDA-NIFA	10.212	Alma Mo Soil Amendment Project Year 2	Dong-Fang Deng	09/01/11	08/31/13	143,508
<b>USDA National Institute of Food and Agriculture - Passthrough Of CTSA Grant (Internal Subcontracts):</b>						
USDA-NIFA	10.200	Aquaculture of Opiti	Dong-Fang Deng	04/02/12	08/31/13	50,000
USDA-NIFA	10.200	Regional Aquaculture Info. Service for Education Yr6	Meredith Brooks	05/01/12	07/31/13	59,700
USDA-NIFA	10.200	Development of Diets for Hawaii Cultured Abalone	Dong-Fang Deng	06/18/12	06/17/13	73,000
<b>State of Hawaii:</b>						
SOH-DLNR	**	Feedmill Laboratory Project	Randy Honke	11/09/00	12/31/12	804,000
SOH-DAG	**	Feedmill: Livestock Feasibility Project/Agr/Dev Food Security	Randy Honke	02/01/13	06/30/14	450,000

**EXHIBIT "D"**

**OCEANIC INSTITUTE**  
**Current Federal and State Grant Listing**  
**Fiscal Year 2012**

Agency	CFDA No.	Grant Title	Program Manager	Period of Award		Award Amount
				Start	End	
<b>USDA Agriculture Research Services:</b>						
USDA-ARS	10.001	Tropical Aquaculture: Develop Feeds for Optimum Nutrition of Cultured Shrimp and Finfish	Warren Dominy	09/29/08 09/29/09 09/29/10	09/28/09 09/28/10 09/18/13	1,002,264 921,171 921,171 2,844,606
<b>USDA Agriculture Research Services - Passthrough University of Alaska:</b>						
USDA-ARS	10.001	Alaska Fisheries Byproduct Utilization Program - Feed Supplements from Fish/Coordination	Warren Dominy	09/22/09 09/22/10 10/01/11	09/30/10 09/22/11 09/30/12	235,007 225,000 200,000 660,007
<b>USDA Payback - Unfunded Research:</b>						
USDA-ARS	**	Pacific Threadfin Broodstock Maintenance and Fingerling Production	Charles Laidley	01/01/11	12/31/11	107,085
<b>USDA National Institute of Food and Agriculture:</b>						
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 20)	Cheng-sheng Lee	08/01/06	07/31/11	735,381
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 21)	Cheng-sheng Lee	08/01/07	07/31/12	735,377
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 22 & 23)	Cheng-sheng Lee	09/01/08 09/01/09	08/31/09 08/31/12	735,379 735,322 1,470,701
USDA-NIFA	10.200	Regional Aquaculture Center - CTSA (Year 24 & 25)	Cheng-sheng Lee	08/01/10 08/01/11	07/31/11 07/31/15	735,321 733,851 1,469,172
USDA-NIFA	10.200	Gulf Coast Shrimp Project	Shaun Moss	08/01/10	07/31/11	2,117,540
USDA-NIFA	10.200	Gulf Coast Shrimp Project	Shaun Moss	08/01/09	07/31/12	2,118,240
USDA-NIFA	10.218	Center for Applied Aquaculture - CAA 1988	Randy Honke	09/01/88	03/31/11	7,404,952
USDA-NIFA	10.218	Center for Applied Aquaculture - CAA 1995	Randy Honke	04/01/98	12/31/12	2,252,368
<b>USDA National Institute of Food and Agriculture - Passthrough Pacific Biodesel:</b>						
USDA-NIFA	10.212	Ala Mo Soil Amendment Project Year 2	Warren Dominy	08/01/11	08/31/13	143,508
<b>USDC Economic Development/Administration:</b>						
USDC-EDA	11.300	OLC Annex	Randy Honke	05/19/08	05/18/13	1,500,000
<b>USDC National Oceanic and Atmospheric Administration:</b>						
USDC-NOAA	11.417	Hawaii Sustainable Fisheries Development 08-09	Charles Laidley	07/01/08	06/30/11	550,000
USDC-NOAA	11.444	Hawaii Sustainable Fisheries Development 09-10	Charles Laidley	09/01/09	08/30/11	730,518
USDC-NOAA	11.444	Hawaii Sustainable Fisheries Development 10-11	Charles Laidley	09/01/10	08/31/12	399,600
USDC-NOAA	11.452	Aquaponics - 2010 Marine Education	Meredith Brooks	06/01/10	12/31/11	14,950
<b>National Science Foundation:</b>						
NSF	47.050	CAMEO 2009	Carrie Holl	08/15/10	07/31/13	95,304
<b>State of Hawaii:</b>						
SOH-DLNR	**	Feed Mill Laboratory Program	Randy Honke	11/29/00	12/31/13	804,000

**OCEANIC INSTITUTE  
GRANT & CONTRACT AWARDS LISTING  
Fiscal Year 2011**

	Award	Project Period
<b>Federal Grants</b>		
USDA CSREES	USDA CAA - FY1988	03/31/11
USDA CSREES	USDA CAA - FY1995	12/31/11
USDOC EDA	OLC Annex	05/18/13
USDA CSREES	CTSA Year 19	07/31/10
USDA CSREES	CTSA Year 20	08/01/05
USDA CSREES	CTSA Year 21	08/01/06
USDA CSREES	CTSA Year 22 & 23	07/31/11
USDA CSREES	CTSA Year 24	08/31/12
USDA CSREES	Shrimp Consortium	07/31/14
USDA CSREES	Shrimp Consortium	08/01/08
USDA CSREES	Shrimp Consortium	08/01/09
USDA CSREES	Shrimp Consortium	07/31/11
USDA CSREES	Shrimp Consortium	08/01/10
USDA CSREES	Shrimp Consortium	07/31/11
USDA CSREES	Shrimp Maturaton Diet - \$180,000	05/01/05
USDA CSREES	Shrimp Microbial Comm Interaction - \$315,94	12/01/06
USDA ARS Hawaii	Development of Feeds for Optimum Nutrition	09/18/13
USDA ARS Hawaii	Development of Feeds for Optimum Nutrition	09/29/08
USDOC NOAA	HI Sustainable Fisheries Development	07/01/08
USDOC NOAA	HI Sustainable Fisheries Dev Project	09/01/09
USDOC NOAA	HI Sustainable Fisheries Dev Project	09/01/10
USDOC NOAA	Aquaponics - 2010 Marine Education	06/01/10
USDOC NOAA	AIP Year 1	01/01/07
USDOC NOAA	AIP	01/01/08
NSF	CAMEO 2009 - A novel tool for validating..	08/15/10
	<b>Sub-total Federal Grants</b>	<b>\$22,198,602.00</b>
<b>Pass-through Grants</b>		
UNIV of ALASKA	ARS Alaska By-Products FY2008-2009	09/29/11
UNIV of ALASKA	ARS Alaska By-Products FY2009-2010	09/30/10
UNIV of ALASKA	ARS Alaska By-Products FY2010-2011	09/22/10
Pacific Biodiesel	Alna Mo' Soil Amendment	08/01/10
	<b>Sub-total Pass-through Grants</b>	<b>\$865,978.00</b>
<b>State of Hawaii Contracts</b>		
DUNR	47455	11/09/00
	Aquatic Feed	\$804,000.00
		12/31/10

DIR 1001

BENJAMIN J. CAYETANO  
GOVERNOR  
STATE OF HAWAII



STATE OFFICE  
DEPT. OF  
TRANSPORTATION  
OCT 9 9 20 AM '02

RAYNARD C. SOON  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

JOBIE M. K. M. YAMAGUCHI  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879  
HONOLULU, HAWAII 96805

September 30, 2002

To: The Honorable Gilbert S. Coloma-Agaran, Chairperson  
Board of Land and Natural Resources

From: *Raynard C. Soon*  
Raynard C. Soon, Chairman  
Hawaiian Homes Commission

Subject: Resolution of Department of Hawaiian Home Lands (DHHL)  
Land Title and Related Claims, Waimanalo Regional  
Settlement, Act 14, SpSLH 1995

RECEIVED  
OCT 10 3 58 PM '02  
DEPT. OF TRANSPORTATION  
HIGHWAYS DIVISION

The purpose for this memorandum is to provide you with an update on the approved actions of the Hawaiian Homes Commission (HHC) at its April 23, 2002, and June 25, 2002, meetings regarding the resolution of the DHHL Land and Related Claims, Waimanalo Regional Settlement, Act 14, SpSLH 1995 (Act 14). Copies of the submittals are enclosed for your reference.

On April 23, 2002, the HHC approved a motion to withdraw its claims to twelve (12) parcels identified in Exhibit "A" of Item No. E-2. The withdrawal is subject to the transmittal of fully executed quitclaim deeds by the Department of Land and Natural Resources (DLNR) to DHHL for the:

- a. Residential Lots (TMK 4-1-16 and 17);
- b. Beach Lands (TMK 4-1-2: All and 4-1-14: 2, 5, and 6);  
and
- c. Other Lands Within This Area (TMK 4-1-2: 1; 4-1-14: 7, 8; 4-1-19: All; 4-1-20: All; 4-1-29: 74 to 108; and 4-1-31:18 to 28).

On June 25, 2002, the HHC approved a motion to withdraw its claims to 8.5 acres of land alienated to private parties and the Kalaniana'ole Highway right-of-way in Waimanalo, subject to DHHL receiving first choice in the selection of 200 acres at Bellows Air Force Base (Bellows AFB) upon the return of such land to the State and the transmittal of the fully executed quitclaim deed

EXHIBIT "2"

*Handwritten signatures and initials*  
MSA  
10/11

The Honorable Gilbert S. Coloma-Agaran  
September 26, 2002  
Page 2

by DLNR to DHHL of approximately 12.18 acres of State land at Waimanalo Beach Park.

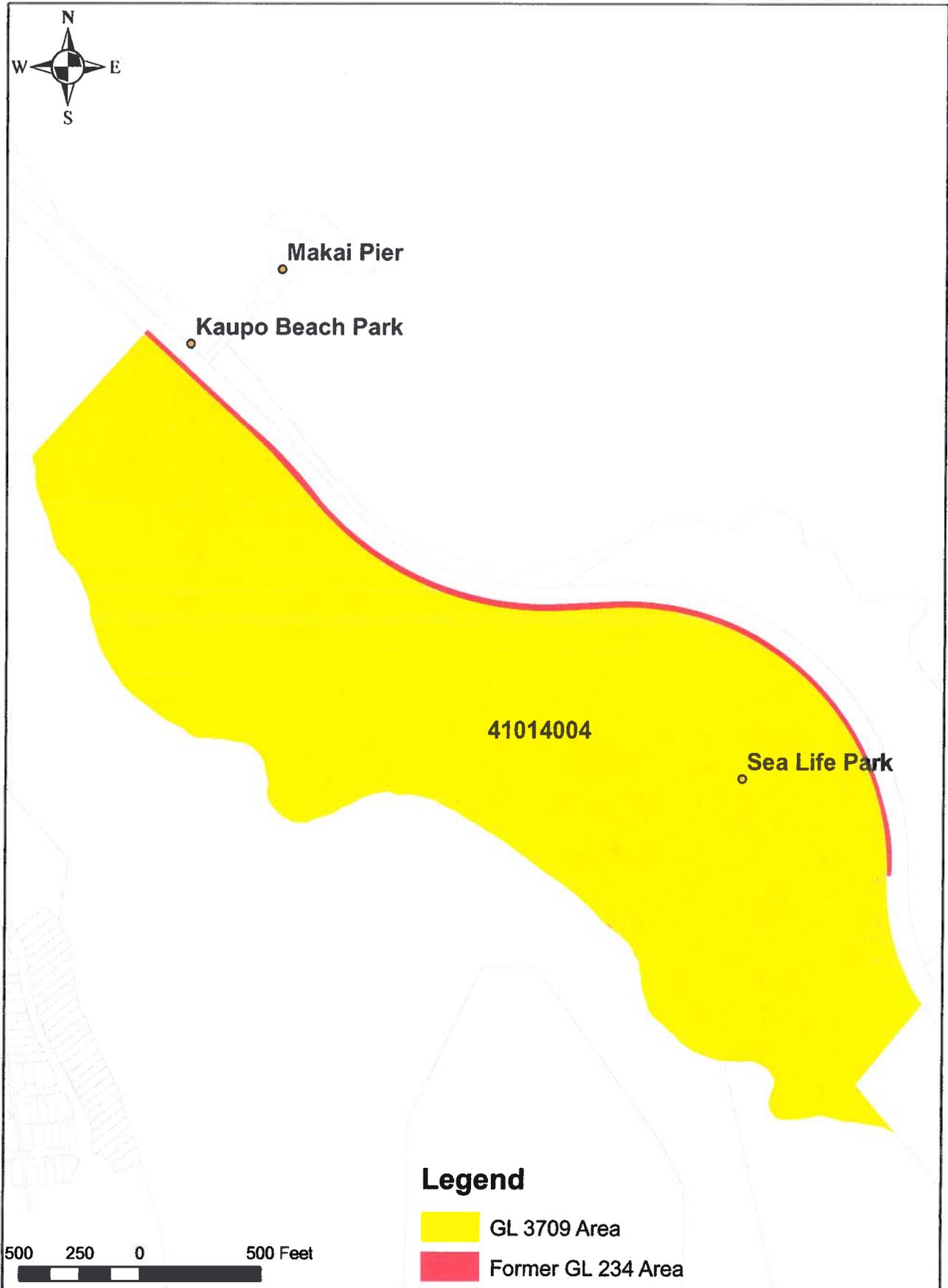
It is our understanding that the resolution of this matter is a priority for the Governor and the Department of Transportation (DOT) with respect to the rock sliding concerns along Kalaniana'ole Highway. We are hopeful that DOT will consider the HHC-approved actions and will work with DHHL with respect to its Roads and Highways Resolution as reflected in Act 14.

Thank you for your assistance in this matter. Should you have any questions, please call me at 586-3801, or have your staff contact Elmer K. Ka'ai of our Planning Office at 586-3836.

Enc. (2)

c: ✓ The Honorable Brian K. Minaai, Director  
Department of Transportation

# HPU New Lease



# EXHIBIT 3