

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

DATE: FRIDAY – JUNE 13, 2008
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HI 96813

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

MEMBERS

Laura Thielen
Ron Agor
Tim Johns
Taryn Schuman

Rob Pacheco
Jerry Edlao
Dr. Sam Gon

STAFF

Dan Quinn, SP
Kaleo Paik, HP
Dan Polhemus, DAR
Bin Li, ADMIN
Sam Lemmo, OCCL
Edwin Matsuda, ENG

Paul Conry, DOFAW
Morris Atta, LD
Gary Moniz, DOCARE
Lila Loos, DP
Denise Manuel, ENG

OTHERS

Randy Ishikawa, Deputy AG
~~Walter, Chong, D-7~~
Vincent Collins, F-1
Kaneakua Schultz, F-2
Dave Leonard, C-2
Evelyn Cox, F-5
Marti Townsend, F-5

Kippen deAlba Chun, E-2
~~Robert Chong, D-7~~
Mahina Duarte, F-2
Heidi Guth, F-2
David Lonborg, F-4
Todd Aeby, F-5

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1 Amend Item E-4 title of the January 25, 2008 Minutes.

Member Schuman recused on Items A-2, A-3 and A-4.

Item A-2 Amend Item D-10 of the February 22, 2008 Minutes.

Item A-3 April 25, 2008 Minutes.

Item A-4 May 8, 2008 Briefing Minutes.

Item A-5 May 9, 2008 Minutes.

Approved as amended (Johns, Edlao)

Item A-6 May 23, 2008 Minutes. (TO BE DISTRIBUTED.)

Deferred (Johns, Edlao) Not ready.

Item E-2 Request for Approval to Conduct Public Hearings to Amend Hawaii Administrative Rules Chapter 13-146, Hawaii State Parks System, to add a New Subchapter 5 Relating to Iolani Palace State Monument (TO BE DISTRIBUTED)

Submittal was distributed to the Board members and the deputy attorney general prior to the Board Meeting

Dan Quinn, Administrator for State Parks, requested approval and gave background regarding inappropriate activities occurring on the palace grounds.

Chair Thielen asked after the public hearings and if it receives approval by the governor State Parks will bring it to the Board for final approval which Mr. Quinn acknowledged.

Member Edlao inquired if there will be neighbor island meetings or whether it will be publicized. Mr. Quinn replied this is a single park issue instead of statewide and something will be published with the meeting date. Member Gon noted that this issue will be a concern statewide.

Kippen deAlba Chu, Executive Director for Iolani Palace, briefed the Board on the Iolani Palace history and their work's importance to school children and the public. They support the approval of the proposed rules.

Member Johns asked whether the Attorney General's office has been working with State Parks on the drafting of these rules where first amendment rights and other rights protected by the Constitution are addressed in the proposed rules. Mr. Quinn replied daily.

Member Edlao asked about the Iolani Palace permit limits and whether it is done administratively or it come to the chair. Mr. Quinn stated it comes to the chair and he explained the different types of permits.

Chair Thielen asked further restrictions can't be added to these rules than what is already prescribed. Mr. Quinn agreed. The turn around time is 2 days for first amendment type permits. Within the rules there is a 45 day lead time on other significant events for special use permits.

Unanimously approved as submitted (Johns, Gon)

Item E-1 Request for Approval to Solicit and Award Concessions for Gift Shops, Vending Machines, and Mobile Food Operations in Selected State Parks.

Dan Quinn for State Parks amended recommendation #3 by striking "continuation of" and adding at the end of that first sentence "for a maximum of one year revocable on 30 days notice." per the deputy AG's advice. Also if there are two Exhibit Bs to delete one. He gave more background and explained that \$1 million was cut from a budget of \$6 million. This will help generate more revenue to go into their special fund to meet the shortfall and the high cost of utilities. The asterisked items are existing concessions, machines or gift shops.

The Board:

Amended staff's recommendation #3 by striking [continuation of] and at the end of the first sentence add for a maximum of one year revocable on 30 days notice. If there is second exhibit B delete one.

Unanimously approved as amended (Pacheco, Gon)

Item C-3 Request Approval of Contract with Patrick and Sheila Conant to Participate in the State Forest Stewardship Program.

Paul Conry, Administrator for Division of Forestry & Wildlife (DOFAW) reported background and recommended approval.

Member Gon asked if this is the first time these funds are going to individuals where Mr. Conry replied it has gone to other private landowners.

Sheila Conant was here to answer questions.

Member Gon commented he can't think of better qualified people. Member Pacheco was excited about this and hope this is a trend.

Unanimously approved as submitted (Pacheco, Gon)

- Item I-1** Request for Approval to Enter Into a Reburial Agreement with 407 Partners, LLC for the Human Skeletal Remains Reinterred on their Property at Kailua Ahupua'a, Ko'olaupoko District, Island of O'ahu at [TMK (1) 4-3-052:27]
- Item I-2** Request for Approval to Enter Into a Reburial Agreement with Castle & Cooke, Inc. for the Human Skeletal Remains Reinterred on their Property at Mokule'ia Ahupua'a, Waialua District, Island of O'ahu at [TMK (1) 6-8-003:001]
- Item I-3** Request for Approval to Enter Into a Reburial Agreement with Lewis Pirkle Conger for the Human Skeletal Remains Reinterred on his Property at Kailua Ahupua'a, Ko'olaupoko District, Island of O'ahu at [TMK (1) 4-3-026:009]
- Item I-4** Request for Approval to Enter Into a Reburial Agreement with A&B Kaka'ako, LLC for the Human Skeletal Remains Reinterred on their Property at Honolulu Ahupua'a, Kona District, Island of O'ahu at [TMK (1) 2-1-048:08]
- Item I-5** Request for Approval to Enter Into a Reburial Agreement with Victoria Johnson for the Human Skeletal Remains Reinterred on her Property at Laie Ahupua'a, Ko'olaupoko District, Island of O'ahu at [TMK (1) 5-5-002:85]

Kaleo Paik representing Historic Preservation (HP) spoke on all five burial agreements describing each background, whether from the repository which all were except Item I-5 and staff recommends approval.

Unanimously approved as submitted (Johns, Gon)

- Item D-7** Forfeiture of General Lease No. S-4008, Walter and Evelyn Chong Trust, Lessees, Waimanalo, Koolauloko, Oahu, TMK: (1) 4-1-027:014.

Morris Atta, Administrator for Land Division, informed the Board on the background. The lessees contend that DLNR did not use the appropriate valuation methodology that they alleged should've been used which is the income capitalization method. The Department's position is the income capitalization method was inappropriate because the lessees are not or have not fully utilized the property for the intended agricultural purposes. Also the legislature included in that directive to the Department that this methodology was inappropriate for token farming. He detailed the property being used for single family use and minimal pastoral and agriculture use. The lessee is here to contest the methodology which had gone to arbitration in accordance to the lease. The lessee also agreed to enter into binding arbitration. The arbitration panel made the decision.

Member Johns wondered if the Board can over ride an arbitration panel and if there is another process the lessee should follow.

Randy Ishikawa, Deputy Attorney General, explained what appeals could be taken to the court.

Chair Thielen clarified staff's recommendation is to cancel the lease for non-payment.

Member Johns queried if this is contestable. Mr. Ishikawa replied if it is a default, it can.

Member Pacheco asked whether the Board has jurisdiction over the arbitration and Member Johns said not at this point.

Walter Chong, lessee, introduced his wife and son and explained his situation. Chair Thielen noted that the Board doesn't have the authority to change the arbitration award and per Sunshine Law can only act on the non-payment of rent. Robert Chong, Walter Chong's son described that the State's appraiser was in conflict. Chair Thielen suggested the lessees see staff and the deputy attorney general on how to appeal the arbitration process.

Member Johns suggested approving this but delay implementation for 2 weeks to clarify whether there are any avenues to appeal arbitration and if not that's the end.

Robert Chong asked if the lessee may file for a contested case for forfeiture. Chairperson Thielen explained how they can file for that and not the arbitration. It has been over a year and she felt he had opportunities to appeal.

There was discussion regarding arbitrators, their decisions and processes.

Mr. Ishikawa said that the Attorney General's office is willing to confer with opposing counsel however they can't advise someone on how to take an appeal. If there is a challenge to the arbitration award or process there are remedies set by statute.

Robert Chong felt this Board has jurisdiction over this lease and could act to vacate that award to have it done correctly. The lease amount was skewed five times more than what his parents were paying. Member Johns was not willing to do that unless the processes were established by law or by contract.

Walter Chong described the difficulties for farmers in increased costs. Robert Chong stated that it cost \$6500 for one day of arbitration which his dad can't afford. Member Johns noted no one forced his dad to sign the lease and he agreed to the process. Robert Chong added which worked the last time.

The lessee was told he may state verbally he wants a contested case before the end of today's meeting and to submit it in writing in 10 days.

Robert Chong requested a contested case.

The Board:

Amended staff's recommendation by deferring the effective date of this Board action for 30 days until July 13, 2008 to provide the parties the opportunity to return to the Board with recommendations, if any, for addressing the Lessee's concerns about the arbitration process. Otherwise, the Land Board approved staff's recommendations as submitted. Attorney for Lessees, Robert Chong orally requested a contested case hearing on the Board's decision and was informed by the Chair that he had 10 days to file a written request.

Unanimously approved as amended (Johns, Schuman)

Item C-4 Request Approval of Contract with the Maui Land & Pineapple Company, Inc. to participate in the State Forest Stewardship Program.

Member Gon recused himself.

Paul Conry for DOFAW gave background and recommended approval.

Unanimously approved as submitted (Edlao, Pacheco)

Item L-8 Application for a DLNR Dam Construction/Alteration Permit (Permit No. 22) Opauala Reservoir No. 1 (HI-018) - Emergency Spillway Tunnel Repairs.

Denise Manuel representing Engineering Division reported history, background and distributed photos. Staff recommends approval.

Unanimously approved as submitted (Johns, Gon)

Item F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Education Permit to Vincent Collins, National Oceanic and Atmospheric Administration, Papahānaumokuākea Marine National Monument, for Access to State Waters to Conduct International Year of the Reef Teacher-at-Sea Education Activities

Dan Polhemus, Administrator for Division of Aquatic Resources (DAR), distributed OHA letters, described background, applicant met findings and staff asked for approval. Vincent Collins was here to answer questions.

Unanimously approved as submitted (Pacheco, Gon)

Item F-2 Request for Authorization and Approval to Issue a Papahanaumokuakea Marine National Monument Native Hawaiian Practices Permit to Mahina Duarte, National Oceanic and Atmospheric Administration, Papahanaumokuakea Marine National Monument, for Access to State Waters to Conduct Cultural Marine Resource Management Activities

Mr. Polhemus of DAR reported background, applicant was accepted and met requirements.

Mahina Duarte is Policy Program Manager for NOAA Papahanaumokuakea Marine National Monument. She detailed the permit's purpose, proposal, each participant's background and specialty.

Gentleman clarified 3 of the practitioners will be on the cruise in July and 2 on the cruise in August which will be in cooperation with existing expeditions.

Ms. Duarte described how individuals were brought on.

Kaneakua Schultz did research on the monument and related the importance to facilitate a partnership between the Hawaiian community, federal and state government. To see what our islands were before human impact is a moving experience and a rich resource. He asked the Board to approve.

Heidi Guth representing OHA echoed approval. OHA has encouraged a meshing of western and Hawaiian ecological knowledge to understand and manage these pristine surroundings.

Unanimously approved as submitted (Schuman, Gon)

Item B-1 Request Board Approval to Enter Into a Memorandum of Agreement between the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement, and the Salvation Army Family Intervention Service, Hilo, Hawaii.

Gary Moniz for Division of Conservation and Resources Enforcement (DOCARE) asked for approval to defer costs to DOCARE in assisting the Pahoa Weed & Seed Program for unbudgeted equipment and activities by authorizing the Chairperson to sign the agreement after approval by the Attorney General's office. He gave more details regarding working with the police on marijuana cases, education, drug dealers in Lava Tree State Park, people growing marijuana on state lands, etc.

Unanimously approved as submitted (Pacheco, Gon)

Item C-2 Request for Approval to Enter Into a 2-Year Contract with the Zoological Society of San Diego to Provide Services to Operate the Endangered Bird Captive Propagation Facility on Maui, The Maui Bird Conservation Center, and to Provide Expert Avicultural Services to Conduct Related Forest Bird Propagation Projects at the Keauhou Bird Conservation Center on the Island of Hawaii and Throughout the State.

Paul Conry of DOFAW amended attachment S-2, paragraph 1 under item 1 should be 2010 not 2009. He explained the availability of federal funds to manage that is why the 2 year lease. He introduced Dave Leonard, Endangered Bird Biologist from the Zoological Society of San Diego.

Unanimously approved as amended (Gon, Edlao)

Item C-1 Request to Modify Management Policies of the Natural Area Reserves System (NARS) Relating to the NARS Nominations/Modifications Process.

Item C-5 Request for Approval to Enter Into an Agreement to Subgrant Between the Kauai Public Land Trust and the Department of Land and Natural Resources for the Purchase of Unit E of the Kilauea Coastal Preserve, Kilauea, Kauai, TMK: (4) 5-1-5-16.

Unanimously approved as submitted (Gon, Edlao)

Item D-1 Authorize the Issuance of a Request for Qualifications / Request for Proposals for lands at Waiakea, South Hilo, Island of Hawaii, TMK: (3) 2-1-12: 41, and portions of 71 and 149.

Item D-2 Consent to Mortgage and Extension of Lease Term, General Lease No. S-4333, Hawaiian Fruit Flavors, Inc., Lessee, Waiakea, South Hilo, Hawaii, TMK: (3) 2-2-37:56.

Item D-3 Approval of Extension of Sublease of Private Property with Robert K. Cabos and Roxana Cabos, on Behalf of the Department of Labor and Industrial Relations, for File Storage Purposes at Papaikou, South Hilo, Hawaii, TMK: (3) 2-7-33:18.

Item D-4 Amend Prior Board Action of April 27, 2007 (D-10), Termination of LOD No. S-27016 Issued to Caine Enterprise (Hawaii) Corporation and Grant of Term, Non-Exclusive Easement to Paradise Ridge Limited Partnership for Access and Utility Purposes, Kamaole, Wailuku, Maui, TMK: (2) 3-9-004:061 Por.

- Item D-5** Set Aside to Department of Education for Addition to Kalihiwaena School Lot, Kalihi, Honolulu, Oahu, TMK: (1) 1-3-008:004 portion.
- Item D-6** Amend Prior Board Action of April 27, 1990, Item F-9; Request for Set Aside of Land for Addition to State Capitol (Territorial Offices, Governor's Executive Order No. 1600), Honolulu, Oahu; TMK: (1) 2-1-24:001 & 008.
- Item D-8** Amendment to Prior Board Action of December 5, 1975 under Agenda Item F-7, Request by City and County of Honolulu for State Land at Kaneohe, Oahu, Kaneohe Flood Control Project, TMK: (1) 4-5-42:02 and 4-5-37.
- Item D-9** Consent to Assign Lease of Non-Exclusive Easement S-5315, Estate of Makino Shigeko, Assignor, to Takasagoden U.S.A., Inc., Assignee; Amendment of Lease of Non-Exclusive Easement S-5315; Heeia, Koolaupoko, Oahu, TMK: (1) 4-6-01:10 seaward.
- Item D-10** Grant of Perpetual, Non-Exclusive Easement to Myrna Anne Pualehua Kai for Access and Utility Purposes; Extinguishment of Two (2) Rights of Access; Waialea, Koolauloa, Oahu, TMK: (1) 5-8-001:015 and road.

Unanimously approved as submitted (Johns, Agor)

- Item F-3** Briefing on Dr. Greta Aeby's 2006 NWHI State Marine Refuge Permit (DLNR/NWHI/06R008) Violation and Contested Case Resolution

Dan Polhemus representing DAR said that this is an informational non-action item to brief the Board on the outcome. He gave history of the violation, UH asked for a contested case, which was withdrawn and dismissed by the Attorney General's office on April 8, 2008. Dr. Aeby paid the \$1,000 fine.

- Item F-4** Re-submission of Deferred 2007 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Greta Aeby, University of Hawai'i, Hawai'i Institute of Marine Biology (HIMB), for Access to State Waters to Conduct Coral and Fish Disease Research Activities

Dan Polhemus of DAR reminded the Board that Dr. Aeby requested a permit to access the Monument which was deferred. It needs to be brought back to be denied. The University had an opportunity to withdraw this, but chose not to.

The Board felt this is moot because the application was for last years cruise.

Member Gon asked whether this affects the applicant for one permit or for future permits. Mr. Polhemus said staff concluded under the current Administrative Rule if an applicant violates a permit he can never be a successful applicant.

David Lonberg from U.H. Office of General Counsel noted Dr. Aeby and UH has no objection to this item, but they concerned with the interpretation of the rule as a lifetime ban.

Unanimously approved as submitted (Edlao, Schuman)

Item F-5 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Evelyn Cox, University of Hawaii, for Access to State Waters to Conduct Coral and Fish Disease Research Activities

Mr. Polhemus reminded the Board that this item was deferred from a previous Board meeting. He gave background and that Dr. Aeby has been withdrawn from this permit.

Evelyn Feny Cox, applicant and Assistant Professor at UH West Oahu, emphasized the importance of the research and that she will be responsible for it.

Todd Aeby, Dr. Greta Aeby's husband, asked when they should testify in regards to the lifetime ban. Chair Thielen stated that is not before the Board today and per Sunshine Law they can't act on it.

Member Johns suggested entertaining a briefing with the Deputy Attorney General on the application of the rules post violation because he doesn't concur with the implication that it's a lifetime ban or if that was the intent of the rule. Chair Thielen said the contested case hearing was withdrawn, but another process is through the Draft Monument Management Plan. Public comment is now accepted to address the Administrative Rules if people felt it is insufficient or inadequate and would be considered by the Monument Management Board. Deadline is July 8, 2008.

Mr. Polhemus noted that very few applicants came in this season which is almost over. The next season starts early 2009. The Monument Management Plan will be finalized by early 2009. Chair Thielen felt the policy call should be addressed through the Management Plan process and there may be subsequent action to clarify any inconsistencies in the existing rules. The Management Plan would make recommendations on how to manage the resources. It will be the Board's decision whether to change state rules. She suggested Mr. Aeby speak to staff afterwards.

Mr. Polhemus said he'll schedule a briefing regarding Dr. Aeby's permit. There was discussion regarding item F-3. Member Johns suggested a petition for declaratory ruling may be filed. Chair Thielen further clarified that there is nothing before the Board that

says that Dr. Aeby is permanently banned for life. It would have to come back to the Board at a public hearing.

Dr. Cox asked for an amendment for Dr. Aeby to assist on Dr. Cox's permit under Dr. Cox's supervision because Dr. Aeby had established the permanent monitoring sites at the Monument and Dr. Cox went there once. Mr. Polhemus stated this is different from what was submitted. The Board felt there is inadequate information for the Board to decide on this. Plus it was not noticed and published.

Mr. Polhemus recommended approving this first and come back with an amendment later.

Marti Townsend for KAHEA distributed written testimony for all the permits and supports the Board's interpretation and staff's recommendation. She encouraged the Board make a case-by-case determination to enforce this rule imposing a ban on past violators. KAHEA supports the new language in condition #3 regarding live transport of organisms. The rest of their testimony is the standard issues with processes.

Chair Thielen suggested Dr. Cox file an application to amend or take the permit and move forward.

The Board:

Approved as amended that the Field P.I. is Dr. Evelyn Cox on page 3, paragraph 4 and #4 of the application.

Unanimously approved as amended. (Johns, Schuman)

Item H-1 Request for Approval to Hold Statewide Public Hearings to Amend Hawaii Administrative Rules, Chapter 13-1, Subchapters 1 to 6, to Adopt Hawaii Administrative Rules, Chapter 13-1, Subchapter 7, and to Compile Hawaii Administrative Rules, Chapter 13-1

Bin Li, DLNR Administrator Proceedings Coordinator, reported that Sam Lemmo of OCCL, Alton Miyasaka of DAR, Patty Edwards of DOCARE and Linda Chow from the AGs office are involved. He asked for an approval to conduct public hearings and proceeded to give more background. A handout was distributed.

Chair Thielen stated that under the Administrative Rules this is the new system proposed for civil resource. Mr. Li added this will consolidate all the efforts of all the divisions and will enforce the current law under all the divisions.

Chair Thielen updated the Board that a civil penalties system was authorized by the Legislature under a statute passed before this current Board. What is before the Board today is to fix or clarify some issues with the rules largely to do rule making for the statute. Public comment will come back to the Board.

Mr. Li described a public hearing, which is required, accepts testimony only, but a public informational briefing has a presentation and questions and answers. There was discussion to do an informational meeting first.

Mr. Li explained currently the division can bring a case to the Board, suggest a fine, present the statutory limits, the Board makes a decision and the respondent can ask for a contested case hearing. The change is for the Board to issue a guideline, a fine or penalty schedule to the division and that division will follow that penalty schedule and the respondents can pay and leave. If they contest it, hold the hearing before the Board meeting; the hearing officer will render recommendation to the Board; and then the Board can take action upon the hearing officer's recommendation.

Other departments who have a civil fines system are DCCA and Dept. of Health. This change was initiated by the Legislature.

There was discussion regarding a vice-chairperson who covers during Chair's vacation.

Mr. Li proposed amending recommendation requiring public informational meetings before holding public hearings on each island.

Ms. Townsend supports amendments.

Chair Thielen recommended the Board look over these because it affects the Board.

Unanimously approved as amended (Edlao, Gon)

Item H-2 Request to Authorize Chairperson to Negotiate and Approve a Disaster Recovery Contract with DR-Fortress and an Enhanced Internet Protocol Data Service (EIPDS) Contract with Hawaiian Telcom.

Lila Loos, Data Processing Coordinator, briefed the Board on the background. The 3 phases are: 1. replication of back-up data, 2. replication of live data, 3. expand remote connectivity to the department's divisions. The contracts went out to bid and have been reviewed by the AGs office.

Unanimously approved as submitted (Johns, Gon)

Item K-1 Enforcement File MA-08-30 Regarding Unauthorized Seawall Improvements Located Makai of Shoreline by Hale Kai AOA Condominiums, 3695 Lower Honoapiilani Road, Lahaina, Island of Maui, in the Vicinity of Parcel (2) 4-4-001:042

Sam Lemmo, Administrator for Office of Conservation & Coastal Lands (OCCL), related background and that he will be on Molokai next week. He asked to defer until he looked at the site.

Deferred (Johns, Agor)

Item K-2 Second Time Extension Request for Conservation District Use Application (CDUA) KA-3121 for Greg and Joanne Allen Single Family Residence (SFR), Swimming Pool, Pool Decking, Retaining Walls, Water Well, and Landscaping at Kawaihau District, Wailua, Island of Kauai, TMK: (4) 4-2-003:002

Member Agor recused himself.

Item K-3 Request to Extend the Processing Period in Order to Process a Contested Case Hearing for Conservation District Use Application (CDUA) KA-3399 for the Consolidation of Two Parcels and the Construction of the Morrow Single Family Residence (SFR), Hā`ena, Hanalei District, Kaua`i, TMK (4) 5-9-03:10 and 45

Member Agor recused himself.

Mr. Lemmo had no changes to Items K-2 and K-3.

Unanimously approved as submitted (Pacheco,Gon)

Item L-1 Approval for Award of Construction Contract - Job No. D00BH60B, Puu Waawaa Reservoir Re-lining North Kona, Hawaii.

Item L-2 Approval for Award of Construction Contract - Job No. B10CH70B, Kawaihae Harbor Improvements to Boat Loading Dock #2 at North Kawaihae Small Boat Harbor, Kawaihae, Hawaii.

Item L-3 Approval for Award of Construction Contract - Job No. 500BK40B, Maintenance of Peekauai Ditch Waimea, Kauai, Hawaii.

Item L-4 Certification of Election of Hana Soil and Water Conservation District Director.

Item L-5 Certification of Election and Appointment of West Maui Soil and Water Conservation District Directors.

Item L-6 Approval for Award of Construction Contract - Job No. B75C071C, Waianae Small Boat Harbor, Pier Improvements Waianae, Oahu, Hawaii.

Item L-7 Request for Authorization for the Chairperson to Negotiate and Execute a Joint Agreement with the US Army Corps of Engineers and the City and County of Honolulu, for the Kuliouou Stream Flood Damage Reduction Project, Oahu.

Edwin Matsuda representing Engineering Division distributed the amendment to the recommendations for each item which is to add "subject to review and approval by the Attorney General's Office."

Unanimously approved as amended (Johns, Pacheco)

Item M-1 Amendment to No. 11 to Lease No. DOT-A-92-0018 (Lease) Restaurant and Lounge Concession Lease Host International Inc., Honolulu International Airport.

Item M-2 Amendment to No. 10 to Lease No. DOT-A-92-0018 Restaurant and Lounge Concession Lease Host International Inc., Honolulu International Airport.

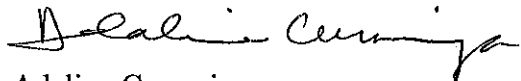
No one from the public to testify.

Unanimously approved as submitted (Pacheco, Johns)

Adjourned. (Edlao, Gon)

There being no further business, Chairperson Thielen adjourned the meeting at 11:25 a.m. Recordings of the meeting and all written testimony 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,



Adaline Cummings
Land Board Secretary

Approved for submittal:



Laura Thielen
Chairperson
Department of Land and Natural Resources