

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

DATE: FRIDAY, FEBRUARY 22, 2013  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Board member Sam Gon called the meeting of the Board of Land and Natural Resources to order at 9:10 a.m. The following were in attendance:

**MEMBERS**

David Goode  
Jerry Edlao

Dr. Sam Gon  
John Morgan

**STAFF**

Russell Tsuji/LAND  
Curt Cottrell/PARKS  
Alton Miyasaka/DAR

Kevin Moore/LAND  
Steve Soares/PARKS

**OTHER**

Julie China, Deputy Attorney General  
Randy Vitousek: D-7  
Chris Kramer: D-11  
Kawena Beaupr'e: D-8  
Iwa Kalua: E-1

Ross Smith: M-1, M-2  
Gerald Kosaki: D-6  
Kauai Lucas: D-11  
Frank Carpenter: E-1  
Craig Chapman: E-2

{NOTE: Language for deletion is [bracketed], new/added is underlined.}

**Item A-1      February 8, 2013 Minutes**

**Approved as submitted (Morgan, Edlao)**

**Item M-1 Issuance of a Hangar Facility Lease to J.F. Air, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01:19 (portion)**

Ross Smith, Department of Transportation (DOT) – Airports Division, Property Manager related some background on item M-1 noting that this is the first time someone will build this hanger.

**Item M-2 Issuance of a Replacement Lease for State Lease No. DOT-A-63-0009, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Lihue Airport, TMK: (4) 3-5-01: portion of 8**

Mr. Smith gave some background on item M-2 that staff gave NOAA a permit for a small area of land and now they are looking to convert it to a lease to support aviation activities.

**Unanimously approved as submitted (Edlao, Goode)**

**Item D-7 Assessment of \$500 Fine, Plus Assess \$320 Administrative Cost Against Applicants for Seawall Encroachment; Grant of Term, Non-Exclusive Easement to Joanna C. Savage, Katherine N. Savage, Jill A. Savage, aka: Jill Alison Savage, Trustee of the Jill A. Savage Revocable Living Trust dated January 10, 1996, for Seawall Encroachment Purposes, Lalamilo, South Kohala, Hawaii, Tax Map Key: (3) 6-9-001: portion of 002.**

Russell Tsuji representing Land Division conveyed some background on item D-7 including a fine of \$500 and administrative costs. Staff looked into whether the seawall was a non-conforming structure which was not an issue, but it is a structure encroaching on public lands. Mr. Tsuji noted that the submittal recommendation is \$340, but the title lists \$320 and suggested approving the \$340.

Randy Vitousek representing the applicants testified that they didn't have an issue and explained the situation with staff not accepting their photos until the neighbor made a declaration for the family. They are willing to pay the fine and the administrative cost whatever it is.

Member Gon suggested going with the recommendation rather than what is in the title. Mr. Vitousek had no objections.

**Unanimously approved as submitted (Morgan, Edlao)**

**The Land Division Administrator noted a title problem on the Agenda as the title indicated administrative costs of \$320 but the text correctly noted \$340. Counsel for the Savages indicted his clients did not object to the fines or administrative costs recommended by staff and would waive any title problems in the Agenda.**

**Item D-6 Issuance of Revocable Permit to County of Hawaii for Installation of Portable Lifeguard Tower, Lalamilo, South Kohala, Hawaii, Tax Map Key: 3rd/ 6-6-002: seaward of 037.**

Mr. Tsuji presented item D-6 and he had nothing to add.

Gerald Kosaki, Battalion Chief of the Hawaii Fire Department testified that part of their duties is overseeing the lifeguards. This lifeguard tower is in addition to two others which will be placed in the Prince Hotel area because the north tower can't see around the corner from Hapuna Beach where a number of accidents/fatalities occurred and will be staffed by one personnel.

Member Goode made a query whether the life guards were to be under the Fire Department. Mr. Kosaki related that in 2007 the beach lifeguards transferred to the Hawaii Fire Department which is permanent. There was some discussion on what the other counties' status was.

Member Edlao asked whether the State or City subsidizes and there was some discussion about that where it was confirmed that the State already subsidizes Hapuna.

**Unanimously approved as submitted (Edlao, Goode)**

**Item D-11 Issuance of Right-of-Entry to Maunalua Fishpond Heritage Center for Scientific Study, Educational, and Conservation Purposes, Honolulu, Oahu, Tax Map Key: (1) 3-7-002:018 & 077.**

Russell Tsuji representing Land Division conveyed some history on item D-11 that the property was condemned by DOT during road widening and DOT was looking to dispose of the property, but because Federal funds were used the Federal government requires fair market value. The Department has a non-profit applicant who will rehab the fishpond. The deed was made to the State of Hawaii and these lands to be managed by the Board of Land and Natural Resources (BLNR) and it is this Board's decision. Staff recommends issuing the Right-of-Entry (ROE) to study and preserve the property.

Member Edlao asked what the duration of the ROE is and Mr. Tsuji said for a term, a year or two.

Chris Kramer introduced Kauai Lucas and they represent the Maunalua Fishpond Heritage Center. Chris testified that they submitted for an ROE as on-going basis since 2007 for the community to protect and rehabilitate these fishponds and this is the third time they tried to get access. He described projects, the area, how fragile it is and the problems with homeless.

Member Edlao wondered what the hold-up was for the ROE before. Ms. Lucas said DOT had a concern with security that there was a public interest determination letter on the Federal level which they have. This will come back again with their management stewardship plan and that this is temporary to be rolled over into a long term stewardship plan. Mr. Kramer related changing the law that you can no longer sell Hawaiian fishponds.

Member Morgan asked if there was a headquarters and what is the long term plan for the house. Mr. Kramer agreed that it could be a heritage center and there are possibilities for the house through education. Ms. Lucas noted specifically with the buildings they are looking for community partners, but the facilities are not safe and they need to bring the buildings up to code. There is a grant to do baseline monitoring in the pond, but they need access to do it. Mr.

Kramer acknowledged that and they did the community meetings which is a huge deal for the Hawaiian community.

Member Gon asked what the name of this fishpond was and Ms. Lucas said Kalauha'ihai where Mr. Kramer mentioned that this was where the kapu was broken on Oahu, a historic site.

Member Edlao had a concern with a forever ROE that we need to specific time. Mr. Tsuji said it is not forever and suggested 1 year and come back later where there were more discussions about the term. Member Goode suggested a 2 year term because of the studies which the Board members agreed to. Mr. Kramer said the invasive algae were removed by the neighbors and they want to help.

Member Morgan made a motion to amend recommendation #2 by adding 2 year before right-of-entry. Otherwise, staff's recommendations were approved. Member Goode seconded that. All voted in favor.

**Unanimously approved as amended (Morgan, Goode)**

**The Board limited the duration of the right-of-entry to two years. Accordingly, recommendation 2 is amended to read as follows:**

- 2. Authorize the issuance of a right-of-entry permit to Maunalua Fishpond Heritage Center covering the subject area for scientific study, education, and conservation purposes 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 right-of-entry permit document form, as may be amended from time to time;**
  - B. The term of the right-of-entry is two years. If Applicant requires a longer period of time for its project, it shall return to the Board with a request for extension or for a new disposition prior to the expiration of the right-of-entry; and**
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.**

**Item D-8 Consent to Assignment of an Undivided 90% Interest in the Term, Non-Exclusive Seawall Easement Identified as Grant of Non-Exclusive Easement No. S-5612, from Gary E. Borman and Anne H. Borman, Trustees of The Gary and Anne Borman Trust dated September 28, 1994, as amended and restated on January 31, 2003, as Assignor, to Gary E. Borman and Anne H. Borman, Trustees of The Borman Gift Trust dated November 30, 2012 for benefit of Carly Anne Borman, Isabel Lee Borman, and James Brendan O'Neill, Assignee; Amendment of Grant of Non-Exclusive Easement No. S-**

**5612, Gary E. Borman and Anne H. Borman, Trustees of The Gary and Anne Borman Trust dated September 28, 1994, as amended and restated on January 31, 2003, and Gary E. Borman and Anne H. Borman, Trustees of The Borman Gift Trust dated November 30, 2012 for benefit of Carly Anne Borman, Isabel Lee Borman, and James Brendan O'Neill, Grantees/Assignees, Lalamilo, South Kohala, Hawaii, Tax Map Key: (3) 6-9-003: seaward of parcel 012.**

Kevin Moore representing Land Division briefed the Board on item D-8 which is a State planning type transfer of an easement. Staff recommends approval and to amend the easement documents so that future ones don't have to come back to the Board.

Kawena Beaupr'e representing the Bormans testified that they had nothing to add and was fine with staff's recommendations.

**Unanimously approved as submitted (Edlao, Morgan)**

**Item E-1 Update on the Status of Management and Enforcement Action Taken at Kealakekua Bay State Historical Park, Ka'awaloa, Kealakekua, Hawaii.**

Board member Gon noted that the Land Board recommended this briefing which is a non-action item.

Curt Cottrell, Assistant Administrator for Division of State Parks reported on the number of permits issued – 23 non-commercial drift-in vessel permits, 76 commercial drift-in vessel permits for a total of 99 vessels on record that have interest of going to Kealakekua Bay for the course of a year. Without the kayaks the zodiacs are speeding within the conservation area and with this data staff can communicate with everyone via e-mail. The zodiacs were told no waking in the Bay. One of the conditions on the special use permit says no deployment of passengers from the boat to the fast lands at Ka'awaloa because some boats were doing that. There are still problems with increased overland hiking and the lack of a comfort station. There are signs explaining the prohibition and the need for permits, but there was some vandalism and staff swapped some signs. In regards to the three (3) revocable permits (RP), staff transmitted to the AG's (Attorney General) office on February 6 for review and staff modified the terms based on the EO (Executive Order) and set aside as he had briefed before. Now that Napo'opo'o Wharf and the waters are in State Park's jurisdiction the RPs have to be revised to reflect that. Part of the title is on management and enforcement, but Mr. Cottrell hasn't received any new data since the last briefing or on any current enforcement activity associated with the moratorium. Our DOCARE (Division of Conservation and Resources Enforcement) administrator said so far it's been a successful enforcement operation because of the closure. The restriction to the kayaks is working which is the easy part and there is no ambiguity with who has permits. DOCARE reported being short staffed, lacking resources, and Mr. Cottrell wanted a report of all the visitations to State parks at West Hawaii to get a sense of what our enforcement needs are. There are 7 enforcement officers at any time dealing with Kiholo Bay, Kealakekua Bay, and Kekahakai State Park. Over the span of a year (2012) there were over 75 DOCARE visits to Kealakekua Bay, 18 to Kekahakai and 27 to Kiholo Bay with a total of 125 DOCARE

interactions on 3 State parks, a vast majority were patrols. What Mr. Cottrell thought was interesting was out of 75 visits there was only 1 citation issued and it doesn't say what it was for at Kealakekua Bay. There was a case for prohibited activities, removal of natural resources, cutting of kiawe, etc. and a case was initiated, but in discussion of kayaks out of the 75 visits only 1 visit from February 12, 2012 reported kayaks launching from Napo'opo'o Beach, no violations observed by the officer. Other than that there were no other visits of enforcement at Kealakekua Bay and dealing with kayaks. If DOCARE is short staffed he is evaluating what the offenses were in the other two parks and he recommends letting the other two parks go and focus on Kealakekua Bay, especially when we initiate the roll out. This is the first time he asked DOCARE for stats like these and we are still in adaptive management. He is still assembling data to initiate the rollout.

Member Morgan said it was great to hear of the interaction with DOCARE to get that kind of information. Mr. Cottrell agreed and reiterated his concern with only 1 citation for 75 visits.

Frank Carpenter representing Kona Boys testified that they wanted to be updated and at the last meeting they were supposed to get their permit within the next month and it was reported in West Hawaii Today (WHT) that it would happen by last Friday. We're anxious to hear what the AG's office comes up with and to move forward that there is a review process with any changes to what the new rules are. Mr. Carpenter noted the problems of increased use of the trail with trash, human waste, traffic and safety problems on the road leading up to the trail which affects the community. To give Ka'awaloa a rest it is actually doing the opposite on land. He has been meeting with the Coral Reef Alliance. There needs to be a non-profit, non-biased involved in the management down there and they are interested in working with Kona Boys on Kealakekua Bay to provide some kind of stewardship program down there working with volunteers. They plan on coming to the next meeting when this is addressed. This closure is killing them having to operate with reduced staff and hours and he asked for support to keep afloat.

Member Morgan asked how long the trail was and Mr. Carpenter said an hour in and hour fifteen out for the average person. Iwa Kalua said it's all incline and about 2 miles in and up. Mr. Carpenter noted the high surf and it's not safe.

Iwa Kalua representing Aloha Kayak Co. testified that Gordon Leslie handpicked some illegal operators to do their management plan and is trying to legitimize their illegal operations that took place and Mr. Leslie claims he is doing what is best for the village, but Mr. Leslie hasn't invited the rest of the ahupua'a to participate. The Chair's decision on January 2<sup>nd</sup> has a trickle down affect to the entire visitor industry. People are going to the Bahamas because the kayaks are closed at Kealakekua Bay. Boats are leaking oil into the Bay and on the resource where kayaks are more environmentally friendly mode of transportation with no fuels or oils and have the least impact and are being left out. This is diminishing public trust because the community cannot be here and are not invited to speak at meetings that the Chair may be having with Mr. Leslie. The whole ahupua'a needs to participate.

Mr. Carpenter reported on a video on national news presenting kayaking at Kealakekua Bay.

Mr. Kalua asked the Deputy AG on the status of their permit(s) and Deputy AG Julie China said that she is only here to advise the Land Board on today's matters and there are other Deputy AGs handling their case.

Mr. Cottrell reiterated what he said earlier having sent the RPs to the AG's office. Staff sent in the new numbers, the new exhibits, the EO, the set aside, and right now they are being re-done. Staff already authorized and the only hold up is work load and processing. All he knows from the AG's shop is they are working on it. On the WHT report, he doesn't know where they got their data because he never spoke to them and he doesn't know where they got the dates from.

Member Goode said to please tell the AG's office that the Board is anxious to wrap it up today because they've had 60 days given all the information and these are just RPs. Mr. Cottrell acknowledged that he will.

Member Gon said the reason the Board asked for updates is to apply pressure on the record. Mr. Cottrell said understood and related some history on this issue in trying to solve 20 years of pilikia at a Bay that has the most complex natural resource, cultural resource issues in the State of Hawaii and is the most significant place. The complexity is commercial and there are impacts trickling through the community. It's commercial with non-commercial recreation, legitimate cultural issues with people using their cultural perhaps in an unauthorized way to get what they need. There are no secret meetings that Mr. Cottrell is aware of. There have been discussions, but no plan has been presented to him thus far. These guys (Gordon Leslie) are the next up.

Mr. Kalua referred to his e-mail/written testimony suggesting moving the trailer from Honokohau Harbor to Kealakekua Bay at Napo'opo'o would be the easiest solution and most cost effective. Hook up to a trailer, move it, and hook up a HELCO line and even if they (DOCARE) are not there every moment of the day the presence of that trailer being there makes the difference. It would deter anybody from doing any illegal activity like launching an illegal kayak. Force the DOCARE office to do something like that. West Hawaii has a large amount of land for 7 officers to have to patrol. To move their base at Napo'opo'o and make that the center for all of their operations and have them go out from there would be a major deterrent which the community wants to see. Unless the Board has the power to do that to make it happen. At Honokohau Harbor there are 4 enforcement entities there – Division of Boating and Ocean Recreation, Coast Guard and the Police besides DOCARE. Why do we need four enforcement (entities) in one spot? Move one of them out.

Mr. Carpenter thanked Mr. Cottrell for all he does. Member Gon apologized that they didn't get word that Chair Aila and Member Pacheco weren't going to be here today.

Mr. Cottrell said that it's a good suggestion that he contact the AG's office and maybe consider at the next briefing that they will continue this until they have a formal resolution and perhaps inviting DOCARE to consider the suggestion. Mr. Cottrell can't speak for his sister division on the deployment of their resources. There is a lot of value to that suggestion that he agrees with provided a considerable amount of support and resolution. Mr. Kalua said once that trailer presence is there it will change the mind frame of those afraid (like Coral Reef Alliance) of going into that area.

**Item E-2      Continuation of Revocable Permit Issued to Lanihuli Community Development Corporation to Operate Campground Facilities at the Kahuku Section, Malaekahana State Recreation Area, Lā'ie (Ko'olauloa), O'ahu, TMK: (1)5-6-001: Parcels 45-47,49, 51, 54-65**

Mr. Cottrell conveyed that staff asks the Board's consideration and approval to continue the revocable permit (RP) that has been issued to the Lanihuli Development Corporation to operate our camp grounds at the Kahuku section of the Malaekahana State Recreation Area. In terms of compliance, we have a good working relationship with our tenant. The EPA (Environmental Protection Agency) and DOH (Department of Health) violations are closed and are in absolute compliance. He instructed their tenant to hold still for a while until staff initiates the next process. Staff got \$1.3 million lump sum in capital improvement money and they are scoping a design for a cabin renovation and waste water that they need permitting and design for a comfort station and they are still providing porta potties. Lanihuli is willing to continue with a 6 month RP and they have a consultant on board ensuring compliance methods of dealing with waste. The RFQ/RFP is back out for bid with help from our property manager, staff has a draft of qualifications that was circulated to our evaluation committee that was selected by the Chair to look at the criteria by which will be signed and published asking for who feels they are qualified so we can go into the formal request for proposal process. Staff isn't moving as fast because of other issues (Kealakekua and others), but we are compliant and our tenant is comfortable in this situation that everything is on track. Staff can systematically roll out the RFQ since those compliance issues are covered. Once they get the RFQ out it will be a quick turnaround to have the committees evaluate the qualifications of the bidders and then initiate the RFP. Hopefully, by the end of this term they will have issued the RFP. Ideally, we have an offer that has been selected. The way the Board adjudicated this, the Chair would have the authority to select the bidder, and the Board approves the lease once staff drafts up the terms of the lease which would be a long term lease covering the bathroom situation. What we would be offering the tenant is assurance the State lease would provide a bonafide legitimate comfort station and a few alternative methods of compliance because the RFP will come out before we do that. Staff asks for a 6 month extension on the RP.

Member Morgan asked about which cabin the \$1.3 million was for. Steve Soares (State Parks) said the model cabin is cabin 2 and described where it was and the intention is to be ADA compliant. Mr. Cottrell explained it was grandfathered in; otherwise, they might lose the site. He described the process using an evaluating committee and he named those on it. This will be later on.

Craig Chapman, Director for Malaekahana testified in appreciation and communicating face-to-face. He suggested that they've already closed 2 cabins which diminished his revenue by \$5,000 a month and he has taken on the porta potties which cost him \$3,000 a month so he has a net loss of about \$6,000. If we go with the new model and he takes on a new cabin, versus working on one of the two that is already down, we could work around that because each cabin runs about \$1500 a month as far as actual revenue coming in. He is looking at it strictly at an economic standpoint and the parking lot is right in front of cabin #2 which would become the construction area which is the heart of the camp ground. If it's possible, could you work on cabin 4 or 5 that are already closed down because they could cordon that area off better from a safety stand point?



Member Gon noted that is not the action the Board is taking today and that he will have a lot of opportunity to work out something and Mr. Chapman agreed.

Member Morgan asked whether he was okay with the recommendation and Mr. Chapman said absolutely.

Mr. Chapman said with the porta potty situation if you would take a 1 pint flush and get approved by DOH and the Board which they are working on, too.

Member Goode said that staff said six months, but item #2 says a year and asked what we are talking about here. There was some discussion about this between the Board and Mr. Soares that this is for a year.

Member Morgan made a motion to approve as submitted and was seconded by Member Goode. All voted in favor.

**Unanimously approved as submitted (Morgan, Goode)**

**Item D-1** Amend Prior Board Action of October 28, 2011 Item D-7 (Authorize the Cancellation of Revocable Permit No. S-6842 for Sugar Cultivation and Pasture Purposes to Gay and Robinson, Inc., Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-8-006:2, (4) 1-8-006:3, (4) 1-8-007:10 and (4) 1-8-008:20 and Authorize Issuance of Revocable Permit for Diversified Agriculture and Pasture Purposes to Gay & Robinson, Inc., Hanapepe, Waimea, Kauai, Tax Map Keys:(4) 1-8-006:002, (4) 1-8-007: 010 and (4) 1-8-008:020.) The Purpose of the Amendment is to clarify that 6 acres have been removed from (4) 1-8-008:020 and change language regarding determination of monthly rental.

**Item D-2** Rescind Prior Board Action of January 9, 1987, item F-10, Granting a Perpetual, Non-Exclusive Easement for Electrical Transmission Line Purposes to Citizens Utilities Company, Cancellation of Revocable Permit No. S-1384 to Waiahi Electric Company, Limited for Utility Right-of-Way for the Erection, Operation, Maintenance and Repair of Poles and Transmission Lines, Issuance of Grant of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative for Utility Right-of-Way for the Erection, Operation, Maintenance and Repair of Poles and Transmission Lines Purposes, and Issuance of Immediate Right-of-Entry for Utility Purposes, North and South Olohena, Kawaihau, Kauai, Tax Map Key: (4) 4-4-01, 02.

**Item D-3** Request for Issuance of Revocable Permit to Lorrin J. Aiwohi, for Pasture Purposes; Kapaa Homesteads, Kawaihau, Kauai, Tax Map Key: (4) 4-6-006:028 and 029.

Mr. Moore said he had no changes to items D-1, D-2 and D-3. There were no public testimonies.

**Unanimously approved as submitted (Edlao, Morgan)**

**Item D-4 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set up and Firing of Aerial Fireworks Display on March 12, 2013, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-2-02: seaward of 04.**

Board member Gon stated that he has an on-going problem with fireworks displays on the beach.

Mr. Moore said his amendment is to the recommendation section to strike 2.b. and renumber 2.c. as 2.b. since the AG's office completed the review. Ms. China said she had no issue with that.

Member Morgan made a motion to approve as amended. Member Goode seconded it. All voted in favor.

**Unanimously approved as amended (Morgan, Goode)**

**The Board amended the submittal by deleting recommendation 2.b and renumbering recommendation 2.c accordingly.**

**Item D-5 Cancellation of Governor's Executive Order No. 4329 and Reset Aside to County of Hawaii for Addition to Lalamilo Reservoir Site, Lalamilo, Waimea, South Kohala, Hawaii, Tax Map Key: 3rd/ 6-6-01: portion of 11.**

There were no changes to item D-5 per Mr. Moore.

**Unanimously approved as submitted (Edlao, Goode)**

**Item D-9 Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games Inc., for a Team Building Event at Wailea Beach, Honuaula, Wailea, Maui, Tax Map Key: (2) 2-1-023: seaward of 007.**

Mr. Moore described item D-9 and to amend recommendation 2.A. to say right-of-entry and not revocable permit.

Member Edlao made a motion to approve as amended. Member Goode seconded it. All voted in favor.

**Unanimously approved as amended (Edlao, Goode)**

**The Board amended recommendation 2.A of the submittal to change the phrase "revocable permit" to read "right-of-entry".**

**Item D-10 Forfeiture of Grant of Easement Bearing Land Office Deed No. S-28030 for Access and Utility Purposes to Michael P. Marquard as to an Undivided 46.192% Undivided Interest; Michael P. Marquard as Custodian for Michelle Marquard as to an Undivided 4.110% Undivided Interest; and Michael P. Marquard as Trustee Under the Alexandra Morrow 1992 Irrevocable Property Trust Dated December 28, 1992 as to an Undivided**

**49.698% Interest, Grantee, Hoolawa, Makawao, Maui, Tax Map Key:(2) 2-9-002: Portion of 012.**

Member Goode pointed out this is unusual that they would let this lapse since it's an easement to their property and he was curious since there was no map attached whether they had any other access to the property. Mr. Moore said he doesn't know, but he can say that generally we only grant easements under access and likely this is their only access. Member Goode wondered why they didn't respond and his other thought was that if there were lien holders on the property they should notify them of this action and should be the recommendation because they would have a key interest in this. Mr. Moore said lienholders, if the file shows them, probably have an address and staff can notify them. The only way they can get information like that is to pull up a title report and asked whether the Board would like staff to rely on their files. Member Goode said it is our duty to tell the lienholder anyway and a title report would cost some money and asked if there is a way through Bureau of Conveyances to obtain title on the property. Check on the file and check with the Bureau. Mr. Moore agreed

Member Gon asked are you adding a fifth recommendation to notify any lienholders on file or via the Bureau of Conveyance. Member Goode confirmed that.

**Unanimously approved as amended (Goode, Edlao)**

**The Board amended the submittal by adding a new recommendation 5 to read as follows:**

**5. Land Division staff shall notify any lienholders on the private property designated as TMK: (2) 2-9-002:014 of the termination of the easement, to the extent such lienholders can be determined by a review of the division's files or the records available at the Bureau of Conveyances.**

**Item F-1 Request for Approval to Hold a Public Hearing to Amend and Compile Hawaii Administrative Rules, Chapter 13-63. Amendments to Chapter 13-63 would be to Prohibit the Use of Stand-Up Paddleboards, Allow Fishing only when the Boat is Anchored, and Prohibit Possession of any Net within the Waiakea Public Fishing Area. Also, Chapter 13-63 would Update Provisions on the Mullet Closed Season and the Taking of Female Samoan Crabs to be Consistent with Existing Regulations within the Waiakea Public Fishing Area, Hilo, Hawaii**

Alton Miyasaka representing Division of Aquatic Resources (DAR) said he had nothing to add to the submittal.

Member Edlao asked whether this public hearing will be held in Hilo and Mr. Miyasaka confirmed that.

**Unanimously approved as submitted (Edlao, Goode)**

**Adjourned (Edlao, Goode)**

There being no further business, Board member Gon adjourned the meeting at 10:23 a.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,



Adaline Cummings  
Land Board Secretary

Approved for submittal:



William J. Aila, Jr.  
Chairperson  
Department of Land and Natural Resources