

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

DATE: FRIDAY, MAY 10, 2013
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson William Aila called the meeting of the Board of Land and Natural Resources to order at 9:08 a.m. The following were in attendance:

MEMBERS

William Aila, Jr.
Rob Pacheco
Dr. Sam Gon

David Goode
Jerry Edlao

STAFF

Russell Tsuji/LAND
Maria Carnevale/DAR
Dan Quinn/PARKS

Roger Imoto/DOFAW
Kimberly Tiger Mills/OCCL
Dickey Lee/ENG

OTHERS

Cindy Young, Deputy Attorney General
Calvert Chun/DOT: M-3, M-5
Tom Leuteneker: D-8
Kai Kahele: D-5
Peter Simmons: C-1
Dan Fuller: C-1
Jacob Asher: F-2
Charles Littnan: F-3
Tufuga Pule Ah Sam: D-14
Danette Martin: D-4
Stephanie Nagata: K-2

Ross Smith/DOT: M-4, M-6, M-7
Wayne Iwamasa/DOT: M-1, M-2
Aolani Yamasato: D-11
Jim Quinn: C-1
Don Moran: C-1
Naomi Kuwaye: D-12
Jeff Walters: F-3
Kane Pinkleton: F-3, D-1
George Godolla: D-14
Ken Fujiyama: D-3

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

Item A-1 April 12, 2013, Minutes

Item M-4 Issuance of a Direct Lease to C K Auto Body, Inc. 2989 Ualena Steet, Honolulu International Airport Tax Map Key: (1) 1-1-04:19.

Ross Smith representing Department of Transportation (DOT), Airports Division conveyed some background on item M-4 with the issuance of a five year lease where the tenant will be moving into an existing building to start their own business.

Unanimously approved as submitted (Edlao, Pacheco)

Item M-6 Amendment to Prior Board Action of February 8, 2013, Item M-6, Issuance of a Direct Lease to Hawaiian Sealife, Inc. 3239 Ualena Street, Honolulu International Airport Tax Map Key: (1) 1-1-14-:21 (portion).

Mr. Smith related some background on item M-6 asking an amendment to a prior Board action and corrected some information that contained the exhibit of an annual rental lease referring to a single rental rate with a particular property. The standard performance bond rent was a different type of lease for a total of three month's rent.

Unanimously approved as submitted (Edlao, Pacheco)

Item M-7 Issuance of Direct Lease Korean Airlines Co., Ltd. Honolulu International Airport TMK: (1) 1-1-03: Portion of 50.

Mr. Smith conveyed some background on item M-7 with the issuance of a direct lease to Korean Airlines and to continue their airline lounge operations with VIP passes.

Unanimously approved as submitted (Gon, Pacheco)

Item M-3 Amendment to Issuance of Direct Lease to Mid Pac Petroleum, LLC, Kawaihae Harbor, Kawaihae 1st, South Kohala, Island of Hawaii, Tax Map Key: 3rd Division, 6-1-03: Portion of 24.

Calvert Chun representing Department of Transportation (DOT), Harbors Division related some background on item M-3. The lease was from 2008 changing it from seven years to twenty years and a slight increase in the driveway measuring 7,105 square feet.

Chair William Aila asked for clarification in the submittal on section 1-A in reference to the Hawaii Revised Statutes 266.2 (HRS) whether it should be 266.2 or 266-2. Mr. Chun was uncertain of the answer, but said that he will find out. Cindy Young, Deputy Attorney General (AG), said that the Chapter in the section number 266 with a dash (-) refers to authority and suggested to go with the 266-2 and to let the Board know if the section number is wrong. Member David Goode asked if the Board needed to be present if it's a dot or dash once DOT figured out the answer. Ms. Young said that if it's something different other than the 266-2, it

will still need to be presented to the Board for record purposes. Member Jerry Edlao agreed to what Ms. Young said.

Unanimously approved as submitted (Pacheco, Edlao)

Item M-5 Issuance of a Management Right-of-Entry to the Department of Transportation, Harbors Division, for Management and Control of 53.948 Acres at Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key: 1st /9-1-14: Portion of 26, Which was Recently Acquired by the State Pending Issuance of a Governor's Executive Order.

Mr. Chun presented item M-5.

Unanimously approved as submitted (Edlao, Gon)

Item M-1 The Remnant Sale was Previously Approved on November 18, 2005 for Remainder 119 (Item M-5) and Request the Approval be Amended to Approve the Sale of Remnant Parcel R-5 to Reflect the Actual Land Area being Disposed. Disposition of Remnant Parcel R-5 Fap No. F-072-1 (39), Tax Map Key: (1) 3-8-003: Road.

The Chair questioned DOT's submittal under Remarks and was concerned if the third paragraph affected Sunshine Law. Wayne Iwamasa representing DOT, Highways Division said that the template was easier to push through before it was approved.

Unanimously approved as submitted (Gon, Pacheco)

Item M-2 Authorizing the Department of Transportation (DOT) to Dispose of Parcel P-1, Pali Highway (fka Nu'uanu Highway) Federal Aid Project No. BU-0611(7), Tax Map Key: (1) 2-2-010:038.

Mr. Iwamasa presented item M-2.

Unanimously approved as submitted (Edlao, Gon)

Item D-8 Grant of 55-Year Term, Non-Exclusive Easement to Huelo Hui, LP for Access and Utility Purposes, Tax Map Key: (2) 2-9-002: 017 por., Hoolawa, Hamakualoa, Maui.

Russell Tsuji representing Land Division presented item D-8 and said that he had nothing to add to the submittal.

Tom Leuteneker, a Council Member representing Huelo Hui Limited Partnership (LP) testified on item D-8 and is seeking an easement for access and utilities on various Maui State properties. Member Sam Gon asked if there were any problems with staff's proposal and Mr. Leuteneker said no.

Unanimously approved as submitted (Edlao, Pacheco)

Item D-11 Issuance of Revocable Permit to Precast, Incorporated and Raylynn Rebar, LLC for Industrial Purposes; Cancellation of Revocable Permit No. 7731; Issuance of Revocable Permit to Hawaiian Paakai, Inc. for Industrial Purposes; Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-2-021:portion of 045.

Mr. Tsuji presented item D-11 and said that he had nothing to add.

Aolani Yamasato representing Precast, Incorporated, testified on item D-11 and said that the tenant is aware of the temporary month-to-month permit and could be revoked at any time. Mr. Tsuji said that having irregular lots in the industrial area was difficult to develop long term leases, but was still productive (in an industrial area) with the 30-day short term permits. Retaining a proposal for industrial purposes throughout the year and for the next years to come will be valued with a discounted price due to issuing short term leases versus the full long term leases.

Unanimously approved as submitted (Pacheco, Edlao)

Item D-5 Issuance of Direct Lease to Pa'a Pono Milolii, for Milolii Community Enrichment and Historical Center Purposes, Milolii-Hoopula, South Kona, Hawaii, Tax Map Key: 3rd/ 8-9-014: 038-041.

Mr. Tsuji shared some background and some history on item D-5 concerning the Pa'a Pono Milolii, a Nonprofit Enrichment Center being issued a long term lease. A few years ago, the Milolii lessees were authorized by the legislature for a fishing village.

Member Rob Pacheco asked about addressing commercial rental with the guest quarters.

Kai Kahele testified that they do not provide commercial rentals for guest quarters, but the residential use of the premises was only for overnight guests who solely commute from Kona and Hilo and held meetings or presentations for their community who chose to spend the night at a remote location.

Member Gon asked about the time frame for the Historical Center. Mr. Kahele said there were two milestones for the event and the property with the building permit was subject for approval. He planned to break ground this Saturday, May 11, 2013, and invited the Board to visit the site.

Unanimously approved as submitted (Pacheco, Gon)

Item C-1 Request to transfer Timber Land License No. 2007-H-01 from Hawaii Island Hardwoods, LLC to Tradewinds Hawaiian Woods LLC.

A written testimony from Cory Harden was distributed to the Board Members on item C-1.

Roger Imoto representing Division of Forestry and Wildlife (DOFAW) conveyed some background on item C-1 where the transfer would help DOFAW meet their objectives and promote local forest industry to help a steady stream of work force. The state of the arts sawmill will be the largest in the State of Hawaii and the most efficient and the fees have all been paid in full.

Member David Goode asked clarification on the different entities. Mr. Imoto said that the financial backing was an entity that made it happen whereas the other company did not. Member Pacheco made it clear that Tradewinds Hawaiian Woods, LLC have bought Hawaii Island Hardwoods, LLC.

Jim Quinn testified and supported item C-1. The Chair asked if he was willing to fulfill the obligations and Mr. Quinn said he was ready to go.

Peter Simmons, a retiree from Kamehameha School testified and supported item C-1 and was thankful for DOFAW's help. Member Gon appreciated Mr. Simmons' testimony.

Don Moran, CEO of Tradewinds Hawaiian Woods, LLC testified sharing some developmental plan on item C-1. He disclosed that he partnered with Dan Fuller who will testify about the funding shortly. Their plan is to build a full commercial scale sawmill and construction will start in summer of 2013 and finish by mid-2014. The full commercial operation will provide 36 jobs for the community and plan to increase to 64 jobs over the course of three years. The construction area is in an appropriate zone well suited site where four members of the company are currently developing a business plan by working together with a very experienced staff of 64 professionals. Mr. Moran desires to start the project this week with the Board's acceptance.

Dan Fuller, an investment manager representing Fuller Management testified on item C-1 and disclosed plans for financing. His company will be funding the project despite the historical disappointments and the past projects that were previously reviewed for investment. There was no contingency because of their commitment to the project. Mr. Fuller expects to continue with the project, the access, and commercial reasonable debt with profitability through equity and requested for approval of the lease and will prepare the project next week on May 13, 2013 to be exact. The final development of funding will start ASAP.

Unanimously approved as submitted (Pacheco, Edlao)

Item D-12 Sale of Remnant to Hawaii Baptist Academy, Nuuanu, Honolulu, Oahu, Tax Map Key: (1) 2-2-022:002.

A written testimony from Kamana'opono Crabbe was distributed to the Board Members on item D-12.

Mr. Tsuji related some background on item D-12, to exchange leased lands located in Nuuanu. During the process of the exchange Statute, Land Division staff insisted on an exchange of the

mountainous parcel, which they did not find favor with the whole parcel but rather chose the flat side of the mountain. Staff provided the value that determined the exchange and supplemental report. At the last minute, Board's submittal did not include the approval of remnant sale due to the Legislature's approval of exchange. Mr. Tsuji was concerned whether or not Land Division had an appraisal because if they sold it under the remnant Statute, Hawaii Baptist Academy (HBA) may not approve it being that it's a lengthy process.

Naomi Kuwaye representing HBA testified on item D-12. She thanked Mr. Tsuji and the Land Division staff's and requested to close HBA.

Unanimously approved as submitted (Edlao, Gon)

Item F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Mr. Jacob Asher, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, for Access to State Waters to Conduct Videographic Surveys of Coral Reef Fishes Research Activities.

Maria Carnevale representing Division of Aquatic Resources (DAR) related some background on item F-2 that the intended activities covered under the permit would occur between June 1, 2013 to July 31, 2013. The applicant proposes to use baited remote underwater stereo-video systems to generate diver-independent survey data of coral reef fishes from shallow water and deep water habitats.

Member Gon asked if this was an ongoing project or was it just an initiation and if it will affect the essence of the diver's components.

Jacob Asher testified on item F-2 and said that since 2012, it had been diver dependent. Member Gon said he found the project fascinating.

Unanimously approved as submitted (Pacheco, Gon)

Item F-3 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Frank Parrish and Alecia Van Atta, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, for Access to State Waters to Conduct Shark Removal Activities.

Ms. Carnevale related some background on Item F-3. The applicant requested removal of 18 predatory sharks from pupping sites at French Frigate Shoals (FFS). This proposed activity is the continuation of work previously permitted and conducted by the Monument Management Board (MMB) over the last year. One aspect of the activity which differs from last year was the use of salvaged monk seal tissue as bait to conduct the activity. It was DAR's opinion who favored the applicant and who properly demonstrated valid justification to their application that included special conditions from last year except for bait restrictions. The MMB endorsed this activity and

expanded their opinion relating to the bait request that described consensus, but offered non-consensus on either aspect.

Member Rob Pacheco asked if the applicant currently caught 14 sharks and requested for a brief update and progress.

Charles Littnan testified on item F-3 and related the history of their entire project of shark activity with FFS starting from 1999-2004. Historically, their project was successful with an abundance of shark removal before the sharks behavior modified dramatically and it's now difficult to catch them. Mr. Littnan shared his efforts to receive shark credation, but was concerned with pup survival. He explained the pup's lifespan and the obstacles they face to live. Mr. Littnan believed that the survival could be a success in the Northwestern Hawaii Islands (NWHI).

Member Pacheco asked whether they had a few tricks this year for shark removal. Mr. Littnan stated that historically they were successful when they used frozen tuna heads (after it's been thawed) versus fatty flesh which helped to enhance their catch and also to expand their fishing, but knew that would include extra effort to catch a small number of sharks.

Both Member Edlao and Mr. Littnan had many questions and answers during their discussion. Member Edlao asked if they had an abundance of shark removal in the past. Mr. Littnan stated there were 30-40 sharks, but was reduced to 20 sharks. Their initial protocol effort with shark removal was to haze, harass, and also throw a piece of coral on the sharks. For a period of time, they were shark fishing. They recognized that the harassment did not help. He shared his shark encounters and the use of tools that did not work. They saw shark behavior move more on location site during sunrise, sunset, or at night. They also used an electro magnet tool which did not affect the sharks to vacate the area, but shared the short and long term effect of the problem where people will have to be removed from the area in the future. If the problem occurred, shark removal would currently be the best solution to the problem rather than the other initial protocol. Member Edlao stated that either they lack good fishermen skills or the sharks were really smart. Mr. Littnan mentioned they caught tiger sharks and white tip sharks in the past. He explained how they are good at what they do, but to catch one out of 60 sharks will need the right location and bait and may need to come within three months at a time at the location for an opportunity. Member Edlao asked whether the sharks were aware when the team was not at the location site causing the sharks to move to the location site. He noticed that they had not caught any sharks which resulted in fruitless effort. Mr. Littnan shared the importance of the pupping season and their presence acted as a deterrent which enhanced shark behavior and also increased shark presence. Member Edlao asked if frozen tuna head was acceptable and Mr. Littnan replied yes, but also referred to his limited data using seal bait versus tuna bait. Mr. Littnan mentioned that they lacked a unified vision or opinion on the subject and shared that many people felt uncomfortable with shark removal; on the other hand, cultural groups valued shark removal and requested for them to return. Member Edlao asked if Mr. Littnan had a practitioner on this trip. He shared that Kuakane Hele, an observer, was brought in amongst other practitioners which MMB supported. Mr. Littnan also shared his struggles with their financial issues and can barely afford the science and recovery.

Member Edlao asked about the MMB, and Ms. Carnevale said that the MMB for the original application has not been in consensus for the last few years and the bait issue was also non-consensus. Member Edlao asked if there was a potential use of the bait. Ms. Carnevale said it was voted separately. In the past, the bait discussion was in review and was recorded in 2011 with the DLNR Board, which MMB did not endorse the use of bait. Today, MMB endorsed the issue and approved of affirming and reconsidering the factors on the dire need of the monk seals and many other factors.

Chair Aila, a fisherman himself, asked Mr. Littnan if he would consider catching fresh tuna bait rather than frozen tuna bait. Mr. Littnan replied they would need to be approved for the permit landscape to know what is allowed and what is not. Mr. Littnan related some history using fresh tuna head, tuna or aku and the limiting factors, but added that the use of monk seal was better than the fish bait.

The Chair also questioned the amount of outreach that was done with local groups and the time he spent with folks cultivated from the Hawaiian Islands concerning the support of potentially using monk seal flesh and the group of practitioners in the main Hawaiian Islands that dealt with the controversial issues regarding the killing of monk seals and the aversion of monk seals. Mr. Littnan said that was not his role but he referred to Jeff Walters.

Mr. Walters testified on item F-3 and said that adding the seal tissue to the permit would run relatively late and it's a matter of timing. A few home calls were made and discussions pertaining to the subject; on the contrary, there were no meetings but mainly via telephone. The responses were moderate, with no strong opposition or huge support. The Chair asked if there were enough discussions and Mr. Walters said they could use more discussion, but requested to move on with the decision and not continue the discussion over the next time the activity would occur. The challenges they faced were travel restrictions, but planned to meet with decision makers to plead their case to accommodate travel.

Member Goode said that he would support the agenda item if they were qualified in the big scheme of things. Mr. Walters asked to talk about the item and commented on the submittal. They were not talking about chumming or kupalu, but rather to use palu bag, disperse bait so fish feed off the bait and a hook could be used. He stated that broadcast dispersed a lot referring to the bait where the fish feeds from where you can use a hook for bait. The opportunities to train or habituate any animal or shark to seal meat if they went after it, which were hooked and removed, except for the non-target species that will be released.

Member Gon asked for clarity about the MMB having no consensus from the last couple of times that were brought before them. Ms. Carnavale agreed, but was uncertain of the length of time of the non-consensus.

Mr. Littman said that OHA is currently the historical and cultural working group. For the past couple of years, the groups met, to discuss the issue, not specifically about monk seal, but the general concept of good and honest discussions.

Member Edlao asked whether it had to do with the monk seal. Mr. Littnan said that it was the general idea of removing the sharks. The Chair asked if the monk seal topic came up during discussions. Mr. Walters believed no one offered comments on the topic. Ms. Carnevale shared the discussions with MMB members and OHA whether or not the cultural working group received the idea. Member Edlao asked whether the use of monk seal flesh was a problem with the consensus of MMB. The MMB strived for consensus and so by this simple majority, the Board will endorse forward, unfortunately it was not the aspiring level.

From a decision stand point, the Chair appreciated them for coming, yet he was still concerned about the use of monk seal and suggested having more community outreach to impact the decision on working with the folks in the main Hawaiian Islands. He asked how many baby seals would be killed if we waited a year for a greater discussion. Mr. Walters said that maybe lots more and maybe none. The Chair asked to balance the potential negative impacts with the benefits of the Hawaiian Islands. Mr. Walters believed they have one shot per year to come in and catch the sharks. Their program did everything to get the animals out of harm's way. His data stated that his staff is powerless at night so they don't go out at night, but rather go out in the morning. They have used the wrong bait and have lacked good tools to use within the past 5-6 years. The fear based on projection will be 5 animals out of 30 pups that will be born. He desired to do better with the outreach suggestion from the Chair and needed to start investing to purchase the necessary equipment to pursue their project. There were a few articles about this item and they provided FAQ's on their page, the State Land Board submittals for the public and Facebook post as public testimony. Their Facebook post shared shark video and techniques. He desired a conversation with cultural and ethical groups which no one would want to be in this situation. Despite the background, people can come to have a resolution. The fear has to do with a larger projecting discomfort to the broader public with the resistance of others' beliefs. He brought this issue from people all over the world through social media. He understood getting this done and that no one might feel the same way. Everyone struggled with the issue, but he is certain that others will oppose. The vast majority of people such as the community groups would never condone it nor did anyone come forward with great zeal, but Mr. Walters supported the subject.

Mr. Walters had discussions with the Hawaiian fisherman who supported the issue. Member Gon asked for clarity through the years of the MMB. Mr. Walters said they lacked tracking the bait in the water when the fish came up but was used 15x in each fishing event. They managed to catch three sharks so 20% were used on the sharks that demonstrated the same behavior with the animals.

Mr. Littnan pointed out that the shark pups are currently much larger in the NWHI, which this year was the third largest. There were a number of factors that reduced recruitment in females breeding class. Environmental and food related issues have improved resulting in the shark survival rates. In the past, it was one out of five survival rates, but now it was two or three out of the five, which is a significant milestone. Overall, the loss of pups every year has decreased.

The Chair asked if the ethical and cultural concerns had further discussions and Mr. Littnan said that the monk seal tissue was used for other monk seals. The key distinction is to help others be aware that the dead seals were used for their monk seal siblings.

Both Member Edlao and Mr. Littnan went back and forth with further discussions. Member Edlao asked how many times the monk seal was used, and Mr. Littnan said that it was used for the first time several years ago. Opposition to the permit was approached in many different creative ways. He opposed the idea due to the importance in recovery and was also burdened by it. Member Edlao asked if they should be using seal flesh. Mr. Littnan said that using the high fatty content of the seal flesh adds to the benefits of animals dying every year. They found a large chunk of flesh for every hook and were used as seal flesh bait that provided them an unlimited supply, between 100-300 pound animals. Only during the day, they felt safe to go out and lay lines and monitor any type of animal movement. On the contrary, if they coordinated this same type of protocol at night, a staff member may get hurt and have an emergency response in the middle of the night is worrisome.

Kane Pinkleton testified on Item F-3 and pointed out that he lived, hunted and fished on the islands. The seal population has increased and they were aggressive animals and harassed other animals as well. He opposed the seals that were brought from the NWHI to be eaten by sharks. He hunted and fished at night but feared for his future generations with the idea of having monk seals brought from the NWHI because seals were predators.

Member Pacheco made a motion to approve for discussion and Member Gon seconded that.

Member Gon said there was a big difference between utilizing flesh off of a dead monk seal versus using the flesh of a killed animal for bait. The idea of using monk seal flesh to encourage the killing of monk seals within the main Hawaiian Islands would be a warped argument. Although, it may not be used by some people, there was a great moral difference and difficulty between using the flesh of a dead animal versus killing an animal. He thanked Mr. Littnan and Mr. Walters for their testimonies.

Member Edlao suggested having more communication and discussion with MMB and he was hopeful they would come up with a consensus. He did have a problem with using monk seal flesh, whether dead or alive, and did not support the motion.

Chair Aila said he heard from segments of the community and for Mr. Littnan to consider a one-year period. The cultural practitioners were taking a lot of criticism in the community for their supportive stance for the monk seals and their current status in the main Hawaiian Islands. He requested to have more discussions before the Board approves the submittal for another year. Member Gon said he echoed that and requested to consult specifically with the practitioners who were actively involved with the issue of monk seals in the main Hawaiian Islands and suggested to gathering their mana'o (wisdom) and thoughts on the consequences.

The Chair recommended talking with the new members in the cultural working group to consider discussions about the use of monk seal flesh. The Chair said that if the answer is no, then it's no. The new members on the MMB may not strongly feel sensitive as the old members yet the younger members could have the opportunity to come forward to have discussion. The Chair asked the Board members to amend their motion. Member Pacheco did move it and Member Gon adjusted his second.

Member Edlao requested to reiterate the motion. Member Pacheco said the motion is to approve with the recommendation for the process to go back for discussion. The Chair said for one year and then come back after the season of fishing. Member Edlao said he had a problem with using monk seal flesh as bait, but didn't have a problem with using a dead monk seal. Member Goode said he felt the same way as Member Edlao from the beginning and how it made sense on one hand but on the otherhand, it did not. He encouraged Mr. Littnan to catch something and suggested documentation with good results and was hopeful that his recommendation would work. He will go along with the motion. Mr. Littnan said that he will email Member Edlao to keep him updated on the status of the project.

The Chair said to amend for one year with a more extensive outreach. All voted in favor.

Unanimously approved as amended (Pacheco, Gon)

The Board approved staff's recommendation, but amended it by allowing the activity for one (1) year, have discussions with the cultural working group and the Monument Management Board (MMB), document the activity, and report back to the Board, otherwise, the submittal was approved as submitted.

Item D-14 Affirm Prior Board Action of February 11, 2011, Item D-14 Regarding Forfeiture of General Lease No. S-4007; Rescind Prior Action of October 28, 2011, Item D-29, God's Love Mission, Inc., Lessee, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-027:023 and 024.

Written testimony from Jeffrey Cochran was distributed to the Board Members on item D-14.

Mr. Tsuji conveyed some background and history on item D-11 recalling a year or two years ago, the lease of God's Love Mission, Inc., was in violation and ready to be terminated. Subsequently, Kali Watson, the Lessee's new lawyer, brought it to the Board and to Land Division staff to look over the lease but noticed the performance bond was not being provided and the lien to be paid in cash. Six to seven months ago, Julius Ah Sam apparently received indicted in charges, remained incarcerated. Subsequently, performance bond was outstanding, insurance and rent problems arose and various issues transpired since Mr. Ah Sam was going to jail. As a result, the transaction that was supposed to occur did not follow through. Mr. Watson worked with Mr. Ah Sam during Mr. Ah Sam's jail time to come up with a solution of finding a buyer for Mr. Ah Sam's property. A few weeks ago, Land Division was informed that Mr. Ah Sam decided not to proof read the transaction. At the time, Mr. Watson did not have a lawyer so he did not go to court. Currently Mr. Ah Sam is incarcerated, has no lawyer, but has a family member to testify.

Member Pacheco asked for clarification on the performance bond and the six digit numbers on the insurance and if Mr. Ah Sam was shy from paying \$50,000 on his lease or whether or not he had insurance and a performance bond. Mr. Tsuji said that he did not have insurance and it was illegal. He also pointed out the meaning of "indicted" which meant not guilty and innocent until proven guilty. Mr. Ah Sam approached his brother, Tufuga Pule Ah Sam, in November 2012 and

shared his debt issues. Julius Ah Sam's payment was down to \$395,000. His debt accumulated to a total of \$998,000.

Tufuga Pule Ah Sam testified on D-14 and shared the difficulty communicating with his brother, Julius Ah Sam. Tufuga Pule Ah Sam is limited to a five-minute conversation during Julius Ah Sam's jail time and he is restricted to mail limitation. Tufuga Pule Ah Sam did not have representation; as a result, he could not receive any proper documents. On the contrary, he did have a good response on the signage of \$95,000. Tufuga Ah Sam shared about his current living status on the property and disclosed that he had a plantation in Samoa and discussed his efforts on working with a realtor to help with his brother's case. He disliked his brother's bad choices in life but desired to work together to solve the problem. He pointed out his interest in taking over the property and was willing to stay and maintain the property and manage the farm, but was also waiting on whether his brother would pay off his debt. Tufuga Pule Ah Sam disclosed that he was not a member of God's Love Mission, Inc.

Member Gon admired his efforts to testify and asked the proper legal route for family members to handle this type of lease to terminate the lease or open it up for a public lease to take over. Mr. Tsuji recommended to sell the lease property and to bring to the Board to sell the lease. The Chair recommended staff to terminate the lease to make it easier for staff and for the lease to go to auction.

Unanimously approved as submitted (Pacheco, Edlao)

George Godolla, who is currently working with University of Hawaii (UH) and Hawaii Windward Community Program, testified on item D-14. He quickly shared his thoughts and recommendations for the property even though the Board already made a motion. Because he currently is living as a sublessee for a year-and-a-half on the property with his family, he recommended the importance of making sure the property was being protected with the next interim to monitor the land. Mr. Godolla spoke highly of the incredible vegetation and the abundance of fruits on the property resulting the land to have so much potential which could feed the city of Waimanalo. He also said that the property had many illegal trespassers.

The Chair asked who entered the property illegally. Mr. Godolla said that many people entered the property and have pushed the gates down with their cars. There were also others who were intoxicated who entered the property and claimed that they have lived there a decade ago and others who insisted that Julius Ah Sam owed the illegal trespassers money. On a weekly basis, consistent traffic flow of hundreds of people illegally have trespassed within the property. He suggested that if the property was set for auction, Castle Medical Center, Surgery Center and or Mr. Godolla himself would be interested in the property. Member Gon thanked him for his advice and testimony.

11:10 AM RECESS
11:26 AM RECONVENE

Item D-4 Amend Prior Board Action of October 24, 2008 (D-7); Termination of Revocable Permit No. S-7425 to Skynet Hawaii, LLC; Issuance of Revocable

Permit to Mahalo Broadcasting, LLC, at Kalaoa, North Kona, Hawaii, Tax Map Key: 3rd/ 7-3-049: portion of 038. Purpose of the Amendment is to decrease the Permit Area Issued to Mahalo Broadcasting from 4.00 Acres to 3.50 Acres. And

Issuance of Revocable Permit to Cellco Partnership, dba: Verizon Wireless (Verizon Wireless) for Temporary, Wireless Telecommunication Site Purposes, Kalaoa, North Kona, Hawaii, Tax Map Key: (3) 7-3-049:portion of 038.

Mr. Tsuji said that agenda item D-4 was self-explanatory and applicant was present to answer any questions.

Danette Martin testified on item D-4 and briefly stated that the four radio towers for Mahalo Broadcasting, LLC, were located behind the Cocoa Power Plant and were currently on the property. Member Gon asked if the radio towers were located on a remote area or if they were among vegetation and Ms. Martin said no.

The Chair asked Ms. Martin, if she was satisfied with the submittal and Ms. Martin said yes.

Unanimously approved as submitted (Pacheco, Gon)

Item D-3 Reinstatement Full Performance Bond Requirement for General Lease No. S-5844, Hawaii Outdoor Tours, Inc., Lessee, Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-1-01:12 and 2-1-05:13, 16, 17, 27, 32, 46.

Item D-16 Discussion on the Status of Chapter 11 Bankruptcy Case No. 12-02279, Hawaii Outdoor Tours, Inc., Debtor, Filed in the United States Bankruptcy Court, District of Hawaii, General Lease Nos. S-5844 and S-5372.

The Board may hold a discussion in Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.
NO STAFF SUBMITTAL

Mr. Tsuji conveyed some background on item D-3 regarding the matters on the Hawaii Outdoor Tours Inc., which was Land Division staff's request to reinstate their full performance bond, under the lease and twice the annual rent. He also conveyed some background on item D-16 on the matters of the Bankruptcy Case of Nani Loa Hotel which the Bankruptcy Council was available to testify on the bankruptcy proceeding that has transpired. On May, 2013, during last Friday's Hearing, the bankruptcy court removed the banks, and the second motion of appointment of trustee was denied without prejudice. Less than a month ago, the court granted appointment of trustee, yet has identified trustee and the current trustee of State's council interviewed potential applicants.

Member Pacheco asked what it meant to be on the ground. Mr. Tsuji said Ken Fujiyama, the debtor, continued to operate up to a certain time. Mr. Fujiyama's status of interest was to file bankruptcy and also other creditors. Item D-3 has provided provisions twice the annual rent which was a base rent of \$500,000. The Bond was a couple of \$100,000. The lessee requested or reduced rent of the performance bond to \$500,000 reduced portion applied back rent. In hindsight, the lessee found it difficult to pay the portion, which he has pulled out since that time. There were several defaults. There was another rental payment and a notice of default was issued, and the bank under lease provision and Statute provided extra time issuing the lessee 120 days to cure and monetary payments were allowed few days to cure. The lessee did not come forward; as a result, the bank stepped in and made the payment. Subsequently, another rent payment was due causing to execute or exercise the bond to take the portion of bond for annual. Rent is due twice a year. \$250,000 was the portion of performance bond that was held by the bank, issued a notice of default to lessee causing the bank to counteract. Default was sent and the lessee did not step forward and the bank replenish bond, resulting to reinstate up to a full \$1,000,000. After much consideration, Land Division staff felt that the Council should reinstate the lease in its original form to \$1,000,000. Mr. Tsuji said that the Bankruptcy Council was available for discussion on status of bankruptcy during Executive Session.

Member Pacheco asked to proceed with item D-16 before motion is made on item D-3. Mr. Tsuji agreed with Member Pacheco. Member Pacheco asked if there was a briefing done with the public on item D-16, and Mr. Tsuji said the Council said no.

Ken Fujiyama, CEO of Hawaii Outdoor Tours, Inc. testified on item D-3 on the subsequent history and status of the bankruptcy. He disclosed that he had a million dollar fund and put it aside for money market account for 65 years and will eventually draw interest. The State wanted funding and the bond was at default. He pointed out that the Board was the controller of the motion and not the bank. He also said that the bond, the rent and everything was current. The GE Tax and Real Estate Tax were the payment of repartitions. He shared the burdens he faced having his project in Hilo, such as the average failed rates on hotels, regenerating slightly under \$100,000 of income. In addition, there were tax fees and State fees to pay causing financial hardships. He shared about the three bidders during the bidding event. The three bidders were Sheraton, Outrigger and Mr. Fujiyama himself. One group bid \$150,000 while the next group bid \$160,000, and Mr. Fujiyama bid \$500,000. Land Division and the State agent's bid \$450,000. Land Division was surprised at the bidders. With Mr. Fujiyama's high bid, he pointed out that the State could potentially earn \$950,000 which the State would then currently earn three million dollars. On the contrary, the low bidders would upset the value of the land. Mr. Fujiyama admits his financial difficulty. Big Island's single hotels currently have turned over and managed by other hotel owners. On the otherhand, Mr. Fujiyama resold his loan and operates with his own cash, twice more than was required for the State base up to \$40,000 base land; 21 or 22 million today with loan. The State additional bond has no risk. The bank would lose their position if they did not get involved and said that he was operating in the dark. Last week, he filed motion to assume the lease to go forward whereas on June 10, 2013 assumption of the lease, implemented before June 18 or 19, of next month. If the order was granted and assumed the bank took over, the plan would reorganize and the bank may pay \$500,000 to continue which will create a burden for a small family operation. He made it clear that the State will not lose anything as far as money is concerned, but if the State adds another \$500,000, it will affect his company and the

community. He shared his business plan with the Board which is to reorganize his plan with his additional outside assets, contract other property that he owned of 4 million dollars and net 2 million dollars. His small business operation is willing to be stock holders to put their outside assets to pay his debt. His operation construction is to implement a reorganization plan. He asked the Board for more time. He said he had potential buyers who wanted to pay 50 cents a dollar, which made no sense. A month ago, the bankruptcy charge denied appoint of trustee. Last week during the cash collateral meeting, a trustee was not appointed for cash collateral that expedites another Hearing and the Council withdrew 2-3 days before the appointment of trustee that have caused Mr. Fujiyama to struggle and later caught in a situation where he could not respond. During the cash collateral meeting, the Judge had set a date of June 20, 2013, the motion of appointing a trustee. He has high hopes for what he is able to do, but to force other issues of adding additional \$500,000 that will hurt his business plan. His negotiations may be able to take off the bank with the terms of preparing declaration to defile or amend. The banks having no lenders have caused the timing to not be right. He appreciated the last time that the Board had lowered the bond, but requested to delay so his reorganization plan works out.

Member Pacheco reiterated the bankruptcy court to value on the note.

Mr. Fujiyama said that there were people who talked but he did not have it documented and that there were official buyers with large potential companies who assumed the property. During the Hearing, it was mentioned that he did not take care of the Hotel property. The Hotel was not maintained such as the elevators, electrical issues and fire safety issues. Mr. Fujiyama said that he had an elevator violation where an inspector said the elevator needed to be running. Mr. Fujiyama disclosed the elevator repairer who did not follow through causing Mr. Fujiyama to challenge their services. Another company came in and did a maintenance contract but did not do a safety test. Overall, both companies failed to inform a citation of safety test. They have not received a cure citation of the elevator portion on the note. On the contrary, there was a company who was very professional and communicated really well. The invoice was a total of \$18,000 to repair the elevator, which got fixed. On May 8, 2013, two days ago, Mr. Fujiyama worked with his bank attorney and used cash collateral to fix the elevator. Another issue that was mentioned during the Hearing was with the electrical inspection using extension cords where a fire inspector came in to assess the problem where the extension cords needed to be patched. Due to the electrical wiring, Mr. Fujiyama was in violation of fire safety code; his first safety inspector to complete the fire sprinkler system for the whole property. Safety inspector approved the fire sprinkler system, approved fire watch and approved finished rooms. On the otherhand, there were no reports for plumbing, but received fire safety approval. Due to all the maintenance problems, the public criticized Mr. Fujiyama. He stated that the money was emphasized on the interior of the Hotel of making the rooms beautiful. He spent \$5 million dollars. He said dividing by the number of square feet equaled to \$20 a square foot to remodel the whole property, but the State required him to do other things causing to double on spending. He pointed out that he had finished every room (compared to the other tower) except just a few left. In conclusion, he is doing work, but requested to postpone or reevaluate his sincerity into putting his money on the project business plan.

Member Pacheco motioned The Board to hold a discussion in Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on

questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. Member Gon seconded that.

11:36 AM EXECUTIVE SESSION
12:20 PM RECONVENE

Member Pacheco motioned amendment to the lease, revoking the amendment on item D-3. Mr. Tsuji said that he had documented the amendment and go with the original language. Member Goode and Mr. Tsuji both agreed on the standard provision. Member Paceheco motioned in order for the Department's best and most flexible position, regardless with the outcome of the bankruptcy proceeding. He also supports staff recommendation. Member Edlao seconded that.

Unanimously approved as submitted (Pacheco, Edlao)

No action taken on item D-16.

Item D-1 Enforcement Action and Imposition of Fine against Ku'i Palama for Unauthorized Waste Disposal and Trespassing on State Unencumbered Lands; Indefinite Closure and Remediation of State Unencumbered Lands; Request to the Department of the Attorney General to Commence Criminal and/or Civil Proceedings to Recover Costs for Remediation of Unencumbered State Lands at Hanapepe, Kauai, Tax Map Key: (4) 1-8-005:008.

Written testimonies from Shanelle Santos, C. Keola Palama, Megan Palama, Kimokoa Palama, Patricia A. Palama, R. Laule'a Smythe, Kuulei K. Palama, Lance Palama, Kaweo Palama, Tara Palama, Desiree S. Palama, Dean K. Palama and Keanu K. Palama were distributed to the Board Members on item D-1.

Mr. Tsuji conveyed some background on item D-1 and discussed the enforcement actions against Ku'i Palama. Milo Spindt's, Kauai's new Land Division District Manager, sought bids for survey to determine the property line between Mr. Palama and the State Unencumbered Lands. He sought the remote property for three-to-four months, working with A & B Hawaii, Inc., along with Land Division Staffs to get individuals to move out of the Land. Mr. Palama has claimed his Native Hawaiian Rights claiming he owned the land which has brought enforcement actions. Both Ku'i Palama and A & B Hawaii have currently built illegal structures on the property. The enforcement actions for the individual structures shall be removed but also fine Mr. Palama for the prohibited use of public lands. Staff is recommending a fine of \$5,000 of which is strictly a penalty for the very first violation.

Kane Pinkleton testified on item D-1 and shared his passion for the land and the enforcement actions that were brought to the Palama family and his community. Mr. Pinkleton has resided in Kaua'i all his life and also his future generations. He shared the character of the Palama family. The Palama family and the community grew their own taro farm, produced their own poi and raised their own lo'i (irrigation for taro). They also harvested their own salt from salt ponds,

hunted and fished their own food and also took care of the beaches by always picking up their garbage or other debris. They do not over hunt or fish or disturb areas where areas do not want to be disturbed. They do not do any commercial selling. The Palama family has shown great respect for the land, being characterized as a well-respected family and community on the island of Kaua'i. Mr. Pinkleton desired to keep the island of Kaua'i a garden and pristine isle. On the contrary with his love and passion for the land, he pointed out that Agent Pioneer (AG) was their biggest threat. The AG has poisoned the valley with chemicals and garbage that have caused poison to the land of Hanapepe Valley, which he referred to the photos that was distributed to the Board. He claims that no one owns the Hanapepe Valley except the Palama family. He disliked the fact that Mr. Spindt's new position has caused enforcement issues on the property. He closed with an apology to the Board that Mr. Palama could not make it due to family commitment, but encouraged and welcomed the Board to visit their land.

From the Great Mahele lineage, the Chair pointed out that research determined the particular Parcel claims to the property. He pointed out that the Palama family does not have any claims to the property and also no commission award or royal patent. The Board could not file the Palama's claim with the idea of counterclaim based on the information that DLNR had. The Chair offered the Palama family the opportunity to come in for a revocable permit to continue doing activities, but required to pay insurance and monthly rent. The Chair made it clear that the Palama family does not recognize the State who claimed their rights in Article 12 Section 7. There is a dilemma with the contradiction of Mr. Palama's claim. The Chair suggested that the Land court is the best way for the Palama family for such claim. He also pointed out that the State has jurisdiction.

Mr. Pinkleton asked the Board to give Mr. Palama a chance to come and testify. The Chair asked if Mr. Palama had a claim and Mr. Pinkleton said yes. He disliked Mr. Palama to pay any fines or receive eviction. He would hate for the Board to criticize Mr. Palama, and Mr. Tsuji made it clear that Mr. Palama would not receive any criticism. Member Pacheco suggested going to Land Court. He pointed out that the Board's job was to administer the rules and laws. The Chair requested an extension while Mr. Tsuji said that there were unpermitted cesspools on A & B Hawaii's property. Mr. Pinkleton said it must be on the border line and shared the background of the Robinson and A& B Hawaii. Member Edlao pointed out the importance of why Mr. Palama should be present to testify. Mr. Pinkleton reiterated the reasons of why Mr. Palama was not present. Member Edlao and the Chair suggested Mr. Tsuji to defer until next Land Board meeting, but required Mr. Palama to testify with information and not come with this type of argument because the Board has heard this type of argument before. Member Pacheco reiterated that the Board has laws and cannot be ignored. The laws to abide by are as follows: structures cannot be put up without permit and trees cannot be cut down without permit. The Chair and Member Edlao commends Mr. Pinkleton for his passion and connection to the land. Member Pacheco also is pleased to see lo'i restored on the land. Member Gon asked if an individual may be able to request an Oral Meeting when they are not present at a Land Board meeting, and Mr. Tsuji said that the individual could wave an oral request. Member Pacheco said that Mr. Palama has no standings. Mr. Pinkleton made it clear that he has worked on the land for a long time even before the lo'i was restored and that no one lives on the property and it is properly maintained. The Chair pointed out that Mr. Palama was occupying the land without permission. The Chair gave him hope that this was not the end of a potential use of the property but it would be the first

step. Based on the research, Member Edlao said that Mr. Palama and his family should not be on the property and suggested the family to go to Land Court and wished that there was a Kaua'i Board Member, but suggested to move forward and motioned to go with staff's recommendation. Member Gon seconded that.

Member Gon also added the necessary steps to take and offered the opportunity to take some sort of process to move forward such as revocable permit to be reinstated and moved immediately. Member Edlao desired to move forward and Member Gon seconded that.

Member Gon commented that to undue this will take time to reinstate a revocable permit. Member Pacheco shared his concerns that it will open a can of worms and opposes if the Board goes and allows and diverts water in the stream, cuts down trees and restores lo'i, but he supported deferring the item and comply with the fines resulting a clean slate. The Chair asked to defer to May 24, 2013 to the next Land Board meeting. Member Pacheco agreed with the deferral. Member Gon seconded that.

Member Edlao made a motion to withdraw and Member Gon seconded that. Member Gon said that there was a claim that could be documented before the Board and the law shall be recognized. Mr. Pinkleton thanked the Board the opportunity to defer.

Chair Aila motioned to defer agenda item D-1 to May 24, 2013 Land Board Meeting.

Unanimously approved to defer (Pacheco, Gon)

Item K-2 Annual Report from the Office of Mauna Kea Management on the Status of the Implementation of the Mauna Kea Comprehensive Management Plan, Mauna Kea Science Reserve, Kaohe Mauka, Hamakua District, Hawaii, Tax Map Key: (3) 4-4-015:009.

Kimberly Tiger Mills representing Office of Conservation and Coastal Lands (OCCL) conveyed some background on item K-2 as the Board was not apprised of the status of the Management Plan for the past two years due to the processing of the contested case hearing.

Stephanie Nagata testified on behalf of the Office of Mauna Kea Management (OMKM) on the status of the implementation of the Mauna Kea Comprehensive Management Plan for the past year. She announced that 50% of management actions that were included in the plan are ongoing and are being implemented by OMKM. The Mauna Kea Comprehensive Management Plan summary of the five different implementation overview: (1) Research, (2) Monitoring, (3) Resources Management Programs, (4) Education, Training and Outreach and (5) Printed Materials and Public Forums.

- (1) Research. The conducting of research will help identify managing strategies for the resources. Research efforts continue to establish baseline data. Mauna Kea Management did a three year study on the weather. A climate change with temperatures warming up, the impact on the landscape and looking at participating networks to track changes in weather has provided a better status on resources. OMKM has tracked the progression of

endangered species that were moving upslope may cause challenges in the future. Data collected would be useful in monitoring long-term weather conditions on the summit, as well as monitoring altitudinal changes and impacts on ecosystems from sea level to the summit. Visitors are parking everywhere potentially creating road hazards. There appears to be a need to research activity relating to public visitors so that the OMKM can work with the County to place speed bumps and signs due to visitors speeding which is a concern for visitors' safety, especially for those who crossed the street at night or those wearing dark clothing resulting in a potential accident. Road markings are also a concern. A vehicle counter could keep track of all standard users, commercial tour operators and the number of visitors. Emergency vehicle access, parking capacity and traffic need to be addressed.

- (2) **Monitoring.** Monitoring is an ongoing and long-term priority that is needed to assess the status of the resources over time. Annual surveys of the wekiu bug and alien arthropods will continue. A monitoring plan for botanical resources will be developed following a review of the botanical report.
- (3) **Resources Management Programs.** OMKM together with Kahu Ku Mauna developed preliminary policies for the construction of new cultural features, scattering of cremated human remains, and the stacking of rocks. Fireweed removal is an ongoing activity. OMKM held eight volunteer days during which volunteers signed up putting in 873 volunteer-hours and filling bags of invasive weeds.
- (4) **Education, Training and Outreach.** OMKM recognizes the need to formally educate and train management staff, stakeholders, construction workers and the general public about the resources and significance of Mauna Kea. OMKM Rangers continue their daily recording of data, for example, vehicle counts and hikers. OMKM is speaking at various community organizations to inform them why OMKM manages the mountain. In addition, a newsletter was launched in 2012 to keep the community abreast about OMKM's activities and programs.
- (5) **Printed Materials and Public Forums.** The education process and outreach efforts include the development of educational materials, such as brochures, signage and the dissemination of materials.

Member Pacheco asked if Ms. Nagata has spoken with the Department providing hazardous signs and other images will be implemented on the mountain. Ms. Nagata said that they have been looking at signs that will remain standing due to the strong winds on the mountain. Tying the signs with a rope was an option but doing so will look unattractive. Currently, they are looking at the vendors for purchasing signs in the mainland. A wood sign was also an option because it looked better.

Member Pacheco asked if they recalled interesting progress that recently happened. Ms. Nagata said that it has been slow but the management of the mountain provided a more holistic approach, and the commercial operators and the general public are much more intimate with Mauna Kea. Member Pacheco praised Ms. Nagata for her role in the office that it made a

difference at the management of the mountain. He also said that rather than just a place to star gaze, Mauna Kea has helped to develop an increase in tourism of being an icon for the Island of Hawaii. On the contrary, roads needed improvement and parking space near the Visitor Station. He suggested an opportunity to talk with DOFAW to investigate a couple of acres across the Visitor Station that is relatively flat and is off road with partial vegetation to share some acres of land that could be used for visitor parking. He also recommended creating a design to attract visitors from coming to Mauna Kea.

The Chair reiterated Member Pacheco's suggestion on talking with DOFAW to look at the potential for parking space. Ms. Nagata said they had a conversation with OHA to work with the funds. Member Pacheco said to collect fees for maintenance and commercial operators to support visitors. Ms. Nagata said that the commercial permit that the University has issued went to road maintenance, commercial officers, utilities and other expenses.

Member Gon thanked Ms. Nagata for coming.

Unanimously approved as submitted (Gon, Edlao)

Item K-1 Appointment and Selection of a Hearing Officer to Conduct All Hearings for a Contested Case Regarding Conservation District Use Application (CDUA) HA-3626 for a Single Family Residence (SFR) and Related Improvements Located at Maku'u, Puna District, Island of Hawaii, Tax Map Key: (3) 1-5-010:032.

Ms. Mills conveyed some background on item K-1 for the Board to grant a petition for a contested case and to delegate the authority for the selection of the Hearing Officer to the Chairperson.

Unanimously approved as submitted (Gon, Edlao)

Item D-2 Consent to Assign General Lease No. S-5408, Jerilyn K. Kaawaloa, Assignor, to Jerry Kanani Kaawaloa, Assignee, Kikala and Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2-043:008.

Item D-6 Issuance of a Right-of-Entry Permit to Keith Dalton, on Behalf of the Young Presidents Organization, for a Sand Sculpting Event at Wailea Beach, Honuaula, Wailea, Maui, Tax Map Key: (2) 2-1-008: seaward of 109.

Item D-7 Issuance of Right-of-Entry Permit to Jeanine Thomason (Event Manager) for The Maui Film Festival at Wailea 2013 Event, at Wailea Beach, Maui, Hawaii: Tax Map Key:(2) 2-1-023: seaward of 007.

Item D-9 Extension, Amendment and Restatement of Term of Non-Exclusive Grant of Easement S-5183 to The Harry and Jeanette Weinberg Foundation, Incorporated, for Seawall and Concrete Deck Purposes on Portion of

**Reclaimed (Filled) Land at Lahaina, Maui, Hawaii, Fronting Tax Map Key:
(2) 4-5-001:Portion of 009.**

Item D-10 Issuance of Right-of-Entry Permit to Honolulu Authority for Rapid Transportation for Boring and Soil Sampling Purposes on Lands Encumbered by Revocable Permit No. 7212, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:por.003.

Item D-13 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set up and Firing of Aerial Fireworks Display on May 11, 2013, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).

Item D-15 Consent to Mortgage Encumbering Leases and Easements for Utility Purposes, Hawaiian Telcom, Inc., Applicant; Statewide located at:

Honolulu, Koolaupoko, Koolauloa, Waialua, Wahiawa, Waianae, Ewa, Island of Oahu; Tax Map Keys: (1) 1-1, 1-5, 1-8, 1-9, 2-1, 2-2, 2-4, 2-5, 2-9, 3-1, 4-1, 4-5, 5-6, 5-8, 5-9, 6-9, 7-3, 7-4, 8-1, 8-5, 8-9, 9-1, 9-3, 9-4, 9-7, 9-9; and

Hana, Makawao, Wailuku, Lahaina, Island of Maui; Tax Map Keys: (2) 1-4, 2-1, 2-2, 2-4, 2-9, 3-1, 3-6, 3-7, 3-8, 4-5, 4-6; and

Puna, South Hilo, North Hilo, Hamakua, North Kohala, South Kohala, North Kona, South Kona, Kau, Island of Hawaii; Tax Map Keys: (3) 1-1, 1-2, 1-5, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 3-6, 4-3, 4-4, 4-5, 4-6, 4-8, 5-2, 5-4, 5-5, 6-1, 6-2, 6-4, 6-5, 6-6, 7-1, 7-3, 7-4, 7-5, 8-8, 9-4, 9-5, 9-6, 9-8; and

Waimea, Koloa, Lihue, Kawaihau, Hanalei, Island of Kauai; Tax Map Keys: (4) 1-2, 1-4, 1-5, 1-8, 1-9, 2-4, 3-8, 4-1, 4-5, 4-6, 4-8, 5-4.

Mr. Tsuji said that there were no changes to items D-2, D-6, D-7, D-9, D-10, D-13, and D-15.

Unanimously approved as submitted (Gon, Edlao)

Item E-1 Approval to Enter into a Grant-In-Aid Agreement for \$500,000 with the Friends of Iolani Palace for Ongoing Repair, Restoration, and Refinishing within the Palace Complex.

Dan Quinn said to change title on item E-1 with title change where couple things on the graph needed to be resolved.

Unanimously approved as submitted (Gon, Edlao)

Item F-1 Amend Prior Board Action to Correct the Contract Amendment No. 2 Amount (From \$708,000 to \$713,000) in the March 22, 2013, Item F-3 Submittal: "Request for Approval to Add Funding (\$566,250 Federal,

\$141,750 Commercial Fisheries Special Fund) and Extend Through FY14 the Project Agreement (Contract NO. 60393, Amendment No. 2) Between the Board of Land and Natural Resources (BLNR) and the Research Corporation of the University of Hawaii (RCUH) for a Division of Aquatic Resources (DAR) Research Project Titled 'Hawaii Marine Recreational Fishing Survey'".

Ms. Carnevale said to amend for prior board submittal on item F-1 to reflect the change in the amount to receive the Federal funds.

Unanimously approved as submitted (Edlao, Gon)

Item L-1 Declare Project Exempt From Requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200, Hawaii Administrative Rules for Job No. 500CK30A, Mana Drag Racing Strip Improvements Mana, Kekaha, Kauai, Hawaii.

Dickey Lee representing Engineering Division said there were no changes to item L-1.

Unanimously approved as submitted (Gon, Edlao)

Adjourned

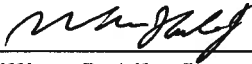
There being no further business, Chairperson William Aila adjourned the meeting at 1:20 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Marlou Lamblack
Land Board Secretary

Approved for submittal:



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