

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

DATE: FRIDAY, MAY 24, 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 9:06 a.m. The following were in attendance:

MEMBERS

William Aila, Jr.
Rob Pacheco
Dr. Sam Gon

David Goode
Jerry Edlao

STAFF

Dan Quinn/PARKS
Russell Tsuji/LAND
Sam Lemmo/OCCL
Carty Chang/ENG

Curt Cottrell/PARKS
Ed Underwood/DOBOR
Milo Spindt/LAND

OTHERS

Dan Morris, Deputy Attorney General
Max Graham: D-5
George Parsons: J-1
Jim Coon: J-1, J-2
Sean Lathrop: D-7
Mike Okamoto: K-1

Ross Smith/DOT: M-1, M-2
Cynthia Parsons: J-1
Robert King: J-1
Veryl Hendersan: D-7
Jeff Strahn: J-2
Laura Flag: D-12, D-13

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

Item A-1 April 12, 2013, 2013 Minutes

Unanimously approve as submitted (Pacheco, Gon)

Item M-1 Amendment to Prior Board Action of May 11, 2012, Item M-1, Issuance of a Direct Lease to Hyak Aviation LLC Honolulu International Airport Tax Map Key: (1) 1-1-072:11 (portion).

Ross Smith representing Department of Transportation (DOT), Airports Division conveyed some background on item M-1 to propose the issuance of a direct lease to Hyak Aviation LLC Honolulu International Airport.

Unanimously approved as submitted (Goode, Gon)

Item M-2 Amendment No. 1 to State Lease No. DOT-A-93-0007 Ten (10) Year Lease Extension Hawaii Aviation Contract Services, Inc. Honolulu International Airport Tax map Key: (1) 1-1-76:07.

Mr. Smith presented item M-2 asking for approval of a ten-year extension from the existing twenty-year lease to continue doing business and improvements to the property.

Unanimously approved as submitted (Goode, Gon)

Item E-2 Request for a Sole Source Approval for a Proposed Three-Year Lease for the Operation of an Interpretive and Merchandising Kiosk in Diamond Head State Monument, O'ahu and the determination that the exception in Chapter 102-2(b)(10) applies to Pacific Historic Parks.

Dan Quinn representing Division of State Parks (SP) conveyed some background on item E-2. He came to the Board several months ago to ask for approval of a proposed three-year lease for operation of an interpretive and merchandising kiosk at Diamond Head State Monument.

Curt Cottrell representing SP briefly conveyed some background on item E-2 and restated Mr. Quinn's report. Upon review of the Memorandum of Agreement (MOA) draft, the Deputy Attorney General (AG) noted that as a sole source, this lease request need to be approved by the head of the Department and the Board.

Member Sam Gon indicated that he was looking forward to reviewing and approving the lease and staff then explained that this lease approval has already obtained the Board's approval in January 2013.

The Chair said that Pacific Historic Parks (PHP) and the National Park Service (NPS) have established a history at Pearl Harbor and the synergy has developed that is applicable to Diamond Head State Monument. Mr. Cottrell said that it was not just the history between PHP and NPS, but that PHP has the unique capacity to implement actions that are needed at Diamond

Head State Monument such as developing interpretive information using developing brochures and merchandising.

Mr. Quinn brought up again the past prior approval by the Board and that the lease approval had been delegated to the Chair by the Board previously in January 2013 and that SP is responding currently to the AG's concerns regarding the sole source provision. Member Gon pointed out that the Board was simply responding to the AG's concerns to the sole source provision and was inclined to make a motion.

Unanimously approved as submitted (Pacheco, Gon)

Item D-5 Request for Issuance of Right-of-Entry Permit to Gan Eden LLC on Vacant Unencumbered State Beach Lands for Beach Access and Clearing at Wainiha Hui, Wainiha, Hanalei, Kauai, Tax Map Key: (4) 5-8-009:047.

Russell Tsuji, representing Land Division conveyed some background on item D-5 regarding a portion of the county's requirement from the applicant of a subdivision on private lands.

Max Graham, an Attorney for the applicant, testified on item D-5 and stated that there was a need to clear the beach area for public access.

Unanimously approved as submitted (Gon, Edlao)

Item J-1 Request Approval to Initiate Rule-Making Proceedings (Including Public Hearing) to (1) Amend and Compile Hawaii Administrative Rules, Chapter 13-231, Operation of Boats, Small Boat Harbors, and Permits; Chapter 13-251, Waikiki and Kaanapali Ocean Waters; and Chapter 13-253, Registration and Permit Fees; and (2) Amend Hawaii Administrative Rules, Section 13-256-3 Commercial operator permit requirements and Section 13-256-4 Commercial vessel and water sports equipment registration requirements, in Order to Update, Revise, and Reorganize Rules Relating to Commercial Activities in State Navigable Waters and at Boat Harbors and Facilities Under the Department's Jurisdiction. Attached to this Agenda and Incorporated Herein are the Proposed Changes to Chapter 13-231 (Exhibit "B-1"), Chapter 13-251 (Exhibit "B-2"), Chapter 13-253 (Exhibit "B-3"), and Sections 13-256-3 and 13-256-4 (Exhibit "B-4").

Written testimonies from William Zabolski, Glenn Shiroma, Eric McCormick, Kyle Fields, Claudia Merrill and Bill Murtagh were distributed to the Board Members on item J-1.

Ed Underwood representing Division of Boating and Recreation (DOBOR) requested to initiate rule-making proceedings regarding commercial rule permits for commercial surf companies operating in Waikiki and the limited permits for launch ramps at small boat harbors. The exclusive commercial rules package will include public hearings.

Member Gon asked for clarification of public's and staff's feedbacks on the rules. Mr. Underwood stated that he will present clarification after the public hearing process.

Member Pacheco asked for a brief history of public information hearings of the package, the aging process, the procedure, what changes came forward, and what transpired. Mr. Underwood said that the last Administrator reissued the plan to piecemeal it into one package resulting in over 50 public meetings in regards to the rule changes within the rules. The additional rules were drafted by an AG for the preliminary hearing at which numerous people came forward and testified. Examples of drafted rules involved current operators, caps on permits, cleaned facilities and permitting harbor slips. According to the Hawaii Administrative Rules (HAR), DOBOR was advised to not put a cap on certain rules. In the past, there were two companies that rented boats within the State. They were from Maui and Hawaii and were affected by the rule-making. As a result, a wait list has been created.

Member Rob Pacheco and Mr. Underwood discussed the companies with multiple ramps and commercial operator permits and whether or not certain commercial operators who had multiple permits would be grandfathered in.

The Chair and Mr. Underwood discussed the total number of permits and wait list and the communities concerns of having too much commercial activity, and to achieve balance within the communities and commercial operators.

Member Gon and Mr. Underwood discussed the other details of the rules and the sufficient time for Public Hearing. Member Gon appreciated Mr. Underwood's note taking with the many issues for the Public Hearing process.

Cynthia and George Parsons, Waikiki Catamaran Association, testified on item J-1 and recommended some issues on the different rule-making and the alterations of the scope of requirement with the used permits that were clearly unprecedented. Mr. and Mrs. Parsons referred to page 251-6 and Section 251-1 proposed rules, commercial transportation and raised concerns on the public hearing of how it is going to work. Mr. and Mrs. Parsons recommended to the Board and DOBOR to make things easier for the public, the industry, the Public Hearing Statewide and other parts of the industry for testimony.

Member Gon agreed with their recommendation. Member Pacheco pointed out that when the Public Hearing is set, there is no leeway. Both Members Gon and Pacheco agreed that the Public Hearing will provide public testimony and suggested an extension to have sufficient time. The Chair and Member Jerry Edlao discussed the length of time that DOBOR will need before the rule changes and gets approved and whether or not two months will be a sufficient time to coordinate the process and move forward to the Rules Packaging. Mr. Underwood confirmed that the public's first Hearing would be sooner than two months from now. Member David Goode suggested the public to submit more detailed information during their testimony. Mr. Underwood and Member Edlao both agreed to start the process now and not wait for the Public

Hearing but Mr. Underwood said that he could not change the submittal until after the Public Hearing. Member Edlao agreed to that. Member Pacheco recommended deferring portions to the rules and to have several meetings for the public to respond and to withdraw a few big issues. He suggested having the public rule process go smoothly. Mr. Underwood discussed the biggest change that took place in the rule changing process which was the Waikiki Catamaran Operators and the registration and commercial permits. He expressed the slow and cumbersome procedure of the Public Hearing process, but pointed out that the process will provide a lot of time for public testimony.

Mr. Parsons shared a brief history that dated back in the 70's when the old time operators came up with a local knowledge to operate on the Waikiki beach and how DOT would go over the rules on an annual basis. He encouraged both the Board Members and DOBOR staff to ride on the Waikiki Catamaran and see firsthand what it offers.

The Chair asked if there were proposed rules that affected them to operate and Mr. Parsons said yes. Mr. Parsons shared his limitations on local waters, reef, and sand bars. He pointed out that swimmers and snorkelers did not consult them. The Chair recommended bringing it up at the rule-making process and that although Mr. Parsons were not consulted by swimmers and snorkels, an untrained eye may see or not see the safety issues. Mr. Parsons agreed that the trainers were doing a good job looking at the safety issues.

Ms. Parsons was in favor of some of the rules that provided good changes. On the contrary, there were some changes that charged fees and required to use a permit which will raise public input.

The Chair said that there is a fee to charge vessels to private facility and fees to be charged to public facility. He disclosed that DOBOR also had fees and a budget and that the times are changing compared to the 70's. Mr. Parsons opposed to the rule changes on the major services of the wedding chapels in dry dock facilities or fueling station. Both Mr. Parsons and the Chair discussed other areas of wedding sites and fueling docks. Mr. Underwood said that the average of fuel that is used daily is 50 gallons and brought up other areas of fuel docks. Mr. Parsons shared his concerns that Ala Wai was better 30-40 years ago, but as time went on, it got worse. The Chair pointed out that many refuse to make a payment and pay their third share; as a result, certain areas are getting worse.

Robert King, Waikiki Catamaran Association, testified on item J-1 and brought up the financial issues of the registration rate increase in 2009. He expressed his feelings as if his assets were being taken away since the rule changes for the last four years. He has met with attorneys to discuss the rules and the process of having a meeting, came to an agreement, but did not follow through with the agreement. Due to the agreement that has not been made, there are substantial attorney fees and other fees. Mr. King expressed his frustration and concerns with the alterations that have been made due to the rule changes such as: registration will be commercial used permit, there is no grandfathered in and opportunities were taken away. Mr. King shared his

concerns that having ‘may’ or ‘shall’ in the rules change package exhibits are two different wordings that can affect the business.

Member Goode suggested that Mr. King should provide a proposal that includes specific information of real numbers that affected his business. He also stated that in a four-year’s time, beaches will change, competition for the little resources available will change, and the Federal regulations of coral reefs will be affected. He suggested putting everything in writing and including recommendations on the letter.

Mr. King shared his burdens of running a business daily and also dealing with the cumbersome rule changes, but also appreciated Member Goode’s advice.

Jim Coon testified on item J-1 and shared his support to the rules package and supported moving the package forward.

Member Pacheco asked what the conversation would accomplish if DLNR met before the public hearing. Mr. Coon said that it would result in a smoother public hearing process.

Member Gon echoed Member Goode’s suggestions to ensure testifiers provide all proper documents, and Mr. Coon agreed with Member Gon.

Member Pacheco discussed with DOBOR staff that the seven-year process has changed, that the rules packet included so much information, and suggested at minimum to defer to allow the stake holders who are impacted by the rule changes and will then allow Divisions to amend the rules once it goes to public hearing. He was concerned about Waikiki Catamaran and Kaanapali Ocean Waters and to come back to digest and approve the rules and fine tune the dialogue. He took in consideration Mr. Coon’s recommendation.

Mr. Underwood shared the cumbersome process and pointed out that the Waikiki Catamaran was the biggest change within the rules package and certain rules can be removed or moved forward if there is no consensus.

The Chair recommended the specific groups to see what will happen to specific groups on who will oppose or support, agree or disagree with the rules. In addition, rules will not pass if the Board Members don’t feel comfortable. Member Pacheco seconded that.

Member Edlao agreed with Member’s Goode and Gon about testifiers putting everything in writing, but expressed that he would like to see the item move forward. Member Goode was also willing to move forward.

Unanimously approved as submitted (Edlao, Gon)

Item D-7 Deny Request for Mutual Cancellation and Issuance of New Direct Lease, General Lease No. S-3722, Hawaii Pacific Baptist Convention, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-057:023.

Mr. Tsuji conveyed some background on item D-7, where the parcel has a high investment of potential land use next to University of Hawaii Hilo (UH) for future generation and the next generation. The church is requesting for a mutual cancellation because the Hawaii Pacific Baptist Convention (HPBC) lease is coming up with a 55-year auction lease. They are approaching the 17th expiration and its coming up for a direct lease and there has been an issue on the evaluation where it's been going back and forth with the tenant. A request of a brand new 55-year lease was issued for a higher and better use of the property.

Member Pacheco asked what would be suitable for the use of the land. Mr. Tsuji said he is certain for a higher zone and to consider location on Front Street, which is the staff's objective for the future. Member Goode asked if there was a fee value of the land and Mr. Tsuji said no. Member Pacheco stated what consists of within the parameters of the land and the mixture of commercial buildings and older homes that were close to the University.

Veryl Hendersan testified and shared the background on item D-7 the events that took place prior to the submittal. In 2006, Mr. Hendersan received a letter in regards to the reopening of the lease agreement. Mr. Hendersan followed up with a letter to Larry Hariotta saying that there is a possibility of an extension for a non-profit organization that required substantial upgrades with new buildings and parking. On March 03, 2006, a second letter was received concerning the improvements to secure a long term lease. On October 10, 2006, Mr. Hendersan received another letter from Mr. Tsuji, a rental agreement and a request of a second lease for a non-profit organization and with an attached application. On November 29, 2006, Mr. Hendersan received a letter from Candace Martin acknowledging the application and on May 16, 2007, Mr. Hendersan received a letter recommending denial of the application. The letter included remarks concerning having a residence on the property. Mr. Hendersan briefly related the history in 1962 when the lease was granted. In regards to the last letter he received, he came up with a two-year building plan to make use of the lease and was signed by DLNR and the Permitting Department that had an overseer (guidance support for the students) living in the building to be available 24 hours a day for the students. He recommended considering the staff's application. In 2010, Mr. Hendersan took a tour with Mr. Hariotta while Mr. Hariotta showed Mr. Hendersan the plan for UH Hilo and their master plan.

Member Pacheco asked if Mr. Hendersan was always a caretaker since they began and Mr. Hendersan said yes. Mr. Hendersan said that he made an attempt to change the lease to a dormitory but his recommendation was denied which the lease was going to be a student care.

Member Pacheco asked for the current plan for the property. Mr. Hendersan expressed that the long-term plan will be to accommodate a hundred people where the campus will have a volunteered minister and two apartment units to provide living quarters for volunteers to come and minister on the campus. Member Goode asked what was currently on the property and Mr. Hendersan said one building, a parking lot, and an overseer. Mr. Hendersan expressed desire to continue to work with Land Division to lease the property.

Member Pacheco discussed some commercial buildings that were located near the property. He also brought up the grand opening that happened in 1982 and 1992. Mr. Tsuji pointed out that Land Division inspects the property once or twice a year.

Mr. Tsuji disclosed HPBC annual payments and the potential land use. Member Edlao asked Mr. Hendersan what would he accept as a long-term lease and Mr. Hendersan said 30 years, but will accept 55 years as an option. Mr. Hendersan said that he's been paying \$780 annually since the beginning, but said that every 10 years the payment increases.

The Chair shared the conflict between the two parties being that they are both good groups, but is aware that Mr. Tsuji has to also do his judiciary duty in checking the property and ensuring that the Board is aware of expired leases.

Sean Lathrop testified on item D-7 and shared his commitment and efforts to provide services to the students and his vital role within the community. He knows a lot of people on the campus. They are valuable partners with UH, and provide free lunches for a 100 students to create a positive impact for the students and to the community. The students enjoy their schooling which provides 100 students or more in the building and provides the students free lunch. Member Goode was interested in UH Hilo's plans. Member Pacheco shared that UH Hilo has a lot of land; as a result, their plan to develop housing, a university village setting, and residential and commercial developments. Member Pacheco is interested in the testimony to see if the HPBC has provided valuable service to the community.

Member Gon asked to elaborate on rental reopening general lease to HPBC. Mr. Tsuji said that the fifty-year lease was expiring for HPBC and that if a new lease is issued, an appraisal must be issued.

Member Pacheco and Mr. Tsuji discussed the direct lease, existing lease, character of use, auctioning a property and a caretaker issue. Member Pacheco discussed the language on set with the caretakers and residents who have been there for 50 years, which does not seem like they are breaking the spirit of the letter of the lease. On the otherhand, he supports the business aspect of gaining value to the property. He gave suggestions that if the Board approves the lease, to have the lease expire in five years. The Board agrees with the proper use of the lease because it is not prohibited and of which the property has been there for 50 years. A mutual cancellation and issuance to the direct lease was denied but suggested bringing it back for couple of years when DLNR has a concrete plan for the property to make a decision. In the meantime, HPBC can be in dialogue with UH Hilo, but does not want to forego with the rental reopening.

Mr. Tsuji pointed out Ms. Martin's past employer background from having a private job to a State job. Member Pacheco and Mr. Tsuji discussed the lease fees and revenue. Mr. Tsuji praised Ms. Martin for her work ethics.

The Chair recommended not canceling the lease in the next five years. He wants more time to figure out the next most appropriate step whether to issue or not issue a new lease, or develop a new property. Member Pacheco supports staff recommendation but would like to add a third recommendation. He recommends that before the end of the current lease, DLNR comes back to the Board with a plan on how they envision using the property or entering into a new direct lease with the HPBC.

Members Pacheco and Gon mentioned that there was a lot of leeway on the lease violation agreements. Dan Morris, AG, provided advice for the lease violations.

The Amendment involved adding a paragraph 3 into the Recommendation to read:

- (3.) Prior to the expiration of the lease in 2017, staff is instructed to come back to the Land Board with a proposed future disposition of the property which could include an auction with no restrictions on use except whatever is allowed by applicable law, a nonprofit direct lease at a particular value, or otherwise.**

Unanimously approved as amended (Pacheco, Gon)

Item J-2 Approval in Principle for Issuance of Direct Lease to Maui Dry Dock & Boat Storage, LLC for a Vessel Haul out, Boat Storage, and for Purposes of General Commercial Marine Services, Kahului Harbor, Wailuku, Maui, Tax Map Key: (2) 3-7-001:023 and Por. 21.

Mr. Underwood conveyed some background on item J-2 with the Kahului boat ramp.

Jim Coon supported item J-2.

Jeff Strahn testified on item J-2 who admired the leases, the long term and community service. He shared that the project was a good set of direction for Maui for a better facility.

Unanimously approved as submitted (Edlao, Pacheco)

Item K-1 Conservation District Use Application (CDUA) KA-3649 for the Repair and Reconstruction of the Moanakai Seawall/Revetment by the County of Kaua`i Located Makai of Tax Map Key: 4-5-002:023 & Plat (4) 4-5-001:

Sam Lemmo representing the Office of Conservation and Coastal Lands (OCCL) conveyed some background on item K-1 located in East Kauai with having a large seawall of 500 feet long in an area that protects a residential access road and the community, with a newly developed bike pedestrian pathway. The proposed reconstruction of the seawall is to conduct the minor repairs of seawall such as: regrout with armor stones, removal of root trees and replacement of the portion of the structure. There are exhibits showing the location of the structure and diagram showing the profile. Mr. Lemmo brought up erosion control issues and the footprint of the

structure. The shoreline structure supports the replacement project. Recommendation is to approve the project of the standard conditions.

Member Gon asked if the base line has changed or originally installed or if the sea level has risen.

Mr. Lemmo said that there was a shoreline analysis from the UH Coastal Geology and share their reference erosion average rate of one foot per year. There were some sand changes from heavy current where the sand resource will continue to dwindle. Mr. Lemmo said that the wall will not protect the sandy beach, but it will protect the land, road and the community and be able to fix the engineered shoreline structure that was built.

Member Gon asked about the style of the wall from Hurricane Iniki and asked if the wall will be steeper or flatter.

Mike Okamoto said that it will be steeper.

Mr. Lemmo said that he preferred a large classical wall which uses a portion on public land.

Unanimously approved as submitted (Gon, Goode)

Item D-11 Grant of Term, Non-Exclusive Easement to Bathtub Beach, LLC for Retention and Steps Purposes; Assess Administrative Cost of \$500, Laie, Koolauloa, Oahu, Tax Map Key: (1) 5-5-002: seaward of 034.

Item D-12 Grant of Two (2) Term, Non-Exclusive Easements to Sutton Family Partners for Seawall and Rock Pile Purposes; Issuance of Two (2) Management Right-of-Entry Permits; Assess Administrative Cost of \$500 per Easement, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-8-010: seaward of 014 & 015.

Item D-13 Grant of Term, Non-Exclusive Easement to Gregory Michaels for Seawall and Concrete Footing Purposes; Issuance of Management Right-of-Entry; Assess Administrative Cost of \$500, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-8-010: seaward of 021.

Mr. Tsuji said that items D-11, D-12 and D-13 referred to the shoreline to legitimize disposition of easement. Item D-11 referred to grant of easement, and D-12 and D-13 referred to right-of-entry that fits the legislative. There is a need of the County Government's approval for emergency purposes. The parcels were in a dilemma of seawall that dealt with private land and the shoreline that extends out which was built within their own property.

Laura Flag, employed with Analytical Consultant, testified on item D-12 and D-13 and has helped seven property owners with their shoreline issues. One of the owners was Greg Michaels whose land submerged (3,000 square feet) and was asked by the Land Division to get an

easement on his own property. Ms. Flag asked to reveal the actual shoreline so the property owners are able to determine their property line.

Member Gon shared that as time goes by; it's becoming more complicated with climate changes and the increase of sea level rise. Ms. Flag appreciates Member Gon's empathy with shoreline owners. Ms. Flag also appreciates the new design of the seawall, but the problem noticed is the need for easement and the unsafe vertical wall. Ms. Flag asked to consider other options.

The Chair pointed out that private property becomes State property and recommended Ms. Flag the need of an easement.

Milo Spindt, Kauai's new Land Division District Manager provided some feedback on ocean front erosion being on private property. He also mentioned that home owners have the right to request for an adjustment on their property line.

Unanimously approved as submitted on items D-11, D-12, and D-13 (Pacheco, Gon)

Item D-1 Resubmittal: 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 Ku'i Palama, Shanelle Santos, Aleigha Palama, Desiree S. Palama, Kuulei K. Palama, Patricia A. Palama, Tara Palama, Keanu K. Palama, Lance Palama, Maureen Palama, Jolynn Young, Leslie Palama, Kevin K.C. Kai, Anuheia Palama, Lawakua Palama, Keola Palama, Kawila Palama, Kaweo Palama, Tom Shigemoto, Adam Killermann, Geno Lewis, Malia Chun and Tim Lui-Kwan were distributed to the Board Members on item D-1.

Mr. Tsuji presented item D-1 and introduced Milo Spindt.

Mr. Spindt shared briefly his personal background and confirmed that item D-1 was deferred from the last Land Board meeting that was held on May 10, 2013. Mr. Tsuji stated that he received testimony from The Board of Water Commission and two testimonies from Alex and Baldwin. A neighbor next to the property disclosed that Ku'i Palama made implicit threats and heard gun shots in the background of their property. Mr. Tsuji apologized for not placing security on the land. Mr. Spindt felt uncomfortable going on the property and refuses to enter the property again because of the confrontational manner from the Palama family that he experienced. Mr. Spindt along with the Division of Conservation and Enforcement (DOCARE) marked the property corners with pins to determine the boundary line and took photos of the property, but soon after, the pins were removed.

Mr. Tsuji stated that if the Board approved staff's recommendation, Land Division must move forward.

Mr. Spindt requested to hire more staff, post signs along the property border, evict those who should not be on the property and close off the area within 14 days. Mr. Spindt shared some internal information that Mr. Palama was doing in regards to the property, dealing with his actions and expressed his thoughts of Mr. Palama's stewardship of the land. He shared that they may take criminal action to remove trespassers which may require enforcement. The Chair said that he will provide support.

The amendment involved the Recommendation section, in paragraph 1, changing May 10, 2013 to May 24, 2013, and paragraph 3 changing May 17, 2013 to June 7, 2013.

Unanimously approved as amended (Goode, Gon)

- Item D-2 Request for Issuance of Right-of-Entry Permit to Kauai Bodyboarding Association for Bodyboarding Contest on June 22, 2013 at Shipwreck Beach, Poipu, Kauai, Tax Map Key: (4) 2-9-001: seaward of 002.**

- Item D-3 Cancellation of Governor's Executive Order Nos. 3134 and 3371 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Nawiliwili Small Boat Harbor Purposes at Nawiliwili, Lihue, Kauai, Tax Map Key: (4) 3-2-03. And

Cancellation of Governor's Executive Order Nos. 1747, 2419 and 3114 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Kukuiula Small Boat Harbor Purposes at Kukuiula, Koloa, Kauai, Tax Map Key: (4) 2-6-03: 61 and (4) 2-6-11: 12 and 18.**

- Item D-4 Request for Issuance of Right-of-Entry Permit to Hawaii Sand Festival c/o Julian Miller, for a Sand Castle / Sand Art Contest at Hanalei Bay Beach, Hanalei (Makai), Hanalei, Kauai, Tax Map Key: (4) 5-5-001: seaward of 011, 012, & 013.**

- Item D-6 Consent to 100% Stock Transfer in Hilo Trading Co. Ltd., Lessee under General Lease No. S-4786, from Steven I. Hironaka, Karen R. M. Hironaka and Roy T. Kaneko, Transferor, to Kimberly Snuggerud, Transferee, and Consent to Mortgage, Hilo Trading Co., Ltd. Mortgagor and First Hawaiian Bank, Mortgagee, Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-1-03:08.**

- Item D-8 Cancellation of Revocable Permit No. S-7550 to Anna Marie Palomino and Donald Rowen Bowker (dba. Ho'olawa Farms), and Request to Waive Level**

One (1) Hazardous Waste Evaluation Requirement, Ho'olawa, Hamakualoa, Makawao, Maui, Tax Map Key: (2) 2-9-001:033.

Item D-9 Rescind Prior Board Action of October 29, 2009, Item D-7, Issuance of Revocable Permit to Moses K. Kauhaahaa Jr., for Agriculture Purposes, Kahakuloa Valley, Wailuku, Maui, Tax Map Key: (2) 3-1-004: 009 and 014.

Item D-10 Issuance of Right-of-Entry Permit to the AOA Maui Sunset onto Unencumbered Government Lands to Remove Seaweed from Shoreline, Waiohuli-Keokea, Maui; Tax Map Key: (2) 3-9-001: seaward of 001.

Item D-14 Issuance of Right-of-Entry Permit to Paradigm Construction LLC on Unencumbered Lands for Realigning a Swale for Drainage Purpose, Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-166:026.

Mr. Tsuji said that there were no changes on items D-2, D-3, D-4, D-6, D-8, D-9, D-10 and D-14.

Unanimously approved as submitted (Edlao, Gon)

Item E-1 Request to Approve License No. N6274293RP00066 with the Department of the Navy for Non-Federal use of Real Property at 'Aiea Bay State Recreation Area, 'Aiea, O'ahu.

Mr. Quinn conveyed some background and history on item E-1 and reviewed a map of the area with the Board for orientation. A portion of the park is built on Navy grounds, filed for an extension for an interim month-to-month and the Chair signs a five-year extension for all other future extensions of property use.

The Chair was impressed of the bathroom cleanliness and the popularity of the park after a visit of the park. Member Gon asked about the water quality. Mr. Quinn said there were warning signs that said, "Don't eat anything that is pulled from the Bay". Regardless of the notification, there are people who still choose to fish.

Unanimously approved as submitted (Pacheco, Gon)

Item L-1 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules Job No. H56C695A Diamond Head State Monument State Parks Energy Efficiency and Conservation Projects Honolulu, Oahu, Hawaii.

Item L-2 Permission to Contract a Professional Services Consultant to Conduct Planning and Design Services for Improvements to the DLNR Administrative Building, Wailuku Maui.

Item L-3 Request Authorization to Select Consultants and Authorize the Chairperson to Negotiate and Execute Agreements with Consultants, Contractors and/or Government Agencies as Necessary to Administer HRS Chapter 179D, Entitled the Dam and Reservoir Safety Act of 2007.

Carty Chang representing Division of Engineering said there were no changes on items L-1, L-2 and L-3.

Member Edlao asked Mr. Chang if he was referring to the Maui Annex on Mahalani Street and Mr. Chang said yes. The Division of Engineering was seeking funds with the Legislature, which they did not receive, but was determined to try again to start the EA process.

Unanimously approved as submitted (Edlao, Gon)

Adjourned

There being no further business, Chairperson William Aila adjourned the meeting at 11:31a.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