

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

**DATE:** FRIDAY, AUGUST 09, 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 J. Aila, Jr.  
Dr. Sam Gon  
Reed Kishinami

Rob Pacheco  
James A. Gomes  
Shawn Smith

**STAFF**

Ed Underwood/DOBOR  
Allison Yim/ENG

Kevin Moore/LAND

**OTHERS**

Cindy Young/Deputy Attorney General  
Rick Gaffney: J-1  
Eric Yamashige: D-6  
Greg Kugle: D-9  
Julianne Hughes: D-1 & D-17

Ross Smith/DOT: M-1 – M-4  
Ken Melrose: D-5  
Stan Fujimoto: D-12  
Leighton Yuen: D-1  
Jefferson Ford: D-10

**Item M-1 Request for Issuance of Governor's Executive Order Setting Aside Lands Acquired from the United States of America on the Island of Oahu, Kapalama Military Reservation, to the Department of Transportation, Airports Division Tax Map Keys: (1) 1-2-025: 002, 074, 075, 108, 109 and 110.**

Ross Smith, representing the Department of Transportation, Airports Division (DOT-A), provided background on item M-1, a request for issue of Government Executive Order for land acquired by the United States of America (USA). This land became available through the Base Realignment and Closure Program (BRACP) and transferred to the State under Section 120 (h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). This request was originally submitted in 2000. The last correspondence between the departments was in 2003.

Member James Gomes asked why it took so long for this request to come before the Board. Mr. Smith said that originally DOT-A decided not to ask the Board for approval since it appeared to be a transfer of jurisdiction within Hawaii Department of Transportation (HDOT). Subsequently, there was an indication that the land was ceded. Two prior requests to the Board resulted in no action, therefore, DOT-A is again asking for an Executive Order to set aside these lands.

Member Robert Pacheco said that the Board had to go along with the land's disposition or it could result in a lawsuit.

**Unanimously approved as submitted (Gon, Gomes)**

**Item M-2 Issuance of a Direct Lease to So Ono Food Products, LLC. 3129 Ualena Street, Honolulu International Airport TMK: (1) 1-1-14-103 (portion): 113:114.**

Mr. Smith conveyed some background on item M-2. DOT-A requests the issuance of a one (1) year direct lease with one of the tenants who has made considerable improvements to existing buildings that have been vacant.

**Unanimously approved as submitted (Gon, Gomes)**

**Item M-3 Rescission to Prior Board Action of February 8, 2013, Item M-7 and Issuance of a Direct Lease to Royal Hawaiian Movers, Inc., 2999 & 3017 Ualena Street, Honolulu International Airport TMK: (1) 1-1-14:01 & 04.**

Mr. Smith conveyed some background on item M-3, regarding a prior Board action of item M-7, February 8, 2013 for the issuance of a direct lease for Royal Hawaiian Movers, a Hawaii corporation. DOT-A is requesting the Board to rescind the direct lease and authorize DOT-A to issue a direct lease to Royal Hawaiian Movers Inc., a Nevada corporation.

**Unanimously approved as submitted (Gon, Gomes)**

**Item M-4 Consent to Sublease Restaurant and Lounge Concession Lease No. DOT-A-07-0012 Volume Services, Inc. DBA Centerplate to Broke Da Mouth Grindz & Catering L.L.C. Kona International Airport at Keahole Tax Map Key: (3) 7-03-43: 1 (Portion).**

Mr. Smith conveyed some background on item M-4, a sublease for a concession at Kona International Airport and requested approval of the sublease.

**Unanimously approved as submitted (Gon, Gomes)**

**Item J-1 Petition for a Declaratory Ruling from Unbelievable Sportfishing, Inc. Regarding the Expiration of their Regular Mooring Permit and Commercial Use Permit for the Honokohau Small Boat Harbor.**

Written testimony from Rick Gaffney was distributed to the Board members on item J-1.

Ed Underwood, Administrator for the Division of Boating and Ocean Recreation (DOBOR), conveyed some background on item J-1, pertaining to the petition for a declaratory ruling made on behalf of Unbelievable Sportsfishing, Inc. (USI). The recreational mooring permit and commercial use permit had expired for the company. In the Hawaii Administrative Rules (HAR), DOBOR has the ability to renew the regular mooring permit during a 30-day grace period and upon payment of the penalty fee. However, DOBOR does not have the authority under the rules to renew the commercial use permit. As a result, DOBOR denied the renewal of the commercial use permit. The petition for the declaratory ruling was sent to the Deputy Attorney General (AG) to review. The response from the AG was that the declaratory ruling should not be used to determine the agency's decision.

Several years ago, regular mooring permits were expiring and the people who moored for 25 years lost their mooring permits because they failed to renew their mooring permits. Subsequently, the Board directed DOBOR to amend the law or rule to allow a grace period. This amendment only pertained to the regular mooring permit, not to the other use permits. DOBOR does not have a mechanism to renew the commercial use permit that was issued to USI. As the rules are written, once the permit expires, all rights are also expired and offered to the next qualifier on the waiting list. Mr. Underwood pointed out the two distinct permits required to be in the harbor. First, one has to apply for a mooring permit, followed by applying for a commercial use permit to conduct commercial activities. DOBOR has a new on-line boating system to make payments. The system allows payment of both permits at once.

Member Pacheco asked if there were any issues with USI having a commercial permit? Mr. Underwood replied that DOBOR did not have any issues.

Rick Gaffney, Assistant Vice-President of Unbelievable Sportsfishing Inc., (USI) requested support of their petition for declaratory ruling and to correct some misinterpretations of the boating rules. A two-day delay should not prevent the renewal of a commercial permit. Monetary fines would seem to be more than enough incentive. Mr. Gaffney disagrees with DOBOR's staff submittal and felt that the submittal is incorrect because it is an application of an unnecessary rule. USI requested the Board rule on the applicability of Section 13-231-5 and other DOBOR rules. USI urges the Board to reject DOBOR's suggestion that the petitioner has no right to request declaratory ruling on the applicability of the relevant rules.

Mr. Gaffney stated that DOBOR's submittal is incorrect. The first line of the submittal states that USI held a regular mooring permit and commercial use permit at Honokohau Small Boat Harbor. This is incorrect. USI held a single permit, described thereon as commercial use mooring permit, instead of two separate permits. He further stated that he believes USI has the right to request a declaratory ruling, and that DOBOR's administrators have made a mistake in interpreting the rules as making it necessary, and even appropriate, to terminate USI's right to operate commercially at Honokohau.

Mr. Gaffney respectfully requested that the Board direct DOBOR's staff to process the USI application and rescind any charges imposed as a result of the expiration of USI's permit after June 04, 2013, the date of a completed application for renewal of CM003997, which was presented to the Hawaii District Manager's Office at Honokohau. Presently, USI only has the mooring permit.

Chairperson William Aila pointed out the function of the computer system having one piece of paper that represents two permits. If anyone is a new boater, they must have a mooring permit before a commercial permit is granted, therefore, in practice, you need two permits to operate commercially. It can be confusing when there is only one piece of paper that says commercial mooring permit.

Mr. Underwood mentioned the old system having one account for two permits. There were no changes to the rules and it's still two distinct separate permits, "R" for recreational and "C" for commercial.

Member Gomes expressed concern. He noted that the Department of Commerce and Consumer Affairs (DCCA) sends a renewal form that notes you have a late fee. He asked why DOBOR doesn't also do this. He was concerned that it was up to the applicant to track their permits.

Mr. Underwood said that DOBOR used to send certified letter to all tenants, but stopped due to the cost. Printing a monthly billing statement was cost effective and the billing statements showed the expiration date.

Mr. Gaffney said that the expiration date was in a small print on the bottom of the invoice, but did not say the consequences of missing the renewal date.

Member Gomes was concerned about whether the process is fair. USI has been in business for 40 years, and suddenly they are prevented from getting a commercial permit due to a process issue.

Mr. Underwood said that DOBOR has the authority in both statute and the rules to issue a fine.

Chairperson Aila said the mooring permit is in the submittal. The Department renewed the permit. What is questionable is the renewal of the commercial permit because it's not specifically mentioned in 231-5.

Member Pacheco said that the Board has the authority to reissue the permit.

Member Shawn Smith inquired about the waiting list and the notification of an individual or company for a slot.

**Member Pacheco made a motion 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.**

9:30 AM EXECUTIVE SESSION

10:10 AM RECONVENE

Member Pacheco recommended to approve the Board's recommendation and asked DOBOR to readdress this cancellation issue to the Board at the next meeting.

Chairperson Aila said that outside of the declaratory ruling, the Board would like DOBOR and Mr. Gaffney to come back to discuss the language of the rules pertinent to the mooring permit and the commercial permit. The Board would like to have a discussion on the ambiguity of the mooring versus the commercial permit in 231-5, specific to USI. The Board is denying the declaratory ruling and will entertain future discussion on the ambiguity of that section.

**The Board approved DOBOR's recommendation to deny the petition for a declaratory ruling by Unbelievable Sportsfishing, Inc. regarding their expired regular mooring permit and commercial use permit. The Board directed DOBOR to return to the next meeting to discuss the perceived ambiguity of the Hawaii Administrative Rules as they applied to the reissuance of use permits that were issued to Unbelievable Sportsfishing Inc.**

**Unanimously approved as submitted (Pacheco, Gomes)**

**Item D-5 Consent to Mortgage of Sublease K-30 with Estoppel Certificate, General Lease No. S-5619, Natural Energy Laboratory of Hawaii Authority (NELHA), Lessee, The Exploration Foundation and West Hawaii Explorations Academy (WHEA), Co-Sublessees/Mortgagor, United States**

**Department of Agriculture, Rural Housing Service, Mortgagee, Kalaoa 1<sup>st</sup>-4<sup>th</sup>, North Kona, Hawaii, Tax Map Key: (3) 7-3-043: 083.**

Kevin Moore, Acting Administrative for Land Division, conveyed some background on item D-5.

Ken Melrose, Project Manager for West Hawaii Explorations Academy (WHEA), and for their non-profit Explorations Foundation, requested approval to move forward. WHEA received a grant to complete site work improvements.

Member Sam Gon asked if Mr. Melrose was fine with all the details and staff recommendation. Mr. Melrose said yes.

**Unanimously approved as submitted (Pacheco, Gon)**

**Item D-6 Set Aside to the County of Maui, Department of Public Works, Highways Division, for Stockpiling of Roadway Repair Material Purposes and Issuance of Immediate Management Right-of-Entry, Wakiu, Hana, Maui, Tax Map Key: (2) 1-3-006: Portion of 015.**

Mr. Moore conveyed some background on item D-6.

Eric Yamashige, County of Maui, Department of Public Works, Highways Division, said the County is asking to use 2 of the 14 acres and will restrict access into the area. They are not sure if they will fence the area, which will be used to store cinder or gravel and construction materials.

Member Gomes said that the land was State land and asked if a private individual can lease the balance of the 12 acres.

Mr. Moore said that there was a land license in 201 which was for excavation purposes.

**Unanimously approved as submitted (Pacheco, Gomes)**

**Item D-12 Authorize the Chairperson to Execute Condominium Property Regime Documents; Senior Residence at Iwilei Affordable Rental Housing Project on the State Land Set Aside by Governor's Executive Order No. 4130 to Hawaii Housing Finance and Development Corporation; Iwilei, Honolulu, Oahu; TMK (1) 1-5-007:002.**

Mr. Moore conveyed some background on item D-12.

Stan Fujimoto, Project Manager for Hawaii Housing Finance and Development Corporation (HHFDC) testified on item D-12.

Member Gomes pointed out that the submittal was an agenda item in 2001 (signed by the Governor in 2005 and authorized by the Board in 2006) and we are now in 2013. Member Gomes asked why did it take so long to move ahead? The delays have increased the cost of building affordable housing, which could have been built several years ago.

Mr. Fujimoto said that they were presently in construction after closing financing last summer. Financing was the main reason for the delay. The project is currently 60% complete and they hope to complete it by the end of this year.

Chairperson Aila said that part of the delay was the discussion on ceded lands and the use of ceded lands.

**Unanimously approved as submitted (Gon, Gomes)**

**Item D-9 Amendment of Perpetual, Non-Exclusive Land Office Deed No. S-27836 to Trustees of the Papakea Seawall Easement Trust, on Behalf of the Papakea Association of Apartment Owners, Maintenance and Repair of Existing Seawall and Landscaping of the Easement Area Purposes, Honokowai, Kaanapali, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Seaward of 055. The Amendment is to Include an Additional 943 Square Foot Seawall Encroachment Area, and to Allow the Easement to “Run with the Land”.**

Mr. Moore conveyed some background on item D-9, at the time of the survey of the seawall in 1990, the footing was covered by sand. The easement holders have asked for an amendment to approve the overlooked area. They are proposing to pay the original appraised value with interest over the past 20 years. Staff recommends accepting the offer as the State is getting a fair market value.

Member Gomes asked whether this was an unprecedented and unusual situation.

Greg Kugle, Attorney for Papakea Association of Apartment Owners (PAOAO), answered Mr. Gomes' question regarding whether this sets a new precedence. In 2008, there was an instance (PSF 08OD019) of this type of agreement.

**Unanimously approved as submitted (Gomes, Smith)**

**Item D-1 After-the-Fact Consent to: (a) Sublease under General Lease No. S-4130, Hawaiian Telcom, Inc., Sublessor, to Cellco Partnership d/b/a Verizon Wireless, Sublessee, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-02: pors.; (b) Sublease and Assignments of Sublease under General Lease No. S-4588, Hawaiian Telcom, Inc., Sublessor, to Clear Wireless LLC, Sublessee, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-19: pors.; (c) Sublease under General Lease No. S-4588, Hawaiian Telcom, Inc., Sublessor, Hochman Hawaii-Three, Inc., Sublessee, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-19: pors.; and (d) Sublease under General Lease No. S-4614, Hawaiian Telcom, Inc., Sublessor, to T-Mobile West LLC (fka**

**Western PCS II Corporation), Sublessee, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-8-01: pors. 1 & 10.**

Mr. Moore conveyed some background on item D-1. Hawaiian Telcom, Inc. is selling part of their leases at certain operational sites to communication tower operators. The State has eight leases, with some unapproved subleases. In the past, there were some approved subleases under these leases. Some of the sublease names changed as new people came in. Hawaiian Telcom is trying to work on the existing subleases. The issue of sublease participation has developed over the years. In more recent years, Hawaiian Telcom has been fine-tuning their policy to take a closer look to see what is going on in each case. This is not designed to capture rent, it's more punitive.

Member Gomes pointed out the rentals in Table 1. He asked whether an appraisal has been done recently.

Mr. Moore said that every lease is reopened periodically and refers to the last rental revenues (reestablishing market rates at intervals).

Leighton Yuen, of Global Towers, did not have anything to add on item D-1 with the staff's report and recommendation. It's a clean-up matter before going to D-17.

**Unanimously approved as submitted (Gon, Pacheco)**

**Item D-17 Consent to Assign General Lease Nos.:**

**S-3795, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-4-01: pors.;**  
**S-4028, Papaanui, Makawao, Maui, Tax Map Key: (2) 2-2-07: pors.;**  
**S-4130, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-02: pors.;**  
**S-4320, Punahoa 2<sup>nd</sup>, South Hilo, Hawaii, Tax Map Key: (3) 2-3-22: pors.;**  
**S-4402, Nanakuli, Waianae, Oahu, Tax Map Key: (1) 8-9-08: pors.; and**  
**S-4614, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-8-01: 1 & 10 pors.**

**Hawaiian Telcom, Inc., Assignor, to Global Tower Assets, LLC, Assignee;**  
**Authorize Chairperson to Execute Estoppel Certificates in Favor of Global Tower Assets, LLC;**

**Consent to Assign General Lease Nos.:**

**S-4223, Mount Kaala, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-7-03:pors.; and**  
**S-4588, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-19: pors.**

**Hawaiian Telcom, Inc., Assignor, to GTP Structures I, LLC, Assignee;**  
**Authorize Chairperson to Execute Estoppel Certificates in Favor of GTP Structures I, LLC;**

**Amendment of General Lease Nos. S-3795, S-4028, S-4130, S-4223, S-4320, S-4402, S-4588, and S-4614 to Update the Provisions Relating to Assignment**



**And Subletting, and to Provide that the State shall Receive a Percentage of New Sublease Rents;  
Amendment of General Lease No. S-4130 To Set forth the Correct Termination Date of the 31<sup>st</sup> day of December, 2022; Amendment of General Lease No. S-4320 To Set forth the Correct Termination Date of the 31<sup>st</sup> day of December, 2034; and**

**Consent to Sublease General Lease Nos. S-3795, S-4028, S-4130, S-4320, S-4402, S-4614, Global Tower Assets, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee; Consent to Sublease General Lease Nos. S-4223 and S-4588, GTP Structures I, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee.**

Mr. Moore conveyed some background on item D-17, explaining the assignment of eight leases to two global parallel partner entities. One partner takes six leases and the other partner takes two leases. Staff recommends that the leases be amended so their sublease assignment provisions have set sublease participation of a percentage of gross revenues. It's the Board's discretion to set sublease participation. Staff looked at the national trend as to what is happening at communication sites. Generally, lessors take 25-50% of what the lessee collects in sublease rent. The staff's recommendation for most of the leases is to start the leases at 30% for the first sublease, 40% for the second sublease, and 50% for subsequent subleases. There is one sublease exception which the Board approved a couple of years ago. Land Division is amending two leases because the incorrect term length listed. One lease says 55 years, and should have been 56 years; the other says 65 years, but it should be 66 years. When the assignment is completed, Global Towers will sublease back to Hawaiian Telcom on a number of sites.

Member Gon said that two of the subleases are surrounded by native ecosystems. He asked at what point in the process does the Board assess for good behavior on the lessees part in those sensitive areas? He inquired about the introduction of weeds or destruction of habitat during improvements on site.

Mr. Moore said that it would be done at the Conservation District Use Permit (CDUP) stage, which would usually be incorporated into the lease.

Julianne Hughes, of Hawaiian Telcom, testified on item D-17. She noted that many of the subleases were entered into by Verizon Hawaii. Going forward, Hawaiian Telcom has sublessees for approval of any modifications, buildings or improvements, and Hawaiian Telcom provided them with requirements.

There was a discussion on changing the terms of the leases as conditions change, such as changes in habitat.

Chaiperson Aila said that there are other rules and regulations where DLNR can inform the sublessees that they have a responsibility for negative impacts for certain kinds of maintenance, and the Department should be proactive in the maintenance practices.

**Unanimously approved as submitted (Pacheco, Gon)**

**Item D-10 Grant of Term, Non-Exclusive Easement to Paul D. Gossman, as Trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008, for Seawall Encroachment Purposes, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-5-003: Seaward of 026.**

Mr. Moore presented the background on this item D-10 to grant a new seawall encroachment easement at Lahaina, Maui. The land area is around 260 square feet. The staff's recommendation is to grant the easement and impose a fine of \$500 since the land area exceeds 100 square feet.

Jefferson Ford, on behalf of Paul D. Gossman Trust, testified on item D-10 and reviewed the recommendation. His client accepts the \$500 fine due to the fact that the area exceeds 100 square feet.

**Unanimously approved as submitted (Gomes, Gon)**

**Item D-16 Consent to Modification of Mortgage and Extension of Lease Term, General Lease No. S-4644, Vallejo Venture 99 LLC, Lessee, Kalauao, Ewa, Oahu, Tax Map Key: (1) 9-8-013:014.**

Mr. Moore conveyed some background on item D-16, a shopping center lease on State land in Ewa, Oahu. The lessee is asking for consent to modify the mortgage and extend the lease term under the applicable statute. The current mortgage balance is approximately \$8.4 million, and will increase to \$9.65 million. The extra cash is for capital improvements at the shopping center. The staff's recommendation is to consent to the mortgage and authorize a 10-year extension of the lease.

**Unanimously approved as submitted (Kishinami, Gon)**

**Item D-14 Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom, Inc. for Utility Easement Purposes; Issuance of Management and Construction Right-of-Entry; Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-040:011.**

**Chairperson Aila withdrew item D-14**

**Item D-11 Request that the Board Grant Petition for Contested Case Hearing by Island Adventure Tours, LLC, dba Kelii's Kayak Tours for a Contested Case Hearing as to Enforcement Action Against Island Adventure Tours, LLC, dba Kelii's Kayak Tours Involving Unauthorized Commercial Activities Conducted on State Unencumbered Lands at Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:001 and for Authorization to Select and Appoint a Hearing Officer.**

Mr. Moore conveyed some background on item D-11. This is for a small amendment to item D-11 which is a request for a contested case hearing. A petition was received. The recommendation is to grant it with the amendment for the petition and authorize the contested case.

**The Board amended paragraph 1 of the recommendations section to read: “Grant the petition, as amended, and authorize a contested case as to the finding against Island Adventure Tours, LLC, dba Kelii’s Kayak Tours.”**

**Unanimously approved as amended (Gomes, Gon)**

**Item D-15 Authorization to Execute the Administrative Order on Consent for Remedial Investigation/Feasibility Study between the United States Department of the Navy, Environmental Protection Agency, State Department of Health, Department of Land and Natural Resources, and the City and County of Honolulu in the matter of Waipahu Ash Landfill, Waipahu, Ewa, Oahu (1) 9-3-002:027.**

Mr. Moore conveyed some background on item D-15.

Member Gomes pointed out that remedial action is being done on the 6.72 acre area. The landfill was closed in 1991. Per Exhibit 1, it was formerly the Keamoku Fishpond. He asked if there is still water in it. He inquired about the contaminants in the water. Member Gomes said that the fishpond has been closed for 20 plus years. He shared his concerns regarding the remedial action.

Mr. Moore said that Land Division and the State are not the responsible parties. The City will be doing all of the mitigation work and will sign with the Environmental Protection Agency (EPA).

Member Gomes said that there’s a total of 24 acres, and 6 acres is next to a fishpond. You have 6 acres and the fishpond together. If you’re doing remediation of 6 acres, what about the 18 acres that have the fishpond? Wouldn’t the contaminants go into the water, and why is this not part of the entire scope?

Mr. Moore said that the effective area of the project is confined to the 6 acres that is named in the agreement with the EPA. The City is closing the entire facility.

Member Gomes raised concerns about possible contamination of the fish pond shown in Exhibit 1 of the submittal. After questioning by the staff and discussion among the Board members, staff was directed to consult with the City and County of Honolulu to determine what steps it intends to take to monitor water quality in the area and remediate the fish pond, if necessary. Staff will report its findings to the Chairperson, without the matter having to come back to the Board.

**Unanimously approved as submitted (Pacheco, Gomes)**

- Item L-1**      **Certification of Election of Christopher J. Robb as Director of the Mauna Kea Soil and Water Conservation District.**
- Item L-2**      **Appointment of Dwayne Cypriano as Director of the Hamakua Soil and Water Conservation District.**
- Item L-3**      **Certification of Election of Alan Nago and Appointment of Garret Hew to Serve as Directors of the Olinda-Kula Soil and Water Conservation District.**
- Item L-4**      **Certification of Election of John R. Brooks II and Appointment of J. Scott Meidell to Serve as Directors of the Central Maui Soil and Water Conservation District.**

Allison Yim, Acting Administrator for Engineering Division said that there were no changes to items L-1, L-2, L-3 and L-4 concerning the Directors appointments to the Soil and Water Conservation District.

**Unanimously approved as submitted (Gomes, Gon)**

10:54 AM      RECESS

11:01 AM      RECONVENE

- Item D-2**      **Consent to Sublease General Lease No. S-3961, Hilo-Hawaiian Associates, Inc., Lessee, to Banyan Gift Shop, LLC, Sublessee, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-1-003:005.**

Mr. Moore presented item D-2.

**Unanimously approved as submitted**

- Item D-3**      **Consent to Sublease General Lease No. S-4308, KAR Property, LLC, Lessee, to Jodi Narvaez dba Kammy's Flower Garden, Sublessee, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-2-058:002.**
- Item D-4**      **Issuance of Right-of-Entry Permit to Department of Health Hazard Evaluation and Emergency Response Office for Surface Soil, Sediment, and Biota Sampling on Lands Encumbered by Various Executive Orders and General Leases, Piopio and Waiakea, South Hilo, County of Hawaii, Island of Hawaii, Tax Map Keys: (3) 2-1-003:001, 2-1-003:008, 2-1-003:013, 2-1-003:017, 2-1-016:001, 2-2-001:001, 2-2-002:001, 2-2-003:003, 2-2-004:001, 2-2-012:001, 2-2-013:003, 2-2-014:002, 2-2-029:001, 2-2-029:026, 2-2-029:027, 2-2-031:001, 2-2-031:015, 2-2-053:023, 2-4-035:002, 2-4-035:004, and 2-4-041:045.**
- Item D-7**      **Cancellation of Revocable Permit No. S-7510 to Mary Jane Mau, and Request for Waiver of Level One (I) Hazardous Waste Evaluation Requirement, Keokea, Kula, Makawao, Maui, Tax Map Key:(2) 2-2-003:001.**

**Item D-8** Amend Prior Board Action of December 14, 2012, Agenda Item D-8, as Amended on April 12, 2013, Agenda Item D-8: Cancel Revocable Permit No. S-7368 and Reissuance of a Revocable Permit to Alexander & Baldwin, Inc., Pulehunui, Wailuku, Maui, TMK: (2) 3-8-08: 1, 8, 20, 35 and 38.

**Amendment Request:** Include TMK: (2) 3-8-08: 20 in the Exemption Notification Form in agenda Item D-8 of the Board's December 14, 2012, meeting.

**Item D-13** Issuance of Right-of-Entry Permit to Hawaii Pacific University for Research Purposes on Lands Encumbered by Executive Orders Setting Aside for Park Purposes on the Island of Oahu, Tax Map Key: (1) 3-5-22:23, 3-8-3:32, 4-3-11:74 & 75, 4-3-9:1, 4-3-10:83 & 84, 4-6-5:9, 5-2-2:1, 5-3-2:31, 5-4-11:9; 5-4-2:22, 5-4-1:32, 5-8-12:15 & 41 5-9-1:38, 5-9-3:32, 8-1-1:7, 8-1-1:8, 8-2-1:22, 8-3-1:1, 8-5-18:1, 8-7-7:1, and 8-9-1:2.

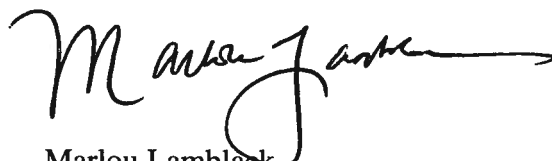
Mr. Moore said there were no changes to items D-3, D-4, D-7, D-8 and D-13.

**Unanimously approved as submitted (Gon, Smith)**

**Adjourned**

There being no further business, Chairperson William Aila adjourned the meeting at 11:05 a.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Marlou Lamblack  
Land Board Secretary

Approved for submittal:



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