

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

DATE: FRIDAY, NOVEMBER 08, 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.  
David Goode  
James Gomes

Reed Kishinami  
Dr. Sam Gon

**STAFF**

Michael Cain/OCCL  
Tiger Mills/OCCL  
Curt Cottrell/PARKS  
Sherry Mann/ DOFAW

Russell Tsuji/LAND  
Kevin Yim/DOBOR  
Alton Miyasaka/DAR

**OTHERS**

Julie China, Deputy Attorney General  
Eric Leong/DOT-Harbors  
Randy Vitousek: K-2  
Dean Uchida: D-6  
Ralph Morita: D-6  
Brenda S. Ho: D-4  
Mr. McCorriston: D-13  
Jim Coon: J-2  
Ron McCumbers: J-2  
Alex Filous: F-1  
Chris Manfredi: K-3  
Kyle Soares: K-3  
Michael Kumukauoha Lee: K-3  
Pono Kealoha: K-3  
Donald Straney: D-5

Mike Auerbach, DOT-AIR  
Gary Oda: D-12  
K. Kaleikini: K-2, E-1, F-1, K-3, D-5  
Abel Lui: D-6, E-1, F-1, K-3, D-5  
Chris Kinimaka: D-10  
Dan Purcel: D-4  
Lynn McCrory: J-2  
Jason Allen: J-2  
Leo Malagon & Jackie: E-1  
Michelle Galimba: K-3  
Kattrena Morgan: K-3  
Terri Napeahi: K-3  
Hanalei Fergerstrom: K-3  
Moanikeala Akaka: K-3  
Stephanie Nagata,

David Kauila Kopper: D-5  
Kale Gumapac: D-5  
Nanci Munroe: D-5  
Wallace Ishibashi: D-5  
Moanikeala Akaka: D-5  
Jon Osorio: D-5  
Pulama Long: D-5  
Leon Peralto: D-5  
Kimmer Bigforest: D-5  
Candace Fujikane: D-5  
Mike Tada: D-5  
Shelley Muneoka: D-5  
Dan Purcel: D-5

Kalani Flores: D-5  
Dexter Kaiama: D-5  
Kealoha Pisciotto: D-5  
Hanalei Fergerstrom: D-5  
Michael Kumukauoha Lee: D-5  
Kawika Riley: D-5  
Ilima Long: D-5  
Jackie Hoover: D-5  
Kala Keliinoi: D-5  
Laulani Teal: D-5  
Makaala Gutierrez: D-5  
Barry Taniguchi: D-5

**Item A-3      Approval of September 27, 2013 Minutes**

Item A-3 differed.

**Item A-4      Approval of October 11, 2013 Minutes**

Item A-4 differed.

**Item A-1      Approval of September 12, 2013 Minutes**

Board Member Goode recused himself because he was not present.

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

**Item A-2      Approval of September 13, 2013 Minutes**

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

**Item M-1      Amendment to Prior Board Action of 8-23-13, Item M-3, Issuance of a Direct Lease to Island Movers, Inc. Honolulu International Airport Request Amendment to Location and Tax Map Key, Area, and Annual Lease Rental TMK: (1) 1-1-072: 5, 6, 34 & 35 (Portion).**

Mike Auerbach, DOT-Airports presented Item M-1 and explained how they revised the land area and new tax map key and new rent for the additional space. There are no other changes.

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

**Item M-5      Issuance of 1) Right-of-Entry Permits for the Construction of an Elevated Guideway, a Rail Transit Station, and Pedestrian Connector(s), and the Installation and/or Relocation of Utility Facilities: 2) A Grant of Non-Exclusive Term Easement for an Elevated Guideway, A Rail Station, and**

**Pedestrian Connector(s); and 3) Grant of Non-Exclusive Term Easement(s) for Utility Facilities at Honolulu International Airport, Moanalua, Honolulu, Hawaii TMK: (1) 1-1-03, (1)1-1-04, and (1)1-1-14.**

Written testimony was submitted by Tyler Dos Santos-Tam.

Mike Auerbach, DOT-Airports also presented Item M-5, a request of approval for construction permits and easements for this project.

Member Goode questioned where the stations would be and how far the walk would be from the terminal.

Mr. Auerbach explained that it would be in the vicinity of the parking exit booths, near lot J; an open parking area, behind the parking exit gates. There will be pedestrian connectors to the international parking structure that leads to the interisland terminal and a connector to the overseas parking structure.

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

**Item M-2      Issuance of Right-of-Entry to Aloha Petroleum, LTD., Hilo Harbor, Island of Hawaii, Tax Map Key NO: 3<sup>rd</sup>/2-1-09L Portions of 07 & 62.**

**Item M-3      Issuance of a Lease to the United States of America, Department of Transportation, United States Coast Guard, for Support and Mooring Facilities at Hilo Harbor, Waiakea, South Hilo, Island of Hawaii, Tax Map Key NO. 3<sup>rd</sup>/ 2-1-09: (Portion).**

**Item M-4      Issuance of a License Agreement to the United States of America, Department of Transportation, United States Coast Guard, for Security Camera on the Aloha Tower, Pier 9, Honolulu Harbor, Oahu, Tax Map Key No. 1<sup>st</sup>/2-1-01:15 (Portion).**

Eric Leong, DOT-Harbors gave a brief description of Items M-2, M-3 and M-4. The only correction that Mr. Leong made to M-3 and M-4 was that the United States Coast Guard is under US Department of Homeland Security, not the US Department of Transportation.

A member of the public asked for an explanation of what the extension of the lease is for.

Chairman Aila explained that this is for existing facilities that the Coast Guard uses for search and rescue, extension of their lease and then one for space for a camera.

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

**Item D-12      Report 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, Including a Report on the Hearing before the Bankruptcy**

**Court Scheduled for November 6, 2013. Discussion will entail at least the following:**

- a. Trustee's Motion for Order (A) Authorizing the Assumption of Certain Unexpired Non-Residential Real Property Leases and (B) Establishing Cure Costs; Declaration of David C. Farmer; Exhibits "A" to "C"; and**
- b. Trustee's Motion for Order Authorizing: (I) Sale of Hotel Assets, Free and Clear of Liens and Encumbrances; (II) Assignment of Unexpired State of Hawaii General Lease No. S-5844 of Non-residential Real Property Free and Clear of Liens and Encumbrances; and (III) Partial Distribution of Sales Proceeds.**

**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***

Russell Tsuji, Administrator/Land Division; explained that Item D-12 is a briefing to the Board of the recent events that transpired in bankruptcy court this week. There were three key motions: 1) motion to assume the Naniloa Lease, 2) motion to sell free and clear to a buyer, and 3) the trustee had a rejection to subleases and contracts. The court held a hearing but did not decide any motions; it did indicate that it had some concerns to the first two motions. There was a bidder willing to bid higher. Ramco was the higher bidder for this week and is one of the current neighbors to the Naniloa Hotel. Gary Oda with Remco was present for questions.

Gary Oda-Ramco presented the Board their plan for Naniloa. Ramco has a three step plan. First, resolving fire, life, safety and code issues which come out to about 1.7 million. After talking to the mayor and the county, they are satisfied with Ramco's plan on curing those issues. Second in the short run, is to keep the hotel open to allow the 50- 60 people to keep their jobs. They plan to renovate the elevators, the rooms, the kitchens and the Sandlewood Restaurant, as well as repaving the entire parking lot. The third phase would be a long range plan to do a master plan in that area, with the county, the state and the community, that they estimate will cost \$20-30 million.

Member Gomes asked Gary Oda what he means by "short term" in reference to the 50-60 employees currently employed for Naniloa.

Gary Oda clarified that they will be employed through this transition. Oda explained that if they don't do these short term fixes, then they will be forced to close; the bank is threatening to close. Ramco wants to work with the bankruptcy trustee because the property is in bad shape. Ramco also has a vested interest in that area because they operate the Hilo Hawaiian.

Chairman Aila asked if the pool that's on the side is part of the county issues.

Oda explained that the pool is on a separate lease.

**Member Gon made a motion to go into 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 Gomes seconded that.**

**Item D-3      Forfeiture of General Lease No. S-4436, Tenrikyo Taiheiyo Kyokai, Kapaa, Kawaihau, Kauai, Tax Map Key(4) 4-5-008:008 (KDLO)**

**Chairman Aila withdrew Item D-3.**

**Item D-8      Denial of Request to Modify Fee for Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Displays at Duke Kanahamoku Beach situate at Waikiki, Honolulu, Oahu, Tax Map Key No.: (1) 2-3-037:021 (portion). (ODLO)**

**Chairman Aila withdrew Item D-8.**

**Item D-11      AMEND PRIOR BOARD ACTION OF AUGUST 8, 2012, ITEM D-10, AS THE DEPARTMENT OF AGRICULTURE FOR THE KAHUKU AGRICULTURAL PARK, APPROVAL, IN PRINCIPLE, OF THE ISSUANCE OF A DIRECT LEASE TO NA PUA MAKANI POWER PARTNERS, LLC, FOR A COMMERCIAL RENEWABLE WIND ENERGY GENERATION FACILITY; AND ISSUANCE OF A RIGHT-OF-ENTRY PERMIT, KAHUKU-MALAEKAHANA, KOOLAULO, OAHU, TMK: (1)5-5-08:6**

**AMENDMENT: THE AMENDMENT SEEKS THE BOARD'S APPROVAL OF A NEGOTIATED DEVELOPMENT AGREEMENT BETWEEN THE STATE AND NA PUA MAKANI POWER PARTNERS, LLC, AS AN INTERIM AGREEMENT PRIOR TO ENTERING INTO A FORMAL LEASE AGREEMENT. (ODLO)**

**Chairman Aila withdrew Item D-11.**

9:23 AM      EXECUTIVE SESSION

9:54 AM      RECONVENE

Chairman Aila called for testimony for Item D-12.

A representative from Hawaii County stated that they submitted a written statement.

**Nonaction item.**

**Item K-2      Conservation District Use Application (CDUA) HA-3675 for a Single Family Residence (SFR) & Related Improvements.**

Tiger Mills of the Office of Conservation and Coastal Lands presented Item K-2 giving detailed information on the background, location, access, history and description of the proposed residence.

Randy Vitousek representing Peter Dungate shared that this has been a goal of his and that he had read the report and conditions and agrees with the terms of the approval.

Chairman Aila called for testimony.

Kaanohi Kaleikini is familiar with the area and would like to know if there is a map as to where improvements would be placed in regards to the burials. She also inquired about title to the land.

Chairman Aila said they have to go with the assumption that he has title to the land and will pay fee simple tax to the county.

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

**Item D-6      Approval in principle for the acquisition of private lands situate at Kealakehe, North Kona, island of Hawaii, identified as Tax Map Key No.: (3) 7-4-020:10 (portion) for the proposed Kona Judiciary Complex. (HDLO)**

Russell Tsuji, Administrator, Land Division went over item D-6 and explained that the Department of Accounting and General Services is assisting the Judiciary along with their consultant Dean Uchida and were present to answer any questions. Tsuji also noted that this was a gratis land donation from the Queen Liliuokalani trust, other than that there was nothing else to add.

Abel Lui went up to testify that this land is private land and he is opposed to anything the department plans on doing to the land. Lui requested a contested against this item.

Tsuji told Chairman Aila that DAGS wanted to make a notation of correction to the submittal. Ralph Morita, Department of Accounting and General Services, Planning Branch made a clarification to the submittal. The submittal indicated that the parcel is within Kealakehe, but after doing further research the actual name is Keahuolu. The private owner is QLCC and TMK is correct.

Chairman Aila confirmed with the Attorney General that this name change could be made. Deputy Attorney General Julie China confirmed that the name change was fine, and there was no need to make an amendment because the TMK remained the same.

Chairman Aila advised Abel Lui that since he made a verbal contested case, he needs to follow up and file a written contested case within ten days.

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

**Item D-10      Approval to Enter into License Agreement with Federal Aviation Administration on behalf of the Department of Accounting and General Services, Information and Communication Services Division for Telecommunication Facility Purposes, Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-009:portion of 001. (ODLO)**

Russell Tsuji, Administrator, Land Division briefly reviewed item D-10 and noted that was also another Department of Accounting and General Services matter asking the Board to approve it to enter a license agreement. Chris Kinimaka with the Department of Accounting and General Services was present to answer any questions, Tsuji had nothing to add.

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

**Item D-4      Consent to Sublease of General Lease No. S-5976, Hospice of Hilo, Lessee, to Technology Credit Corporation, Sublessee, Waiakoa, South Hilo, Hawaii, Tax Map Key: (3) 2-4-001:179. (HDLO)**

Russell Tsuji, Administrator, Land Division briefly went over Item D-4. Brenda S. Ho was present in support of the Item.

Member Goode had a general question stating that the board has seen a few of these nonprofits that have existing leases with state land come up for a sublease. Goode asked if there is a way in the future to make these administrative approvals.

Chairman Aila asked staff to check with AGs about this.

Tsuji replied by explaining that right now under the lease and the law that it's the Board's consent. Tsuji also commented that he advises nonprofits that enter into subleases to generate revenue that they must maintain their 501C3 status. The reason they got the lease at nominal rent was because of their 501C3 status. If they ever lose this status then a new lease will have to be negotiated with the board.

Chairman Aila called for public testimony.

Dan Purcel questioned where D-4 was listed on the move up agenda and questioned Chairman Aila if he was taking things out of order.

Chairman Aila explained that Item D-4 was listed as number 13 on the move up but since there was no number 6, he decided to take Item D-4. Chairman Aila also stated yes, he has discretion to make changes to the move up agenda.

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

**Item D-13      Request to amend prior Board action of March 8, 2013, Item D-8, approval of the modification and assignment of the Development for the former Ewa Feedlot site at Campbell Industrial Park, Honouliuli, Ewa, Oahu, Hawaii, Tax Map Key: (1) 9-1-031:001. The purpose of the amendment is to modify (1) the Assignee previously approved by BLNR; (2) the area proposed for development; (3) the proposed development plan; and (4) certain milestones, benchmark deadlines and other terms and conditions previously approved by the Board (ODLO)**

Russell Tsuji, Administrator, Land Division presented Item D-13 detailing that this was a matter that has been before the board and calendared several times in the past. It's a shoreline property in the back of Campbell Industrial Park that has been under a development agreement for several years and they have encountered some problems. They have been looking for an investor or partner to help with the renewable project stated for the site. A couple months ago this was calendared and the department was asked to take it off because the entity that was coming in decided to withdraw. However there is another entity that is being proposed and that's what is being presented right now. They are willing to take the entire 100 acres and agree to most of the conditions that have been previously worked out with the prior proposed assignee, with the exception of the timing of the EA. The new assignee, Investricity Ltd representative Mr. McCorriston is present.

Mr. McCorriston thanked the board as well as Tsuji and staff then stated that they are agreeable to pay the back rent, and want to use the entire 100 acres. They are very excited, have strong financial commitments, and look forward to working on this project.

Member Gomes asked when they plan on paying the state back its delinquencies.

Tsuji explained that under the agreement they will pay back in increments upon certain conditions being made. One will be upon execution of the amended development agreement and assignment to this entity. The big one is one-hundred thirty thousand due ten days after execution.

Member Goode commented that he read that eventually the lease ran 33 thousand an acre for the 110 acres making that about 3.3 million a year, Goode asked McCorriston if that number sounded correct.

McCorriston confirmed.

Member Goode questioned a term about getting HECO approval within a couple of months and asked if that was realistic.

McCorriston acknowledged that the HECO approval would not be made within a couple of months, but the benchmarks that they have agreed to, he believes are doable. Investricity is looking for other alternatives and HECO is not their only source of revenue for this project.

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



**Item J-2      Authorize the Termination of General Lease No. B-00-1 and Easement to Lana'i Company, Inc., Castle & Cooke Resorts, LLC and the Issuance of the New Lease and Easement by way of Direct Negotiation to Lana'i Resorts, LLC, DBA Pulama Lana'i Manele Small Boat Harbor, Manele, Country of Maui, Island of Lana'i, Tax Map Key (2) 4-9-17:06.**

Written testimony was submitted by James E. Coon, Lynn P. McCrory and Manele Small Boat Harbor Advisory Committee.

Kevin Yim, Division of Boating and Ocean Recreation reviewed Item J-2 and explained that if the Board does authorize approval for this, DOBOR would recommend that Lanai Resorts seek legislative approval to authorize the Board to rescind the original authorization as specified Senate concurrent resolution 16 and that they request approval of the Board to authorize a lease of the submerged land as an easement under the terms and conditions allowing for the loading dock. As a condition to the above the lessee shall allow for the loading dock to be used by the Lahaina Lanai Ferry and Trilogy during the construction period and immediately commence repair and maintenance activity upon the pier's completion.

Chairman Aila called up the public up to testify, beginning with the move up agenda.

Lynn McCrory, representing Pulama Lana'i went up to the stand. Pulama Lana'i is the new owner of the former Castle and Cooke lands on Lanai. They support the submittal by DOBOR in terms of giving them an option for a new lease and easement for the Manele small boat harbor on the submerged leases. McCrory is okay with the amendment with Trilogy.

Jim Coon, representing Trilogy then went up and offered a modification to Kevin Yim's proposal that referred to Exhibit C explaining exactly what the land would be used for. The letter from Lanai resorts, now known as Pulama Lana'i states "the lease area will be used for the ferry service to/from Maui (expeditions), the commercial tours by Trilogy, and the repair work. This is possible as DOBOR will be installing a floating dock system that is approximately one hundred fifty (150) feet in length and four (4) feet in width, that will be attached to the permanent dock."

Kevin Yim commented that he would only go with the first sentence and excludes the second. This is not permanent; this is only temporary until the construction is completed.

Chairman Aila clarified that there are two projects and what they are doing is just trying to keep a pier open so that everyone can use it.

Jason Allen, an owner/operator of a commercial business at Manele harbor testified in favor of Pulama Lana'i and asked the Board to consider the contributions made by Pulama Lana'i.

Ron McCombers, a member of the Harbor Advisory expressed that his concern regards post-construction activities. This new design will replace 23 docks that were originally going to be put in the harbor. McCombers felt it would be better just to leave the old dock there, after the construction is done, Pulama will take that over and says who uses the dock and who doesn't. During the construction Expeditions will use it and Jim Coons uses it. McCombers claims that no

one is trying to run Jim out of the dock, that he is a valuable asset to the island of Lana'i. McCombers asked the Board to please approve the item. McCombers also asked for better enforcement in that area.

Member Goode asked staff what language was going to be used in recommendation number three.

Kevin Yim had no problem with using Jim Coons' language. Yim stated that the recommendation will read:, as a condition to the above, this lease area will be used for the ferry services to/from Maui (Expeditions), the commercial tours by Trilogy, and the repair work during the construction period and immediately commence upon the completion.

Member Gomes confirmed with Chairman Aila that Ron McCombers said Pulama would take over management of the dock once construction was complete.

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

**Item K-1      Conservation District Use Application (CUDA) OA-3677 for a 5-acre Pilot Cacao Farm.**

Tiger Mills, of the Office of Conservation and Coastal Lands summarized Item K-1, explaining that the proposed use was for a pilot cacao farm. Cacao is a tree where the pod is manufactured into chocolate. Mills amended condition #6 stating that completion should be within six years of initial use. Mills noted a special condition is that the permittee shall submit a management report after the initial three years of the project and prior to applying for additional land uses on the property.

Paul Zweng, the applicant had nothing to add.

Chairman commended Zweng on his outreach.

Gomes asked what the highest level of elevation the cacao can grow.

Zweng, did not know but, commented that his proposal would be at about 325-450-ft elevation and added that there are cacao trees that are taller then that, and are growing and healthy.

It was also noted that cacao love water.

Zweng agreed to staff's recommendations.

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

**Item L-1      Authorization to Enter Into Agreements with the Private Property Owners of 1071 Koohoo Place, 1081 Koohoo Place, 1111 Koohoo place, 11156 Koohoo Place, 1123 Koohoo Place, 1129 Koohoo Place, 1129 Koohoo Place, 1129A Koohoo Place, 1135 Koohoo Place, 1141 Koohoo Place and Delcaration of**

**Exemption from Environmental Assessment Requirements Chapter 343, HRS, and Chapter 11-200, Hawaii Administrative Rules for Job No. J45C041A Lanikai Rockfall Mitigation, Kailua, Oahu, Hawaii.**

Carty Chang, Chief Engineer, Engineering Division presented Item L-1, only adding that the project will have minimal or no significant impact on the environment and is therefore exempt from the declaration of an EA.

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

**Item L-2      Appointment of Sumner Erdman to Serve as Director of the Central Maui Soil and Water Conservation District.**

**Item L-3      Certification of Election of Scott Crawford and Appointment of Annette Smith to Serve as Directors of the Hana Soil and Water Conservation District.**

Carty Chang had no changes to Items L-2 and L-3.

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

**Item D-9      Consent to Sublease General Lease No. S-5805, Waikiki Community Center, Lessee, to Hawai'i LGBT Legacy Foundation, Sublessees, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-6-025:008. (ODLO)**

Russell Tsjuji, Administrator, Land Division had no changes to Item D-9.

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

**Item E-1      Issuance of Revocable Permit to Discover Hidden Hawai'i Tours, Inc., for Use of the Nutridge House and Grounds as a Pilot Project, Pu'u 'Ualaka'a State Wayside, Opu, Makiki, O'ahu, Tax Map Key: (1) 2-5-019:004 (por.)**

Curt Cottrell, Assistant Administrator, Division of State Parks gave a context for the submittal explaining that Parks have been re-evaluating undervalued park resources across the state and over the past several years have been making an initiative to generate their own income to make up for operating short falls. The goal of revenue generation is to keep improving the quality of State Parks and how people access and enjoy state parks.

Cottrell explained that they made an offer to the current Nutridge tenant, to pay the new rent that was calculated on appraisal as approved by the Board, however he declined and will vacate in December of 2013 when the revocable permit expires. State Parks wants to protect the house and sustain it, as well as add value and opportunity for managed public access. Discover Hawaii Tours has created a plan, which Parks will use as a test over the next year to generate new revenue and see if this re-purposing will work for both the historic resource and to add value for events and to the community for group access. After a year parks will re-evaluate and determine

if it is warranted to go to bid for a long term lease, request renewal of the RP or establish another plan.

Gomes asked Cottrell how they will deal with management of the facilities for this project.

Cottrell explained that this a single family home with no restroom, so to manage events the permittee will put up porta potties using the house as more of a historical backdrop. If this works long term, then they will consider capital improvements to establish a comfort station that may accommodate group use on site.

Leo Malagon and Jackie representing Discover Hidden Hawai'i Tours, Inc. went up to share their vision explaining that their focus would be to operate weddings, group tours and small corporate events. Discover Hidden Hawai'i Tours also want to share the location with the community for appropriate events at nominal fee a few times per month.

Jackie thanked the Board for having them. Nutridge was one of the first Hawaii locations for the cultivation of mac nuts. Jackie presented a video with their dream and vision.

Chairman Aila asked Malagon what they plan on doing at Nutridge.

Malagon responded by explaining that their plan is to focus on wedding planning, and ceremonies and to host corporate events.

Member Gomes asked if there are still macadamia nut trees there today.

Cottrell said yes, there are, but have gone feral.

Chairman Aila asked for public testimony.

A member for the public audience asked if kamaiana rates would be offered.

Chairman addressed the public and made it clear that if there are questions, they have to go up to the testifiers table.

Malagon answered the question by telling everyone that the house will be open at least two to four times a month free of charge for the community to use, however anyone wanting to use the must follow the rules being imposed by the DLNR and cover basic management costs- such as the rental of porta potties.

Abel Lui testified that he supported this Item.

Kaanohi Kaleikini, who grew up in Tantalus expressed her concern about this area not being open to the public like it used to be and that the community up there be aware of the access.

Chairman Aila told Kaleikini that this area was open to the families because the lessee allowed people to go up. Aila also explained that when you lease something, it is private property and

that Discover Hidden Hawai'i Tours, Inc. indicated that they will open it up three or four times a month for the public.

Cottrell clarified that the park hours and public access to Pu'u Ualaka'a would remain the same, just this side portion of the part that has been off limits to the public for over 30 years would now be available for managed access. Cottrell commented that he spoke with the Tantalus community association and they were supportive of the notion of changing up the management and are possibly interested into looking to use the facility to hold some of their meetings.

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

**Item F-1      Request for Approval of Special Activity Permit 2014-23 for Mr. Alex Filous, University of Hawaii at Manoa, Biology Department, to Take, Tag and Release Alive, Certain Marine Fishes From Within the Molokini Shoal Marine Live Conservation District, Maui for a Study of Fish Movement In Response to Human Activities.**

Alton Miyasaka of the Division of Aquatic Resources summarized Item F-1 and had no changes.

Alex Filous a University of Hawaii grad student, the applicant thanked the Board and was prepared to answer any questions.

Member Gon asked if this was a long term project.

Filous said that this is a one year study with potential to expand to two years depending on data and what is found.

Member Gomes asked how many species would be would be tagged and how the fish would be tagged.

Filous stated that there would be eight different species and named the eight. Filous also commented that the object of the study is apex predators and ecologically important fish movement. Whichever of those species they get is the species they will tag. He then explained that they would use a routine method called passive acoustic tracking to tag the fish. With the acoustic device the presence of the fish can be recorded; wherever the fish goes they will know.

Chairman Aila called for public testimony.

Abel Lui testified that he is in opposition of this and said that fish is to eat not to study. Lui also asked where the money for this was coming from and why.

Chairman Aila then told Lui that in order for us to have fish to eat; we need to study and research where this fish is coming from, and this is the process of understanding. Aila also clarified that this is a state funded research and the data that is going to be collected will aid us in understanding these types of species around the Hawaiian Islands.

Kaanohi Kaleikini questioned what would happen if someone catches a fish that has been tagged.

Chairman Aila explained that if a fish that has been tagged is caught, then you will be able to see an external tag. There is information as to who to contact if you find a fish with a device.

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

RECESS 11:13 AM

RECONVENE 11:25 AM

**Item K-3 Conservation District Use Application (CUDA) HA-3674: Old Plantation Spring Pipeline Board may go into 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.**

Written testimony was submitted by Chris Manfredi, Edmund C. Olson, Abel Simeona Lui, Kittrena Morgan, Native Tenant Protection Council and John C. Cross.

Member Sam Gon recused himself from Item K-3.

Michael Cain of the Office of Conservation and Coastal Lands presented Item K-3 giving detailed background on the item. The purpose is to partially re-establish a water system in Ka'u on Hawaii Island. Cain gave background detailing when the Old Plantation was established and history. The proposal is to place a two inch pipeline at the source and run it across conservation land and run it into agriculture lands which will help support ranchers. The source is about 6 miles from the shoreline. Cain explained how the process would happen. After meeting with the Commission on Water Resource Management, they were advised that no permit was needed for this project. Permits through CWRM include well construction permit for a new well, pump installation permits for new pumps, water use permit for a designate water use area, and stream diversion channel alteration permit for as stream diversion. None of these are triggers for the proposed pipeline. Cain also addressed some concerns that were brought up. The Nature Conservancy provided a list of policies they want to see enforced, and the applicant has agreed to them.

Member Gomes asked if Old Plantation still uses that well and if the flume system was still intact.

Michelle Galimba, the applicant said the flume is not still intact, there are pieces but it went out of use in the 1950s. The pieces are there, but it is defiantly not usable.

Member Goode questioned what the percentage of water that comes out of this area would be put into this two inch pipe.

Galimba said she thought it was about 10% of the water, that the exact number is present in the submittal. Galimba explained that this is more a backup that would be used mostly during times of drought and would not be used for irrigation.

Chairman Aila began public testimony by starting with the sign-up sheet.

Chris Manfredi, Vice President of Hawaii Farm Bureau Federation/ President of Ka'u Farm Bureau submitted written testimony in strong support of this application and wanted to underscore some of those items. Manfredi testified that this project supports food security by producing more food locally, adding that this is a repurposing and revitalization of a historic system and this is something that is needed in the Ka'u district.

Kattrena Morgan read testimony that she and Abel Lui submitted. In summary, Morgan and Lui are opposed to this project because they feel like this is not in the best interest of the public. They feel like the water should flow freely from the mountains to the ocean and not be diverted for a select few to use for personal gain. Morgan feels like this project is unlawful. Morgan also expressed her disappointment in the public hearing that was held by OCCL describing it as a fiasco.

Abel Lui then went up to ask more questions beginning with how many miles of pipeline would run through this area.

Cain answered that the total pipeline is 18,241 feet, which is about 3.5 miles.

Lui, in opposition of the project then presented the Board with photographs of where he believes the water is coming from explaining the locations and the areas of drought. Lui then read a passage from the Bible.

Chairman Aila asked for more testimony starting from the right side of the room to the left.

Kyle Soares a rancher from Hilea was next to testifying in opposition of this CDUA permit. Among many things Soares strongly felt that there is too much monopolization and that water should include a larger area and not be for just a certain area for certain people.

There was discussion between Soares and the members of the Board about whether DLNR should ask for a share of water that crosses state lands for distribution and what Soares suggested so that the water could be shared equally. Soares commented that the state shouldn't have to ask for something that already belongs to them and would suggest a manifold were water would come out at the same pace.

Terri Napeahi, an ahupua'a tenant from Ka'u was next to testify and began by asking why Member Gon recused himself and said that he was a representative of a traditional customary spiritual practitioner.

Chairman Aila told Napeahi that Gon is affiliated with the Nature Conservancy and there is no representative for the Board right now that requires that skill.

Napeahi is opposed to this project and agrees with Soares about having a larger perspective in managing the water resource that is being distributed to the families in Ka'u. In summary, Napeahi testified that water is a public trust resource and that the people have a right to practice traditional and customary practices, spiritually, culturally and religiously. Napeahi stated that the state and the Board doesn't have the right to regulate rights of existence, by diverting water from rivers, her rights are being regulated out of existence. Nepeahi expressed her concern that there is no one representing rights for the water not just for Hawaiians but for all the people.

Michael Kumukauoha Lee a native Hawaiian cultural practitioner testified against this permit. Lee explained uaulu, how the trees created rain and how bad water management leads to deforestation and drought. To summarize, Lee testified asking for reforestation and management from the mountain to the ocean.

Hanalei Fergerstrom a religious practitioner and spokesperson from Na Kupuna Moku O Keawe was next to testify in opposition to this CDUA. Fergerstrom recited the Chant of the Ocean Gods to make his point that water should be equally distributed. Fergerstrom also commented that he feels like the board should not only not approve this permit, but should further expand on the need for the water and restoration there in Ka'u.

Pono Kealoha testified that he too is in opposition, standing by the statements given by those who are opposed.

Moanikeala Akaka from Hilo was also in opposition and addressed the Board by telling them that it is their responsibility to protect ceded water rights of everyone not just a few.

Kaanohi Kaleikini who has family in Ka'u wanted to add that she felt like the water should run freely there for all to use. Kaleikini is against the approval of this project.

Abel Lui returned to the stand and stated for the record that these different fish and shrimp would be impacted by a two inch water pipe that will be taken from a stream.

Member Gomes called Galimba back to the stand and asked her how much of the 2 inch line would affect her neighbors water if any.

Galimba said that the source is 3.5-4 mile pipe run up the mountain and that this wasn't an exclusive and just because she is asking to use the water doesn't mean that no one else can use it. Galimba agreed that there needs to be a larger water plan for all of Ka'u.

Chairman Aila wanted to make sure he understood the submittal correctly and asked Michael Cain to confirm his understanding. Cain confirmed that there was a tunnel that the plantation made, water spilled out went into a pool, the pool ran for a little bit, and then the water went underground.

Chairman Aila then asked Cain if the water that went underground popped up here and there or if it was just never seen again to possibly come up on the costal planes.



Cain explained that it returned to the general aquifer or could've been drawn out by towns in Ka'u.

Chairman Aila then asked Cain if anyone had said that they would be affected because of this two inch water line.

Cain said no one said they would be affected because of the water line, but that access would be affected.

Member Goode commented that he has legal questions he wanted to consult with the AGs, but asked Cain about an easement.

Cain said that once this is approved, the applicant will have to go through the land division to get approval of an easement. Cain didn't know what kind of easement it would be.

**Member Gomes made a motion to go into 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 Gomes seconded that. Member Kishinami seconded the motion.**

EXECUTIVE SESSION 1:08 PM

RECONVENE 1:29 PM

Member Goode began by explaining that during the executive Session he gained a better understanding of the Commission on Water Resource Management and their permission is not required for this particular application. Goode also learned that CWRM accepts applications to tap into state water lines that meet state water codes and constitutions. Goode clarified again that the applicant would have to come before the Board again to grant an easement.

Cain clarified that yes, the applicant would have to go through the Division of Forestry and Wildlife to get the easement because the pipe would go over forest land.

Member Goode made a motion to approve staff's recommendations as submitted.

Abel Lui stated the he will contest this case.

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

**Item C-2 Acceptance of Two Grant of Easements from John J. Cogan, Trustee of the John J. Cogan Revocable Living Trust in Favor of the State of Hawai'i for Access across a portion of Forest Ridge Way to Honolulu Watershed Forest Reserve, Tax Map Key: (1)2-5-015: Adjacent to 014 & 018, Honolulu, O'ahu.**

Sherry Mann, acting Administrator for Roger Imoto, Division of Forestry and Wildlife summarized Item C-2 explaining that the land is going to the Cogan trustees and DOFAW has

interest in access for maintenance and emergency purposes across the Cogan lands as well as pedestrian access. All parties are in agreement.

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

RECESS

1:33 PM

RECONVENE

2:00 PM

**Item D-5                      Mutual Cancellation of General Lease No. S-4191 to the University of Hawaii (UH) for the Mauna Kea Science Reserve and Issuance of New Direct Lease to UH for Mauna Kea Science Reserve Purposes; Mutual Cancellation of General Lease No. S-5529 to UH for the Hale Pohaku Mid-Level Facilities and Issuance of New Direct Lease to UH for Hale Pohaku Mid-Level Facilities Purposes; Extension, Amendment and Restatement of Grant of Term Easement S-4697 to UH to Extend the Easement Term by Approximately 45 Years and Update the Easement Instrument with Current Provisions Approved by the Department of the Attorney General, Kaohe, Hamakua, Island of Hawaii, Tax Map Keys: 3rd/ 4-4-15:01 por., 09 & 12 (HDLO).**

Written testimony was submitted by Hanalei Fergerstrom, Jonathan K. Osorio, Cari Rose Aquino, Cheryl B., Shantee Brown, Joseph Kualii Camara, Kanoe Case, Taira Cran, Jowen Coito, Leimana DeMate, Kamana'opono Crabbe, Candace Fujikane, Jeanine Johnson, Manu Kaiama, Rita Kawehi Kanui, Drew Kapp, Mehana Kihoi, Vivian Maunakea, Norman Miyasato, Julia Morgan, Shelley Muneoka, Nanci Munroe, Kale Gumapac, Leon No-eau Peralto, Kealoha Pisciotta, Clarence Kukuakahi Ching, Deborah J. Ward, E. Kalani Flores, B. Pualani Case, Flores-Case 'Ohana, Paul K. Neves, Barabara Raymond, Leona Roberts, Andrea Rosanoff, Genie Ruddle, Piikea Tomczyk, Senator Malama Solomon, Keomailani Von Gogh, Judy Walker, Jason Winniford, Chanell Akamine, Abel Aquino, Kim Auberson, Debbie Baker, Chad Kalepa Baybayan, Jack Bennett, Mary Begier, Hannah Brown, Roberta F. Chu, John C. Cross, Clyde T. Hayashi, Dr. Matthew Hughes, Leslie Isemoto, Wallace A. Ishibashi Jr., Kimberly A. Jackson, David B. Ka'apu, Michael L. Kaleikini, Ka'iu Kimura, Vivian Landrum, Al Lardizabal, Gene "Bucky" Leslie, Pete Lindsey, Margo Lundstrom, Stacy Ellamar, Cindy McMillan, Gene Moody, Tyler Dos Santos-Tam, Ed Stevens, Sean Naleimaile, Laulani Teale, Nimr Tamimi, Carol A. VanCamp, Rick Vidgen, Miles Yoshioka, Mikki Aganstata, Christine Ahia, Andrea Anixt, Pete Arnold, Kuuleianuhe Awo-Chun, Randy Bartlett, Adam Bensley, Diletta Bianco, Patricia Blair, Marianne Boschen, Lono Bray, Thomas Brennon, Kevin Brown, Anna Bowman, 'Olu Campbell, Dori Cole, Donald Cooke, Felix Cruz, Kimberly Crawford, Lisa Damon, Brian Emmons, Duane Erway, Francis Francisco, Luise Frech, Sharde Mersberg Freitas, Lester Gale, Flora Dino Garcia, Jessica Garlock, Debra Garoutte, William Gioia, Jennifer Noelani Goodyear-Kaopua, Daniel Greider, Teri Gwarek, Barbara Jensen-Haight, Berton Harrah, Leimomi Harris, Gerald Header, Andrew Hina, Lahela Jarrett Holmwood, Rene Haunani Hopkins, Mechelins Iechad, Ku Kahakalau, Ekela Kahuanui, Sandra Kamaka, Amara Karuna, Arlene Kato, Lehua Kaulukukui, Kaleo Keli'ikoa, Dr. Kekuewa Kikiloi, Jaclyn Kim, Lisa Kirbin, Bodhi Kohler, Paul A. Komara Jr., Brenda Kuamoo, Paul Kuykendall, Hallie Larsson, Jennifer Lindsay, Olivia Ling, Christine Lipat, Valerie Loh, Hualani Loo, Ah Lui, Koa Luke, Jack Lynch, D. Keali'i

MacKenzie, Eva Maikui, Martha Martin, Amber McClure, Michael Menchetti, Jill Miller, Julie Mitchell, Norman Miyasato, Pearl Moenahale, Megan Moniz, Stacy Moniz, ODouce Morand, Pat Ohanlon, Susan Orr, Eri Oura, Eleonora Pavlovskaya, Leimana Pelton, Sherry Pollack, Kauai Pratt, Keoki Puaoli, Pamela Punihaole, Dephelia Rackley, Kanoena Richardson, Amber Rohner, Daniela Rossi, Anjoli Roy, Eve Saglietto, Menaj Shamsaee, TJ Simms, Steve Snow, Daniel Soulas, Linda Staelens, Atts Stevenson, Anna Subiono, Miwa Tamanaha, Fane Tonga, Kelley Uyeoka, Terri Vandehey, Ku'ulei Vickery, William Viernes, Natalie Van Leekwijck, Patricia Vazquez, Vicki Vierra, Suzanne Wakelin, William Wasden, T. Lilly Little Water, Momi Wheeler, Marge White, Pamela Williams, Pauline Yap, Aiko Yamashiro, Raymond Zahra, Wm Keawepoepoe, Toni Auld Yardley, Keani Rawlins-Fernandez, Lea Kiyomi Makualohaikalani Wilson, Liana Regidor, Kevin Mitchell, John Dill, Mac McCoy, Beverly Maragos, Peter Sekioka, Reggie Domingo, Brian Cibulka, Keenan Tanoue, Jennifer Wong, Gunther Hasinger, Barry K. Taniguchi, Shae Kamakaala and a list of individuals who have added their names to the petition (the list of individuals is found filed in the Chairman'), David Kauila Kopper, Jacqui Hoover, Gay L. Barfield, A'ia'i Bello, Kekoho Bertelmann, Susan Betancourt, Leigh Sidney Keonekaulana Case, Vikki Catellacci, Christy Ceraso, Keri Clark, Kaleinohea Cleghorn, Steve Coffee, 'Iwalani Christian, Susan Douglas, Donna Fischer, Debera Elkahana First, Ronald Fujiyoshi, Theodora Pualeialaonaona Ahoi Akau Gaspar "Cookie", Randee Golden, Cory Harden, Abby Herhold, 'Ekela Kahuanui, Shae Kamakaala, Reynolds Kamakawiwoole O K I, Roger & Diane Kanealii, Amara Wahaba Karuna, Lehua Kaulukukui, Christina Kawamoto, Miranda Lewitsky, Danny H.C. Li, Clare Loprinzi, Yuki Ka'ea Lyons, Li'ula Mahi, Hope McKeen, Michael Menchetti, Delphina Nova, Gene J. Parola, Pohaikalani, Nancy Redfeather, Heather Riverstone, Sterling Robbins, Shannon Rudolph, Jethro Ross, Linda Santiago, Norris Thomlinson, Ma'ata Tukuafu, Vera Ward and Leslie Wingate.

Russell Tsuji, Administrator, Land Division presented Item D-5 detailing the submittal. Tsuji first addressed the leases and the easements. UH is asking the Board to approve changes to make this consistent and conform to the comprehensive management plan that was approved by the BLNR in 2009. Staff recommends these changes.

Donald Straney, Chancellor UH Hilo spoke on behalf of interim president Lassner that he as president and an individual is committed to the responsible stewardship of the UH management areas on Mauna Kea through the plans and community based consultative process put in place over the past decade. Straney commented that UH takes its responsibility as stewards for these lands seriously and approaches the department to include the obligations that the university has accepted into the lease to make it clear to users of the mountain the terms under which UH is working.

Member Gon asked Straney to characterize of the annual income of facilities on the mountain for sublease rents.

Straney responded that sublease rents are \$1 a year under the existing lease. Straney explained that under the proposed lease the leases for new subleases will require substantial sublease rent, which under Act 132 must be put in a special account for UH to manage Mauna Kea lands with. Straney noted that the account had already been established.

Member Goode questioned if those subleases would be good through the same term of the existing lease.

Attorneys representing UH Hilo responded saying that the existing subleases would be good through the 2033 unless they are renegotiated before that. any new sublease would come back and could extend to the full length of the master lease.

Goode also asked what percentage of the lease funds collected goes to OHA and if any of that money comes back to DLNR for activities DLNR has to provide on the mountain.

Straney said that 20% of the funds go to OHA and the rest goes to UH Hilo to provide the services and necessary things on the mountain.

Member Gon asked Straney if he could characterize the nature of that fund and some expenditures and projects that have been activated.

Straney called Stephanie Nagata, Director of the Office of Mauna Kea Management to answer that since she manages the funds.

Nagata explained that currently the only fees that are being collected from UH Hilo are from the eight permitted commercial tour operators that they have. Nagata also said that on average \$400,000 is collected annually, which they have paid OHA all the monies due to them in full since 2007. Nagata said that those monies are used for management purposes for road maintenance, snow removal maintenance, and operations of the visitor information station.

Member Gon asked if any of that money would go toward environmental protection, such as invasive species.

Nagata said that right now the funds are being applied toward impacts that are directly caused by tour operators, however they anticipate if there is any new sublease that is negotiated then those monies would be used towards programs and management programs for the mountain.

Member Gomes asked how many subleases are currently on the mountain.

Nagata believes there are about 11 or 12 that include international entities.

Chairman Aila asked when theses subleases expire and what the value of time is for each sublease.

Nagata stated that they are all set on expire on December 31, 2033, explaining that the term \$1 a year was a value that was required to make the sublease legal. The subleases all provide maintenance activities. In regards to the time, Nagata explained that is difficult to evaluate the value of scientific research, but what they have is the cost to operate those facilities.

Member Gon asked what the amount of viewing time UH Hilo research observes as a result.

UH Hilo attorneys answer to this question was between 10 and 15%.

Chairman Aila called for public testimony asking that those from neighbor islands testify first.

David Kauila Kopper an attorney with Native Hawaiian Legal Cooperation spoke on behalf of Kalani Flores from Hawaii Island, who is a native Hawaiian with traditional and customary practices in the lease area. Written testimony was submitted in objection to these lease actions and they are agreeing with and incorporating the objections that have been put forth by the Office of Hawaiian Affairs. Kopper emphasized three issues; 1) has the BLNR and the DLNR fulfilled their duties to independently investigate native Hawaiian practices and rights under the case Kapaai o Ka aina 2) whether the BLNR and DLNR will be in violation of what Hawaii revised statutes 343 by exempting these leases from a preparation of an environmental assessment 3) Whether the BLNR and DLNR will be in violation of their high fiduciary duties to manage ceded lands. A contested case was requested.

Kalani Flores testified that he felt like if the existing lease ends then so should the subleases and that the subleases should be treated as new lease; be renegotiated and revisited instead of being allowed to continue until 2033. Flores also commented that the regulations of the decommissioning plan are not being addressed, and expressed his concern about what has happened to Mauna Kea in the past 45 years, it is sacred and should be treated as such.

Kale Gumapac represented Kanaka Council o Keawe, Nancy Munroe another council member, along with their attorney Dexter Kaiama were next to testify in opposition. Written testimony was previously submitted and Gumapac deviated from that stating that it is important to provide information of correct terminology. Gumapac stated that there was never a treaty of annexation, ceded lands should be referred to as crown lands and the Hawaiian Kingdom Law needs to be enforced when making decisions with these kinds of leases.

Chairman Aila acknowledged Gumapac for what he has presented to the Board and stated that in regards to the Hawaiian Kingdom Law, he would have the departments attorney generals look into that.

Dexter Kaiama, also in opposition presented more information reiterating what Gumapac just went over. Munroe also notified the Board that if this lease is accepted then the Board will be in violation of their temporary obligations to the Kingdom of Hawaii.

Gumapac added that the countries that currently have telescopes at Mauna Kea, will also be affected.

Nanci Munroe who is also opposed gave the Board more legal and factual information detailing more on the issue of war crime.

Kealoha Pisciotta was next to the stand to speak in against the approval of the lease on behalf herself and Clarence Ching, Deborah J. Ward and Kumu Hula Paul K. Neves who could not be present. Pisciotta testified and highlighted points from the written testimony that they previously submitted to the Board. Pisciotta explained that Mauna Kea does not belong to the state or the people, but to the Akua and that the laws of the heavens are what dictate what goes on, not our laws. Pisciotta expressed her concern that this meeting was not published 20 days in advance, and expressed her hope that this issue would be brought to Hawaii Island so that the people there could testify. Pisciotta summarized that we have obligations to protect those lands because

Mauna Kea is on conservation land that land is for the use of native Hawaiians and the general public. Pisciotta also stated that they are against any kind of exemption from environmental review because Mauna Kea sits over aquifers that provide water to all of Hawaii Island. They also believe the foreign governments should pay rent because it's a requirement and it should benefit the state as well. If this proceeds a contested case is requested. Pisciotta added that in regards to the cost of time for the use of the telescope, they came up the amount of \$50 million as a percentage of total time sold on the market and put into a fund.

2:55 PM Board member Goode left.

A farmer of 30+ years testified in favor of extending the lease. He believes the telescopes on Mauna Kea aren't making money and potential for us on Mauna Kea is the future generations.

Wallace Ishibashi from South Kona testified in support of the lease. Ishibashi said that he felt that Mauna Kea has not only established the reputation of being the best place to study astronomy in the world, but also provides educational, economic and career opportunities for local residences.

Hanalei Fergerstrom from Hawaii Island testified in opposition of all three phases of this lease. Fergerstrom stated that there was no way any outlaw can control the summit of the mountain because of its significance to all the people. He concurred with most of what was said, and feels that since this current lease doesn't end until 2033 there is no reason to rush this. Fergerstrom also commented that leasing out to other countries, private entities or multinationals is not consistent with the land use as described under the 5F Clause of Admissions Act. Fergerstrom advised the Board that it is their job to protect, preserve and promote the interest of the Hawaiian people.

Moanikeala Akaka began by stating that there should be a declaration that the hearing was not in conformance with the rules, there was no adequate publication of notice, and the hearing should've been held on Hawaii Island, where Mauna Kea is located. Akaka was disgusted by the fact that the cost of the lease is only \$1 year, when the people have to pay more than that for rent and mortgage. Akaka said the university thinks the people are dumb by saying that there are no plans for expansion and no other uses for Mauna Kea right now, at this time, but what about tomorrow, or two weeks from now? She expressed how frustrated she was that UH Hilo acts like they own the mountain and that DLNR gave the mountain to UH to do whatever they want and they have been misusing it, when the mountain is really owned by the people of Hawaii. Akaka said that an adequate environmental review is needed with no exemptions, there should be no new construction period, this shouldn't be rushed, the BLNR needs to take responsibility and the people and Mauna Kea deserve better.

Michael Kumukauoha Lee with Papakilohoku went up next in opposition stating that he will submit a contested case and presented the Board documents proving that Papakilohoku does exist. In summary Lee was present to claim that the problem at lake Waiau is that the lands aren't being kept sacred, that people are being allow to walk all over sacred sites and should be roped off. Lee asked that copies be made for the record of the items/documents he presented to the Board during his testimony. (Documents available for review in the Chairman's office)

Jon Osorio, a professor of Hawaiian studies at UH Manoa/President of Kahea, testified against the lease. Osorio noted that testimony in opposition was also submitted by the Associated Students of UH (ASUH). He said that Mauna Kea is not just for astronomy, but has cultural and

sacred significance whose environmental impacts are being destroyed by the telescopes. Osorio stated that this should not be pursued until further examination as to how the ecology of the mountain has already been affected and how UH has managed this source thus far.

Chairman Aila told everyone that testimony can be taken after quorum is lost, however a decision cannot be made.

Kawika Riley, Chief Advocate for OHA summarized 4 main points of their written testimony and asked the Board to carefully consider these concerns; 1) environmental assessments are not appropriate 2) concerned that 65 year proposed lease won't allow the lands to be put in the best possible use 3) if any lease is approved, then it should include conditions on future subleases and that meaningful compensation is received; page 7 includes samples of compensation for telescope use 4) even if it is not required an environmental assessment should be required.

Pulama Long, undergrad of Hawaiian Studies at UH Manoa with family from Hilo explained that ASUH passed a resolution to put a stop to this lease renewal. Long expressed that students need to be part of the conversation, they have 20 years left so there is still time to exchange dialog about the situation. Long said that during campus discussion the students feel that there has been a mismanagement of usage, giving the example that students are in the middle of a tuition hike while UH Hilo is leasing the land for \$1 a year. Cultural preservation is another issue, as a school that claims to be a Hawaiian place of learning, the furthering of this lease without addressing the destruction and desecration is unethical.

Ilima Long a graduate student from UH Manoa testified reiterating the lease renewal as well as the development in general at UH. Long stated the UH students are starting to question cultural value now because of this and feel like there has been no time or awareness made for student input. Long submitted a petition that over 1,000 law students signed in opposition.

3:53 PM Member Goode left, quorum was lost.

Leon Peralto a PhD student from UH Manoa, with family from Hamakua testified on behalf of himself and his family in opposition. Peralto in summary said that over the past 45 years the summit area of Mauna Kea has not been properly cared for and the human activities on it have not been culturally or environmentally sustainable. Peralto asked the Board to act accordingly by listening to the voice of the Mauna and the people so that the future relationships with Mauna Kea provide the Mauna, the aina and many generations yet to be born with life.

Abel Lui who testified in opposition said that the water from Mauna Kea and Mauna Loa is what feeds and makes it scared. Lui said that this affects everyone that lives on the Island and that it is everyone's responsibility to take care of this because it will affect future generations. Lui requested a contested case.

Jackie Hoover Executive Director of the Hawaii Island Development Board/ President of Hawaii Leeward Planning Conference spoke as an individual and testified in support of the lease. She feels the comprehensive management plan reflects well on UH, the Office of Mauna Kea Management and DLNR and the commitment to Mauna Kea. Hoover said that the approval will

allow the continued commitment, progress and positive work that are being done including to educate and provide opportunities to the public to participate in protecting Mauna Kea.

Kimmer Bigforest a disabled 10 year army combat veteran was next to the stand to testify. Bigforest testified that she goes to Mauna Kea to find peace; she uses mountains as a place of religious worship and supports the mountain and mother earth. Bigforest's testimony is that Mauna Kea is scared and religious rights of the native people must be protected.

Kaanohi Kaleikini and ohana are state recognized decedents to the iwi kupuna that are buried up at Mauna Kea and concurs with those who have testified in opposition. Kaleikini faced difficulties while attempting to bury iwi as UH attempted to take control of how, where and why the iwi would be buried; for this reason Kaleikini doesn't feel like UH would be stewards of the iwi and there should be an environmental assessment, a complete archeological and cultural monitoring program.

Kala Keliinoi testified in opposition stating that he feels like the renewal of this lease will bring nothing but destruction, desecration and annihilation to Hawaiian culture, artifacts and iwi. Keliinoi said that all land on Mauna Kea should be preserved so that young Hawaiians will have a place to connect to the aina, kupuna, and to have a place that is Hawaiian without the distractions that aren't Hawaiian.

Candace Fujikane an English professor at UH Manoa/Board member of Kahea testified asking the Board not to renew the lease summarizing that UH Hilo has failed monumentally to protect the Mauna Kea conservation district and the environmental review process is being denied. Fujikane pointed out that the telescopes have significant impact on the mountains fragile environment and UH cannot be allowed to continue the desecration of the sacred mountain.

Laulani Teal spoke on health and well-being of worriers. Teal said that if the Board continues to pass this lease, then they are forcing everyone that has testified to go to war, which will cause stress and that has and will affect their health. Teal acknowledged many of her teachers she has the Kuleana to carry on their work and the work that was taught to her. She also said that Mauna Kea is not only the location where she and others teach and have been taught, but it is also where medicine is gathered that you can't get anywhere else. Teal said that development has taken over precedence over a sacred place and that in order for cultural practices to move forward then the lease cannot go forward. A contested case was requested.

Mike Tada testified in opposition.

Makaala Guiterez, a Hawaiian studies major at UH Manoa does not agree with the lease or the intent to extend it and encouraged the Board take their time with the decision. Guiterez expressed his love for the land and the people and wants the desecration to stop and feels like the value of Mauna Kea is worth more than a dollar a year.

Kealoha Pisciotta returned to the stand to add that she too is lineal decedent of the iwi on Mauna Kea and asked that the process be pono; that she doesn't want UH to have control over the iwi. Pisciotta wants to be included in any consultation with UH or the cultural group that works with UH as well as putting the onus back on Chairman Aila.



Shelley Muneoka read her testimony on behalf of herself and her family expressing how painful it is to argue about finances about a place that is considered so sacred. Muneoka highlighted that UH's poor management shouldn't be rewarded by giving them more time to do more damage to the mountain. Muneoka suggested prohibiting new subleases or putting provisions stating that the new projects must only be constructed within the existing telescope footprints, or charge fair market rent or say no to any kind of lease extension at all.

Barry Taniguchi from Hilo testified in support of the new lease. Taniguchi stated establishment of the Mauna Kea management plan including milestones and clarified certain points that were addressed. Taniguchi explained that the new master lease allows UH charging more and carrying it forward. The approval of the sublease provisions will have to go back to the Board.

Dan Purcel addressed the management of the meeting as well as the fact the he and others felt like they weren't given enough notification of the hearing and feels for those who came in from off island.

Chairman Aila closed public testimony and advised the public that anyone wanting to file a contested case has ten days following the decision date which would be December 13, 2013.

**Adjourned (Gon, Kishinami)**

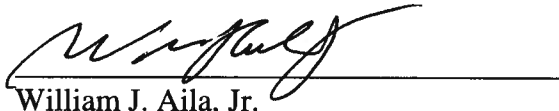
There being no further business, Chairman William Aila adjourned the meeting at 4:58 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kuulei Moses', with a stylized, wavy line extending from the end.

Kuulei Moses  
Land Board Secretary

Approved for submittal:

A handwritten signature in black ink, appearing to read 'William J. Aila, Jr.', written over a horizontal line.

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