

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

DATE: FRIDAY, JULY 11, 2014
TIME: 1:00 9.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 1:03 p.m. The following were in attendance:

MEMBERS

William J. Aila, Jr.
Thomas Oi

James Gomes
Stanley Roehrig

STAFF

Kevin Moore-LAND
Scott Fretz-DOFAW
Carty Chang-ENG

Maria Carnavale-DAR
Kevin Yim-DOBOR

OTHER

Cindy Young/Deputy AG
Ross Smith/DOT-AIR
Dan Purcell/ D-6,D-4,D-3,D-5,J-1
Randy Kosaki/ F-1
Greg Kumo/ D-4

Randy Grune/M-9
Clarysee Nunokawa/ D-2
Ivan Kawamoto/ D-6
Calvert Chun/ DOT-HAR
Shannon Wood

Chair Aila explained that he had an engagement that he committed to which was why the meeting was delayed until 1pm and thanked everyone for their patience. Chair Aila then introduced Stanley Roehrig as the newest Land Board Member, an attorney from Hilo. Member Roehrig said that he would do his best to make the right decisions for the public interest and was happy to be here.

Chair Aila then announced that Board members Reed Kishinami and Wesley Furtado have resigned due to the new disclosure statute.

Item M-9 Issuance of Right-of-Entry to Hawai'i Pacific University, Hawai'i Lifestyle Retail Properties LLC and Swinerton Builders to Provide Ingress and Egress for Forklifts, Roll-off Trucks and Other Equipment for the Performance of Additional Demolition and Construction Work at the Aloha Tower Marketplace and to Provide Pedestrian Access to Customers of the Aloha Tower Marketplace during the Period of Demolition and Construction,

situated at Piers 8 and 9, Honolulu Harbor, Honolulu, O'ahu, Tax Map Key: (1) 2-1-001:001 and 063 (Portion).

Randy Grune Deputy Director for the Department of Transportation Harbors Division (DOT-HAR) had no changes and stood by their submittal. Grune also serves as the acting CEO of the Aloha Tower Corporation. Grune said he was fine with staff recommendation.

Unanimously approved as submitted (Gomes, Oi)

- Item M-1 Issuance of a Revocable Permit for a Construction Field Office, Bowers + Kubota Consulting, Inc., Diamond Head Extension, Honolulu International Airport, Tax Map Key: (1) 1-1-003:042 (Portion).**
- Item M-2 Issuance of a Revocable Permit for a Porter Service Office, S A S Services Group, Inc., 'Ewa Domestic Extension, Honolulu International Airport, Tax Map Key: (1) 1-1-003:058 (Portion).**
- Item M-3 Issuance of a Revocable Permit for Aircraft Storage, Mayes, Bruce J. and Carlene J. , Honolulu International Airport, Tax Map Key: (1) 1-1-076: Portion of 20.**
- Item M-4 Issuance of a Revocable Permit for Aircraft Storage, Yamashita, Bruce N. and Sheri K., Honolulu International Airport, Tax Map Key: (1) 1-1-076: Portion of 20.**
- Item M-5 Issuance of a Revocable Permit for Aircraft Storage, Isaac C. Cope Jr, and Robin F. Cope, Honolulu International Airport, Tax Map Key: (1) 1-1-076: Portion of 21.**
- Item M-6 Issuance of a Revocable Permit for Aircraft Parking, Brown Development LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 19.**
- Item M-7 Issuance of a Revocable Permit for Aircraft Storage, Guillermo Coscarelli, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 19.**
- Item M-8 Issuance of a Revocable Permit for Aircraft Storage, Steven Chaikin, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 08.**

Ross Smith representing the Department of Transportation Airports Division (DOT-AIR) reviewed items M-1 through M-8 and had no changes.

Unanimously approved as submitted (Gomes, Oi)

- Item D-2 Issuance of Right-of-Entry Permit to the County of Hawai'i onto State Lands of the Former HGP-A Energy Plant Site at Kapoho, Puna, Hawai'i, Tax Map Key: (3) 1-4-001:082.**

Kevin Moore acting Administrator for the Land Division (LAND) presented Item D-2 explaining that this was the former geothermal well site and the currently checking for contaminants.

Clarysee Nunokawa a representative Hawaii Island County was present to answer any questions and stood on staff recommendations.

Unanimously approved as submitted (Gomes, Oi)

Item D-6 Withdrawal from Governor's Executive Order No.4403 and Reset Aside to Agribusiness Development Corporation for Agriculture Purposes, Waikele, 'Ewa, O'ahu, Tax Map Key: (1) 9-4-012:001 and 003.

Moore had no changes.

Dan Purcell testified that it would be helpful to have some type of presentation.

Ivan Kawamoto with Agribusiness Development Corporation was present to answer any questions.

Unanimously approved as submitted (Gomes, Oi)

Item F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Randall Kosaki, National Oceanic and Atmospheric Administration, Papahānaumokuākea Marine National Monument, for Access to State Waters to Conduct Surveys of Deep Coral Reefs. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.

Maria Carnavale with the Division of Aquatic Resources conveyed item F-1 with nothing further to add.

Member Roehrig told Carnavale that UH Hilo has a marine science program and asked if students were allowed to go on the boat.

Randy Kosaki with NOAA explained that they do work with UH Hilo's marine science program. They support their Quest program, and give scholarships for local students to attend Quest. Roehrig asked if there was room on the boat for taking other students. Kosaki explained that ship time is very costly, but they do try to set up a separate time for vacation cruises that are dedicated to education purposes and take teachers and students for whatever the project is at the time. Roehrig suggested encouraging taking area kids who come broken homes out as well so they have a chance to see if this would be something they would want to pursue.

Kosaki gave a brief description explaining that they would be is a continuation of what they have been doing for 5 years, they are diving deeper than most scuba divers and they are finding that these deep reef ecosystems are dominated by fishes that are only found in Hawai'i. These

ecosystems have the highest level of endemism. An endemic species is a species only found in that place. Ophi was an example.

Unanimously approved as submitted (Gomes, Oi)

Chair Aila announced that this was the end of the move up agenda. Going back to the minutes items A-1 through A-3, Chair said that he would have to look into how to approve the minutes, there weren't enough Board members present to take a vote, and the minutes would be taken up at a later date.

Item C-1 Request for Approval to Extend Access Restrictions to Portions of 'Āhihi-Kīna'u Natural Area Reserve, Maui, for a Period of Up to Two Years (August 1, 2014-July 31, 2016).

Scott Fretz acting Administrator for the Division of Forestry and Wildlife presented item C-1 and noted that the current closure expires in August.

Member Roehrig said he recused himself from this item because he has a case going since 1996 with the Maui Circuit Court that deals with this issue.

Deferred due to lack of quorum.

Item C-2 Request for Approval to Enter Into a Mutual Aid Agreement With the Kaua'i Fire Department to Outline the Firefighting and Fire Suppression Capabilities of Each Agency and Specify The Cooperation and Assistance Each May Provide to the Other When Called Upon to Assist During Fire Suppression Activities.

Fretz explained that this item is an agreement to develop their respective roles and responsibilities for fire suppression on Kauai County and enables the department to work with the county to suppress fires.

Member Oi commented that this was a good that the department and the fire department were working together.

Unanimously approved as submitted (Gomes, Oi)

Item M-10 Issuance of Revocable Permit to Department of Agriculture, Kalihi-Kai, Honolulu, Island of O'ahu, Tax Map Key: (1) 1-2-025:011 (Por.), 085, and 100.

Calvert Chun with the Department of Transportation Harbors Division (DOT-HAR) reviewed item M-10 and had no changes.

Unanimously approved as submitted (Gomes, Oi)

Item D-4 Amend of Prior Land Board Action of August 9, 2013, Agenda 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, Honokōwai, Ka’anapali, Lāhainā, 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’.”

Kevin Moore disclosed that item D-4 relates to a seawall encroachment in Lahina Maui, the Board already approved the grant of easement at a previous meeting. This just corrects the tax map key from the previous submittal.

Greg Kumo on behalf of the property owner stated he supported the request.

Dan Purcell testified that he wasn’t at the original hearing for this item, but he looked this property up on google earth and it appears that this property has a sandy beach in front of the sea wall and the water comes up to the sea wall. He said that it looked like they were armoring the coast and people can’t really walk along the shoreline. Purcell said that he was advocating for a comprehensive plan and how to preserve shoreline access.

Unanimously approved as submitted (Gomes, Oi)

Shannon Wood, a member of the public said she wanted to inform the Board that the upcoming Monday at the Waimanalo Board meeting there was going to be discussion on the Kawainui and Hamakua marsh. Wood said she would like to have someone from DOFAW or State Parks is at the Monday meeting to challenge the miss information.

Item D-1 Issuance of Right-of-Entry to the United States Department of Agriculture (USDA) Forest Service, for Forest Data Collection Purposes, at Kalapana, Puna, Hawai‘i, Tax Map Keys: (3) 1-2-008:001.

Moore asked to withdraw this item, because it was previously approved by the Board on January 10, 2014.

Member Roehrig asked about the Albizia trees, if they were going to be cut and if someone how wanted these trees would have access to them.

Moore said he has never received a request for the Albizia trees, but they are considered a green waste, but the department would consider a right of entry for anyone who wanted to and produce insurance to go onto the land and remove it then they could, or the Board could authorize it.

Chair Aila said that since this item is going to be withdrawn contact the USDA.

Withdrawn

Item D-3 Grant of a 55-Year Term, Non-Exclusive Easement to Wesley and Diane Hickey for Seawall Purposes, Waiohuli-Kēōkea Homesteads & Beach Lots, Kihei, Maui, Tax Map Key: (2) 3-9-010: Seaward of 006.

Item D-5 Grant of Term, Non-Exclusive Easement to Clifford J. Tillotson and Renee Tillotson for CRM Wall, Landscaping Area, Floating Dock, and Concrete Pier Purposes; Assess Administrative Cost of \$500 and Fine of \$500, Kāneʻohe, Koʻolaupoko, Oʻahu, Tax Map Key: (1) 4-4-022:Seaward of 007.

No changes to items D-3 or D-5.

Dan Purcell testified that he felt staff ought to present pictures. He felt that just reading the item off the agenda was inadequate.

Unanimously approved as submitted (Gomes, Oi)

Item J-1 Delegation of Authority to the Chairperson of the Board of Land and Natural Resources (Board) to Enter into a Contract for Goods and Services with the University of Hawaii for the Purpose of Performing Ecological Monitoring Surveys that will be Conducted Before and After the Installation of Day Use Mooring Buoys in Hilo Bay and at Existing Buoys Along the Kona Coast.

Written testimony was submitted by Glenn Shiroma.

Kevin Yim Staff Officer with the Division of Boating and Ocean Recreation (DOBOR) presented item J-1.

Roehrig asked Yim if he read the testimony provided by Glenn Shiroma and what his response was to the testimony provided. Yim explained he felt like Shiroma wants to be included in the process. Yim said that some of his points were well taken or have already been addressed however; Yim feels that Shiroma wants people to go to him and grant his approval, rather than take the approval that has already happened.

Roehrig accepted Yim's response, but Shiroma raised the issue of \$200,000 vs. \$300,000. Roehrig asked if there was any problem with the fact that this was originally \$300,000. Yim said the original amount given by DOT was \$300,000 and should've included any additional costs for additional surveys to be done. The survey that was proposed by UH was \$200,010 by the time the amount was provided to DOBOR this information was unknown.

Roehrig stated that Glenn Shiroma was a very nice man, and he has a lot of respect for him. Roehrig also commented that they are public servants and need to be polite and professional.

Chair Aila responded to Roehrig by commenting that staff has always been respectful to Shiroma, as long as Shiroma or any member of the public is courteous to staff, then staff will remain courteous to them.

Roehrig said he was in favor this provided that the motion it reads “ it’s subject to having adequate public hearings requiring the placement of any buoys in the east Hawaii/ Hilo Bay area that are going to result in this project.”

Chair confirmed that Roehrig was amending staff recommendation to include a condition that the department holds a public meeting in Hilo.

Roehrig said that he was concerned about this because there are certain areas that might be pilikia for putting buoys for the paddlers, the keki, the surfers, the jet skiers and fishermen. There is wide concern of where these buoys will be concern.

Yim confirmed that the recommendation will be amended to read adequate public meetings to determine appropriate placement of the buoys.

Dan Purcell commented that he was at a meeting were people were concerned about buoys that are managed by the DLNR and there was no inspection or maintenance schedule so people are having to go out and fix these buoys on their own. He said it would be nice to have a service plan. Chair Aila commented that the DLNR is not responsible for private moorings that are put down. Purcell mentioned a guy getting his head cut, Chair Aila and made it clear that situation was Canoe Beach and the guy got injured in an area outside of an area where the buoys would have been, subsequent to that the department did move the buoys further off shore to provide greater protection.

Unanimously approved as amended (Roehrig, Gomes)

Item L-1 Approval to Enter Into a Memorandum of Understanding with the Hawai‘i Department of Agriculture Regarding Funding for the Soil and Water Conservation Districts Program, Statewide.

Item L-2 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules, Job No. C00CO91B, ‘Anuenue Fisheries Research Center, Maintenance and Electrical Upgrades, Honolulu, O‘ahu, Hawai‘i.

Item L-3 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules, Job No. H56C692A, Koke‘e and Wailua River State Park Energy Efficiency and Conservation Projects, Kaua‘i, Hawai‘i.

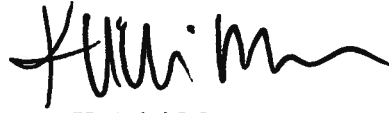
Item L-4 Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules, Job No. H56C722A, Hāpuna Beach State Park Energy Efficiency and Conservation Projects, Kona, Hawai‘i.

Carty Chang Chief Engineer (ENG) had no changes to items L-1 through L-4.

Unanimously approved as submitted (Gomes, Oi)

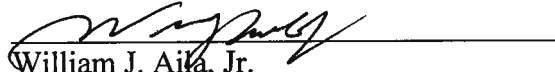
There being no further business, Chairman William Aila adjourned the meeting at 1:48 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Ku'ulei Moses
Land Board Secretary

Approved for submittal:



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