

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

DATE: FRIDAY, DECEMBER 12, 2014
TIME: 12:00 P.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 9:07 a.m. The following were in attendance:

MEMBERS

William J. Aila, Jr.
Thomas Oi
Christopher Yuen

James Gomes
Stanley Roehrig
Ulalia Woodside

STAFF

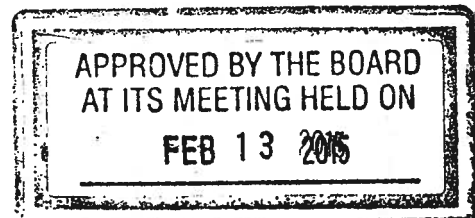
Carty Chang-ENG
Lisa Hadway-DOFAW
David Sakoda-DAR
Dan Quinn-PARKS
Kevin Moore-LAND
Ed Underwood-BOR

Russell Tsuji-LAND
Sheri Mann-DOFAW
Maria Carnavale-PMNM
Emma Anders- DAR
Sam Lemmo-OCCL

OTHER

Linda Chow/ Deputy AG
Patti Miyashiro/ DOT-HAR
Cameron Black/ L-4
Charles Barker/ D-7
Makani Christensen/ F-2
Presley Wann/F-2, F-3
Katerine Steinburg/D-21
Glenna Ann Lind/ D-16
Keli'I Alapai/ D-16, F-3
Alex Connolly/ D-16
Joel Benfiglio/ D-31
Kaimana Manahu Se./ D-30
Wally Ito/ F-3
Bob Hampton/ D-25
Manny Fernandez/ D-27

Dan Purcell/ A-1, F-4
Ross Smith/ DOT-AIR
Gregg Hendrickson/ D-2
Evan Pfaaf/ D-7
Mike Sur/F-2
Keali'I Alapai/ F-2
Brian Nakano/ D-8
Scott Crawford/ D-16, F-3
Henry Chang Wo/ D-16
Alvin Sunahara/D-31
Debora Halbert/E-1
Kevin Chang/ F-3
Dnald T. Inouye/ D-5
Jacob Hines/ D-27
Randy Cates/ K-2



Chair Aila announced that item J-4 would be withdrawn and that all items on the 1pm agenda would be heard after 1pm.

Item J-4 Consent to Mortgage and Amendment for Extension of Lease Term, Boating Lease No. B-99-1, Waikīkī Yacht Club, Kālia, Waikīkī, Honolulu, Hawai‘i, Tax Map Key: (1) 2-3-37:6 & por. 12.

Withdrawn

Item A-1 Approval of September 12, 2014 Minutes

Dan Purcell commented that there is a legal requirement that minutes are available 30 after the meeting date. He suggested the department invest in a stenographer or a reporter. Purcell made it known that he was requesting a copy of the minutes from today’s meeting 31 days from today. Purcell was also disappointed that video conferencing was still not available.

Unanimously approved as submitted (Gomes, Oi)

Item M-1 Resubmittal: Issuance of Revocable Permit to Hawai‘i Harbors Constructors (HHC) JV, Pier 15, Honolulu, Island of O‘ahu, Tax Map Key: (1) 2-1-001:045 (Portion).

Item M-2 Request Consent to Aloha Petroleum, Ltd.'s Deemed Assignment under Lease No. H-96-1, at Kalaeloa Barbers Point Harbor, O‘ahu, Tax Map Key No. (1) 9-1-014:008 (Portion) (Relating to Stock Transfer to Susser Petroleum Property Company LLC).

Item M-3 Withdrawal from Governor’s Executive Order No. 1904 to Department of Transportation and Governor’s Executive Order No. 2142 Department of Transportation for Addition to Kawaihae Harbor. Kawaihae 1st, South Kohala, Island of Hawai‘i, Tax Map Key (3) 6-1-03:026 (Portion).

Written testimony was submitted Glenn Shirmoa.

Item M-4 Request for Consent to Aloha Petroleum, Ltd.'s Deemed Assignment under Lease No. H-01-08, at Nāwiliwili Harbor, Kaua‘i Tax Map Key No. (4) 3-2-04:017 (Portion) (Relating to Stock Transfer to Susser Petroleum Property Company LLC).

Patti Miyashiro representing the Department of Transportation Harbors Division- DOT-HAR had no changes to items M-1 through M-4.

Member Roehrig asked Miyashiro a meeting has been held with Kawaihae stakeholders, in regards to written testimony submitted by Glenn Shiroma. Miyashiro said she wasn’t aware. Chair Aila said he was, and there have been numerous meetings with the community, this correction to the executive order is splitting out jurisdiction so DLNR can have its own road,

separate of the security requirements from DOT. The Boating Division has gone to the Kawaihae community numerous times to show them where the new road is going to go. Chair Aila did not know why Shiroma was asking for another meeting, but everyone else in Kawaihae is aware of the new road will go, and they are happy with it.

Member Roehrig indicated that Shiroma had other a few other issues besides this one. Chair Aila informed Member Roehrig that Shiroma wants to tell the department what grade the launch ramp should be, however Chair Aila feels that is per the purview for the experts that the department has. Chair Aila assured Member Roehrig that the department considers everything Shiroma says.

Unanimously approved as submitted (Gomes, Roehrig)

- Item M-5 Amendment No. 4 to Concession Agreement No. DOT-A-01-0001, Florist Concession at Honolulu International Airport to Extend lease Term Under Provisions of Act 46, Session Laws of Hawai'i 2012, as Amended by Act 126, Session Laws of Hawai'i 2014, Greeters of Hawai'i, Ltd., Tax Map Key (1) 1-1-03:001 (Portion).**
- Item M-6 Amendment No. 6 to Concession Agreement No. DOT-A-08-0011, Luggage Cart Rentals and Baggage Locker Rentals Concession Agreement at State Airports within the State of Hawai'i to Extend Lease Term and Expand Services Under Provisions of Act 46, Session Laws of Hawai'i 2012, as Amended by Act 126, Session Laws of Hawai'i 2014, Smarte Carte, Inc., Tax Map Key: (1) 1-1-03:001 (Portion).**
- Item M-7 Amendment No. 11 to Concession Agreement No. DOT-A-03-0001, Traveler Services Concession at Honolulu International Airport to Adjust the Permitted Activities and Extend Lease Term Under Provisions of Act 46, Session Laws of Hawai'i 2012, as Amended by Act 126, Session Laws of Hawai'i 2014, Lenlyn Limited DBA Ice Currency Services USA, Tax Map Key: (1) 1-1-03:001 (Portion).**
- Item M-8 Issuance of a Revocable Permit for Staging and Construction Field Office, Overseas Terminal Metal Roof Replacement, Ralph S. Inouye Co., Ltd., Honolulu International Airport, Tax Map Key: (1) 1-1-03:001 (Portions).**
- Item M-9 Issuance of a Direct Lease to Premium, Inc. for the Operation and Maintenance of a Storage Facility and Overflow Parking for Employees, 2825 Ualena Street, Honolulu International Airport, Tax Map Key: (1) 1-1-04:003 (Portion).**
- Item M-10 Issuance of a Revocable Permit for Parking and Storage of Rental Car Vehicles, The Hertz Corporation, Honolulu International Airport, Tax Map Key: (1) 1-1-70:020.**

- Item M-11** **Tiare Enterprises, Inc., Amendment No. 5 to Retail Concession Agreement No. DOT-A-10-0008 at Hilo International Airport and Kona International Airport at Keahole to Extend Lease Term Under Provisions of Act 46, Session Laws of Hawai'i 2012, as Amended by Act 126, Session Laws of Hawai'i 2014, Tax Map Key: ITO: (3) 2-1-12:090 (Portion), Tax Map Key: KOA: (3) 7-3-43:040 (Portion).**
- Item M-12** **Issuance of a Revocable Permit for Aircraft Parking, Hawaiian Flight LLC. Honolulu International Airport, Tax Map Key: (1) 1-1-76:023 (Portion).**
- Item M-13** **Issuance of a Revocable Permit for Air Cargo Operations, Aloha Contract Services, LLC, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43:003 (Portion).**
- Item M-14** **Roberta Wong Fithian DBA Tiare Enterprises, Modification of Revocable Permit No. 6025 at Lihū'e Airport (LIH) to Convert to a Lease Under the Provisions of Act 46, Session Laws of Hawai'i 2012, as Amended by Act 126, Session Laws of Hawai'i 2014, Tax Map Key: (4) 3-5-01:008 (Portion) .**

Ross Smith representing the Department of Transportation Airports Division-DOT-AIR had no changes to items M-5 through M-14.

Unanimously approved as submitted (Gomes, Oi)

- Item M-15** **Board of Land and Natural Resources Submittal for the Acquisition of Private Land and Set Aside to Department of Education for Expansion of Kahakai Elementary School, North Kona, County of Hawai'i, Tax Map Key (3) 7-5-020:079.**

Roy Iheda with the Department of Education presented item M-15.

Member Gomes asked if there was going to be a tradeoff and what the tradeoff would be. Iheda explained that this went to the County years ago, and it is a condition in the submittal.

Unanimously approved as submitted (Gomes, Oi)

- Item L-4** **Resubmittal: Request for Authorization to Enter Into a Memorandum of Agreement (MOA) Between the Department of Business, Economic Development and Tourism and the Department of Land and Natural Resources, for the Development of an Online Permitting Platform for Supporting Renewable Energy Projects.**

Carty Chang Chief Engineer reviewed item L-4 and told the Board that Cameron Black, a representative from the Department of Business and Economic Development and Tourism was present to answer any questions.

Unanimously approved at submitted (Gomes, Oi)

- Item L-1 Resubmittal: Appointment of Taylor Kellerman to Serve as Director of the West O‘ahu Soil and Water Conservation District.**
- Item L-2 Resubmittal: Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules for Job No. J45CK41F Menehune Road Rockfall Mitigation, Kaua‘i, Hawai‘i.**
- Item L-3 Resubmittal: Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules for Job No. J45CK46A Kō Road Rockfall Mitigation, Makai Section, Kaua‘i, Hawai‘i.**
- Item L-5 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules**
- Job No. F55C642C- Waiānapanapa State Park Sewer System Improvements and Job No. F55B642B -Waiānapanapa State Park Rental Cabin Repairs – Phase 2, Hana, Maui, Hawai‘i.**

Chang had no changes to items L-1 through L-3, or L-5.

Unanimously approved a submitted (Gomes, Oi)

- Item D-12 Approval for Acquisition of a Perpetual Conservation Easement by the Division of Forestry and Wildlife, Ka‘awaloa (Mauka), South Kona, Island of Hawai‘i, Tax Map Key: (3) 8-1-008:015 (por.).**

Russell Tsuji, Administrator for Land Division- LAND explained that these are lands that the Division of Forestry and Wildlife-DOFAW is interested in acquiring. Tsuji called Lisa Hadway, DOFAW Administrator to brief the Board on this project.

Hadway gave some back ground; the funding source is the U.S. Forest Legacy Program. This is agriculturally zoned property that would protect it from non-forest uses.

Member Woodside asked what the allowable uses on the 1000 acres after the dedication. Hadway called Sheri Mann up to speak on this.

Sheri Mann from DOFAW explained that there was a minimal harvest amount based on a management plan that has been approved through the State’s Forest Stewardship Program. That amount can be amended in the future, but a planning process.

Member Roehrig asked how there can be an undivided 100% interest. Gregg Hendrickson a representative from Hokukano Ranch, stated that they own 100% fee simple.

Member Yuen asked what a minimal level of progress was. Hendrickson explained that the way this is structured, there are 3 levels of restriction.

Member Woodside asked Hadway if the department was comfortable with 150 thousand board feet of Ohia being harvested. Hadway disclosed that this has gone through the forest steward ship committee, they were okay with it. She also noted that the US Forest Service would not have approved the project, if they didn't feel that it would fit the parameters of the project.

Member Roehrig didn't like this and needed more information. He asked who would have access to this. Hendrickson communicated that the conservation easement is a tool that is based upon restricting uses on the property, the land owner would be harvesting. Hadway further added that the Forest Legacy Program, which is a US Forest Service Program, is about assisting land owners with forested property to provide the opportunities to keep that land in a working forest. Activities such as ecotourism and well managed sustainable forestry are part of the program. This isn't becoming a public property.

Member Roehrig still wasn't satisfied. He asked what was going to be done with the harvested koa. Hendrickson explained that they have a mill, where they make the wood into boards and they make finished projects. Member Roehrig suggested making a condition getting canoe clubs involved.

Mann commented that the koa trees on this property are not the kinds of koa used to make canoes. Roehrig said canoes can be made from any type of koa.

Chair Aila asked staff to talk about the process that the department is going through to make these logs available to make canoes, separate from this Board action. Hadway conveyed that DOFAW has other forest reserve lands that have dead and downed koa that they would like to prioritize as working with the canoe clubs and some restoration projects. They would like to work with clubs on looking at opportunities on state lands. They want to form a working group to provide an opportunity on state lands.

Member Woodside commended the conservation easement approach. She said it would be nice to have a better understanding of how the primary resource is being restored. Hendrickson said their plan is focused on maintaining the ohia forest. Their intention is for that number to grow.

Member Yuen asked Hadway to clarify the program. Hadway said this program is about keeping forests in working forests and looking at economic opportunities for the land owner. This is a conservation easement that allows for economic activity. Mann added that this program was designed to give land owners an opportunity to keep their land as opposed to selling it; it allows it to keep it whole and gain ownership and revenue in the future.

Member Gomes made a motion to approve, Member Yuen seconded.

Member Roehrig commented that he had reservations, but he would vote in favor, but urged DOFAW to come up with a concrete proposal within the next fiscal year.

Chair Aila made it clear that the department does not have the time or money to pull the logs out.

Unanimously approved as submitted (Gomes, Yuen)

- Item D-28 Approval in Principle for Acquisition of a Perpetual Conservation Easement over Private Lands of the Turtle Bay Resort situate at Kahuku, Ko‘olaupoko, O‘ahu, Tax Map Keys (1) 5-6-003:033, 040, 041, 042, 043, 044; 5-7-001:001 (por.), 016 (por.), 017, 020 (por.), 022 (por.), 033 (por.); 5-7-006:001, 002, 023 (por.).**

Written testimony was submitted by Lauren Alderman, Jesse Ryan Kawela Allen (RA), Andrea Anixt, Denise Antolini, Gabriela Aous, Chloe Barger, Rob Barrieca, Paula & Mary Barter, Alana Bryant, Mary Jo Buell, Edward Burther, Delorles Campbell, Kevin K.J. Chang, Louis Clark, Edward S. Clement Jr., Don & Judy Cole, Doug Cole, Lucky Cole, Paula Cole, Peter Shepard Cole, Stuart Coleman, Sue Cortes, Andrea, Richard & Alex Davis, Mike Dixon, Cole Doen, Peter Donaldson, Jessica A. Dossantos, Don Drake, Dave Druz, Jessica Dunn, Dolan Eversole, Barbara Fisher, Roscoe Fowler, Jennifer Freitas, Greg Gatchea, Barbara L. George, Alicia Hanta, Hayley Hanata, Lynsie Johnson, Noel Kent, Dee Dee Letts, Valarie Lon, Jamison Gove, Mary Guinger, Luann & Gary Gunder, Mark Hamamoto, Peter G. Gogson, Mahealani Isabell Hoizman, Lea Hong, Angela Huntmer, Bob & Shelly Hurley, Choon James, Jaclyn Johnson, Patti Johnson, Steven Johnson, Meleana Judd, Kevin Kelly, Christopher J. Kossowski, Scott Langtora, Klaus B. Liesel Van Derleeden, Bob Leinau, Gayl Loose, Cynthia Lowry, Blake D. McElheny, Larry McElheny, Menko McKee, Kenneth M. Matsumoto, John Mauler, Lorimoana L. Meredith, Chelsea Miller, Sarah H. Miller, George Outlaw, Kani Pacarro, Vikki Pania, Rochelle Pereira, Richard Pezzulo, Carol Philips, Charles R. Priest, Project Pono, William Quinlan, Phaedra E. Rangers, PhD, David Riddle, Brent Rodenberger, Kolja Rotzoll, Road Runner, Mark Ryan, Ann Saffery, Ann Sraffery, Andrew Savini, Ben Shafer, Kathy Shimata, Amanda Summer, Miwa Tamanana, Carolyn Unser, Timothy Vandever, Kelly Voszolay, Jill Voeks, Michael Walker, Cade Watanabe, Denise Wheatley, Donna Wong, Bellodgia Yamamoto, and Charles Young.

Tsuji told the Board that these are lands surrounding the Turtle Bay Resort. Rendell Sakamoto with Turtle Bay Resort and Gregg Henderson were present for questions.

Unanimously approved as submitted (Roehrig, Oi)

- Item D-32 Consent to Reinstatement and Extension of Lease Term, and Setting of Rent for Extension of Lease Term, General Lease No. S-4298, Walter and Ann Liew, Lessee; Waimānalo, Ko‘olaupoko, O‘ahu, Tax Map Key: (1) 4-1-010:003 and Settlement of Lawsuit, *Liew v. State of Hawaii*, Civ. No. 07-1-0644-04 (JHC).**

Board may go into Executive Session pursuant to Section 92-5(a) (4), Hawai‘i Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities

Tsuji explained that LAND was asking for reinstatement of lease. Council was present along with AG- Linda Chow.

Member Yuen commented that he would hate to approve something and it come back. Ember Painter was present on behalf of the Liews said there were some timelines, the second house has been removed, the 3rd and 4th house have permits that have been obtained and submitted to DLNR. This is a work in progress, the only concern Painter had was that the bonding company reinstate the bond within 10 days of the Board approval. The bonding company said they would need a written copy of the extension pending the application.

Member Yuen asked Tsuji if he would be okay amending that part. Tsuji was fine. Painter suggested giving a DLNR comprehensive authority to grant an extension.

Member Yuen made a motion to approve with the amendment that the time frame be extended to the reasonable extension of staff so it doesn't have to be brought back to the Board. Member Gomes second.

The Board amended the recommendation section of staffs' submittal by adding a third (3rd) recommendation that authorizes staff to use its discretion in granting reasonable extensions of time from the various deadlines noted in the staff submittal, applicant requirements and the deadlines of the settlement terms and conditions.

Unanimously approved as submitted (Yuen, Gomes)

Item D-7 Grant a 65-Year Term, Non-Exclusive Easement to Summit Biofuel LLC for an Underground Transmission Pipeline to Transfer Biofuels from Cargo Ships to an Off-Site Privately-Owned Storage Facility, Hilo Harbor, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-009: portion of parcels 007 & 031.

Tsuji indicated that this deals with DOT and DLNR. DLNR is presenting this in the form of approval in the form of an easement.

Charles Barker with Summit Biofuel and Evan Pfaaf with Insight Environment were available for questions.

Member Roehrig asked if these companies would be able to work with and help a local canoe club in the area. Pfaaf responded that they were not an oil company, they are exclusively in biofuels. This is an existing easement, so the legal description of the easement would be unchanged as it was originally in 1962. They are here to help diminish the use of fossil fuels.

Member Roehrig wanted to know what they would be able to do to help children's programs in the area. Baker explained that they are active sponsors. Member Roehrig said he would like to make a condition that they have to contact the community association at Keaukaha and volunteer help to the paddling program at Pale Kai. Baker had no problem with that, he said that's part of their business plan.

Member Gomes asked who would be running the off-site facilities. Baker told Member Gomes that the facilities would be ran by their company and staff.

Member Yuen had questions about spills and spill containment. Baker assured Yuen that they have a pollution prevention plan. The electronic controls that they have in place can detect the smallest amounts of spills. Every access point is within a vault.

Dan Purcell commented that there appears to be continuous efforts by Member Roehrig to get items introduced at are specifically of interest to him. It sounded like he was expecting some type of commitment from the applicant to make a contribution to these specific organizations. Purcell said that he has seen this in the past and is concerned.

Member Gomes made a motion to approve, Member Roehrig Seconded.

Member Roehrig added that his role as a Board member is to have their community better benefit by the work of this Board. He had no personal interest in the paddling program or community program at Pale Kai, but it's a great interest to the Hawaiian Homes community.

Member Roehrig asked the Board to make an amendment to the motion adding a condition that the applicant for this easement will use reasonable efforts to provide assistance to the community and paddling programs at Pale Kai that may be affected by this if there was a spill. There was no second.

Member Yuen felt the Board would need to have a discussion with the attorney general's office about the appropriateness of adding on a condition that a business proposition was added. There are a lot of other businesses that we could ask to make contributions, however in some cases it's not appropriate. He said it would be okay to encourage people to work the communities they are neighbors with, but he was concerned on weather or it was appropriate to put this on as a requirement.

Member Woodside agreed; she too would like to have further discussion at another time. There were a number of concerns she would have if this were a requirement; the Board would need to look into doing further due diligence.

Member Roehrig clarified that he wouldn't want them to necessarily make a monetary donation, he just wants them to help in some fashion.

Pfaaf made a personal commitment to support not just paddling programs, but keki programs. This is a part of their business plan and he was more than willing to help.

On that commitment, Member Roehrig withdrew his amendment to amend the motion.

Unanimously approved as submitted (Gomes, Roehrig)

Item F-2 Denial of "Written Request/Petition for Contested Case Hearing Pursuant to Chapter 91 of the Hawai'i Revised Statutes and Sections 13-1-28 through 13-

1-29 of the Hawai'i Administrative Rules" by Makani Christensen and Michael Sur Regarding "Adoption of Proposed Chapter 13-60.8 of Hawai'i Administrative Rules — Hā'ena Community-Based Subsistence Fishing Area, Kaua'i".

David Sakoda Law Fellow with the Division of Aquatic Resources-DAR presented item F-2. After consulting with the attorney general's office, DAR was informed that the contesters are not entitled to a contested case hearing because they are contesting rule making which is a legislative function of the Board not an adjudicatory function. DAR is requesting that the Board deny this, until the Board denies this request, DAR cannot go forward with rule making.

Makani Christensen testified that they are only trying to right the wrong and asking for something to be done. Christensen said all they want is something to be done and this to go back out into the community. He wants this done right.

Mike Sur a commercial fisherman testified that they got involved because they want to rig invasive species from that area. The way the rules are written now, they cannot catch the invasive species in that area. They want to go back and re-write the rules so that the take of invasive species can be allowed. Sure had a photo display.

Chair Aila reminded the Land Board that at the last meeting, the Board directed staff to find a way to find a way to allow for a special use permit to go after the invasive species in that area.

Sur asked if it can be written into a new rule. Chair Aila said it cannot because the rule package has already been passed. He assured Sur that the Board has heard and understands.

Presley Wann, a mulit-generation fisherman testified that he was upset that there was not enough information. He said he tried to reach out to the fisherman, and didn't understand how the fisherman didn't know what was going on. Wann asked the Board to deny the contested case.

Member Oi asked Wann if he would be able to communicate with Buddy Wilson. Wann confirmed this would be an ongoing process.

Keali'i Alapai said everything was done legal and these guys have no right to say they didn't hold public hearings. This is about sustainability that was taught to them by their kupuna. They are trying to take care of their resources. He wants to deny this.

Member Oi asked if the special permits were in the DAR rules. Sakoda said yes, the special use permit would allow the department, or an agent of the department to take invasive species for management purposes. It cannot be issued to commercial fisherman to harvest commercially, but what DAR can do is go back and request an amendment after the rules are adopted to include an exception for the commercial take of the invasive fish species, like limu. The commercial take is the only thing that is prohibited.

Member Oi said he just wants to make everyone comfortable. Chair Aila agreed, however the item before the Board right now is a legal decision.

Unanimously approved as submitted (Oi, Gomes)

10:51 A.M.

RECESS

11:02 A.M.

REDCONVENE

Item C-4 Request for Approval in Concept of a Long Term Direct Lease and Permit Use of State Land to the National Ecological Observatory Network, Inc. for a Core Ecological Monitoring Site in the Upper Waiākea Forest Reserve Tax Map Key: (3) 2-4-008:001 and Two Relocatable Sites in the Pu‘u Wa‘a Wa‘a Forest Reserve Tax Map Key: (3) 7-1-001:006 on Hawai‘i Island.

Lisa Hadway, -DOFAW had no changes to item C-4.

Unanimously approved as submitted (Woodside, Gomes)

Item D-21 Cancellation of Revocable Permit S-5104 to Seaside Developers for Landscape and Maintenance Purposes, and Issuance of a New Revocable Permit to the Association of Apartment Owners (AOAO) of Kihei Surfside for Landscape, Maintenance and Recreational Purposes, Kama‘ole Homesteads, Kihei, Wailuku, Maui, Tax Map Key: (2) 3-9-004: 087 and Portion of parcel 001.

Tsuji reviewed item D-21. Katherine Steinburg, General Manager for Kihei Surfside said she told the Board how grateful she was of the submittal.

Unanimously approved as submitted (Gomes, Yuen)

Item D-8 Resubmittal: Approve a 10-Year Term Extension of General Lease No. S-3620, Chika Nakano Repair Shop, Inc., Lessee, Pursuant to Act 207, Session Laws of Hawai‘i 2011, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-49:04. And

Amend General Lease No. S-3620, Chika Nakano Repair Shop, Inc., Lessee, Regarding Provisions for Character of Use, Assignments, Subletting, and Phase I Environmental Site Assessment, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-49:04.

Tsuji had no changes. Brian Nakano with Chika Nakano Repair Shop supported the staff submittal.

Unanimously approved as submitted (Roehrig, Yuen)

Item D-16 Approval to Retroactively Assign and Amend General Lease No. S-5398, Hāna District “Pohaku” Corporation, Assignor, to Kīpahulu ‘Ohana, Inc., Assignee, for General Agriculture and Allied Purposes, Kīpahulu, Hāna,

Maui, Tax Map Key No.'s: (2) 1-6-009:001 and (2) 1-6-009:011, to Amend Annual Rent Determination, Lease Area, and Character of Use.

Written testimony was submitted by Christine C. Costalles, Kevin K.J. Chang, Kipahulu Ohana, and Hannah Kihalani Springer.

Chair Aila briefed the Board on item D-16.

Glenna Ann Lind asked the Board to approve this transfer. She was okay with the staff recommendations. He 10 children have given their aloha to go on with this. Lind introduced her husband John Lind.

Member Gomes commended Lind and her ohana.

Scott Crawford representing the Kipahulu Ohana testified that they have all been working in good faith.

Member Gomes said he planned on going to visit soon. Crawford welcomed member Gomes.

Keli'i Alapai, Henry Chang Wo, and Alex Connolly representing KUA all testified in support.

Unanimously approved as submitted (Oi, Gomes)

Item D-31 Issuance of Right-of-Entry Permit to the City and County of Honolulu, by its Department of Information Technology for Staging Area on Unencumbered Lands, Honouliuli, Ewa, O'ahu, Tax Map Key: (1) 9-2-005:Portion of 014.

Alvin Sunahara with the City and County of Honolulu, Department of Information Technology and Joel Benfiglio representing Alan Shintani Inc. were both in support.

Unanimously approved as submitted (Gomes, Oi)

Item F-5 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustee Representatives of the U.S. Department of the Interior, U.S. Fish and Wildlife Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and State of Hawai'i Department of Land and Natural Resources, for Access to State Waters to Conduct Conservation and Management Activities.

Maria Carnavale Co-manager for the Papahānaumokuākea Marine National Monument-PMNM conveyed item F-5. Chair Aila further explained that the situation is that Fish and Wildlife Service wants to implement an analysis through their wilderness category for any permits that go into Papahānaumokuākea. The State has not agreed to this language because we have a duty per article 12 section 7 to make sure that traditional and customary practices are protected. There is a

disagreement as to who has jurisdiction over the lands. There are still discussions going on. This is why both forms are being asked to be adopted at this time.

Member Roehrig asked the Deputy AG for her comments. AG Linda Chow said she would like for it to be a conservation district overlay. Regulations may apply, but doesn't translate into a property interest. She compared it to zoning type of regulation. This doesn't mean they have a right to property interest, but they have a right to regulate it. Chair Aila confirmed, as a precaution both permits are being put forth until the Senior Executive Board resolves this.

Unanimously approved as submitted (Roehrig, Gomes)

Item E-1 Request for Approval of Revocable Permit to Hawai'i Climbing Coalition for the Purposes of Rock Climbing Activities, Ka'ena, Waialua, Oahu Tax Map Key: (1) 6-9-001:004 (Por.). (*Submittal to be distributed*)

Dan Quinn administrator for State Parks-PARKS and Curt Cottrell, Assistant Administrator for PARKS briefed the Board on item E-1.

Debora Halbert representing Hawaii Climbing Association testified in support on behalf of rock climbers.

Chair Aila thanked all rock climbers for their extreme patience.

Unanimously approved as submitted (Woodside, Yuen)

Item D-30 Annual Renewal of Revocable Permits on the Islands of Hawai'i, Maui, Moloka'i, Kaua'i and O'ahu.

Tsuji explained item D-30.

Member Roehrig asked how people get on this list. Tsuji said this doesn't go to auction; people go into the office and apply. If the land is available then it would come before the Board. The last 30 days, but can continue as long as the Board renews it. If there is more than one person then it would have to go to an auction.

Kaimana Manahu Sr. testified that access is a problem. Many lands are being sold without considering the resources that are people need to get to. He was concerned about accessing hieaus and hunting areas. He asked the Board for help.

Chair Aila told Manahu to provide TMK or specific places so the department can see how to work agreements.

Unanimously approved as submitted (Roehrig, Gomes)

Item F-1 Resubmittal: Request for Approval and Adoption of Proposed Amendments to the Division of Aquatic Resources' Administrative Sanctions Schedule for the Processing of All Aquatic Resource Violations.

Written testimony was submitted by Kamana'opono Crabbe, PhD.-OHA, and The Nature Conservancy.

Sakoda presented item F-1 and had no changes.

Unanimously approved as submitted (Roehrig, Gomes)

Item F-3 Resubmittal: Request for Approval of Guidance for Preparation of Community-Based Subsistence Fishing Area Proposals Under Hawai'i Revised Statutes §188-22.6.

Written Testimony was submitted by Kevin K.J. Chang, Kamana'opono Crabbe, PhD.-OHA, and Hannah Kinalani Springer.

Emma Anders Staff Planner with the DAR reviewed item F-3.

Member Yuen said he was concerned that there would be so many different regulatory areas that it's going to get confusing for the public and enforcement. He urged that definitions be kept consistent and work with communities. Anders understood and assured that staff would work to be as consistent possible.

Scott Crawford- Executive Director with Kipahulu Ohana, Kevin Chang- Executive Director of KUA, Keali'i Alapi, Presley Wann and Wally Ito testified in support.

Anders added that part of the gridlines include recommendation on positive ways to improve recommendations.

Unanimously approved as submitted (Gomes, Roehrig)

12:19 P.M.	RECESS
1:08 P.M.	RECONVENE

Item D-5 Deny Lessee's Request for an Extension of Lease Term Pursuant to Act 219, Session Laws of Hawai'i 2011, General Lease No. 3029, Reed's Bay Resort Hotel, Ltd., Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-005:022. And

Approve a One-Year Holdover and Subsequent Month-to-month Revocable Permit for General Lease No. 3029, Reed's Bay Resort Hotel, Ltd., Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-005:022.

Kevin Moore LAND reviewed item D-5. Staff recommendation is to stay away from a long term disposition, allow a one year holdover of the current lease, and after that go to a month to month revocable permit.

Member Yuen asked about the summary appraisal report. Moore believed the applicant hired an appraiser to value the land and improvements. Under the statute that this applicant is seeking an extension under, that statute would allow an extension if the lessee would put in more than 50% of the value of the existing improvements in renovations. Moore didn't have the appraisal report, but said the applicant may be able to speak to it.

Member Yuen asked if the current lease asked the lessee to remove the improvements at the end of the lease. Moore said no, this is was a very old formed lease issued in 1946, and it says the improvements revert to the State after the expiration of the lease. The rent the department charges after the expiration of the lease should include land and improvements. To keep the permit valued on land only, the thought is to let the permittee retain the improvements, but require them to take them down if the Board decides that's the best course when the permit ends.

Member Roehrig asked if there were federal requirements about razing a building near the shoreline. Moore said the only federal requirements could be on the asbestos requirements. Since its old structure, we would have to assume it has those issues.

Donald T. Inouye, President and General Manager of Reed's Bay Ltd. said he was present to accept the denial, but with changes. He said the building cannot be torn down and they are not responsible for tearing the building down. They are willing to accept the one year, then the month to month. Inouye handed out a handout with his amendments. Note 1- provide the lessee the opportunity to continue hotel operation until such time that a re-development plan can be implemented. Note 2- remove language to the conditions.

There was lengthy discussion between the Board, Inouye and the Board and Moore about the amendments requested by Inouye. The Board agreed with staff that they do not want to commit to 10-15 year lease extensions however with the condition being requested by staff, Reed's Bay Ltd, will now want to stay and the department will have to find another occupant. The Board felt finding another occupant that would be willing to demolish the building is going to be difficult.

Member Yuen made a motion to accept staff recommendation, but take out the clause about removing the building. Member Roehrig seconded.

The Board deleted the condition of the revocable permit that would have given the Board the right to require permittee to remove all improvements at the termination of the revocable permit at permittee's expense. Accordingly, recommendation 4.b is revised to read in its entirety as follows:

Notwithstanding the expiration of the holdover period and the issuance of a revocable permit to Reed's Bay Resort Hotel, Ltd., all existing improvements (excluding archaeological/historic sites, if any) shall remain the property of Reed's Bay Resort Hotel, Ltd. until the expiration or earlier termination of the permit.

Unanimously approved as amended (Yuen, Roehrig)

Item K-1 Time Extension Request for Conservation District Use Permit (CDUP) OA-3579 by Honolulu Seawater Air Conditioning, LLC. for the Honolulu Seawater Air Conditioning Project Proposed Upon Submerged Land, Makai of Kaka‘ako Waterfront Park, Offshore of Plat (1) 2-1-060 and Channel D of Ke‘ehi Lagoon, Island of O‘ahu.

Sam Lemmo Administrator of the Office of Conservation and Coastal Lands-OCCL conveyed item K-1. The applicant has been able to obtain other permits required.

Member Roehrig asked if the applicants were going to move forward with this. Fredrick Berg representing the applicants said absolutely. They have just recently been refunded with a local investor with the full intent of moving forward.

Member Yuen commented that he has been following this, and is very excited.

Unanimously approved as submitted (Yuen, Gomes)

Item D-25 Amend Prior Board Action of September 26, 2014, Item D-13. Issuance of Right-of-Entry Permit to Waikīkī Beach Activities, Ltd. for Site Assessment for Future Zip-Line Operation Purposes from October 20 to 22, 2014; Waikīkī, Honolulu, O‘ahu; Tax Map Key: (1) 2-3-037: Portion of 021 And

The Amendment is Regarding the Change of the Event Dates from October 20 to 22, 2014 to December 13 to 15, 2014.

Kevin Moore explained that the Board previously approved a right of entry to Waikiki Beach Activities Ltd to see what a zipline would be like on Waikiki Beach. They weren't able to get out on the days that the Board approved, so the amendment is to allow the event to happen December 13 to 15, 2014.

Bob Hampton Chairman of Waikiki Beach Activity explained that the purpose of this test is to be sure that it can be put up and taken down every day. They want to be sure this is a good thing for Waikiki, they want to showcase Waikiki. They are prepared to start the test tomorrow.

Unanimously approved as submitted (Oi, Gomes)

Item D-27 Resubmittal: Cancellation of Revocable Permit No.S-7629, Denial of Request for Revocable Permit for Residential and Home Gardening Purposes by Jacob Kaleo Hines; Waimānalo, Ko‘olaupoko, O‘ahu, Tax Map Key: (1) 4-1-018:050.

Kevin Moore detailed that current permit holder is ready to surrender the permit; the issue is that grandson of the new permittee would like to get a new permit. Permits are not assignable so he

would have to get a new one. Staff doesn't feel that permits should be inherited or transferable like other property interests. Land Division would rather put it out for lease, get a long term lease on it, then have that tenant transfer the property over to the department of agriculture. If no one was interested in the property, then it would be put out for a revocable permit again. At that time, there could be an opportunity for the grandson to get a permit after the proper process.

Jacob Hines, the grandson of the permittee testified that he would like to apply for the permit. Chair Aila reminded Hines of the process that was just previously discussed. Hines said he was asking for this because their family is trying to do farming and can only do it if they still have the land. Chair Aila explained that the Board has the authority to go against staff recommendation and reassign the revocable permit to him. Chair Aila suggested Hines making his best case now before the Board.

Hines said they were prepared to do everything they need to do. His step-dad was also ready to step up and is willing to help. This has been in his family for over 30 years. Hines explained what plats they currently have and explained that they want to expand. They donate flowers and ti-leaf to halaus in the Waimanalo area.

Member Oi asked staff if it would be possible to give Hines a holdover for him to complete the cycle of his crops. Steve Lau, Oahu Land agent asked what the time cycle would be. Hines wasn't sure.

Chair Aila asked if anyone else on record was interested in this land. Lau said not at this time, Hines is the only applicant so far.

Member Oi suggested giving Hines so many months for a holdover. Lau expressed that he had concerns with this applicant. Hines currently works off island as a dweller/driller on Lanai doing work for Water Resources International. At this time if the permit is issued under his name, he is going to be responsible for this area. Lau indicated that trying to get in touch with Hines to notify him to attend this Board meeting was difficult.

Hines said that was the reason he now has his step-father by his side, so he can help when he's not around. He said there's no cell phone reception on Lanai.

Chair Aila asked AG Linda Chow if the approval of a new revocable permit is something that could be taken up today. Chow disclosed that the denial of a request would be the grand of a new request too, therefore the Board can either grant or deny it.

Member Yuen was concerned that items are agenized a denial and recalled that it was discussed that an item could not be approved if the item was agenized. If this is true, he would like to ask staff not to agenize things like that. He said the Board should have the discretion to accept or deny at that meeting.

AG Chow assured that the title references the request for a revocable permit that is the essential nature of what is coming before the Board, sot the Board has the ability to grant or deny the request for the revocable permit.

Member Roehrig asked Hine's step-dad if he would take care of things when Hine's was away. Manny Frenandez, Hines' step-father said he would.

Member Yuen asked Moore what the time table was for putting this out to a long term lease. Moore said they would have to come back to the Board to do that, and that would take at least 6 months to a year. The RP request is denied, then the department would have unencumbered land which would require much more action on Land Division to monitor and maintain.

Member Yuen told Hines' that he hopes he doesn't get too comfortable with these RPs and would hope his expectation would be to put this out for a long term lease.

Member Gomes asked Lau what the condition of the property was. Lau explained that the house was detreating, which is why they made demolition a condition. As far as the land, it is now maintained per Lau's standards.

Member Oi commented that it would be more cost to the state to monitor the land the it would to give Hines the RP.

When asked what his recommendation was, Lau said his concern is that that Hines is going to be off island and unreachable. He felt like maybe putting this under Fernandez or adding Fernandez to the RP would be better.

Member Roehrig asked AG Chow if it would be possible to put this under two names. Chow told member Roehrig that was beyond the request.

Member Roehrig made a motion to give a revocable permit for 6 months with the conditions provided in the staff submittal. Member Woodside seconded.

The Board approved alternative recommendation 2 of the submittal, as amended (and did not approve alternative 1). The Board amended recommendation 2 to authorize the issuance of a revocable permit to Jacob Kaleo Hines on the condition that he: 1) demolish the main dwelling on the premises and haul away all debris; and 2) consolidate the two smaller structures into one dwelling structure. Both actions have to be completed within six (6) months of the execution of the new revocable permit. The Board action eliminates the need for the right-of-entry contemplated under recommendation 2.C, which is deleted in its entirety, with the remaining paragraphs renumbered accordingly.

Unanimously approved as amended (Roehrig, Woodside)

Item K-2 Conservation District Use Application OA-3719 and Management Plan by Mamala Bay Seafoods for a Moi Mariculture Facility on Submerged Lands in the Reef Runway Borrow Pit, Ke'ehi Lagoon, Honolulu, O'ahu, Tax Map Key (1) 1-1-003:005.

Written testimony was submitted by Kamana'opono Crabbe, PhD.- OHA.

Sam Lemmo presented item K-2. This project went through the CDUA process, and it was approved, there was a public hearing in July. This has been sent out for agency review, the comments are in the report. Any comments were addressed by the applicant; the applicant's comments are also included. There are additional requirements. The area is currently set up as for a Jet Ski recreation area, but no one uses the area. If the use went forward the rules would have to be modified to take this rule out. Another element was the proximity to the airport. DOT did have concerns that are focused on security and aviation issues. They need to get approval from DOT.

Member Gomes asked Lemmo if he has ever had any issues with monitoring problems. Lemmo said he never had issues with entanglements with marine mammals; none with water quality, the only issue was with debris in the cages (poop, etc). There has never been an issue with coral damage.

Randy Cates testified stating the he was the first on to do an open ocean fish farm in Hawaii and the U.S. He explained that this is the best location for aquaculture because of its proximity and gave background and history.

Member Yuen asked Lemmo if this permit gets approved, the lease still has to come back to the Board. Lemmo confirmed.

Member Oi made a motion to approve.

Lemmo asked to make an amendment to condition 14, there's a typo. It should read, 60,520 cubic meters, not 6,052 cubic meters.

Unanimously approved as amended (Oi, Gomes)

Item D-29 Forfeiture of Revocable Permit No. S-7814, Wallace K. Lean III, Permittee, Kalauao, Ewa, O'ahu, Tax Map Key: (1) 9-8-011:006.

Kevin Moore-LAND had no changes to item D-29, the Board had no questions.

Unanimously approved as submitted (Roehrig, Gomes)

Item F-4 Approval of Petition for Contested Case Hearing by Elpie Valdez Regarding Enforcement Action Against Elpie Valdez.

David Sakoda-DAR reviewed item F-4. On October 10th, the Board fined the petitioner \$4,000 for illegal lay netting. He has petitioner for a contested case hearing, the AGs office agreed that he is entitled to a contested case hearing, so DAR is requesting the Board grant the petition and authorize the chair to grant a hearings officer.

Member Roehig asked what happened to this fish and if it has the same value. Sakoda said the fish is in a freezer in Maui, and he doesn't know the value of the fish now because most of the fish had been cut open to determine the value.

Member Roehig said he had reservations about this docket, since then he did some research and believes a fine is the same punishment as taking someone's fish. Member Roehig doesn't feel like this should not have gone forward.

AG Chow added that it has to be clear that the penalty being imposed is the same amount as a criminal penalty and that was the intent of the legislature. Member Roehrig commented that the case law in the State of Hawaii says that the State can have stricter provisions related to civil rights utilizing the same constitutional protections.

Dan Purcell commented the he was concerned that this is the third time he's seen this item, this stresses the need for video conferencing so that people can come and defend themselves.

Sakoda said staff has been in communication with the petitioner, and if this is granted the contested case will be held on Maui.

Member Roehrig said he is against what we are doing but for the contested case.

Member Yuen made a motion to approve and suggested staff looking at this further. Member Gomes seconded.

Unanimously approved as submitted (Yuen, Gomes)

Item C-1 Resubmittal: Approval in Concept Setting Aside Tax Map Keys (1) 2-2-053: Portion of 001, (1) 2-2-053:002 and 003; (1)2-5-010: Portions of 001 and 003; (1) 2-5-019: Portion of 005; (1) 2-5-019:013; (1) 2-9-031: Portion of 002; (1) 2-9-049:004; and (1) 3-4-003:001 Comprising Approximately 124.287 Acres to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Addition to the Honolulu Watershed Forest Reserve, Pauoa, Mānoa, and Pālolo, Honolulu, O'ahu.

Approval in Concept for Withdrawal of Tax Map Keys (1) 1-4-014:001 and 026; (1) 1-4-016:003; (1) 1-4-018:001, 003, 006, 009, 010, and 011; (1) 1-4-018: Portions of 012 Through 016; (1) 1-4-020:013, 039, and 053; (1) 1-9-007: Portion of 001; (1) 2-2-041:003, 008, and 013; (1) 2-2-054: Portion of 001; (1) 2-2-054:002; (1) 2-2-055:001; (1) 2-5-019: Portions of 003 and 016; (1) 2-5-024: Portions of 001 Through 003; (1) 2-5-024:004 Through 020; (1) 2-5-024: Portion of 021; (1) 2-5-024: Portion of 027; (1) 2-5-024:028 Through 033; (1) 2-9-051:002; (1) 2-9-054:010; (1) 2-9-055:002; (1) 2-9-055: Portion of 006; (1) 2-9-055:007, 008, 009, and 013; (1) 2-9-057: Portions of 006, 011, and 012; (1) 3-3-056:001, 004, and 005; (1) 3-3-056: Portion of 006; (1) 3-3-058:066 and 067; (1) 3-4-010:019; (1) 3-4-020: Portion of 003; (1) 3-4-022:006; (1) 3-4-

031:023; (1) 3-4-032:055; (1) 3-5-024:023 and 032; (1) 3-6-004: Portions of 001 and 014; (1) 3-6-019: Portions of 035 and 038 Comprising Approximately 2,741.215 Acres from the Honolulu Watershed Forest Reserve, Kalihi, Nu‘uanu, Pauoa, Mānoa, Makiki, and Wa‘ahila, Honolulu, O‘ahu.

Approval in Concept Setting Aside Tax Map Key (1) 8-5-006:005 Comprising Approximately 300.00 Acres to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Addition to the Wai‘anae Kai Forest Reserve, Wai‘anae, Honolulu, O‘ahu.

Lisa Hadway Administrator for the Division of Forestry and Wildlife-DOFAW explained that this was a resubmittal and this is just a housekeeping item.

Unanimously approved as submitted (Gomes, Oi)

Item C-2 Resubmittal: Request for Authorization for the Chairperson to Sign, Execute, and Amend a Memorandum of Understanding Between the Department of Land and Natural Resources and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services Regarding Technology Transfer, Planning, Coordinating, Exchanging Information and Expertise, and Developing Measures to Enhance the Beneficial Aspects of Wildlife While Minimizing Their Undesirable Effects on the Health, Welfare, Natural Resources, or Property of the Citizens of Hawai‘i.

Lisa Hadway had no changes to item C-2.

Unanimously approved as submitted (Gomes, Oi)

Item C-3 Request for Final Approval to Adopt Amendments to Hawai‘i Administrative Rules Title 13 Subtitle 5 Part 2 Chapter 124 “Indigenous Wildlife, Endangered and Threatened Wildlife, and Introduced Wild Birds” as Follows:

- a. Amend Title of Chapter and Subchapters to Include “Introduced Wildlife;”**
- b. Re-Organize Chapter into Subchapters to Clarify Statutory Authority;**
- c. Amend Section 13-124-2 “Definitions” to Provide Definitions for the Terms “Introduce” and “Release,” and Amend the Definitions of “Feral” and “Injurious;”**
- d. Amend Section 13-124-3 “Prohibited Activities” to Prohibit the Release of Introduced Wildlife;**

e. Amend Section 13-124-8 “Penalty” to Include a Fine System Pursuant to HRS 183D and Seizure and Forfeiture Language;

f. Add Section 13-124-13 “Penalty” to Include a Fine System Pursuant to HRS 195D and Seizure and Forfeiture Language; and

g. Update Exhibits of Injurious Species, Introduced Wild Birds, and Threatened and Endangered Species.

And

Request for Delegation of Authority to Issue Permits Under Hawai‘i Administrative Rules Chapter 124 to the Chairperson, and the Administrator and Branch Managers of the Division of Forestry and Wildlife.

The Rules can be reviewed online at: <http://dlnr.hawaii.gov/dofaw/rules/> or in person at any DOFAW office during normal office hours.

Lisa Hadway-DOFAW briefed the Board on item C-3, there was some ambiguity on the definition of wildlife. Wildlife is defined as any member of any non-domesticated species of the animal kingdom and game mammals and game birds living in a wild and non-domesticated state. That is reviewed as a non-substantive change. This is the language that was vetted in public hearings.

Member Roehig suggested adding language to note 16 to protect the department. AG Chow said it would be difficult to determine whether this was a necessary amendment by not having any discussion and a formal request would need to be made to her division.

Hadway requested moving forward with this package and as it answered addressing it at the time. This type of language may affect many other rules.

Member Yuen asked about the portion delegating the chair. Hadway noted that under the delegation of the chair, she asked to strike the word release. Member Yuen said there were two amendments that needed to be made, injurious wildlife release is the Chairperson, and transport/export is the division administrator.

Member Yuen made a motion to approve with two amendments that have been discussed and with Chair’s request to make a request to the AG’s office on the double jeopardy question. Member Gomes seconded.

Member Yuen wanted to discuss a side note. It was decided that it doesn’t require an amendment to the rules, but pig hunters will catch or release a pig, that will not be considered a violation. Hadway added that it was discussed that this wasn’t the intent of this law, or these rules.

Chair Aila suggested drafting a letter to the Division of Conservation and Resource Enforcement that says within this context this is not considered immediate capture, to make it clear for hunters.

Member Gomes asked if a hunter could catch and capture a pig and take it home and raise it. Hadway said yes. That was one of the very clear changes that was made after public context.

Unanimously approved as amended (Yuen, Oi)

3:44 P.M. RECESS
3:35 P.M. RECONVENE

Item D-10 Resubmittal: Amend Commencement and Termination Dates, Request for Waiver of Performance Bond Requirement, General Lease No. S-6054, Mauna Kea Moo, LLC, Lessee, Niupea-Ka‘ala, Hāmākua, Hawai‘i, Tax Map Key: 3rd/ 4-1-04:33 and Manowaikohau-Kekualele, Hāmākua, Hawai‘i Tax Map Key: 3rd/4-2-07:02.

Written testimony was submitted by Cory Harden.

Kevin Moore-LAND had no changes to item D-10.

Board Member Yuen inquired as to public access over the lease premises to reach mauka forest reserves, and asked staff to report back to him on the status of access.

Unanimously approved as submitted (Roehrig, Gomes)

Item D-26 Issuance of Revocable Permit to Tokyo News Service, Ltd; Termination of Revocable Permit No. S-7589; Waikiki, Honolulu, O‘ahu, Tax Map Key: (1) 3-6-001:seaward of 017.

Member Oi questioned the rent amount. Kevin Moore explained that this was a fix to allow the sale of the private property proceeds. The long term plan is for the property owner to come in for an easement for an encroachment.

Member Yuen asked if there were two Waikikis. Kevin Moore, thought that maybe a typo, but wasn't sure. AG Chow recommended deferring this until Moore can find out for sure.

The Board temporarily deferred this item until Moore could consult with staff. When he returned, he confirmed that Wailupe is in the ahupaha of Waikiki.

Member Gomes made a motion to approve. Member Oi seconded.

Unanimously approved as submitted (Gomes, Oi)

Item J-1 Request Approval to Initiate Rule-Making Proceedings and Hold Public Hearings to Amend Hawai'i Administrative Rules, Title 13, Section 13-256-73.13, Ahu O Laka Safety Zone, by Removing the Sunset Date in HAR §13-256-73.13(E) and Thereby Making HAR §13-256-73.13 Permanent. HAR §13-256-73.13 Prohibits Possession, Use, or Consumption of Alcohol in the Ahu O Laka Safety Zone; Prohibits a Person Under the Influence of Alcohol, Narcotics, or Drugs from Remaining in or Entering the Safety Zone; and Prohibits Disorderly Behavior While in the Safety Zone.

Ed Underwood Administrator for the Division of Boating and Ocean Recreation-DOBOR had no changes to item J-1.

Unanimously approved as submitted (Yuen, Roehrig)

Item J-2 Delegation of Authority to Issue Right-of-Entry Permits on State Lands and Facilities under the Jurisdiction of the Division of Boating and Ocean Recreation.

Member Yuen asked how the department is safe guarded that the right of entry can't supplant the normal permit process that has been set up in the regulations. AG Chow explained that there are very specific regulations that deal with ramp permits and commercial use permits, mooring permits. Anytime there is a specific rule, it will always apply over a general rule. This right of entry is a general delegation. The other safeguard is that it will either be the branch managers, the administrator or the Chairperson who is issuing these rights of entries, so they are all well aware of these other rules that are out there. Member Yuen said he wasn't against the idea and was satisfied with what Chow said.

Member Yuen then asked for justification as to what it meant by giving the Chairperson authority to issue rights of entry for uses any length or duration. Underwood explained that the one of the last rules is miscellaneous use permit, meaning they can right it for anything. DOBOR was trying to clean that rule up but Underwood said he had no problem with limiting that term, they were just leaving it up to the Chair's discretion. Member Yuen asked if it would be okay to changing this to duration of 6 months. Underwood was fine.

Member Yuen made a motion to change 1. a. 2) to read 6 months.

Unanimously approved as amended (Yuen, Roehrig)

Item J-3 Delegation of Authority to the Chairperson of the Board of Land and Natural Resources to Approve a Grant Agreement to Navatek, Ltd.

Ed Underwood Administrator for the Division of Boating and Ocean Recreation-DOBOR had no changes to items J-1 or J-3.

Unanimously approved as submitted (Yuen, Roehrig)

- Item D-1** **Grant of Perpetual, Non-Exclusive Easement to State of Hawai‘i, Department of Transportation, Airports Division (DOT – Airports Division) for Access and Utility Purposes, por. of Hanapēpē, Waimea, Kaua‘i, Tax Map Key: (4) 1-8-008:032. And**
- Issuance of Immediate Construction and Management Right-of-Entry to State of Hawai‘i, Department of Transportation, Airports Division (DOT – Airports Division), por. of Hanapēpē, Waimea, Kaua‘i, Tax Map Key: (4) 1-8-008:032.**
- Item D-2** **Issuance of Construction Right-of-Entry Permit to Department of Education for Demolition Purposes on Unencumbered Lands, Hanapēpē, Waimea, Kaua‘i, Tax Map Key: (4) 1-9-003:001.**
- Item D-3** **Issuance of Right-of-Entry Permit to Keauhou Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihu‘e , Kaua‘i, Tax Map Key: (4) 3-5-02:seaward of 2.**
- Item D-4** **Grant of Perpetual, Non-Exclusive Easement to Malulani Investments, Ltd. for Access and Utility Purposes, por. of Wai‘oli, Hanalei, Kaua‘i, Tax Map Key: (4) 5-5-008:por. 2 and (4) 5-6-002:por. 1.**
- Item D-6** **Resubmittal: Consent to Assignment of General Lease No. 3170, Ruth M. Binyan, Assignor, to Ruth M. Binyan, Terri Lyn Saragosa, Trisha K. Evangelista, Christian K. Saragosa and Zaric Binyan, Assignees, Ocean View Lease Lots, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-007:036 and;**
- Authorize a One-Year Holdover of General Lease No. 3170, Ruth M. Binyan, Terri Lyn Saragosa, Trisha K. Evangelista, Christian K. Saragosa and Zaric Binyan, Lessees, to be Immediately Followed by the Issuance of a Month-to-Month Revocable Permit and Issuance of a Bill of Sale Transferring All Improvements on the Property to the Lessees, Ocean View Lease Lots, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-007:036.**
- Item D-9** **Authorization to Contract Qualified Professionals to Provide Technical and Advisory Services Relating to the Remediation of Existing State Owned ‘Auwai (Ditch) at Pi‘ihonua, South Hilo, Hawai‘i, Tax Map Keys: (3) 2-3-023:006.**
- Item D-11** **Resubmittal: Approval of Right-of-Entry Permit to Hawai‘i Explosives & Pyrotechnics, Inc. for Set up and Firing of Aerial Fireworks Display on New Year’s Eve, 2014, ‘Ōuli, South Kohala, Hawai‘i, Tax Map Key: (3) 6-2-02:seaward of 04.**

- Item D-13** **Resubmittal: Consent to Assign General Lease No. S-5231, Moanikeala Kaupiko, also known as Moanikeala Rhodes, also known as Keala Rhodes, Assignor, to Kaimi Namaielua Kaupiko, also known as Kaimi N. Kaupiko, also known as Kaimi Kaupiko, Assignee, Miloli'i-Ho'opuloa, South Kona, Hawai'i, Tax Map Key: (3) 8-9-014:057.**
- Item D-14** **Resubmittal: Consent to Assign General Lease No. S-5229, Helen M. Calip, Assignor, to Janice K. Kilgore, Assignee, Miloli'i-Ho'opuloa, South Kona, Hawai'i, Tax Map Key: (3) 8-9-014:059.**
- Item D-15** **Issuance of Right-of-Entry Permit to Maui Interscholastic League (MIL) at Haneo'o, Hāmoa, Hana, Tax Map Key: (2) 1-4-007: Portion of 009.**
- Item D-17** **Resubmittal: Approval for the Issuance of an After-the-Fact Right-of-Entry Permit to MONAVIE LLC for a Team Building Event (Beach Volleyball) at Wailea Beach, Honua'ula, Wailea, Maui, Tax Map Key: (2) 2-1-008: seaward of 109.**
- Item D-18** **Resubmittal: Approval for the Issuance of an After-the-Fact Right-of-Entry Permit to Maui Ocean Activities.COM LLC, for a Team Building Event (Beach Relay Race) at Wailea Beach, Honua'ula, Wailea, Maui, Tax Map Key: (2) 2-1-008: seaward of 109.**
- Item D-19** **Issuance of a Right-of-Entry Permit to Chrysalis, Inc. dba Chrysalis Events Hawai'i for a Team Building Event (Beach Volleyball) at the Beach area fronting the Kea Lani Resort at Honua'ula, Wailea, Maui, Tax Map Key: (2) 2-1-023: seaward of 003.**
- Item D-20** **Resubmittal: Amend Prior Board Action of June 27, 2014, Item D-9 by including a 1) Recommendation for Exemption Statement Relative to Environmental Assessment and, 2) Change in Term Expiration Date; Consent to Lease of Lands Under Governor's Executive Order No. 2358 to Lae 'Ula O Kai, a Hawai'i Nonprofit Corporation Kanahā Beach Park, Kahului, Wailuku, Maui, Hawai'i, Tax Map Key:(2) 3-8-001: Por. of 119.**
- Item D-22** **Issuance of Right-of-Entry Permit to John Willard of Maui Surf 'Ohana at Līpoa Point, Honokōhau, Honolulu, Lāhainā, Maui, Tax Map Key: (2) 4-1-001: Portion of 010.**
- Item D-23** **Resubmittal: Issuance of Right-of-Entry Permit to Hawai'i Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on January 28, 2015, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037:021 (Portion).**

Item D-24 After-the-Fact Issuance of Right-of-Entry Permit to Waikīkī Beach Activities, Ltd for Beach Activities Purposes on December 4, 2014, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:Portion of 021.

Kevin Moore-LAND had no changes to items D-1 through D-4, D-6, D-9, D-11, D-13 through D-15, D-17 through D-20, or D-22 through D-24.

The Board reviewed the above items and had no changes.

Unanimously approved as submitted (Gomes, Oi)

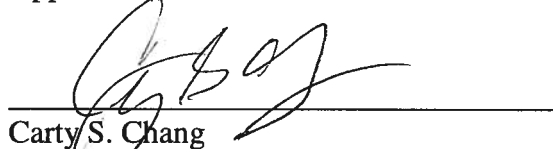
There being no further business, Chairman William Aila adjourned the meeting at 4:16 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson’s Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Ku‘ulei Moses
Land Board Secretary

Approved for submittal:



Carty S. Chang
Acting Chairperson
Department of Land and Natural Resources