

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

DATE: FRIDAY, MARCH 27, 2015  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAI'I 96813

**MEMBERS**

Carty S. Chang  
Stanley Roehrig

James Gomes  
Chris Yuen

**STAFF**

Curt Cottrell-PARKS  
Tiger Mills-OCCL  
Afsheen Siddiqi-DOFAW  
Kevin Moore-LAND

Mark Brady-ENG  
Lisa Hadway-DOFAW  
Steve Soares/PARKS  
Alyson Yim-ENG

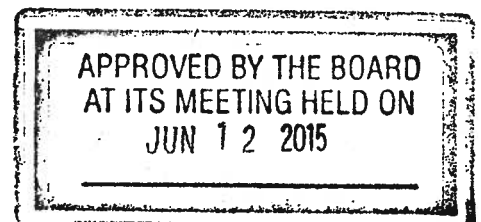
**OTHERS**

Cindy Young/ AG  
Ethan Tomokiyo/DOT-AIR  
Troy Andrade/E-2  
Donna Marron/K-1  
Henry Curtis/ C-1

Anne Shiigi/DOT-HAR  
Milton Saigon/E-2  
Dennis Tanaka/E-2  
Calvert Chun/DOT-HAR  
Bob Pinich/ E-1

**Item D-2**      **Consent to Mortgage and Extension of Lease Term; General Lease No. S-4331 and S-4332, James William McCully, Trustee of the James William McCully Revocable Living Trust dated September 24, 1992 and Francine Marie Morales McCully, Trustee of the Francine Marie Morales McCully Revocable Living Trust dated September 24, 1992, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-37:144**

**Item M-15**      **Termination of Harbor Lease H-99-3 for Breach of Lease Due to Illegal Structures, Illegal Sewer Connection and Non-Compliance with Environmental Requirements at Pire 18, Honolulu Harbor, Island of O'ahu, Hawai'i, Tax Map Key (1) 1-5-039:021 (portion).**



Chair Chang announced that items D-2 and M-15 were withdrawn.

- Item M-1** Issuance of Revocable Permit for an Office Space to Operate and to be used as a Pilot Training Facility, Hawaii Island Air, Inc. DBA Island Air, Commuter Terminal, Honolulu International Airport, Tax Map Key: (1) 1-1-003:208 (portion).
- Item M-2** Issuance of a Revocable Permit for an Operations Office to Support Travel and Tour Operations, MC&A, Inc., Diamond Head Extension, Honolulu International Airport, Tax Map Key: (1) 1-1-003:042 (portion).
- Item M-3** Issuance of a Revocable Permit for Aircraft Storage, Kanae, Clarence K. & Corrine, Honolulu International Airport, Tax Map Key: (1) 1-1-76:020 (portion).
- Item M-4** Issuance of a Revocable Permit for Aircraft Storage, The Affordable Casket Outlet, L.L.C., Honolulu International Airport, Tax Map Key: (1) 1-1-76:020 (portion).
- Item M-5** Issuance of a Revocable Permit for Aircraft Parking, James V. Parran, Honolulu International Airport, Tax Map Key: (1) 1-1-76:023 (portion).
- Item M-6** Issuance of a Revocable Permit for Aircraft Parking, Ronald P. Bilek, Honolulu International Airport, Tax Map Key: (1) 1-1-76:023 (portion).
- Item M-7** Issuance of a Revocable Permit for Aircraft Parking, Gary L. Gunder, Dillingham Airfield, Waiālua, Hawai‘i, Tax Map Key: (1) 6-08-14:016 (portion).
- Item M-8** Issuance of a Revocable Permit for Aircraft Parking, Benjamin J. Brown, Kalaeloa Airport, Tax Map Key: (1) 9-1-13:032 (portion).

Anne Shige property manager for the Department of Transportation, Harbors Division- DOT-HAR reviewed items M-1 through M-8.

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

- Item M-9** Issuance of a Revocable Permit for Terminal Spaces, Vanderlande Industries, Inc., Kahului Airport, Tax Map Key: (2) 3-8-02:019 (portion).
- Item M-10** Issuance of a Revocable Permit, Land for an Aviation Fueling Facility, Hawai‘i Fueling Facilities Corporation, Hilo International Airport, Tax Map Key: (3) 2-1-12:090 (portion).

**Item M-11 Issuance of a Revocable Permit for Trailer Parking, Island Helicopters Kauai, Inc., Lihu'e Airport, Tax Map Key: (4) 3-5-01:008 (portion).**

Ethan Tomokiyo representing the Department of Transportation Airports Division-DOT-AIR presented items M-9 through M-11 and had no changes.

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

**Item E-2 Issuance of Revocable Permit to Moana Parking Management, LLC, for Parking Lot Operation Purposes, Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 3-1-042:006 (por).**

**Issuance of Revocable Permit to Moana Parking Management, LLC, for Parking Lot Operation Purposes, Nuuanu Pali State Wayside, Nuuanu, Honolulu, O'ahu, Tax Map Key (1) 1-9-007 (por).**

**Issuance of Revocable Permit to Moana Parking Management, LLC, for Parking Lot Operation Purposes, Akaka Falls State Park, Kahua, South Hilo, Tax Map Key: (3) 2-8-011:018 (por).**

Curt Cottrell Assistant Administrator with the Division of State Parks-PARKS explained that a parking lot operator, Aparc Systems Inc. is ceasing operations and they have 3 contracts for 3 State Parks representing \$150,000 a month in special fund revenue.. PARKS is asking the Board to issue 3 revocable permits (RPs) to Moana while PARKS goes out to bid. Moana is the company that has retained Aparc's employees. Property manager Steve Soares was present for questions.

Member Roehrig asked if this would give Moana a foot in the door by giving them these RPs and how long this would last. Steve Soares said the bidding process for a new operator takes about 6 months and would take place while Moana is in place. Cottrell added that the RPs are to maintain the income stream. For example at Diamond Head State Monument, the income entry station is manned with a gate, there are about 3,000 patrons a day, and its essential for safety and traffic management its essential to have an entity managing the entrance. If this RP were absent, it would fall upon staff. The other two park areas aren't as critical as the Diamond Head Monument when it comes to safety issues.

Milton Saigon from Moana Parking Management testified that they are ready willing and able to maintain the services to supplement the State as well as promote the safety of the visitors to the park.

Troy Andrade and Dennis Tanaka testified in support.

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

**Item L-2 Application for Geothermal Exploration Permit, University of Hawa‘i, Hualalai West Rift Zone, Hawai‘i Tax Map Key: (3) 7-1-001:006, 7-2-002:001, 7-2-003:003, 7-2-004:004, 7-2-005:008, 7-2-007:001, 7-4-002:006, 7-4-002:017 & 18.**

Mark Brady representing the Engineering Division-ENG conveyed item L-2.

Chair Chang asked if the starting date of 10/1 and the ending date of 6/30/2015 would be a reasonable amount of time to complete this project. Brady told Chair Chang that the University told him that once they get the permit, it should take about 2 months to do the work in the field. Finding wise, they are funded until June 30<sup>th</sup>. They are currently seeking funding to supplement this project among other projects to be sure they have funding to get this done properly. Once the permit is issued, it has a term of one year.

Chair Chang noted that the DOFAW permit expired in September, so that would need to be renewed also.

Member Roehrig asked if the permit should be made for a year from the time the Chairperson signs it. Brady confirmed.

Member Roehrig said that she has had discussions with professor Thomas from University of Hawaii-UH and discussed adding the center for the study of active volcanos and UH Hilo in addition to a permittee along with the Hawaii institute of geophysics and planetology at Manoa. Professor Thomas said they had no objection to that.

Member Roehrig made a motion to approve as submitted with the amendment that the permit goes for a year from the time the Chairperson signs and the addition co-permittee of the Hilo campus. Member Gomes seconded.

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

**Item E-1 Termination of Revocable Permit No. SP0070a Issued to Sand Island Off Highway Vehicle Association, Inc. to Operate Public Venues of Trails and Tracks for BMX Bicycles, Remote Control Vehicles, Pee Wee Motorcycles, All Terrain Vehicles, Off-Road Motorcycles And 4-Wheel Drive Trucks, Sand Island State Recreation Area, Kaholaloe, O‘ahu, Tax Map Key: (1) 1-5-041:006 (por).**

Curt Cottrell-PARKS asked to hold off on this item until later in the meeting. There's a petitioner that is expected and he isn't here yet. Cottrell said he need time to explain this item.

The Board members were okay with deferring. Member Yuen made a motion to defer until 10am. Member Gomes seconded.

**Temporarily deferred (Yuen, Gomes)**

- Item K-1 Appointment and Selection of a Hearing Officer to Conduct All Hearings for Contested Case (KA 15-4) for the Alleged Unauthorized Construction of Erosion Control Structures, Landscaping, Drainage Improvements in the Conservation District, Located at Kawaihau, Kaua‘i, Tax Map Key (4) 5-4-002: 032.**

Tiger Mills representing the Office of Conservation and Coastal Lands-OCCL presented item K-1.

Donna Marron representing the petitioner was present in support.

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

- Item M-12 Consent to Assign Harbor Lease No. H-07-32, Paradise Inn Hawai‘i, LLC, DBA Tsukiji Fish Market Restaurant, Assignor, Jems Enterprises, LLC, DBA Hawaiian Ice Company, Assignee, Lot FV 6, Domestic Commercial Fishing Village, Vicinity of Pier 38, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-042 (portion).**

Calvert Chun with DOT-HAR reviewed item M-12. The Board had no questions.

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

- Item M-13 Issuance of a Revocable Permit to Hawaii Stevedores, Inc., for Management Offices to Conduct Stevedoring Operations, Portion of Pier 1 Shed, Hilo Harbor, Island of Hawai‘i, Tax Map Key: (3) 2-1-009:047 (portion).**
- Item M-14 Issuance of a Revocable Permit to Horizon Lines, LLC, for Management Offices for Sales and Service, Portion of Pier 1 Shed, Hilo Harbor, Island of Hawai‘i, Tax Map Key (3) 2-1-009:047 (portion).**

Chun-DOT-HAR had no changes to items M-13 or M-14.

**Unanimously approved as submitted (Yuen, Roehrig)**

- Item C-1 Submittal to Board of Land and Natural Resources Regarding Request for Delegation of Authority to the Chairperson to Negotiate, Approve, Execute, Amend, and Extend Memoranda of Understanding (MOU) Pertaining to Board-Approved Habitat Conservation Plans and Safe Harbor Agreements.**

Lisa Hadway Administrator for the Division of Forestry and Wildlife-DOFAW explained that this item was requesting the approval for to authorize the Chairperson to sign existing Board approvals.

Henry Curtis with Life of the Land asked there were still open ones for the windfarm. Hadway said these were the existing, already approved habitat conservation lands.

**Unanimously approved as submitted (Yuen, Roehrig)**

**Item C-2 Request to Conduct a Public Hearing Regarding the Na Pua Makani Wind Energy Project Draft Habitat Conservation Plan**

**And**

**Request Approval of Declaration of Exemption from Chapter 343, HRS, Environmental Assessment Requirements for This Action.**

Hadway-DOFAW apologized if the second portion of the agenda title was confusing, DOFAW is just requesting that the public hearing is exempt from Chapter 343, not the project. In the future DOFAW will be sure to word this better. This item is intended to authorize a public hearing, authorize the Chairperson to set dates and times and authorizes the request to assign a hearing officer.

Chair Chang asked if the dates noted in the submittal were reasonable dates. Afsheen Siddiqi – DOFAW Conservation Initiative Coordinator explained that the Na Pua Makani Wind Energy Project hoped to be in operation by the end of this year.

Member Yuen asked if the EA that was in the bulletin now was just for the habitat conservation plan. Hadway said that there is an EIS being prepared for the whole project, but has not yet been published. The EIS staff has to declare how/if their actions are exempt from Chapter 343, so DOFAW is just requesting that the public hearing is exempt from Chapter 343. There are two separate documents.

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

**Item E-1 Termination of Revocable Permit No. SP0070a Issued to Sand Island Off Highway Vehicle Association, Inc. to Operate Public Venues of Trails and Tracks for BMX Bicycles, Remote Control Vehicles, Pee Wee Motorcycles, All Terrain Vehicles, Off-Road Motorcycles And 4-Wheel Drive Trucks, Sand Island State Recreation Area, Kaholaloa, O‘ahu, Tax Map Key: (1) 1-5-041:006 (por).**

Curt Cottrell Acting Administrator for State Parks-PARKS gave detailed history of this project. Cottrell explained that the Na Ala Hele program in DOFAW received over half a million of federal funds of which a portion of those funds had to be deployed for motorized recreation. A challenge was due to the watershed values of real estate, there was no place to set up places for off road vehicles. Fuel tax is the source of funding for this. Cottrell approached Dan Quinn the Administrator at the request of a group of motorcycle and off road enthusiast. There was also a

problem of illegal off highway use at Kaena Point. The only authorized motorized riding area is the Kahuku Motor Sports Track which has been under a revocable permit with Land Division since 1971. Cottrell looked at this portion of Sand Island State Park (handed out photos) with the off road enthusiast, there is about 30 acres of land behind the sewage plant that was fallow property; it was a former military practice ground full of homeless people and rubbish. PARKS determined that that area would be suitable for motorcycles, 4 wheel drive truck, remote control cars, peewee motor cross, and BMX bikes. The enthusiast Cottrell was working with formed the Sand Island Vehicle Association. In 2009-2010 the Board approved a right of entry for them to go in and start looking at the property. After they formed an organization a revocable permit was then approved. Work began and it was community based, once work began the City and County started issuing violations. The project then froze. About \$30,000 was spent on engineering, permits, etc. The project was stalled for about a year and a half, leadership changed, then the project continued. The Children's bicycle motor cross was the first to be completed and has been the most successful in terms of what they intended this project to do, which is provide an authorized save venue for kids and people to ride motorcycles and bicycles on land that was formally occupied by indigents and illegal dumping. The BMX course was put in place, then a remote control car course, a pee wee motor cross, and then 4 wheel drive truck venue was created. The BMX is constant. The 4 wheel drive and the pee wee went fallow. Only the BMX and the remote control car areas are authorized areas of the revocable permit issued by the Board to the Sand Island off Vehicle Association. New uses have appeared on the property that were not formally authorized by the Board. It was brought to PARKS attention that a fitness training entity was placed on site without getting approval. That entity also charged a fee. This is a gratis/free rent revocable permit. PARKS was then approached by an entity that wanted to come in and set up an obstacle courses. That entity then joined the Sand Island Off Vehicle Association and became Board members. Cottrell told them that if it is the intent of the Board to add this new use, the PARKS would have to consult with the BLNR. When Cottrell did the environmental assessment the EA was specifically for off highway vehicle use. This RP was only given a 6 month term to work out this new use. The intent of this was to build something and create a demand whereas the others, there was demand and they were trying to satisfy that. In negotiation with the president, Cottrell wanted to know what their long term plan was. This organization has a history of being non conversant with the department which is why PARKS told them they would be given a 6 month RP and if they can't clean it up, than the RP would be terminated. Subsequently to that the President Al Todd submitted the request to terminate. Parks has been in negotiation with the other entities. PARKS intent is to come back with new RPs.

Member Roehrig asked where these parcels were in relation to the homeless internment the Board approved few months prior. Cottrell showed Member Roehrig and noted that it was across the access road. Member Gomes commented that item wasn't approved because the Board of Health had to go in survey the land. Member Gomes believed there were contaminants found and the project had to be shot down.

Member Roehrig said he didn't know if that City and County project would have life. If it was red dirt, then the uses need to be determined if they are compatible.

Cottrell explained that the motorized use is far away, under an air path, down from the sewage plant. Member Roehrig said he would like to hear what the City and County has to say about this and is not prepared to make a decision on this until then.

Member Yuen clarified that the only thing that was before the Board right now, was a termination of an RP and the permittee has asked for the termination. Cottrell noted that a member of their Board has asked for the termination, that member will come up and testify and he has filed his petition. Member Yuen asked if there were a list of names as to who is the president, vice president, etc. Cottrell explained that yes, it's a short list, but PARKS hasn't received any minutes, agendas, or financial statements from them over this period of time.

Member Yuen asked if the Board terminates the lease, the PARKS operate the BMX. Cottrell explained that BMX would be issued temporary use permits while their paper work is in order. PARKS will be back to the Board for approval for the RP for BMX.

Chair Chang asked what the uses were for the in house EA that was done. Cottrell said it was for all off highway uses.

Bob Pinich Board member of Sand Island Vehicle Association gave the history of how they acquired the area. Member Yuen asked if there was a reason why Pinich didn't want the current RP to be revoked. Pinich said they saw issues that did not relate to them.

Member Yuen addressed the contested case that Pinich filed and told him that normally contested case requests are filed when someone doesn't like what the Board is doing. Pinich said he would like to be included in what is being mentioned about what is happening and to be allowed to get a special use permit. Member Yuen commented that staff lack of mentioning the Sand Island Vehicle Association affects the possibility of them obtaining a permit in the future.

Cottrell clarified that today is just to discuss the revocation at the present of this entity at their revocable permit. Pinich said his organization is a registered nonprofit. Member Roehrig asked if they were a 501C3. Pinich said no.

Member Yuen said the Board is not making a decision on who gets to be in this area in the future. He told Pinich to work with staff, present their project and if staff likes it, it will be brought to the Board. If staff doesn't like the project and chooses someone else, then Pinich and his organization can have their say at that time. Nothing can be granted to Pinich's organization today. Member Yuen said all the Board can do today is accept or deny the permit today. Member Gomes agreed with Member Yuen.



Member Roehrig told Pinich that he needs to talk to a lawyer or someone and get a 501C3. He didn't understand how there was a contested case when they don't even qualify, and didn't see how the Board can act on that.

Steve Soares PARKS Property Manager asked for clarification if Pinich wanted to withdraw the contested case.

Pinich said he would withdraw his petition for a contested case on item E-1.

**Unanimously approved as submitted (Yuen, Roehrig)**

**Item D-1 Issuance of Right-of-Entry Permit to St. Theresa School for Parking Purposes for Annual School Carnival on State Unencumbered Lands, por. of Kekaha House Lots, Kekaha, Waimea, Kaua'i, Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001.**

Kevin Moore Assistant Administrator for Land Division-LAND asked to amend page 3 under the remarks section because it has last year's date of 2014.

**The Board amended the event dates on page 3 of the submittal under the Remarks section to read "April 17 & 18, 2015".**

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

**Item D-2 Consent to Mortgage and Extension of Lease Term; General Lease No. S-4331 and S-4332, James William McCully, Trustee of the James William McCully Revocable Living Trust dated September 24, 1992 and Francine Marie Morales McCully, Trustee of the Francine Marie Morales McCully Revocable Living Trust dated September 24, 1992, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-37:144.**

Moore-LAND announced that item D-2 would be withdrawn.

**Withdrawn**

**Item D-3 Issuance of Right-of-Entry Permit to Save Honolulu Coalition onto Unencumbered Lands for Landscape and Maintenance Purposes, Honolulu, Lahaina, Maui, Tax Map Key: (2) 4-1-001:010.**

**Item D-4 Issuance of a Right-of-Entry Permit to Chrysalis, Inc. dba Chrysalis Events Hawai'i for a Three Day Team Building Event (Sand Sculpting) at Fleming Beach at Kapalua, Lāhainā, Maui, Tax Map Key: (2) 4-2-004: seaward of 015.**

**Item D-5 Issuance of a Right-of-Entry Permit to Oahu Hawaiian Canoe Racing Association Hawai'i (OHCRAH) for a Canoe Race Event, on October 10 and 11, 2015, at Waikīkī, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.**

**Item D-6 After-the-Fact Issuance of Right-of-Entry Permit to Seven Network (Operations) Ltd for Live Broadcast of Television Program Purposes on March 6 to 12, 2015, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-37:Portion of 21.**

**Item D-7 After-the-Fact Issuance of Right-of-Entry Permit to King Street Productions, LLC dba AlliedPra Hawai'i for Beach Activities Purposes on March 18, 2015, Waialae, Honolulu, O'ahu, Tax Map Key: (1) 3-5-023:Portion of 041.**

Moore- LAND had no changes to items D-3 through D-7.

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

**Item L-1 Application for a DLNR Dam Safety Construction/Alteration Permit, Permit No. 66- Nu'uanu Reservoir No. 4 (OA-0001) Dam Repair, Honolulu Board of Water Supply, Honolulu, Hawai'i.**

Alyson Yim representing the Engineering Division-ENG had no changes to item L-1.

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

There being no further business, Senior Board Member Jimmy Gomes adjourned the meeting at 10:24 a.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Ku'ulei Moses  
Land Board Secretary

Approved for submittal:



Suzanne D. Case  
Chairperson  
Department of Land and Natural Resources