

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

DATE: FRIDAY, DECEMBER 11, 1998
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

Chairperson Michael D. Wilson called the meeting of the Board and Natural Resources to order at 9:31 a.m. The following were in attendance.

MEMBERS:

Mr. Michael Wilson
Mr. Colbert Matsumoto
Ms. Kathryn Inouye

Mr. William Kennison
Ms. Lynn McCrory
Mr. Russell Kokubun

STAFF:

Mr. Dean Uchida, Land Division
Mr. Howard Gehring, Division of Boating
and Ocean Recreation, (DOBOR)
Mr. Steve Thompson, DOBOR

Mr. Bill Devick, Division of Aquatic
Resources (DAR)
Dr. Bill Walsh, DAR
Mr. Ralston Nagata, Division of State Parks

OTHERS:

Ms. Debbie Brockman, Department of the
Attorney General (DAG)
Mr. Gordon Ledingham (D-16)
Mrs. Bernstein (D-4)
Dr. John Harrison (D-4)
Ms. Raquel Steiler (D-4)
Mr. Gerry Silva (D-4)
Mr. Charles Young (B-1)
Mr. James Leavitt (J-1)
Sen. Sam Slom (J-1)
Ms. Dolores Elms (J-1)
Mr. Hugh Fraser (J-1)
Mr. Marshall Rosa (J-1)
Mr. Randy Mason (J-1)
Mr. Robert Childs (J-1)
Mr. L.R. Tracy (J-1)
Ms. Aulani Wilhelm (J-1)
Mr. Nainoa Thompson (J-1)

Ms. Pamela Matsukawa, DAG
Mr. Peter Schall (D-8)
Mr. Rick Bernstein (D-4)
Dr. Gordon Edlin (D-4)
Dr. Daniel O'Connor (D-4)
Mr. Kimo Frankel (D-4 & J-1)
Ms. Tina Owens (B-1)
Dr. Warren Bucher (J-1)
Mr. Carl Johnson (J-1)
Rep. David Steigmeier (J-1)
Ms. Barbara Ward (J-1)
Mr. Bill Aspergren (J-1)
Ms. Annie Rosa (J-1)
Mr. Boisse Correa (J-1)
Mr. Yaab Suyderland (J-1)
Ms. Donna Kahakui (J-1)
Mr. Neil Williams (J-1)
Mr. Kyle Soares (D-14)

ITEM A-1: MINUTES OF THE SEPTEMBER 10, 1998, BOARD BRIEFING.

Member Kathryn Inouye and Member William Kennison recused themselves as they were not present at the briefing. There being no quorum, the briefing minutes could not be approved.

ITEM A-2: MINUTES OF OCTOBER 9, 1998.

Member Lynn McCrory recused herself as she was not present at the meeting.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-8: TIME EXTENSION REQUEST - CONSERVATION DISTRICT USE PERMIT OA-2794 FOR THE HILTON LAGOON PROJECT: A PRIVATE AQUATIC RECREATIONAL FACILITY INCLUDING AN UNDERWATER TROPICAL MARINE ENVIRONMENT AND SEAWATER INTAKE PIPE AT WAIKIKI, HONOLULU, OAHU, TMK: 2-3-37: 21 AND SUBMERGED LAND

Mr. Dean Uchida, Administrator of the Land Division presented the staff submittal recommending that the Board approve this request for a one-year extension to both the initiation and completion deadlines, subject to terms and conditions.

Mr. Peter Schall, Managing Director of the Hilton Hawaiian Village testified in favor of staff's recommendation.

Unanimously approved as submitted (Inouye/Kennison).

ITEM D-16: GENERAL LEASE NO. S-4632: CONSENT TO ASSIGNMENT OF LEASE FROM MID-PACIFIC FLORAL EXCHANGE, INC., ASSIGNOR, TO PUNA CERTIFIED NURSERY INCORPORATED, ASSIGNEE; CONSENT TO SUBLEASE FROM PUNA CERTIFIED NURSERY INCORPORATED, SUBLESSOR, TO MID-PACIFIC FLORAL EXCHANGE, INC., SUBLESSEE; CONSENT TO MORTGAGE AND APPROVAL OF SUBORDINATION/ESTOPPEL AGREEMENT

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of lease, consent to subsequent sublease, authorize the extension of a subordination agreement and estoppel certificate.

Mr. Gordon Ledingham, Bank of America, explained that the subordination agreement is not normally seen in commercial leases.

Unanimously approved as submitted (Kokubun/McCrory).

ITEM D-4: ADDITION TO GOVERNOR'S EXECUTIVE ORDER NO. 3261, CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PARKS AND RECREATION, WAIKIKI WAR MEMORIAL NATATORIUM, SUBMERGED LANDS, ROCK GROIN, HONOLULU, OAHU, TMK: 3-1-31: 03 (SEAWARD)

Mr. Uchida said this is a follow up to an action that the Board had taken earlier in the year for the approval of a Conservation District Use Application (CDUA) to allow for modifications to the Natatorium. Staff's recommendation is that the Board recommend to the Governor the issuance of an Executive Order setting aside the subject land to the Department of Parks and Recreation, City and County of Honolulu, as an addition to Governor's Executive Order No. 3251, subject to terms and conditions.

Mr. Rick Bernstein read through testimony submitted by Dr. Charles Fletcher and Dr. Kevin Bodge, both in opposition to staff's recommendation. He also testified on his own behalf in opposition to staff's recommendation. He disagreed with the Attorney General's (AG) opinion that claims the Natatorium is not a swimming pool and encouraged the Board to deny the permit until such time that the Natatorium is guaranteed to be safe.

Dr. Gordon Edlin briefly reviewed testimony that he had faxed to the Board in opposition to staff's recommendation. He urged the Board to consider the significant health hazard involved in approving this permit.

Dr. John Harrison, Environmental Coordinator of the University of Hawaii Environmental Center testified in opposition to staff's recommendation. His main concern being the protection of public health, that he felt was deflected by the issuance of the AG's opinion.

Dr. Daniel O'Connor testified in opposition to staff's recommendation because of health hazards involving the Kaimana Beach swimming area.

Ms. Raquel Steiler testified in opposition to staff's recommendation. She felt that the construction of the groins will have a negative effect on the inshore area and will be a health hazard to hundreds of children who swim at Kaimana Beach.

Mr. Kimo Frankel of the Sierra Club testified in opposition to the placement of the groins, particularly in the Marine Life Conservation District. He felt that the project is inconsistent with the objectives and policies of the Coastal Zone Management Act, which the Board is bound to comply with.

Mr. Gerry Silva of the City & County of Honolulu explained some of the concerns that were raised. He said with respect to the AG's opinion, the ends of the pool are opened with very

large gradings to assure the free flow of ocean water. The calculation that the designers made support the fact that there will be more than adequate flushing. The issue of sand build up was discussed extensively during the last Board meeting and the conclusion was that sand build up could easily be removed periodically with the use of a small pump. He said on October 31, 1998 they completed a water quality testing program around the Natatorium and the water going into the pool more than meets Department of Health (DOH) ocean recreation standards. A monitoring program is set up to ensure that the water quality remains high in the pool. He said they are in the process of developing pool rules that will control the number of people in the pool and control what is introduced into the pool by requiring people to shower with soap before entering. He said when this project is constructed, it will be a well engineered project and responsibly operated. He asked the Board to approve staff's recommendation by granting the addition to Governor's Executive Order No. 3261.

In response to Member McCrory's question, Mr. Silva stated that the standards for salt water pools and ocean recreation areas are the same.

Unanimously approved as submitted (Inouye/Kennison).

Vote: 4 in favor (Inouye/Kennison/Kokubun/Wilson)
1 opposed (McCrory)

**ITEM B-1: REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING(S) ON
ADOPTION OF HAWAII ADMINISTRATIVE RULES, CHAPTER 13-60.3,
WEST HAWAII REGIONAL FISHERIES MANAGEMENT AREA,
HAWAII**

Mr. Bill Devick, Administrator of the Division of Aquatic Resources (DAR) presented the staff submittal recommending that the Board approve the holding of public hearings for the adoption of Hawaii Administrative Rules (HAR), Chapter 13-60.3 relating to the West Hawaii Regional Fisheries Management Area, Hawaii.

Ms. Tina Owens of the LOST FISH Coalition testified in support of staff's recommendation. She urged the Board to approve the scheduling of a hearing in Kona so that this issue can move forward.

Mr. Charles Young testified in support of staff's recommendation and urged the Board to convene the public hearings as soon as possible.

Unanimously approved as submitted (Kokubun/Inouye).

**ITEM J-1. RECONSIDERATION OF PRIOR BOARD ACTION - APPROVAL FOR
AWARD OF CONSTRUCTION CONTRACT - JOB NO. 40-OB-D,**

MAUNALUA BAY MOUTH DREDGING, OAHU, HAWAII

Mr. Howard Gehring, Acting Administrator of the Division of Boating and Ocean Recreation (DOBOR) said this is a reconsideration of prior Board action that was deferred at the July 24, 1998 Board meeting. The project consists of dredging approximately 8,000 cubic yards of sand from the Maunalua Bay entrance channel to Kuapa Pond and Hawaii Kai Marina, placing the suitable dredged sand on the adjacent beach fronting Portlock. The construction of an experimental beach retention system consisting of large, sand-filled geotextile bags will be placed along the eastern edge of the channel to anchor the beach and minimize the migration of sand back into the dredged channel. The State's portion of the project was reduced in scope to include dredging of about 6,100 cubic yards of sand from the seaward portion of the channel extending under the bridge to the inland limits of the Kalaniana'ole Highway right-of-way. The distribution of sand on Portlock Beach, and construction of the experimental beach retention system, for a construction cost of \$189,700.00 (previous bid close rate - \$239,500.00). Staff understands that the Hawaii Kai Marina Association (HKMA) intends to negotiate separately for the removal of the rest of the sand bar extending into Kuapa Pond. Funds for this project were originally appropriated by Act 231, Session Laws of Hawaii (SLH) 1994 and subsequently re-appropriated by Act 287, SLH 1996. The funds were released by the Governor and encumbered beyond June 30, 1998, for this project. The Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) is scheduled to be published in the December 23, 1998, Environmental Notice of the Office of Environmental Quality Control (OEQC). He said the minutes of the July 24, 1998 Board meeting appear to indicate that the Board understood that the contract had to be awarded within 60 days of bid opening (August 18, 1998) or the funds would lapse. This is not the case, the funds are still available for this project. This project will remove the present navigation hazards from the entrance channel to Kuapa Pond, and was determined to be in the public interest by the Legislature through the passage of Act 231, SLH 1994. Staff's recommendation is that the Board award the contract for Job No. 40-OB-D, Maunalua Bay Dredging to North Pacific Construction for \$189,700.00 and authorize the Chairperson to sign the necessary documents to implement the project.

In response to Member Inouye's question, Mr. Gehring stated that the last dredging was not done by the State. He explained that the maintenance dredging that took place in 1986 was funded by HKMA.

Mr. James Leavitt, President of the Portlock Community Association submitted written testimony in support of the dredging but was concerned about the beach retention system being an experimental project. He said he resided in the area where the beach is to be nourished and from personal knowledge, the shoreline has retreated about 20 feet over the past 11 years. He said if the beach nourishment plan works, then hopefully the retreat will cease and the shoreline will be stabilized. He felt that there would be massive erosion if the dredging is done without the beach retention system and beach nourishment plan.

Member Colbert Matsumoto said the staff report indicates that the Legislature elected to have the State assume liability, but according to Act 231 it states that there is a public purpose behind

expending funds for this project, it does not state anything regarding the Legislature electing that the State assume liability. He asked if increased erosion happens because of the dredging and the addition of the sand retention system, would the liability be reviewed as the State's problem. Mr. Gehring said the liability he is more worried about is removing a navigational hazard with damages that could occur, possibly a boating accident with the number of tourist that pass through there each day.

Mr. Carl Johnson, Manager of the Hawaii Kai Shopping Center testified in favor of staff's recommendation. He said there are about 20 businesses that operate between the Koko Marina Shopping Center and the Hawaii Kai Shopping Center that use the marina to conduct their businesses.

Senator Sam Slom shared with the Board, 6 issues that he was concerned about: 1) Public concern - A number of public hearings were held with good participation. There was no unanimity of opinion and there were some serious concerns that have been expressed. To do nothing exacerbates the situation so that something has to be done. The question becomes, "What is that something?"; 2) Environmental concerns - A number of environmental concerns have lingered after the Environmental Impact Statement (EIS), but has been addressed in a most recent statement.; 3) The process - Have all the steps been completed, would this be the final step?; 4) Methodology - Alternatives were presented at a number of hearings, none of which seemed to either guarantee or were willing to take a performance based accountability test. The Board is faced with relying on experts and the best possible information provided.; 5) Public funds - When public funds are being used for experimental projects, guidelines in terms of goals and objectives should be set up, and if the project does not go as planned then there needs to be a plan for remedial action while it's taken place.; 6) Public funds for private purposes - Does not support public funding for private purposes, however, does not see this in the same light. He stated that he is in favor of this project, but would like to see some kind of guidelines as to what will happen if this experiment in fact causes more problems than anticipated.

Representative David Stegmeier testified in favor of the project, his main concern being public safety. He said with regard to Member Matsumoto's concern regarding liability of the State, the plan itself allows intermediary steps be taken before that kind of significant burden shifts to the State. He said the situation will be monitored very carefully to take corrective action along the way so that we don't have a significant liability.

Ms. Dolores Elms testified in support of the dredging. She said she lives on the marina and safety is a big concern.

Ms. Barbara Ward, resident of Paiko Drive submitted written testimony in opposition to the dredging. She felt that the HKMA should assume not only the liability of that area that they alone are able to use but also for the entire dredging project.

Mr. Hugh Frazer, President of the HKMA testified in favor of the dredging. He felt that since the property under the bridge is State owned, it is imperative that the State return the channels

to their previous condition by dredging Maunalua Bay as mandated by Act 231. He said they are constantly receiving complaints and problems about the safety of the bridge and are very concerned that something might happen there.

Chairperson Michael Wilson announced that a lunch break will be taken by the Board. The meeting was reconvened at 1:40 p.m.

Mr. Bill Aspengren, Chairperson of the HKMA's Marina Usage Committee submitted written testimony urging the Board to allow the legislatively mandated dredging to be accomplished.

Mr. Marshall Rosa, a concerned resident, shared with the Board a video that he took of the dredging that was done in 1986. His concern was the impact that this proposed dredging might have on the shoreline. He also shared with the Board, samples of sand that he had dug up from one of the bays and stated that he was concerned about the sand quality that will be dredged and used for beach replenishment that appears to be unclean. He felt that a lot more homework needs to go into this before the go ahead to start this experimental project is initiated. He also felt that the HKMA should help fund this project.

Ms. Annie Rosa, Mr. Rosa's daughter, encouraged the Board to look at a more permanent solution rather than an experimental one. She felt that the dredging is not in the public interest because it effects a private marina.

Mr. Randy Mason, resident of Hawaii Kai testified in favor of the project. He mentioned that part of the HKMA association dues goes towards dredging silt and mud that comes from State-owned public lands that are not the associations responsibility, but nevertheless that responsibility has been placed on them.

Mr. Boisse Correa, representing the Paiko Residence Association submitted written testimony to the Board. He said the Association is not against the project, but would like to see the project done right and for the right reasons. He felt that Paiko Beach should not be a place to conduct experiments such as the proposed experimental groin. He mentioned the possibility that the project might be under funded because of talks he had with experts who said they could guarantee that the project would work if more funds were allocated. He expressed his concern about using public funds to foster a private venture and said if there is no way of getting around this, and we are forced to use public funds, let's get the necessary funding and do the necessary paperwork and research. He advised the Board that there are alternatives and urged them to do the job right.

Mr. Robert Childs, resident of Paiko Drive submitted written testimony. He stated that there is an on going problem with the use of the waterway under the bridge and it's a significant problem that has to be addressed and corrected. He emphasized the fact that according to State studies and documentation, Paiko Peninsula has been designated the most unstable shoreline

structure in the State. He felt that anything that goes on there should be considered extremely fragile because of the potential for irreversible damage.

Mr. Frankel of the Sierra Club testified in opposition to staff's recommendation. He said the fact that the Legislature passed a bill appropriating money creates an opportunity but does not create any responsibility, it does not mandate any duty on the State to dredge this area. He commented on public access to the marina and suggested that a condition be added to have the marina residents sign an easement to make these navigable waters in the marina open to the public. He did not feel that the State should spend any money until the marina residents agree to that. He stated that there are a number of concerns that need to be addressed (i.e. public access, beach nourishment plan, groins, community concerns/input, CDUA process) before the Board decides to award this contract.

Mr. Yaab Suyderland, Hawaii Kai resident and business owner testified in support of the proposed dredging. He stated that he has served on the HKMA Board of Directors for over 15 years and has been in charge with the responsibility of the recent complex and extensive marina dredging project. He said good engineers have looked at this project and there's a need for trust in order to get this project executed. He urged the Board to support the proposed dredging project for the Maunalua Bay entrance channel.

Mr. L.R. Tracy, Manager of HKMA submitted written testimony in favor of the dredging. His main concern was boating safety. He explained that the potential of an accident waiting to happen does exist when a large boating community is forced to use one single narrow channel under Kalaniana'ole Bridge to and from Maunalua Bay. He requested the Board's consideration in approving the Maunalua Bay maintenance dredging project.

Ms. Donna Kahakui stated that there has been a lot of facts and opinions presented to the Board. She said there are 2 different sides here and hoped that the people who are in favor of the dredging would have the common goal of protecting the environment. She urged the Board to look at both sides of the story and try and do what's right for the community as a whole.

Ms. Aulani Wilhelm, resident of Hawaii Kai submitted written testimony. She agreed with her neighbors regarding the condition of the Marina but was concerned that public monies will be spent on a project that clearly benefits only a small group of private boaters. She urged the Board to defer action until the proper permits are obtained and a more well developed dredging schedule and monitoring program is developed to ensure that 1) the dredging project does not further compound the current detrimental siltation problem that already exists in the Bay, and 2) the long-term effects of this project to the Bay's marina life are mitigated.

Mr. Neil Williams, Vice-President of North Pacific Construction stated that he has been involved with every major dredging in this State for the past 10 years. He said the main concern today seems to be the awarding of this contract prior to the permits being obtained and explained that he has on-going contracts with DLNR that has been awarded prior to the permits. He advised the Board that they could either award him the contract, and he will work with staff in acquiring

the permits with the understanding that the contract could be terminated should anything happen during the permit and/or public hearing process, or deny this award and try and get a broad spectrum permit to accomplish the work.

Member Inouye asked if the award of contract could be subject to changes that come about as a result of a public hearing. Mr. Williams said he can work with the department, which he has done on other projects, and tailor the dredging system such that it would comply with the bid amount.

Mr. Nainoa Thompson presented the Board with slides of Maunalua Bay and shared with the Board some stories about his life growing up there. He said he recognizes the marina's priority for safety but environmental impact should also be a priority. He said there are conflicting visions that are driven in different sets of values, and there are long term effects that need to be taken into account. He encouraged the Board to make a well thought out decision and to make sure that the future generations are considered.

Mr. Gehring gave some information about his experience as a Coast Guard Auxiliarist and Sierra Club member that involved spending a lot of time training and educating people and trying to convey the importance of protecting the environment. He also gave some information about trouble he's experienced as a boater, trying to go though the Maunalua Bay channel. He said most of the concerns that were expressed today were well developed in the EA, and the EA was provided to anybody who asked for it. He stated that he is against dredging, seawalls and groins, but there comes a time when certain things become critical that need to be done. He said in this particular case, he views navigational safety, health and welfare as a necessity.

There was some discussion about the CDUA process and the awarding of the contract. Mr. Gehring stated that DOBOR filed another CDUA application because the original CDUA application was terminated by the Land Division. He said the Land Division will not process the CDUA until they know the contract is awarded. Mr. Uchida clarified that the issuance of the construction contract was not a requirement to the processing of the CDUA.

There was some discussion amongst the Board members. Member Inouye commented on the issue of public monies being used for the benefit of private residents. She felt that because these are State lands, it's the States responsibility to maintain these lands. She said if the Board decides to award the contract, she would like to condition the award of the contract to indicate that the contractor would need to obtain all the necessary permits, sign a Memorandum of Agreement with HKMA to coordinate the dredging activities, and secure a CDUA permit approval from the Board. She requested that there be a monitoring plan for the experimental groin because she did not want to see the State with a continued obligation to replenish that section. Member McCrory expressed her concern about the importance of beach nourishment and her preference in having the contractor obtain the CDUA before the Board awards the contract. Member Inouye clarified that the CDUA would have to be obtained in order to start construction. Member Kennison concurred with Member Inouye's recommendation. Member Russell Kokubun was not in favor of granting the contract prior to the CDUA process or even

making that a condition of the contract. He felt that the CDUA process would involve greater input.

A motion was made to approve staff's recommendation to award the contract to indicate that the contractor would need to obtain all the necessary permits, sign a Memorandum of Agreement with the HKMA to coordinate the dredging activities, secure a CDUA permit approval from the Board, and that the CDUA include the following: 1) An analysis of the coastal erosion processes as they exist today at Portlock and on both sides of the entrance channel; 2) An analysis of the potential environmental impact, including coastal erosion and hardening, from the proposed groin that is intended to hold the dredged material in place on the beach fronting Portlock; 3) An analysis of the potential impacts from the proposed groin on both sides of the entrance channel; 4) An analysis of the potential environmental impacts to both sides of the entrance channel from the dredging activity; 5) An analysis of the potential environmental impacts from this project on the Paiko lagoon area; 6) An analysis of the public benefits derived from this project involving public funds used to dredge the entrance channel to a private marina; 7) An analysis of the potential liability to the state if the state proceeds with this project as all prior work done on constructing the entrance channel on state submerged lands was paid for by the private developer [Kaiser] as a part of the overall enhancement to the Kaiser Hawaii-Kai Development; 8) An analysis of alternatives to the proposed activity {i.e. sell easements to HKMA for the operation and maintenance of the entrance channel and groin area to pass liability for this project directly to the party receiving the benefits}.

Unanimously approved as amended (Inouye/Kennison).

Vote: 4 in favor (Inouye/Kennison/McCrory/Wilson)
1 opposed (Kokubun)

**ITEM E-6: APPROVAL OF FRIENDS OF IOLANI PALACE REQUEST RELATING
(Added) TO ADMISSION FEES, HONOLULU, HAWAII**

Unanimously approved to add Item E-6 to the agenda (McCrory/Kennison).

Mr. Ralston Nagata, Administrator of the Division of State Parks presented the staff submittal recommending that the Board approve the requested increase to the adult tour admission fee to \$10.00, effective January 1, 1999, provided prior reservation at the \$8.00 rate are honored.

Unanimously approved as submitted (Inouye/McCrory).

**ITEM E-2: SPECIAL USE PERMIT EXTENSION FOR MICHAEL A.
MEIERDIERCKS FOR RESIDENTIAL PURPOSES, KALIHI, OAHU**

Mr. Nagata presented the staff submittal recommending that the Board approve the Special Use

Permit for Michael Meierdiercks for residential purposes.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM D-15: ISSUANCE OF MAUNA KEA COMMERCIAL PERMIT TO ROBERT'S TOURS & TRANSPORTATION, INC. AT KAHOE, HAWAII, TMK: (3) 4-4-15-9 AND -12

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a Mauna Kea Commercial permit to Robert's Tours & Transportation, Inc., covering the subject area for commercial tour purposes subject to terms and conditions.

Unanimously approved as submitted (Kokubun/Inouye).

ITEM D-14: CANCELLATION OF REVOCABLE PERMIT NO. S-6979 KAWAIHAE RANCH AND REVOCABLE PERMIT NO. S-7057 KAWAIHAE RANCH LOCATED ON HAWAII

Mr. Uchida presented the staff submittal recommending that the Board cancel Revocable Permit No. S-6979 and S-7057, Kawaihae Ranch, subject to standard conditions.

Mr. Kyle Soares of BK Livestock stated that they have an on-going situation with Kawaihae Ranch and wanted to make sure the permits were going to be cancelled.

Unanimously approved as submitted (Kokubun/McCrory).

ITEM D-18: REQUEST FOR THE CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2261 AND APPROVAL FOR SET-ASIDE TO DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES FOR FIELD OFFICES AND MAINTENANCE BASEYARD PURPOSES, TMK: 3RD/7-8-07: 61

Mr. Uchida requested that this item be deferred.

Unanimously approved to defer Item D-18 (Kokubun/McCrory).

ITEM J-2: REQUEST PERMISSION TO EXTEND THE COMMERCIAL PERMITS FOR SIX MONTHS FOR THE CURRENT OPERATORS IN KANEOHE BAY

Mr. Steven Thompson, Oahu District Manager for DOBOR presented the staff submittal recommending that the Board approve this request subject to the following conditions: 1) Grant extension of the commercial permits listed in Exhibit "A" for a period of six months or until the adoption of the HAR, whichever occurs first; 2) Dina Morita and Associates/Windward Sea Yacht Charters small full service permit No. O-KB-1a be restricted from operating thrill craft until such time as the department authorizes them to resume scuba diving activity; 4) Kualoa Ranch large snorkel tour permit No. O-KB-3a be amended to include a provision that it must have necessary permits and/or authorizations for access to Kaneohe Bay from public and/or private lands.

Chairperson Wilson asked if anyone would like to offer public testimony on this agenda item. There being no public testimony, a motion was made to approve Item J-2.

Unanimously approved as submitted (Inouye/Kokubun).

Chairperson Wilson adjourned the meeting at 4:30 p.m.

The following items were deferred: D-1, D-2, D-3, D-5, D-6, D-7, D-9, D-10, D-11, D-12, D-13, D-17, D-19, D-20, D-21, E-1, E-3, E-4, E-5, K-1, K-2, K-3, K-4, K-5 and K-6.

Tapes of the meeting and all written testimony 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,



Kimberly C. Keliioomalu

Approved for submittal:



TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources