

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

DATE: FRIDAY, NOVEMBER 13, 2015
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

Chairperson Suzanne D. Case called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

MEMBERS

Suzanne D. Case
Stanley Roehrig
Ulalia Woodside

Thomas Oi
Christopher Yuen
Keone Downing

STAFF

Russell Tsuji-LAND
Maria Carnevale-PMNM
Carty Chang/ ENG

Jason Redulla-DOCARE
Dave Smith- DOFAW

OTHERS

Amanda Weston/Deputy AG
Scott Morita/ M-3
David Bettencourt/ M-20
Preston Meyers/ M-20
Ron Agor/ D-3
Tony Valdez/ D-12
Robert Oshiro/ D-7

Ross Smith/DOT-AIR
Dennis Coyer/ M-20
Dennis Neves/ M-20
Casey Reamer/ M-20
Joseph Figaroa/ D-3
Tim Houghton/ D-13
Kupono Meleana Kekua/B-1, C-6

The Board asked to defer all minutes.

Ross Smith representing the Department of Transportation Airports Division-DOT-AIR gave a brief synopsis of items M-1 through M-21.

ITEM M-3 Issuance of a Revocable Permit for Office Space, Ticket Counters, and Baggage Handling Area in Main Terminal Bldg., Virgin America, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

Written testimony was submitted by Blaine Miyasato and Matt Shelby.

Member Yuen had questions about item M-3.

Scott Morita, attorney for HFSC introduced himself.

Member Yuen thought there was a mistake on page #2 of the submittal; it says DHHL gets 30% entitlement. Smith-DOT-AIR confirmed that was an error and asked for an amendment.

Smith explained that DOT was looking to issue a new lease to HFSC for their fueling facilities.

Member Roehrig told Smith that they got a submittal from DOT dated November 1, 2015 and was concerned that there was nothing explaining how it encourages competition with other airlines.

Smith explained that they had airlines that controlled most of the air passenger activity, but in order to they have created an entity to provide them material to assure themselves that they have the ability to fly in and out of Honolulu uninterrupted. They have the assurance that there will be fuel available on a consistent basis so the airlines can fly.

Member Roehrig then asked if the fuel suppliers charge all the airlines the same price per gallon, and if not why not.

Smith said that when you take fuel from the HFSC system and you are parked at the gate then you are charged the same.

Scott Morita counsel for HFSC and cooperate secretary for HFSC re-introduced himself. He detailed that HFSC is a cost sharing entity, so all of the shareholders share the costs equally. The total cost to operate the facility is split 10% equally and the remaining 90% is shared per gallon. The person who puts the most fuel through the facility is the person who is going to pay the most.

Member Roehrig said his concern was that all fuel suppliers, especially those that use fuel for jet skis should be charged the same price per gallon. Morrirt indicated that HFSC does not get involved in those contracts because anyone can store jet fuel in the facility, the price that they pay for their jet fuel is between those contractors and their suppliers.

Chair Case clarified that HFSC is a fuel storage system at the airport; it's a single system for storage and delivery. She asked Morita to explain how they have this central storage system and people can use their own fuel.

Morita explained that HFSC does not put itself in the purchase or sale; it is simply a tank. Airlines pay based on the amount of fuel that is put in the system. The purchase price was out of the control of DOT.

Member Woodside asked how many fuel storage and distribution facilities currently serve Honolulu. Morita said one. She asked what the normal structure was for other airports. Morita said the structure was similar for all other mainland airports. This is purely cost sharing for everyone that flies to the airport. Morita said these were independent companies.

Member Yuen made a motion to approve as amended on the DHHL entitlement and commented that DOT was doing a good job. Member Oi seconded.

Member Roehrig commented that he had reservations about this because there was no one watching for price gauging.

Unanimously approved as amended (Yuen, Oi)

ITEM M-14 Issuance of a Revocable Permit for a T-Hangar, Wailea Aircraft, L.L.C., Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43:Portion of 40.

ITEM M-15 Consent to Assign Harbor Lease No. H-89-11, Aloha Petroleum, LTD., Assignor, to Aloha Petroleum, LLC, Assignee, Barbers Point Harbor, ‘Ewa, O‘ahu.

ITEM M -16 Consent to Assign Harbor Lease No. H-96-1, Aloha Petroleum, LTD., Assignor, to Aloha Petroleum, LLC, Assignee, Barbers Point Harbor, ‘Ewa, O‘ahu, Tax Map Key No. 1st/ 9-1-014:8.

ITEM M-17 Consent to Assign Harbor Lease No. H-01-08, Aloha Petroleum, LTD., Assignor, to Aloha Petroleum, LLC, Assignee, Nāwailiwili Harbor, Kaua‘i, Tax Map Key No. 4th/ 3-2-004:17 and 40.

ITEM M-18 Issuance of Lease by Direct Negotiation to Garden & Valley Isle Seafood, Inc., Unit FV9 of The Domestic Commercial Fishing Village, Near Pier 38, Tax Map Key: 1st/ 1-5-42: Portions of 7 and 17, Honolulu Harbor, O‘ahu.

Smith-DOT-AIR explained the items M-14 through M-18 were a combination of two sections of statute 171 and 172. 172 dictates that in most cases concessions are taken out to bid. In this case DOT set a minimum upset bid. They set the bid basis and have the ability to set a concession fee.

Unanimously approve as submitted (Oi, Woodside)

ITEM M-19 Issuance of Revocable Permit Alaska Marine Line Inc. dba Aloha Marine Lines, Near Pier 29, Kaholaoa, Kauluwela & Kaliu, Honolulu, Oahu Tax Map Key: 1st/1-5-38:01 (Portion).

ITEM M-21 Issuance of Six (6) New Revocable Permits to Hawaii Stevedores, Inc. to Replace Existing Revocable Permits of Horizon Lines, Inc., Situate at Honolulu Harbor, O‘ahu; Kahului Harbor, Maui; Hilo Harbor, Hawai‘i; and Nāwailiwili Harbor, Kaua‘i.

Member Oi wanted to make it clear that this permit was for airport storage. He amended items M-19 and M-21 under character of use; change tea hanger to tea hanger for aircraft storage and maintenance only.

Unanimously approved as amended (Roehrig, Oi)

ITEM M-20 Issuance of a Revocable Permit for Helicopter Operations, Jack Harter Helicopters, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.

Member Oi wanted to address item M-20 and clarify that this is for space for operations.

Member Downing asked if the rental rates on the tea hanger should be the same as the operational. Ross Smith-DOT-AIR explained that in general they appraise tea hangers and set a common rate for tea hangers. It does not represent what they do for others because it is intended for storage of aircraft only.

Member Downing asked Smith which one he thought would be greater, Smith said operational. Downing then asked why operational was cheaper than storage. Smith explained that in this case, they were renting land that would be developed, this is paved land.

Dennis Coyer, Airports District manager explained that the RP was to conduct tour operations.

Member Roehrig explained that the beef was that its unfair competition. Coyer said that the rates that Jack Harter charged for the proposed area were the same rates that DOT charges at the heliport. Coyer didn't think it was unfair competition.

David Bettencourt testified that that there was definition of what was commercial use. His understanding was that Ford Fuchigami sent out a letter two months ago as an assurance that he terminated all special permits to do commercial operations in tea hangers. He was asking to Board to require DOT-AIR to provide background on how they managed their lands.

Bettencourt claimed that for the last four years this one operator has wanted to operate off the general aviation ramp that everyone else has wanted to operate from. He built a hanger without even having a lease; he built it on a month to month permit. What's at issue here today is part of the ramp that there is going to be no construction on, they are going to paint symbols that don't comply and call it a heliport. Bettencourt claimed that the Board has approved many leases in the past for Jack Harter Helicopters which they have then declined to sign who are contested in front of the FAA. It has long been an issue on whether the state had the power to ban helicopter operations from then general aviation ramp. It never reached ahead because after Inkiki there were enough helicopter pads.

Bettencourt asked the Board for two things 1) request that the state respond to interrogatories to all the other operators at Lihue who want to present questions to the state about their policy and have that report back to the Land Board. 2) Safari has requested a contested case and will follow up with a written petition. It is their position that the state has an invasive policy of trying to run the entire airports division without making any valid Chapter 91 rules. They are contending that DOT does not adopt rules and regulations in compliance with chapter 91.

Chair Case clarified that Bettencourt's objection to this was 1) it's unfair because there is an advantage in being able to operate both between the helicopter aviation and that advantage has not been offered to the other helicopter operators. Bettencourt confirmed, if the policy was changed, they (Safari) would have loved to have been able to operate from one facility, rather than have two facilities.

Bettencourt disclosed that he was opposed to this item until the State came up with a rational written explanation as to how it manages its airports and grants these permits. He also said there was no system of management.

Member Oi recommended that Bettencourt get together with all the helicopter operators and try to sit and talk with the Lihue airport managers. Bettencourt said this was a massive change in airport policy, the state has never taken this position before. He said he would bet every tea hanger in Maui were commercial uses, until the state defines what is commercial and with is allowed as commercial, these flights will continue.

Member Roehrig asked Smith why DOT hasn't had a meeting to sort this out. Smith deferred to the airports manager.

Dennis Neves started with DOT in June 2012. He worked 19 years with the airlines and 20 in San Francisco airport operations. He worked at 5 major airports in California and one in Reno. He said he has some experience, but wasn't an expert. Neves said he wasn't sure if there was a policy, he just knew that prior to him getting there, there was a problem with fixed wing and helicopters working in the same area. There was then the decision to build the heliport. Everyone got on a revocable permit, then Blue Hawaiian built a facility. They then leased everything out.

Member Roehrig asked why Jack Harter got canceled and not someone else's. Neves said it was because they were the last on the revocable permit. Then they end up with one pad available. On July 30th, 2015 there was a meeting with the operator carries and looked at their concerns. On October 1st, 2015 there was a meeting on safety. After looking at it from the safety standpoint, Neves asked to set up arrival and departure traffic patterns that would be safe. DOT decided to allow temporary operations next to their hanger. That's where they are today. There is no room at the heliport to safely operate.

Chair Case clarified that there were 21 helicopters and 20 spaces. Neves said they had 20 spaces, two of which are transit spaces, but there are only 18 spaces available.

Chair Chase said there was a company wants another space, but they don't have room for it at the heliport. Neves confirmed. Chair Case asked if he was proposing to make space available on the same financial terms in the general aviation side. Neves confirmed, on a temporary basis as a revocable permit. They would be operating from that location.

Member Yuen questioned crossing someone else's lease line. Neves said there is no transit area; there are limit lines, but not transit area. There is problem with one person not allowing Jack Harper to cross their lease line. Neves decided that the safest thing would be to move them.

Member Roehrig asked why this one person didn't want Jack Harper to cross. Neves wasn't sure, they just had the lease. They are proposing that section of their lease so that it comes back to DOT and DOT can manage that area.

Preston Meyers with Safari Aviation testified wanted to clarify something about the leases that was not brought up. He said on the lease the State has the right to determine ingress and egress on each of their lots. He knows because he signed the lease. He expresses his concern about the different rates, everyone was paying different rates. He was also concerned about the asphalt on the area. He was opposed to this for these reasons, besides the way they have all be treated over the years.

Member Roehrig asked Meyers what his recommendation was. Meyers said he thought they should go back to the two pad limit, so everyone has two pads. That was the original decision. If you have a two pad limit, you can still have a long term lease. He complained that one company got 6 pads, others got 3.

Member Yuen asked Smith about the different rates. Smith said that there was a separate rate at the heliport. DOT told Jack Harter that they would be charging him the same rates they charge at the heliport.

Casey Reamer from Jack Harter Helicopters first addressed the issue of pollution. There heliport has concrete pads. He said they would be paying the same rate as all the other heliport operators. Since the heliport is full DOT has to find another place for them to operate. With his experience there at the Lihue airport, there have been a number of changes. Some have benefited them, some have benefited others but it has been the airports purview to manage their facility the way the feel best. They need a space where they can operate all of their operations.

Member Roehrig made a motion to 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. Member Oi seconded.

Member Yuen denied a request for a contested case hearing. Member Oi seconded. All were in favor.

Member Yuen commented that they can still follow up in writing if they want.

Member Oi then made a motion to approve item M-20 as written. Member Roehrig seconded. Member Oi felt this was a fair process that the airport used; there is no room at the heliport. He added that DOT should work with them to address the problems and policy they have.

Member Roehrig asked Member Oi for clarification that what he meant by policy was something in writing. Member Oi confirmed.

All were in favor.

Unanimously approved as submitted (Oi, Roehrig)

- ITEM M-1** Issuance of a Revocable Permit for a Field Office and Storage of Spare Parts/Tools, Oxford Electronics, Inc. dba Oxford Airport Technical Services, 'Ewa Concourse, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 066 (Portion).
- ITEM M-2** Issuance of a Revocable Permit for Parking and Storage of Buses, Robert's Tours and Transportation, Inc., Ualena Street, Honolulu International Airport, Tax Map Key: 1-1-04: 6 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for Office and Warehouse Space for Electrical and Energy Services Contractor, TSM Enterprises, Inc., Ualena Street, Honolulu International Airport, Tax Map Key: 1-1-14: 18 (Portion).
- ITEM M-5** Consent to Assignment of State Lease No. DOT-A-81-0014, Gary Owen Galiher and Diane Tsugie Ono to Gary Owen Galiher, Honolulu International Airport, Tax Map Key: (1) 1-1-72: 23.
- ITEM M-6** Issuance of a Revocable Permit for a Parking Area for Cargo Operations, Federal Express Corporation, Honolulu International Airport, Tax Map Key: (1) 1-1-76: 9 (Portion) and 10.
- ITEM M-7** Issuance of a Revocable Permit for Aircraft Parking, Daniel K. Pacyau, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
- ITEM M-8** Issuance of a Revocable Permit for Aircraft Parking, Jeffrey Cook, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
- ITEM M-9** Issuance of a Revocable Permit for Aircraft Storage, Linne F. Holmberg, Kawaihāpai Airfield, Waialua, Hawai'i, Tax Map Key: (1) 6-08-14-16 (Portion).
- ITEM M-10** Issuance of a Revocable Permit for Aircraft Storage, Paradise Air Hawaii, Inc., Kawaihāpai Airfield, Waialua, Hawai'i, Tax Map Key: (1) 6-08-14-16 (Portion).
- ITEM M-11** Issuance of a Revocable Permit for Aircraft Storage, Skydive Academy of Hawaii, Corp., Kawahāpai Airfield, Waialua, Hawai'i, Tax Map Key: (1) 6-08-14-16 & 17 (Portion).
- ITEM M-12** Issuance of a Revocable Permit for Ramp Space for the Filming of a Feature Film – Titan, Titan Productions US, LLC, Kalaeloa Airport, Island of O'ahu, Tax Map Key: (1) 9-1-13:Portion of 32.
- ITEM M-13** Issuance of a Revocable Permit for a Storage Room, Ticketing and Baggage Claim Kiosks in the Main Terminal Building, Virgin America, Inc., Kahului Airport, Tax Map Key (2) 3-8-01:Portion of 19.

There were no changes/questions/ or testimony for items M-1 through M-2, and M-5 through M-13.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-3 Final Approval to Authorize the Extension, Amendment and Restatement of General Lease No. S-3832, and General Lease No. S-5578, Pixar Development, LLC, Lessee, for an Aggregate Term of 55 Years; Final Approval of Plans and Specifications for Improvements to Lease Premises, por. of Kapaa Town Lots, Kapaa, Kawaihau, Kauai, Tax Map Keys: (4) 4-5-011:046 and (4) 4-5-012:005.

Written testimony was submitted by Joseph Figaroa, Katherine Muzik, Mala Moana, Donny Kimi, James Morman, and Wailua-Kapa'a Neighborhood Association.

Russell Tsuji Administrator for Land Division explained that this item was coming back to the Board to for final approval after a FONSI was filed with OEQC on October 23, 2015. Tsuji said the applicant, former Board member Ron Agor was present and he would be able to better explain this.

Chair Case noted that this packet had 8 letters of support and 1 letter in opposition.

Tsuji asked to amend page #2, rather than the lessee pay for the appraisal, the department will pay for it. This was the AG's opinion.

Member Roehrig and Member Yuen asked to see the opinion. Chair Case said that they would get that information to the Board members.

Ron Agor representing Pixar Development and Joseph Figaroa General Manager for Hotel Coral Reef introduced themselves. Agor stated that they stood by the staff submittal and were present to answer any questions.

Member Yuen asked about the letter from the Planning Department that says that the current hotel site is on hold. Agor explained the hotel consists of 3 TMKs, but that was correct this particular TMK was not up and running.

Member Yuen thought the building was there before the zoning even began. Agor said yes, they planning director has taken a different thought, but they are going to the planning commission. Agor is going to ask to re-zone.

Member Oi made a motion to approve as amended. Member Roehrig seconded.

The submittal was amended to state the Department would incur the cost of the appraisal instead of the lessee/applicant.

Unanimously approved as amended (Oi, Roehrig)

ITEM D-16 Grant of Term, Non-Exclusive Easement to Scott Porter and Colleen Anne Porter for Seawall Purposes; Assess Administrative Cost of \$500, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-016: Seaward of 015.

Withdrawn

ITEM D-11 Authorize the Issuance of Right-of-Entry for Due Diligence Purpose Regarding Proposed Shelter Facility for Homeless Population; Aio Foundation, Applicant; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003:003, 204 to 207, and 212.

Tsuji-LAND apologized; the applicant was present, but had to leave. Tsuji explained he suggested studying the land to the applicant. There wasn't much that could be done with this site, this is currently there is a paintball facility on the site.

The applicant would like to create a homeless shelter facility.

Member Yuen asked what other possible interests were in this property. Tsuji said that others have shown interest in the property and sought similar due diligence, but that was where it ended.

Member Yuen asked if the City has looked at this parcel. Tsuji wasn't sure. A lot of people have shown interest but haven't taken it to the next level.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM D-15 Grant of Perpetual, Non-Exclusive Easement and Issuance of Immediate Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Electrical Transmission Lines Purposes, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-027:portion of 004.

Tsuji-LAND disclosed that that did receive late clearance from SHPD. This is to serve a Department of Agriculture -AG tenant. Department of Ag sent in a letter of support.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM D-12 Amend Prior Board Action of April 12, 2002, Item D-18 Regarding Set Aside of Certain Lands within the Kapalama Military Reservation to Department of Transportation for Harbor and Airport Purposes; Kalihi-Kai, Honolulu, Oahu Tax Map Key: (1) 1-2-025: Various. The purpose of the amendment is to modify the public purposes of the set-aside.

Tsuji communicated that this was a DOT-Harbors request. Years ago there was a problem with airport funds being used to acquire this property. DOT administration decided to elevate any FAA concerns and have an Executive Order (EO) in the name of both the Harbors Division and Airports with the understanding that later Harbors Division was going to pay back Airports for the use of its funds to acquire this parcel. Since this staff report was written, it has since been paid off. The Harbors division requests an executive order solely in its name.

Tony Valdez with the Department of Transportation-Harbors Division DOT-HAR was present and able to answer any questions.

Member Yuen asked how the reimbursement was calculated. Valdez' understanding was that DOT-HAR ended up paying that reimbursement back. Airports gave them a loan and it was agreement of 8 million. Valdez thought they gave Airports 8 million and change.

Member Yuen asked if interest was calculated. Valdez wasn't sure, he just knew they paid it back. He could find out and get back to member Yuen. Member Yuen appreciated that.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM D-13 Set Aside to City and County of Honolulu for Addition to Sewage Treatment Plant Site, Public Health, and Ancillary Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:portion of 022.

Tsuji-LAND conveyed item D-13, he said the County was under a court order to improve that facility.

Tim Houghton Deputy Director of the Environmental Services Department for the City and County testified that they were under a consent decree since 2010. Part one of the requirements is to change the Sand Island treatment plant from a primary treatment plant to a secondary treatment plant; that requires additional land. Having this additional 14 acres is important to have by 2035.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-1 Amend Prior Board Action of July 10, 2015, Item D-3, Sale of Old Government Road Remnant to Robinson Family Partners, por. of Makaweli, Waimea, Kauai, Tax Map Key: (4) 1-7-005:por. 001. The purpose of the amendment is to include the issuance of a right-of-entry permit to Robinson Family Partners, its consultants, contractors, and persons acting on its behalf, for site visit and survey purposes.

Tsuji-LAND presented item D-1 indicating that the purpose was to include the issuance of a right-of-entry permit to Robinson Family Partners.

Member Oi suggested in the future, they should be allowed to go on the property pending the closing of the remnant sale.

Unanimously approved as submitted (Oi, Roehrig)

ITEM D-7 Amend Prior Board Action of August 26, 1988, Agenda Item F-4, Sale of Abandoned Railroad Right-of-Way to Robert S. Oshiro, Carol Oshiro and Rickey I. Oshiro, Waiakea Homestead Lots, Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-2-040:004. The Purpose of the Amendment is to Change the Applicants to Robert Sueo Oshiro and Carol Oshiro and include a Hawaii Revised Statutes Chapter 343 Exemption Determination

Tsuji-LAND presented item D-7; he had nothing to add.

Mr. Oshiro was present from Hilo for questions.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM B-1 Request Board Approval to Enter into Contract for Furnishing Training and Service Ammunition for the State of Hawaii between the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (DOCARE), and Security Equipment Corp.

Jason Redulla, Administrator for the Division of Conservation and Resources Enforcement-DOCARE reviewed item B-1.

Kupono Meleana Kekua testified that the Board and the Department has not been fulfilling their duties. He didn't feel like the Board/ Department was doing a good enough job to be upgrading their guns.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM F-1 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 Carnevale State Co-manager for a Papahānaumokuākea Marine National Monument-PMNM presented item F-1. Carnevale asked for a few minutes to explain what they do and actual management activities. She handed out a copy of the permitted activity report to each Board member. This report included the executive summary and an example of how one of the strategies is organized. She explained that this provides the framework for which the then evaluate all the activities and permits that come in order to support their overall management goals.

Chair Case thanked Carnevale for the brief briefing and commended her for bringing these and this process to the Board members. This not only gives the Board members interaction. Chair Case indicated that one of the most important things for the Board members was that the information that is being gathered at PMNM is being brought back and shared, especially with elementary schools.

Unanimously approved as submitted (Woodside, Roehrig)

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Daniel M. Simon, National Oceanic and Atmospheric Administration (NOAA) Ship HI'IALAKAI, for Access to State Waters to Conduct Shipboard Support Activities.

ITEM F-3 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Michael F. Ellis and Lieutenant Commander Keith A. Golden, National Oceanic and Atmospheric Administration (NOAA) Ship OSCAR ELTON SETTE, for Access to State Waters to Conduct Shipboard Support Activities.

Carnevale asked to take item F-2 and F-3 together. She asked to change the name for the Permit to Donald Buckedge because there was a change in the command. There were no other changes.

Unanimously approved as amended (Woodside, Roehrig)

ITEM E-1 Consent to Assign General Lease No. SP0134, John H.R. Plews, Assignor to, John H.R. Plews as Trustee under that certain unrecorded John H.R. Plews Trust dated March 2, 2015, Assignee, Lots 35 and 36, Kōke'e Campsite Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4)1-4-004:016.

Steve Soares representing State Parks-PARKS had one updated on the submittal. The applicant was here earlier this morning but had to leave. The updated was that the approval was subject upon lessee providing insurance; liability and dwelling coverage. The lessee transferred the property from himself to his trust. His trust has coverage under a master policy that PARKS was able to confirm today. So the coverage has been attained. He has been a good lessee and PARKS recommended approval for this project.

Unanimously approved as submitted (Oi, Roehrig)

ITEM C-1 Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract for the Purchase of an Excavator for Department of Land and Natural Resources, Division of Forestry and Wildlife.

ITEM C-2 Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract for the Purchase of a Utility Tractor for Department of Land and Natural Resources, Division of Forestry and Wildlife.

David Smith Acting Administrator for the Division of Forestry and Wildlife-DOFAW reviewed item C-1 and C-2.

There were no questions and no one was present to provide public testimony.

Unanimously approve as submitted (Oi, Roehrig)

**ITEM C-3 Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract(s) to Furnish Helicopter Transportation Services for Department of Land and Natural Resources, Division of Forestry and Wildlife;
And**

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for this Procurement.

Smith-DOFAW explained that these are for a number of different contracts, but DOFAW puts the whole thing out to bid at one time.

Unanimously approved as submitted (Roehrig, Oi)

ITEM C-5 Request for Approval of a Management Plan for Nakula Natural Area Reserve, Tax Map Keys (2) 2-18:01:006, and (2) 2-18:01-009: Portion of 014, Hāna, Maui

And

Request Approval of Declaration of Exemption Chapter 343, HRS, Environmental Compliance Requirements for this Project.

The Board had no questions.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM C-6 Request Approval to 1) Delegate Authority to the Chairperson to Issue Findings of No Significant Impact for Environmental Assessments Submitted for Department Actions When the Board of Land and Natural Resources has Delegated the Authority to Conduct Those Types of Actions;

And

2) Delegate Authority to the Chairperson or Their Authorized Representative to Declare Exempt From the Preparation of an Environmental Assessment Those Department Actions Which are Included in the Department-Wide Exemption List When the Board of Land and Natural Resources has Delegated the Authority to Conduct Those Types of Actions.

Smith-DOFAW conveyed item C-6. This has already been approved for LAND and OCCL.

Chair Case elaborated that these were only for actions that are already delegated.

Member Yuen commented that the department should look at delegating the approval of final EIS'. This has always been the practice in years past and the Chair says the final is final, rather than it coming to the Board.

Kupono Meleana Kekua testified that he was told that the department needed to update the EIS every 3-5 years.

Member Yuen said that was incorrect; there was no set shelf life.

Member Roehrig explained it depended on the facts; it's on a case by case basis.

Unanimously approved as submitted (Oi, Yuen)

ITEM C-8 Amend Prior Board Action of August 28, 2015, Item C-3; Approval of a Revised Forest Stewardship Management Plan and Increased Cost Share Support for the Kokua Kalihi Valley Forest Stewardship Agreement, Tax Map Key 1-4-014:026; 1-4-014:001; and 1-4-016:003, Kalihi, Kona, O'ahu; Approval of Declaration of Exemption from Chapter 343, HRS, Environmental Compliance Requirements for the Project.

This Amendment is Regarding the Amount of Increased Cost Share Support for the Implementation of the Management Plan.

Smith-DOFAW presented item C-8. He reminded the board of the project.

Member Woodside commented that this was a great project.

Unanimously approved as submitted (Woodside, Oi)

ITEM L-1 Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules, Job No. J00CF11B, 'Iolani

**Palace State Monument ADA Improvements Project, Honolulu, O‘ahu,
Hawai‘i.**

Carty Chang Chief engineer from the Engineering Division-ENG reviewed item L-1.

Unanimously approved as submitted (Roehrig, Yuen)

**ITEM D-4 Issuance of Right-of-Entry Permit to the County of Kauai on State
Unencumbered Beach Lands for Emergency Temporary Shore Protection,
Aliomanu Road, Anahola, Kauai, Tax Map Key (4) 4-8-018:028, 029.**

Tsuji-LAND was advised to the AG’s office that the right of entry needed to be limited to 1 year. If the County needed more time at the end of the year, then they would need to come back to the Board.

Member Oi thought this property was on Hawaiian Home Lands, and suggested having an abstractor look at it. Tsuji said he would check.

The Department of the Attorney General advised that the Right-of-Entry be limited to 1-year. If, at the end of the year more time is needed, the County may request another Right-of-Entry. Prior to the issuance of any Right-of-Entry, staff is to check and confirm the area in question for the Right-of-Entry is actually unencumbered lands under the jurisdiction of the Land Division and Land Board.

Unanimously approved as amended (Oi, Roehrig)

**ITEM D-2 Issuance of Right-of-Entry Permit to J & M Displays, Inc. on Unencumbered
State Beach Lands seaward of Poipu Beach Park on December 31, 2015, for
Aerial Fireworks Display, por. of Koloa Beach, Poipu, Kauai, Tax Map Key:
(4) 2-8-017: seaward of 001.**

Member Oi was concerned about the high surf and high tide. Tsuji-LAND said they wouldn’t fire off the water.

Member Downing suggested the applicant use the alternate site because the surf and the wind cannot be predicted. Not enough information was known.

The Board suggested the applicant use the alternate site at the County’s Poipu beach park. Other comments included the lack of information about the type of explosives and where the debris from the exploded fireworks would end up landing.

Denied (Oi, Roehrig)

ITEM D-5 Issuance of a Revocable Permit to Lee-C Corporation doing business as Ken's House of Pancakes for Temporary Parking and Delivery/Unloading Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-032:064.

No Changes

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-6 Amend Prior Board Approval of April 24, 2015, agenda item D-3 (as amended), 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, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-037:144. The Purpose of the Amendment is to Increase the Amount of the Mortgage Requested.

ITEM D-8 Consent to Second Amendment of Mortgage with Estoppel Certificate, General Lease No. S-5266, Hilo Medical Investors, Ltd.(L.P.), Lessee, Piihonua, South Hilo, Hawaii, Tax Map Key: (3) 2-3-031:021.

ITEM D-9 Amend Prior Board Action of October 23, 2015, Item D-3, Set Aside, Grant of Easement and Construction Right-of-Entry to the Department of Transportation, Highways Division for Rockfall Mitigation and Stabilization Purposes, Relating to Federal Aid Project No. NH-019-2(41) at Laupahoehoe, North Hilo, Hawaii, Tax Map Key: (3) 3-6-004: Portions of 015, 017 & Homestead Road. The purpose of the amendment is to change the disposition of a portion of Homestead Road from a construction right-of-entry to a set-aside by Governor's executive order.

ITEM D-10 Consent to Assign General Lease No. S-5142, Cynthia Lee Kuahuia Baeza (aka: Cynthia Baeza, Cynthia Lee Baeza, Cynthia L. Baeza, and Cynthia L.K. Baeza), Assignor, to Leilani Marilyn Whittle (aka: Leilani Whittle, Leilani M. Whittle, Leilani Marilyn Michaels, and Leilani M. Michaels), Assignee, Milolii-Hoopulua, South Kona, Hawaii, Tax Map Key: (3) 8-9-014:028.

Tsuji-LAND had no changes to items D-6, D-8, D-9 or D-10.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-14 Consent to Assignment of Grant of Easement recorded as Liber 18715, page 334; Manoa Shopping Center, Inc., Assignor, to A&B Manoa LLC, Assignee; Manoa, Honolulu, Oahu, Tax Map Key: (1) 2-9-026: portion of 014.

No changes to D-14.

Unanimously approved as submitted (Roehrig, Oi)

There being no further business, Chairperson Suzanne D. Case adjourned the meeting at 1:00 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'uilei Moses
Land Board Secretary

Approved for submittal:

Suzanne D. Case
Chairperson
Department of Land and Natural Resources