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

DATE: FRIDAY, JUNE 26, 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 9:01 a.m. The following were in attendance:

MEMBERS

Suzanne D. Case
Thomas Oi
Christopher Yuen
Keone Downing
James Gomes
Stanley Roehrig
Ulalia Woodside

STAFF

Alton Miyasaka/DAR
Cathy Geweke/DAR
Russell Tsuji/LAND
Emma Yuen/DOFAW
Glenn Higashi/DAR
Scott Fretz/DOFAW
Samuel Lemmo/OCCL
Carty Chang/ENG

OTHERS

Bill Wynhoff/Deputy AG
Leimana DaMate/F-4
Jerry Kaluhiwa/F-4
Rene Umberger/F-4
Randy Vitousek/F-4
Ross Smith/DOT-AIR
Gerald Sumida/D-3
James Leonard/K-1
Mel Dean/C-3
Henry Beerman/D-4
Samuel Kahng/F-3
Dan Morris/ Deputy AG
Rocky Kaluhiwa/F-4
Haruko Koike/F-4
Inga Gibson/F-4
Ken Van Bergen/F-4
Orion Enocencio/C-1
Ed Saffery/K-2
Ric Lopez/C-3
Richard Emery/D-4
Michael Blum/F-2
Maria Carnavale/F-1

ITEM A-1 Approval of March 13, 2015 Minutes

Member Woodside asked to correct the spelling of her name on the minutes.

Unanimously approved as submitted (Gomes, Roehrig)

an amendment

APPROVED BY THE BOARD
AT ITS MEETING HELD ON
JAN 22 2015

ITEM F-4 Request For Approval to Adopt a New Chapter Under Hawaii, Administrative Rules As Title 13 Chapter 86, "Sea Cucumber", Through Emergency Rulemaking Procedures to Protect Against the Overharvest of Sea Cucumbers From State Waters.

The Rules can be reviewed online at http://ltgov.hawaii.gov/the-office/administrative-rules/ or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on O'ahu at 1151 Punchbowl St. Room 330 Honolulu, Hawai'i, 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

Written testimony was submitted by Leslie Kuloloio, Haruko Koike, Robert J. Toonen,

Alton Miyasaka Acting Administrator for the Division of Aquatic Resources- DAR explained that item F-4 was an emergency rule for the taking of sea cucumbers. Miyasaka shared a short PowerPoint Presentation that gave some background on this issue.

Member Gomes asked how this will be enforced. Miyasaka explained that DAR is working closely with the Division of Conservation and Resources Enforcement-DOCARE.

Member Gomes asked why the rule hasn't been implemented all these years. Miyasaka explained that dealers verify what the fishermen report. The fishers sell to local buyers; if the exporter is the primary dealer, then we can still track the catch by the dealer purchases. The system is not perfect but there are checks and balances. This information tells us that the cucumber fishery has existed at a minimal level prior to this new business. The fishery was not being heavily exploited in the past so there was no need to develop rules.

Member Gomes asked if the rules would apply to the cucumbers that would be processed in the powered form. Miyasaka explained that the processing doesn't usually take place in the U.S.; it normally takes place in countries where the labor is cheaper (such as China). DLNR doesn't get involved with food processing.

Member Gomes asked if 120 days was enough time before the permanent rules were adopted. Miyasaka said it would be a challenge, but DAR will have to work with it. The statue that is being used does not provide for an extension. The most likely option would be to get the Governor's assistance in expediting the process otherwise at the end of 120 days the rule is no longer in effect and the situation will go back to an unregulated fishery.

Member Oi asked if right now there was no permit or license that is required for the taking of sea cucumbers right now. Miyasaka said there is a commercial license that is required for the take of all marine life for sale but not specifically for the taking of sea cucumbers.

Member Oi suggested re-looking into the intent of the license, right now it's too broad and should be more specific.

Member Gomes asked if the demand is what tells which species are more important than the other ones. Miyasaka explained that certain ones are high valued so those are the ones that will

go first, the ones that are easy to get will be next on the list. Member Gomes was concerned about these more sought after species becoming over harvested.

Member Gomes asked if there were any cultural rights for harvesting. Miyasaka explained that during the 120 days there will be no prevision in the rule for cultural take. The more longer term rules to follow would include provisions for cultural and subsistence take.

Member Roehrig asked who would be enforcing this on Hawaii Island. Miyasaka said DOCARE would enforce the rules.

Member Gomes asked if the ban was for the whole state. Miyasaka confirmed.

Chair Case recognized the challenges that the law enforcement faces.

Member Roehrig wanted to know if there was any gathering of these on Hawaii Island and air freighting to someplace else. Miyasaka said that they were not aware of any at this time; it didn't mean there weren't any, it just means they aren't aware of any at this time. Chair Case asked that the public be the eyes and ears in enforcing this over the next 120 days.

Leimana DaMate Executive Director of the Aha Moku Advisory Committee-AMAC testified in support of the 120 day ban because the over harvesting is going to be detrimental to practices of the cultural people. AMAC is hopeful that when the permanent rules are developed they can be involved. AMAC doesn't want a complete ban because there are many Hawaiians that use the sea cucumbers for cultural purposes.

Rocky Kaluhiwa po'o for the island of Oahu testified that she sees this happening all over and these things need to be looked at. The people need to support DOCARE and DOCARE needs to start working 24-7.

Jerry Kaluhiwa testified that DLNR needs to teach these people instead of giving commercial licenses. Chair Case thanked Jerry Kaluhiwa for his help in crafting the rules. Chair Case understood that they would like to include some kind of education/restoration process in the rules.

Member Woodside also thanked Jerry Kaluhiwa. She commented harvesting is the privilege of relationship of stewardship and care for the resource. Member Woodside looked forward to working with the Kaluhiwas as well.

DaMate commented that AMAC is open to all ethnic groups, not just Hawaiians. She welcomes the opportunity to work with all people.

Haruko Koike a PHD student at the University of Hawaii, where she does stock assessments. Koike read her written testimony in support of immediate closure until a stock assessment can be made.

Member Gomes asked Koike if she has done studies in Hawaii and if it was prudent to say a total ban. Koike hasn't done studies here in Hawaii, only other countries. She said 120 day ban is not enough.

Rene Umberger with For the Fishes said she thought the issue is that there is no license involved; dealers are required to report, but they aren't required to have a license. She read her written testimony urging the adoption of this.

Member Gomes asked Umberger if she would be in favor of conservation in one area then move it on to the next. Umberger said for subsistence and people that rely on the ocean for food, she didn't think it was necessary.

Inga Gibson Hawaii State Director of the Humane Society of the United States commended Chair Case for her quick action on this. She said these animals are being taken for food purposes and are not being kept in Hawaii. Gibson urged the Board to take action and look into expanding this to a lot of other species that deserve the same protection.

Randy Vitousek recognized the DOCARE officers on Hawaii Island are very responsive. He asked the Board to please look into the funding for DOCARE officers. Member Gomes agreed with Vitousek.

Ken Van Bergen Deputy Director of Parks and Recreation Hawaii Island concurred that DOCARE does do a good job. He said they need to be staff and funded better, but until then, they need help, because Hawaii Island is too big.

Chair Case credited and commended the DOCARE officers who brought this to their attention and recognizing the threat immediately when it happened. She also commended DAR staff who worked with DOCARE in this.

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

Member Yuen was 100% in favor of this but wanted to share his manao with the permanent rule. Any allowed harvest of the loli should be very limited. There can't be a sustainable harvest of the loli. This needs to move forward ASAP. Member Yuen commented that we should be aware of other things that have never been commercial before.

Member Roehrig said the permanent rule should balance harvest and replacement so that there is a zero balance.

All were in favor.

Unanimously approved as submitted (Gomes, Oi)

10:45 AM	RECESS
10:58 AM	RECONVENE

ITEM M-4 Issuance of Direct Fast-Fueling Facility Lease, Douglas Aircraft, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 2

ITEM M-5 Issuance of a Heliport Lease, County of Hawai'i, Fire Department, Hilo International Airport, Tax Map Key: (3) 2-1-12:Portion of 90.

ITEM M-6 Issuance of a Revocable Permit for Parking for an Aircraft Tie-Down, Jeffery W. Hoff, Hilo International Airport, Tax Map Key: (3) 2-1-12:Portion of 90.

ITEM M-7 Issuance of a Revocable Permit for a T-Hangar and an End Room, Michael Singer, Hilo International Airport, Tax Map Key: (3) 2-1-12:Portion of 90.

Ross Smith Property Manager for the Department of Transportation- Airports Division-DOT-AIR reviewed items M-4 through M-7.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM C-1 Request the Issuance of Administrative and Civil Penalties of $9,100.75 Pursuant to Chapter 195, Hawaii Revised Statutes, to Ahiu Hawaii LLC for Violations of Chapter 13-209, Hawaii Administrative Rules, at Kahaualea Natural Area Reserve, Puna, Hawaii, Tax Map Key (3) 3-1-001:001.

Scott Fretz Acting Administrator for the Division of Forestry and Wildlife presented item C-1. There is a $2,500 fine for each of the two violations and $4100.75 in administrative fees.

Orion Enocencio with Ahiu Hawaii asked the Board to deny this. Enocencio testified that the charges were falsified with many errors.

Member Gomes asked Enocencio where he received the report. Enocencio said he didn't know anything he just found out about this on Wednesday. Member Gomes said there was documentation of an incident and control forms. Enocencio said yes, there was an investigation. DLNR suspected that they were in a NARS.

Member Yuen asked if a hiker on his tour was airlifted out by the Hawaii Fire Department on the date in question. Enocencio said yes. Member Yuen asked how he knew they are not in the NAR. Enocencio said they try to use the GPS systems to the best of their knowledge; their GPS coordinates said they were not in the NAR. Enocencio said the Fire Department's coordinates were wrong. When Member Yuen asked what Enocencio's guide's coordinates were, he wasn't sure.

Member Yuen explained that Enocencio's client gave the fire department a set of GPS coordinates so the helicopter could go find them; according to this report those coordinates are virtually the same as the ones used to find them. Enocencio said that the only person that was picked up in the lava field was the woman who was injured.

Member Oi said the helicopter has GPS coordinates in the helicopter and that is the exact location of where the person is.

Member Gomes added that some of the violations go back to 2013, to him he would recommend going with staff recommendation. Member Gomes told Enocencio he had the right to appeal.

Enocencio wasn't happy that the board was going to make a decision when he never got to go through an investigation.

Member Roehrig asked if more time was needed and that the process is, either the board makes a decision today, defer it to a future meeting, he bring his witnesses, if he wanted a fair hearing.

Member Roehrig questioned Enocencio about getting notification on this 2 days ago. Enocencio confirmed that he found out about this 2 days ago. Now he has to get the individuals that no longer work for them and fly them down here. Enocencio explained that he has gone through all the reports, and everything submitted and that there are so many incorrect facts.

Member Roehrig asked what DOCARE mistakes occurred. Enocencio detailed that first, it says that Ahiu Hawaii advertises the natural area reserve on the website. There is no advertisement on the website about them going through a NAR area. He met with Lisa Hadaway called her for a meeting for a permit for NAR, she emailed him, they applied and got denied. He said they made every effort to make sure we were in compliance of not being in a NAR.

Member Roehrig asked if Enocencio showed Lisa Hadaway or anyone else in DLNR that he had this property on Waookele. Enocencio said it was provided that they know where the property is and the trail, which is in Puna.

Enocencio continued to explain that it says on the 2nd page on Jan 4 that a cease and desist notice was issued to 2 employees Ahiu Hawaii as they were shown in private property not NAR. Ahiu Hawaii LLC is allegedly accessing Wao Kele o Puna forest reserve. Enocencio could not see how we are accessing 2 areas from our property.

Chair Case said that according to the map, the flow in the time that the fire department rescued the women was almost entirely in the NAR.

Enocencio explained that the flow made its way in front of the trail, a ¼ miles walk straight down, which is easier and that they go to the closest lava flow.

Chair Case asked how the women got into the NAR. Enocencio said everything contradicts each other.

Member Gomes asked if the women not a part of your group. Enocencio said the rescue took place on the 25th. The picture taken on the other pic is dated 29th. DLNR is saying that it was us.

Member Roehrig added that he cannot tell in the stamp if that is the correct location. The stamp jumps on 2 sides of the picture. Member Roehrig asked if that meant to be on the 29th whoever they saw was in NAR or Wao Kele o Puna and how much other tour groups are there. Enocencio said 5 total.

Member Yuen said the charge is the July 23, 2014 incident and if there were any other further points he wanted to bring up.

Enocencio added that from fire department report and DOCARE report it stated they picked up 6 people and now all of the sudden there are 8. The whole report has incorrect information and DLNR investigation is going off of the fire dept.

Enocencio explained that it says in page 4 of his report that in the evidence of my admission of being in the NAR but where in the evidence does it say he was in the NAR. Signs and trail heads do get destroyed. It says that the signs were first erected in 2007 at the trail head, still intact. The pictures submitted was a new sign that was replaced when we were getting investigated.

Member Roehrig asked if Enocencio was suggesting that these signs are at a different place and what difference does it make. Enocencio they were trying to prove the signs were here from 2007 and they were taken down or destroyed.

Chair Case asked Enocencio if he knew where the entrance of the trail is. Enocencio did because they used to hunt there when we were kid.

Member Roehrig went back to the text in July 23 in page 2 where it says fire department responded to distress call stemming from within the NAR, according to fire air department provided to DOCARE. Female on hiking trail sprained her ankle. Member Roehrig asked who was there on his behalf. Enocencio said Cody and could not release any more information.

Member Roehrig thought the text suggested that this group was in his tour at the time the women got in distressed and she was picked up in the NARS. If she was picked up there, the inference is his tour was in the NARS. That is circumstantial evidence. If Enocencio wanted to prove the text was wrong he would have to bring Cody to testify. It says "in a muddy trail" in the NAR. To make a decision the Board would have to go off of this. If he needed more time, Enocencio would have to bring the tour guide.

Enocencio wanted to be shown where on the map that has a muddy trail in NARS.

Member Downing said that there is no mud on the map. Member Downing if they had information on the group so the department/board could reach out to them. Enocencio said they were from Mexico and that they were walk in's

Member Roehrig asked if they have the fire report.
Fritz answered that they needed the fire department report.

Member Yuen asked if Enocencio had covered all the points in support of your claim of innocence. Enocencio answered that he has text messages from DOCARE harassing the but it seems the board made up their minds already. The fire department report said it was in a muddy trail. The lava field has no mud. Their GPS coordinates said they were in the lava field. The whole report is wrong. There is no intent of us to go into the NARs area and break law.

Member Woodside added that Enocencio has not provided anything on how it is wrong. If he had been in communication with DLNR, she recommend that Enocencio bring it here. Next time bring copies; share it, if there is a decision made. Currently there was no information here today.

Chair Case asked if he has information that would indicate that this report is incorrect. Enocencio answered that the information is provided here.

Chair Case told Enocencio if he had the information that this report is incorrect, he would share it. If not then the Board can make a decision, then you can ask for a contested case.

Member Roehrig asked AG Wynhoff, what the burden of proof in these cases is. Wynhoff said that at a sunshine meeting; he didn't know extensive law of burden of proof.

Member Yuen made motioned to move staff recommendation; one incident; 2 violations; satisfied that the evidence shows the fire department to caller gave GPS coordinates and recorded that they were in a NAR. It is clear that there is a violation and fines are justified.

Member Gomes seconded the motion

Member Roehrig added that he is going to vote in favor and that it is a close call. If it was burden of proof was higher or beyond a reasonable doubt.

All in Favor

Chair Case added that Enocencio has a right to ask to a contested case hearing, you have to ask for it verbally and then file it in 10 days.

AG emphasized that he should start by asking right now and do it in writing within 10 days.

Enocencio asked for a contested case.

Unanimously approved as submitted (Yuen, Gomes)

ITEM D-3 Consent to Transfer of 40% Ownership Interest of Parent Company of Puna Geothermal Venture, Sublessee Under Geothermal Resource Mining Lease No. R-2, with an Estoppel Certificate, Kapoho, Puna, Hawai'i, Tax Map Key: (3)1-4-001:001, 003, 019, 058 and portion of 002.

Russell Tsuji Administrator for the Land Division-LAND conveyed item D-3.

Gerald "Gerry" Sumida, Representing Puna Geothermal

Member Roehrig asked if there is interplay beyond the PUC. His concern is, is this proposed assignment going to impact whether or not the big land can't be like a co-op like Kauai. This is tied with the PUC now and the point people have filed a petition to intervene with the PUC. They want to be heard. They want to be a non-profit co-op on big island. It would be beneficial compared to HECO on Oahu.

Member Roehrig asked first what impact does us consenting to 40% geothermal rights to this entity to raise 175 million dollars for financing. What impact does that have on the likelihood or non-likelihood before the PUC that we could get a non-profit energy co-op on the big island. It is going to include whatever energy is generated from geothermal from Puna. If we are going to vote on, we need to know about it now. Is it a deal breaker for us to have a co-op.

Sumida answered that there were 2 parts to response. There is absolutely no relationship for review for action, and current merger docket before the PUC. The group you are referring to for a co-op is one of 29 parties that has filed and granted in the merger docket. This transaction has nothing to do with the merger or co-op or PGV's geothermal or land relationships. What this is a mechanism many companies that have used in the past months that the companies can use in the businesses. If you take the first part where it says pre-existing transaction what existed originally Ormat Nevada, Puna and Ormat is equal members. PGV is on the lessee side of the state's geothermal lease. That is what existed recently. What you see are 2 differences to what is on top. Now there is ORPD LLC that now is a new parent of the 2 companies and steps in front of Ormat Nevada; a company that owns 59% of Ormat Nevada and 40% of the tax equity partner. This is a financing deal 1% of ORPD holdings for tax purposes. The only difference here is ORPD is substituted for Ormat Nevada. No change in ownership and organization structure. There is no interest in the land mining lease or royalties. All that is happening is a new entity where the parent is the majority owner.

Member Roehrig added that we have assignment in membership interest. This is from Ormat Nevada dated April 7, 2015 and another dated April 7, 2015. They seem to be 2 assignment of different membership. These documents reflect that.

Member Roehrig asked if there is anything that reflects the bias or interest of the new investor that is getting 40%. Sumida answered that they are totally different

Member Roehrig added that if we have a condition on this that says our consent does not affect whether or not we have an energy co-op on the big island or go with next era. That is my point, reason being is down the road before the issue comes before the PUC and someone goes with next era and not energy co-op. I am doing a preventive medicine so we don't step on something that may be a trap for us to have cheaper energy on big island.

Sumida expanded that there is no relationship. On exhibit C, this is what has been requested from Northleaf to be signed and approved issued from DLNR. Usually the lender asks for a certificate or letter. It is essentially whoever is involved a lessee and lessor. The lender will say that lessee has to get a letter saying you have a lease in full effect and everything is current. This gives the

lender comfort that the lessor is real. This is what PGV is asking from the board at the request of Northleaf. It is a lease full force in effect. There is no default under the lease and best of DLNR knowledge, no litigation or legal proceeding. That is what is being requested if that is the board's desire.

Member Roehrig asked if our DAG approved exhibit C. Tsuji answered, No

Chair Case asked if it is standard for specific approval or is it standard for staff review putting it in the submittal and AG reviews it.

Member Roehrig added that our approval is already conditioned on that, perhaps it is my suggestion that we have 2C. That consent herein shall not affect the determination on whether or not the PUC provides for a public non-profit energy co-op on the big island or the decision with the PUC to go with NEXT ERA entity. Member Roehrig asked if Sumida was ok with this. Sumida concurred.

Member Yuen added that there should be an amendment to paragraph 1 rather than paragraph 2. 1 relates to our consent 5.

Chair Case disagreed and added that if you look at the standard, the lessee has the right to transfer this subject to our approval. I think the normal review of something like this is to make sure there is no change in the state's position.

Member Roehrig added that his concern is that we know there is going to be a decision shortly by the PUC on the issue on whether or not long range utilities for HI might include a co-op from Maui or big island.

Member Yuen added that his concern was about the motion because if you state PGV should not object to the formation of the co-op, he didn't think the Board could attach this to this consent.

Sumida added that PGV is not an intervener in NextEra docket, and has not expressed any interest. Financing has nothing to do with PGV or operations other than indirect provision to the parent.

Member Yuen wanted clarification on PGV's relationship with HELCO and if the merger goes through. The new entity honors the contract. Sumida expanded on and that the co-op is speculation but separate co-op is formed and wants to make a deal with PGV that might be a possibility.

Chair Case said this was not the Board's business here. All that is happening here is change in ownership in the lessee, which the Board has to consent here because it says in the lease. She thought it would be unreasonable to attach a condition.

Member Roehrig added that the legislature passed something saying that by year 2045 that we are going to strive for 100% renewable energy for reasonable prices.

Chair Case supported the overall goal for the state.

Unanimously approved as submitted (Yuen, Gomes)

12:32 PM	RECESS
1:04 PM	RECONVENE

ITEM K-2 Time Extension Request to Extend the Deadline for an Additional Seven (7) Months for Poka Place, LLC to Apply for an After-The-Fact Conservation District Use Permit for Earth Retention Walls and Landscaping Improvements Located at Diamond Head State Monument, Island of O'ahu, Tax Map Key: (1) 3-1-042:017 (por.).

Sam Lemmo Administrator for the Office of Conservation and Coastal Lands-OCCL had a change to the submittal. Lemmo added that in number 1 there was an omission in the language. It should say September 17, 2015 but it was left blank. They asked for an extension.

Chair Case proposed that they delete the months and make it until September.

Member Yuen added that they give an extension but staff can grant further time for good cause. Issues do arise and if we set it that way the first time we can save people a lot of work today

Member Roehrig asked about the progress of the litigation and is that relevant to present time.

Martin Hsia introduced himself as a neighbor of the individuals who are involved with this. Hsia added that the property (Poka Place) should be restored to its natural wild condition. There is a concrete driveway behind the gate. That is the reason why flooding still occurs, run off still occurs. In 2008, they installed gate without any permits. Hsia objects to the extension because this all came about 2013. The first inspection was in July 8 2013. This board required them to make them submit an application. Lastly, second to last page section 60-32 HRS, there shall be a diamond head state monument as a historical site on Oahu to be administered by the Department of Land and Natural Resources, section b, the tax map key is in the statute, this land is part of diamond head state monument.

Member Roehrig asked if he and Mr. Tanaka have litigation with each other. Last time there had been discussion on this litigation and whether or not it overlaps with this docket and it mentioned that some of these board members did not hear this docket.

Member Roehrig added that Chair Case and Member Downing were not on the board that the time and the Board had a discussion that there is a certain amount of litigation between him.

Member Roehrig asked if this matter gone to trial. Hsia answered that trial is scheduled for Jan 2016.

Edmond Saffery introduced himself as attorney representing Poka Place LLC and Angus Mitchel. Saffery is here with Peter Young, Consultant on this matter with respect to remediating

and addressing the issues that this board previously ruled upon. Also present is James Tanaka the CFO of Paul Mitchel trust. Saffery explained that in the lawsuit, Mr. Hsia has asserted the number of violations in the CDUA and have been here several times. There was a fined issued of 14,000 dollars. That has been done already.

Peter Young introduced himself as consultant to get the CDUA and EA prepared. Young submitted before the deadline a draft CDUA and raised the issue whether an EA would be required or not. Young found a lot of things that the department had exempted for the same kind of activity. One issue is should or should there not an EA. It was concluded that there should have been. Young has met with OCCL many times and State Parks relative to the CDUA and EA. The department has a copy about the 3rd draft of the CDUA and EA now. One issue is getting the topographic survey which the land scape arch. Wanted in order to determine the vegetation that would need to be removed. An engineer who is also prepared to study about how to engineer it so that it does not have any flood issue. In addition noted along the whole side of Diamond Head, there is roving concrete collection that drops into the ravine and the department has an easement from there down to Diamond Head road. There is little ravine like areas where water is collected down to the easement. Based on action back in Sept. We are working for the after the fact CDUA and EA to get the permit for improvements made. Whole bunch of improvements will be removed. I am not involved in the litigation I am helping with the permitting and EA.

Member Yuen included an amendment to apply by September 17. With the possible of discretion by staff of a 6 months extension.

Member downing seconded the motion.

Unanimously approved as amended (Yuen, Downing)

ITEM D-6 Consent to the County of Hawai'i,, Department of Parks and Recreation Entering Into a Memorandum of Understanding with The United States Department of the Interior, Fish and Wildlife Service to Establish an Area of Critical Habitat for Three Endangered Native Plant Species on State Lands under the Management and Control of the County of Hawai'i, by Governor's Executive Order No. 4355, Kealakehe, North Kona, Hawai'i, Tax Map Key: (3)7-4-020:007 portion.

Written testimony was submitted by Craig "Bo" Kahui, Avery, Kramer and Walter Kunetaki.

Member Yuen asked what happens after the end of 20 years.

Ken Van Bergen, deputy director of parks and recreation of County of Hawaii introduced himself and conveyed item D-6. Bergen answered that at the end of the 20 years the MOU is done and we no longer have to maintain the fence line and fire buffer. We have no plans to develop the area. It will stay in preservation.

Member Yuen asked if it remain a critical habitat. Bergen answered that this started back in October 2012, when US Fish and Wildlife designated 16000 acres in west Hawaii for critical habitat. The county negotiated with USFW and this docket in front of you is the negotiations.

Member Yuen asked if this is part of the agreement as none of the areas set aside as to be dedicated critical habitat and the county agrees to maintain specific areas for 20 years. Also if this in lieu of this being designated critical habitat. Bergan answered that it is and it is spelt out a few areas that the county is obligated to maintain. It is not going to be critical habitat. This is a big deal for us in West Hawaii.

Chair Case asked what would protect these species after 20 years and if they don't have long term set aside for this area. Bergen said after 20 years they will be established and won't need to be maintained, they are natural.

Member Yuen added that the plants themselves would be protected under endangered species. Plants will still need protections 20 years after. It is better to have 20 acres of land that is actively protected and managed. This is all part of the solution to the issues.

Unanimously approved as submitted (Yuen, Roehrig)

ITEM D-5 Deny Request for a Grant of Term, Non-Exclusive Easement; Assess $500 Fine Against Cynthia Kay Anderson, for Seawall Encroachment Purposes, Lālāmilo, South Kohala, Hawai'i, Tax Map Key: (3) 6-9-001: portion of 002.

DEFERRED

ITEM K-1 Conservation District Use Application (CDUA) HA-3727 Regarding the Dr. Charles Love Proposed Single Family Residence and Land and Resource Management Project, Located in the Puna District, Island of Hawai'i, on Tax Map Key: (3) 1-3-002:070.

Sam Lemmo administrator for OCCL expanded on Item K-1. Lemmo explained that it is a 7 acre parcel in Puna and that there is existing residence on the property, which was approved in 1989 by CDUA; a Storage shed, water catchment, coconut palm area, are on property. The Love's would like to construct a 2800 sq. ft. house. Under rules of conservation there can only be one house per lot. Several structures would need to be removed, existing home, water tank, pond needs to be remediated. This is a rough area of Puna with black lava out crops. The parcel is developed for single family use. The Loves would like to modernize and upgrade. OCCL recommends approval.

Member Gomes asked if the Loves have been good stewards of this land. Lemmo answered that the Love's purchased the land recently and OCC does not have a track record.

Member Gomes asked if he is here. Lemmo answered that his consultant is here.

James Leonard, Dr. Love's agent and consultant expanded on Dr. Love's behalf that there is an area on the property that is left in natural forest that will not be touched. They have no plans to major alterations in the area.

Member Gomes asked if they are ok with staff recommendations to #1-26. Leonard answered yes.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM C-3 Progress Briefing for Research Projects, Educational Tours and Administrative Challenges of the Hawai'i Experimental Tropical Forest Hawai'i (Tax Map Key (3) 3-7-001:002; (3) 3-7-001:012; (3) 7-1-001:001; (3) 7-1-001:004; (3) 7-1-001:006; (3) 7-1-001:007: (3) 7-1-002:001; (3) 7-1-002:013; (3) 7-1-002:002; (3) 7-1-002:008).

Scott Fretz representing DOFAW communicated that this was a briefing.

Ric Lopez, director of forest service's Institute of Pacific Islands Forestry introduced himself.

Mel Dean forest coordinator introduced herself. Dean expanded that they provide annual updates before the board. They would want feedback that is not included in this update. Dean proceeded to share the power point presentation.

Dean continued explaining that there are 2 experimental forest units. Out of 80, they are all on national forest lands, currently we do not have any. 2 professional development programs, youth Conservation Corporation which DLNR also participates in. 21st century conservation service corps introduced by the President of the United States to revamp on civilian conservation corps from 30's and 40s.

Chair Case asked if you have research going on the Ohia wilt. Dean answered that they don't have in HETF but we do have in the institute

Dean detailed that the mission and goal for heft is to have support facilities, so they can house researchers, have classrooms and that we can foster community events to those areas as well. They also have a direct lease for 3 acre parcel in LD parcel. It is on the boundary on experimental forest and the idea there is to have a pavilion with parking and toilets. They have to secure easements with Kamehameha schools before building anything. We are working with the state to get the easements. DOFAW also uses that road to access the forest.

Member Gomes asked how they handle invasive species. Dean answered that land is in preview by the state, it depends on growth and recruitment in the invasive species. They try and are aware of species and let the Natural Area Reserves System or Forest Reserve Manager know.

Lopez added that all our research crews have standard protocols, keeping equipment clean. There is an invasive research teams.

Member Gomes asked throughout your research has your staff came across axis dear. Dean answered that they did not believe so.

Member mentioned about fence repairs and asked if they were going to do repairs to them and when you do come across insulates, do you monitor, manage or eradicate. Dean answered that the forest service does nothing; if we find them in conservation fencing we report them.

Fretz added that both of the areas are public hunting areas and some designated conservation areas.

Member Woodside asked in regards long term research, what has been the important findings; on Hawaii Island or broader. Fretz said that one that jumps out is potential development of bio control agent for strawberry guava. It would be impactful.

Member Gomes asked if it is experimental or in development. Fretz answered that it is in experimental use.

Dean added that we have several plots set up in releasing the bio control. Lopez also added that they are definitely bio control because there is potential with strawberry guava.

Non action item; no decisions were made.

ITEM D-4 Rescind Prior Board Action of February 27, 2015, Agenda Item D-5, *Approve a One-Year Holdover and Subsequent Month-to-Month Revocable Permit for General Lease No. 3269, Country Club-Hawai'i,, Inc., Lessee*; Approve a Three and One-Half Month Holdover of General Lease No. 3269, Country Club-Hawai'i,, Inc.; Issuance of a Month-to-Month Revocable Permit to the Association of Apartment Owners of Country Club Hawai'i,, Inc. to be Effective upon Expiration of the Holdover, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-005:020.

Written testimony was submitted by Joe Enos III Farias.

Russell Tsuji LAND administrator introduced Item D-4.

Member Gomes added that this morning the board had late testimony at 830 this morning, it is unfair for us board members to comprehend everything in short time.

Richard Emery introduced himself, representing the Association of Apartment Owners-AOAO and testified. Emery explained that this individual, Rev. Joe is a tenant of an owner, went to homeowner board meetings and became disruptive at the meetings. He tried to interject his thoughts as a tenant. Police were called to the board meetings to have him removed.

Member Yuen asked if there was an association of apartment owners if a holdover is going to terminate and if this recommendation is followed. Tsuji added that the lessee did not come to terms on subsequently passing this to the AO.

Emery added that they did ask the association lawyer the question. He believed they had no interest with the property. The corporation still exists of a collective group of owners with a board of directors that have the right to represent all the owners to enter into a revocable permit with DLNR.

Member Yuen asked that the association can enter a revocable permit with DLNR, prior to all this happening. Emery answered that your obligation is to pay the association dues, and you would have occupancy not ownership of the unit.

Member Yuen disclosed that they have the right to rent it out, and have obligation to pay association dues. He asked what document gives him that right. Emery answered the right to occupy.

Yuen asked about occupants that were delinquent. Emery said they were in court with 35 owners.

Member Yuen asked Tsuji if the Board does this, they have the authority to continue this. Tsuji answered that they did and in addition. He said at Land Division they do appreciate the assistance with RE. They are not equipped to be a landlord of a multi-unit residential. Originally this was one single land lease. For various reasons it changed. Emery added that what happens is you have the association where the lease ended. The association entered into negotiation with the lessee with the Arata family.

Member Roehrig asked if someone was representing Arata.

Henry Beerman introduced himself representing the lessees.

Member Roehrig asked what the position of Country Club Inc. was. Beerman said that we have no opposition to the request. It came down to where we were trying to arrange for the current owners to stay. The hold over status ends in June and the revocable permit would be issued to the association.

Member Roehrig asked if the Country Club have further financial obligations or contingent problems of any nature. Beerman said that as of end of June, they won't have further interest or holdover status.

Member Roehrig asked the AG if there are conditions that we should put that would assist us in preventing further litigation.

Wynhoff said that in terms of discussion it is up to the board.

Member Roehrig asked what if we just have the Country Club Inc. the new entity waive and release claims on each other, as a condition of the rescission. They have 2 domestic resident corporations that are here before us and my question is what if we have them release claims against each other.

Chair Case added and asked if it was appropriate and what was the state interest in that.

Tsuji added that we are not going to be able to prevent lawsuits from any of the occupants. You cannot force someone to sign an agreement.

Beerman added that we are accepting the hold over status until the end of June.

Member Oi showed concern and did not want to put the board in a position where we are to tell them how to run their business.

Unanimously approved as submitted (Roehrig, Oi)

3:05 PM RECESS

AG Bill Wynhoff leaves
AG Dan Morris arrives

3:22 PM RECONVENE

ITEM F-2 Request for Approval of Special Activity Permit 2016-14 for Michael Blum, Tulane University, Department of Ecology & Evolutionary Biology, for use of electro-fisher to collect non-native freshwater species in streams on O'ahu.

Alton Miyasaka from the Division of Aquatic Resources introduced Item F-2.

Member Gomes added that Dr. Blum has been before us, the information gathered, do you have a record of it and what was found of this technology. This was approved but didn't recall what was gathered and what the results were.

Miyasaka added that DAR has received applications for permits to use this gear in prior years and that we did not recall DAR approving such requests. We felt that use of electrofishing for eradication purposes is an appropriate use but that it would be inappropriate for assessment purposes.

Member Gomes asked if any of the methods applied. Miyasaka answered that Dr. Blum can elaborate more.

Michael Blum, associate professor at Tulane University introduced himself and testified. Blum's Focus was on population assessment. In the past we were not granted permission to electro fish, instead we hand netted and marked fish.

Member Gomes recalled that in the last 2 years, an electrofishing permit request had come before the Board.

Miyasaka answered that there were previous electro fishing permit requested and approved to Dr. Kinzie, he was doing an assessment in Okoe wetland in Haleiwa. His experiment was to remove

nonnative species (toads) that were competing with the Hoary Bat for food. It was an electro fishing device. It was used in a wetland and not in a stream.

Member Gomes asked if the Board has any report from that study. Miyasaka answered that Glenn Higashi was working with him on that project he can explain.

Cathy Gewecke, biologist from DAR, introduced herself and expanded on the issue. Gewecke added that they sent a report this year but the results were unsuccessful due to high salinity and vegetation in the wetlands that made the electrofishing gear ineffective.

Member Gomes asked in this application, is this similar but in a stream instead of a wetland. Blum answered that it is a different method that we are proposing, it's more complicated than using shocking units. We proposed to do a multi-step process.

Member Gomes asked what is invasive. Blum answered that they are introduced mollies, guppies, swordtails, and armored catfish.

Member Gomes asked what you would do to safe guard native specimens. Blum answered that the natives would be separated by hand removal, opae (shrimp) nets.

Member Gomes asked what would be the source of streams, plantation ditch and how would you determine to remove the natives. Blum answered that they were trying to standardize the approach so the removals are done at the same time. We want to go into the 12 watersheds of reasonable density [of invasive species]. We aim to do removals this December so that follows after a 6 month period with a pilot study of calibration of electric study then do it at a larger scale.

Member Gomes asked do the guppies have a spawning cycle and is it at a certain time of year. Blum answered that more or less they reproduce all the time.

Member Gomes asked about the 'o'opa and what about them. Blum answered that it was thought as spring time reproduction but is found continuous over the year.

Member Roehrig asked when you shock the fish how do they physiologically respond? Blum answered that they understand the principle of it. It momentarily stuns the fish, certain ones react differently; it depends on the conductivity of the water. This is one important part of the study, to understand collateral injury and mortality. The risk of exposure is low because we will be able to safeguard the majority of the fish.

Member Roehrig asked what their cut off line was [in terms of identifying invasive species]. Blum answered that we understand the timeline, early part of the 20th century. There were several introductions.

Member Roehrig continued and asked why not Louisiana [researcher is from Louisiana] but Hawaii. Blum started by explaining that there is a long history with collaboration with Hawaii and New Orleans. Bill Font and Mike Fitzsimmons from south eastern Louisiana go back

decades in collaboration of work with DAR. Additionally, Hawaii, from a biological perspective, is an incredible laboratory for understanding basic principles of basic ecology and evolutionary biology.

Member Roehrig asked if you were to shock o'opu when you are after the invasive specimen, can you hurt the o'opu. Blum answered that if you do not take the proper precaution then yes you can hurt them. We are proposing a methodology to remove as much native specimens and fine tuning the approach.

Member Roehrig expressed concern that all the native fish were not going to able to be caught. Blum added that there is the possibility of collateral injury but we are proposing to observe and document as to how it is sustained over a fish's life span.

Member Gomes asked if the hihiwai is going be manually caught.
Blum answered that the hihiwai is more downstream in brackish water. (Gomes clarified that there are 2 native species of freshwater mollusks-hihiwai found in the estuary and upper reaches and hapawai in the brackish water reach.

Member Woodside asked on the 240 [specimens] that you will take, if you have collateral take on electro fishing will that be a part of the 240 [specimens]. Blum answered that they addressed that in the discussion, and yes, we are intending on doing that.

Member Gomes asked by taking the non-native guppies if it will make a significant impact on the native species for longevity. Blum answered that it is a scientific experiment and cannot say for certain but based on the work done, the nonnatives, if removed, could encourage population growth in native species.

Member Oi asked if you do a survey on native species count and invasive species count. Why not scoop out both if you are going to scoop out the native. What about Ala Moana in the canal with Black Mollies, swordtails, and tilapia. Blum said they are in consultation with others to find appropriate areas.

Member Woodside asked how long you are going to monitor the streams after. Blum answered that this will be carried over a period of 3 years. To be clear, electrofishing will only be done once [in each stream].

Member Woodside asked if there is a control stream that you are studying where you are not electrofishing and no removal. Blum answered that they are doing that across all 12 watersheds and before and after.

Member Roehrig asked where in Oahu they were. Blum answered that there are 12 watersheds, in the windward side and some on the leeward side.

Member Oi asked what their success before in the mainland was. Blum answered that they had done comparison studies in the Caribbean and Puerto Rico.

Gewecke added that the applicant worked with us to mitigate any impact to native species.

Member Gomes asked how many volts in this electro fishing gear. Is the voltage on a constant cycle or does it fluctuate? Blum answered that we don't know what that setting should be yet. There is a DC version and AC version. DC is more constant flow. Experiments in the field should provide us this information.

Glenn Higashi, aquatic biologist DAR, added that they spoke with Blum about this project and, usually we do not issue electro shocking permits. We decided to do a pilot project to determine what the limits of electro shocking should be so when other people ask to use it, we will have more knowledge on the electrofishing gear and its impacts to native species. We do not use it (electroshocking) for assessing populations. Bloom says the same thing. It is easier to do population assessment by snorkeling. To get a better handle [on estimating population numbers], the best way is to snorkel. DAR is not trained to use the electro shocking equipment.

Member Roehrig asked what State law allows for electro fishing and what is to stop anyone from copying it. Higashi answered that it is against the law.

Member Roehrig asked what the law was, is it a criminal act? Higashi answered that yes it is and permits are only issued for management or research purposes.

Member Roehrig added that he had reservations for this. But if it is going to provide an opportunity for native species to flourish, then I am for it. But I think it is an inappropriate method to catch fish.

Blum added that our aim is to improve the populations of native species.

Unanimously approved as submitted (Yuen, Gomes)

ITEM F-3 Request for Approval of Special Activity Permit 2016-07 for Dr. Samuel Kahng, Hawai'i, Pacific University, to Conduct Research Using Core Samples from State Regulated Stony Corals in O'ahu, Kauai, and Maui to Study Historical Proxies for Climate Change.

Written testimony was submitted by Samuel E. Kahng.

Alton Miyasaka and Cathy Gewecke introduced themselves and Item F-3

Gewecke informed the board about concerns from DAR biologists on Maui and Oahu and wanted to add special conditions to the permit, if approved. There is no documented impact whether good or bad from collecting coral [cores]. Five permits have been issued to USGS in the last 7 years. We are asking for more documentation as this process goes along. We have collected anecdotal testimony from researchers, they have been positive. The DAR biologists supported the request for all 15 cores at 12 out of 15 sites. DAR wants to add 4 special conditions: 1) is a request to not take from Kahekili, 2) request only 2 cores on Olowalu, 3) All

cores on Maui be collected at depths of 21ft or deeper since there is more circulation, and 4) Cores to not be collected in months between August and November. This leaves 8 months of sampling December through July. Oahu biologist has been in communication with Russell Sparks (Maui DAR office).

Miyasaka added that the reviewing biologists have their opinion on what impacts these might have and have suggestions on how to mitigate them. The researcher has his scientific evidence and he will explain them. DAR has included these differing opinions to provide the board with as much information as we have to consider both sides of the debate.

Member Gomes asked about the sample of coral colonies that will be photographed. Will there be a follow up in the next 6 months and documentations. Gewecke answered yes, that is in the permit special conditions. The research requires photo documentation before and after the sampling is completed. There is a lack of information on the effects of the coring on the corals over time. We are requiring follow up photo documentation after one year [as opposed to 6 months]. The rate of coral growth is 1cm per year. Recovery after 6 months may not be enough time to provide adequate evidence of impact.

Member Gomes asked why the existing coral collection by USGS from Maui cannot be used for this purpose. Gewecke answered that there is a possibility that collaboration could happen between researchers. We did request that efforts be made to share samples to minimize take of additional samples. It is clear that the Maui DAR biologist did not want samples to be taken from the Olowalu area.

Member Roehrig asked who Russell Sparks was. Miyasaka answered that he is our Maui office DAR staff.

Member Roehrig asked why he was not the one presenting this application. Miyasaka answered that the permit application comes to the main office for processing. We send it out to the office on island to get their feedback. We followed this same process.

Member Roehrig asked why he is not here to put in his input. Gewecke answered that he is away for 10 days.

Member Roehrig added that the board should hear his input on this before we vote on this. This is a strange application the way it is written. The submittal should have been drafted with his [Russell Sparks] concerns already integrated in it. The way the submittal is worded, it sounds like it is absolute. It would be more helpful for me since it is not my area of specialty.

Miyasaka added that the application came in 7 months ago so it was under review for a very long time. In the interest of responding to the application in a timely manner we decided to bring it to the board at this time.

Member Downing asked what the value to the state for this project is. Miyasaka answered that DAR discussed the potential benefits of studies like this to address climate change challenges with former chair, William Aila. As resource managers, he felt that we would need as much

information as possible to develop the tools that we could use to address the climate change threats before having to deal with these situations as they arise.

Chair Case added that this is not an unusual research method for coral. Coral is a rock with living tissue on the top surface.

Gewecke added that NOAA has swum over colonies and done visual surveys. I inquired information on that to validate it. There has been no type of [formal] study done. There is not a lot of [documented] evidence [of survival or mortality of the colony after coral cores were collected].

Member Yuen added that DAR is also requesting photo documenting of all islands. This is being requested instead of required. The permit is required to drill the hole, which is good for a year. But nothing is stopping someone from scuba diving over the site and taking pictures for the year. I don't see why that can't be a condition on the permit.

Miyasaka added that because the sites where he will be doing this are not on Oahu, the cost to go to Maui and Kauai to do follow up might be cost prohibitive. And so that cost was a consideration in whether or not the researcher could do it [follow up surveys] within the budget of the research grant. That is why we asked the researcher to do it and did not require it.

Member Yuen added that he did not see that as a legal matter, you can require people to follow up on their permit. Back in the early 90s, there were pin moorings in west Hawaii. Drilling in sea bottom and installing these moorings.

Member Yuen asked if those corings were done at comparable coral sites and do they provide us with long term effects of drilling holes in coral. Miyasaka answered that those were done on substrate rock and hard bottom substrates. It was specifically disallowed for them to drill on live coral heads. What happened over time is the pin technology improves to enable the pin to stay in place for a longer time. All of that experience with pin technology and anchor technology would be looking at the holding power of the pin. That is different from the [collecting a larger diameter] core to study the geological record of the coral.

Gewecke added that one common [preventative] method is to fill the drilled out core with a cement, but there are other instances of not filling the core but capping the core with cement, making sure the surface is sealed and flush. This keeps the surface sealed to not let in any organism into the injury.

Member Yuen asked that if we approve this permit, would they fill it or be plugging the top. Gewecke answered that there is a condition in the permit to plug the top, but also that the permit is written as the applicant requested that none of the [initial four] conditions discussed [at the beginning] have been inserted.

Member Gomes asked if we have corals that have been capped that are not working.

Gewecke answered that there is one example in Maui where the USGS sealed the core with a cap and that cap had fallen out. One of the DAR divers observed that and tried to put it back in. I think they rectified [the situation] by putting the cap back in but that is a concern.

Miyasaka added that the applicant has experience in coral ecology.

Member Gomes disclosed that he had a meeting with Russell, and he [Russell] had a lot of questions; apparently whatever questions he asked was not fully answered to his satisfaction. To me, I would like to see questions answered completely.

Member Downing asked on the 3 year follow up, is it in the best interest of the State to have it or to not. Miyasaka answered to have it.

Dr. Samuel Kahng. Professor of Oceanography at Hawaii Pacific University Coral reef ecologist introduced himself and expanded on Item F-3. This application has been reviewed for 8 months; he has provided reference and scientific literature on each point. I have asked for justification from the DAR biologist and not received word back. Dr. Kahng further expanded in testimony. There is a study recently published based on 14 years of study in Hawaii. There is specific data for this sampling; long term data shows the reef is completely stable at 7 meters. Best available science in any of these points, refutes Russell Sparks assessment.

Member Gomes added that this information won't help us because we are not the experts. Since there is disparity between you and the Maui biologist, Member Gomes wanted to hear Russell to speak his part or these issues resolved with him first.

Kahng added that I have not received anything from him [communication between the two has not yielded any results for compromise].

Member Yuen asked if he can cite us any work that is done.

Kahng added that whether the scar grows back over [after sampling] is a cosmetic issue. The organism has a large biomass and size continues to grow and thrive.

Member Yuen asked if there are studies where corals cores were taken out and reported that there is no affect compared to other colonies. Kahng answered that there is enough known of biology and ecology of these organisms to know what the impact is. This is a clonal organism that continues to grow. There is a reason why certain colonies live that long. Right spot, genetics, and conditions all contribute to their survival over time.

Member Yuen noted that staff recommendation was for approval of the permit with extra four conditions added. Kahng was ready to move on.

Member Yuen added for a follow up for 3 years or 1 year.

Kahng added that he is not fond of doing follow up. This has never been a requirement in the past. Kahng asked if DAR go and check these colonies.

Chair Case asked if some of these on Oahu. Kahng answered that for Oahu is no issue, but for the outer islands, it is out of my pocket for neighbor island surveys.

Member Woodside asked when you have the data, how long do you plan on looking at it for. Kahng answered that with these samples the immediate use will be in the next couple of years. Technology has progressed to enable a re-examination of the coral cores already collected. There were discussions of looking at other cores, but he did not have these cores so he cannot say if this is a possibility at this time.

Member Woodside asked if you are going to look at the samples for years to come using different technologies (as they are developed) seems like an appropriate part of the process.

Member Roehrig added that it seems sensible as part of our policy that we provide as much info to the scientist as we can and if we have to assist him. DAR should help in this process.

Member Yuen made a motion to approve the four additional conditions plus 3 years follow up on Oahu.

Member Woodside seconded the motion.

Aye: Member Oi, Roehrig, Yuen, Woodside, Downing, Chair Case

Approved as amended (Yuen, Woodside)

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Kelly Gleason Keogh, National Oceanic and Atmospheric Administration, Papahānaumokuākea Marine National Monument, for Access to State Waters to Conduct Maritime Heritage Activities.

Maria Carnavale, State Co-manager for Papahānaumokuākea Marine National Monument-PMNM presented Item F-1.

Member Roehrig wanted to add that every time they do one of these, there should always have a video in summary fashion so it can be used in schools.

Unanimously approved as submitted (Yuen, Roehrig)

ITEM C-2 Amendment to a Prior Board Action Approving the Addition of Approximately 700 Acres to the Kanaio Natural Area Reserve; Makawao, Maui, Tax Map Key 2-1:03:50 (Por).

Emma Yuen from DOFAW presented item C-2.

Unanimously approved as amended (Yuen, Woodside)

ITEM D-1 **Request for Issuance of Right-of-Entry Permit to Kauai Bodyboarding Association for "The Shippies Pro/Am Challenge" Bodyboard contest to be held on July 11 and 12, 2015 with backup dates of July 18 and July 19, 2015 at Shipwreck Beach, Po'ipū, Kaua'i, Tax Map Key: (4) 2-9-001:seaward of 002.**

ITEM D-2 **Cancellation of Revocable Permit No. S-7766 to Antone Reis and Lorraine Reis and Request for Waiver of Level One (1) Hazardous Waste Evaluation Requirement, Wailua Rice and Kula Lots, Wailua, Līhu'e, Puna, Kaua'i, Tax Map Key: (4) 3-9-003:005 and 010.**

ITEM D-7 **Issuance of Right-of-Entry Permit to Beach Activities, Ltd. for Beach Activities Purposes to be held on July 7 to 9, and 18, 2015, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037:Portion of 021.**

ITEM D-8 **Grant of Term, Non-Exclusive Easement to Paul T. Noto, Trustee of the Paul T. Noto Trust Agreement dated July 7, 1988 and Teruko Noto, Trustee of the Teruko Noto Trust Agreement dated July 7, 1988 for Pier Purposes; Termination of Revocable Permit No. S-5414; Kaneohe, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-5-001: Seaward of 018.**

There were no changes to items D-1, D-2, D-7 or D-8.

Unanimously approved as submitted (Yuen, Downing)

ITEM L-1 **Certification of Elections of Jeff Rebugio and Ian Swezey to Serve as Directors of the West Maui Soil and Water Conservation District.**

Unanimously approved as amended (Yuen, Downing)

ITEM L-2 **Appointment of Leonard Vierra to Serve as a Director of the East Kauai Soil and Water Conservation District.**

Carty Chang Chief Engineer for the Engineering Division had no changes to items L-1 or L-2, except for the spelling of Ian Swezey's name in item L-1; it should be spelt "Sweezy".

Unanimously approved as amended (Yuen, Downing)

5:10 PM Member Yuen and Member Roehrig leave to catch flight.

ITEM M-1 **Consent to Issuance of Revocable Permit for Space under Governor's Executive Order No. 3283 to U. S. Department of Veterans Affairs, Maui Community-Based Outpatient Clinic, Lāhainā, Maui, Tax Map Key: (2) 4-5-021:016.**

ITEM M-2 Consent to Issuance of Revocable Permit for Space under Governor's Executive Order No. 3283 to Maui AIDS Foundation, Lāhainā, Maui, Tax Map Key: (2) 4-5-021:016.

ITEM M-3 Consent to Issuance of Revocable Permit for Space under Governor's Executive Order No. 3283 to Maui Sexual Assault Center, A Program of Child and Family Service, Lāhainā, Maui, Tax Map Key: (2) 4-5-021:016.

Items M-1 through M-3 were deferred, no staff present.

Deferred

There being no further business, Chairperson Suzanne D. Case adjourned the meeting at 5:11p.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