

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

DATE: FRIDAY, OCTOBER 09, 2015  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Chairperson Suzanne D. Case called the meeting of the Board of Land and Natural Resources to order at 9:03 a.m. The following were in attendance:

**MEMBERS**

Suzanne D. Case  
Thomas Oi  
Keone Downing  
Stanley Roehrig

James Gomes  
Ulalia Woodside  
Christopher Yuen

**STAFF**

Mark Brady/ENG  
Maria Gaydos/DOBOR  
David Smith/DOFAW  
Alyson Yim/ENG  
Steve Bergfeld/DOFAW

Russell Tsuji/LAND  
Curt Cottrell/SP  
Emma Yuen/DOFAW  
Samuel Lemmo/OCCL

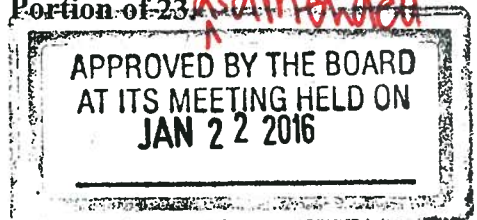
**OTHER**

Dan Morris/AG  
Ann Shigi/DOT-AIR  
Edwin Kipapa/DOT-AIR  
Michael Kumukaoha Lee/C-3  
Ken Van Bergen/J-1  
David Real/D-2  
Don Thomas/L-2  
Cyndi Punehaole/J-1

Bill Wynhoff/AG  
Ethan Tomokiyo/DOT-AIR  
David Copper/E-1  
Kawika Uyehara/D-4  
Cindi Punihaoale/J-1  
Andrea Decosta/C-3  
Teri Napiahi/L-2

**ITEM M-1 Issuance of a Revocable Permit Aircraft Parking, Island Aero, LLC,  
Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.**

**ITEM M-2 Issuance of a Revocable Permit Aircraft Parking, Yaron Shilomo, Honolulu  
International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.**



**ITEM M-4 Issuance of a Revocable Permit for a T-Hangar, Michael J. Lauro DBA Tropicbird Flight Service, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 003.**

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

**ITEM M-3 Issuance of a Direct Lease for Land for a Hangar and Facilities Lease, Guardian Flight, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**

Ethan Tomokiyo representing the Department of Transportation Airports Division-DOT-AIR presented item M-3.

Tomokiyo detailed that besides guardian flights out of Alaska, their main facility is out of Utah. Other competitors were an air ambulance specialist company, American Medical Response. These are all competition to this company. Guardian light is very aggressive in establishing facilities at airports.

Member Yuen asked how the others operate. Tomokiyo explained that right now they operate out of Honolulu.

Member Yuen then asked if they have other spaces for other companies that want direct leases. Tomokiyo said that Hilo airport has a lot of land but the demand is not there.

Member Roehrig asked to take a look at the statute, if the Board was allowed to put it out for direct lease then okay but it needs to be determined if they are able to. Tomokiyo agreed.

Member Oi asked if they ever went out for bid. Tomokiyo responded no, that normally their procedure was to go out to a bid if there is great demand. In this case there is no demand. In this case, there is a potential applicant that wants to develop the land out of their own cost.

Member Oi suggested going to public auction.

Chair Case asked how DOT assures fair market rental in a direct lease and how they determined the rent. Tomokiyo answered that by independent appraisal, it is a benchmark grade that was established on Jan 23, 2014. The next appraisal is in 2017; every 3 years done.

Member Roehrig added that the statute allows this for aeronautical purposes. The disposition encourages competition and asked how this encourages competition. Tomokiyo said if other competitors see that through a direct lease process, a lease opportunity was granted to specific grant applicant. They believed it would do.

Member Roehrig asked how many providers there were and if it was enough. Tomokiyo said there were two providers, but wasn't sure if that was enough.

Andrea Decosta, formally employed with HMSA, a field representative added that none of these services are negotiating with insurance companies or state for their services. It is not competitive at all. They don't want to compete and dictate the charge of their services. Hawaii islands issue is not a lack of air ambulance, but access to quality health care.

Member Roehrig asked Tomokiyo if DOT got involved with the health care insurance providers. To Tomokiyo's knowledge, the airports division was not involved.

Member Gomes added that he had an employee that had to fly out of Kahului but it was with AMC. The plane flew back to Kona and fee was 47,000 dollars for Kahului to Honolulu.

Member Yuen added that he could not see how they get away with not negotiating the fees.

Member Roehrig made motion to approve per staff subject that the same direct lease opportunity to other potential applicants/competitors in the same market.

Member Yuen seconded the motion.

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

- ITEM C-3 Denial of Petitions for Contested Case Hearing Relating to the Adoption of Emergency Rule § 13-123-21.2 Hawaii Administrative Rules, on July 10, 2015 Filed by:**
- 1) Michael Kumukauoha Lee; and**
  - 2) Andrea DeCosta**

*Written testimony was submitted by Michael Kumukauoha Lee.*

Bill Wynhoff, Deputy Attorney General conveyed item C-3. He said that the contested case should be denied because of the way chapter 91 works with contested case, it divides into 2 categories. Quasi-legislative and quasi-judicial. Quasi-judicial is the area where you can ask for a contested case, it determines the rights of specific persons with respect to specific properties and interest. Quasi-legislative is you set broad rules that apply to everybody. The contested case is designed by definition specifically to apply for specific rights to specific persons and not these broad general rules. They respect people's right to object to the rule.

Michael Kumukaoha Lee, currently chairman of religion department at Damien schools previously taught Hawaiian and religion. He now resides on the big island He said they do observations in day and night. His purpose and need is to continue Hawaiian heritage. He wants to open bridges of understanding. To ramify this without native legal court, is to grant written legal exemption under PASH cultural access rights, because we have never stood in the way, the reason for emergency rule was to protect access for the employees for the telescopes up there. This is about rich cultural heritage. The people that he teaches, they have astronomers that are recognized with benefits with university degrees, honorary PhDs etc.

Member Roehrig commended the valuable information that was provided and asked if he had applied for a permit before the DLNR. Lee said no and because within this, it seems every discriminatory due to access going on for health and safety. He didn't feel like he was being treated equally. A lot of people that come to the telescopes are foreign that book time on the telescopes. He said he was bringing up due process rights.

Member Roehrig asked what the permit process on the mountain was for people that want to go up there for educational process.

Wynhoff explained that everyone is treated the same, anyone wanting to access the telescope is allowed to, except restricted access area. There is no discrimination based on race and religion.

Chair Case added that during this period the emergency rule allows people to transit along the corridor. If you are outside of it, you can access the mountain from other directions.

Member Roehrig asked if the top of the mountain is the restricted area. Wynhoff said the rule states you can be beyond the road moving and anyone can get out and get into a telescope if they are allowed too.

Member Yuen added that the telescopes have permits that they have obtained, part of the permit is naturally for people that go in and out and that they did get an authorization.

Andrea Ilima Decosta testified that she has spent some time on the Mauna. She said there was no evidence to the assumptions of emails and threats. There are potential water sheds that potentially have not been discovered. Reason she filed for the hearing was because when it is held the board is required to hold the hearing where the land is situated. HAR 13-5-40.6B States: the hearing shall be held in the county in which the land is located" the hearing was held in Honolulu county. She requested moving forward with the hearing.

Lee added that he would like to request the same thing.

Member Yuen made a motion to reject the 2 applications for a contested case due to legal reasons by the AG's office.

Member Roehrig seconded the motion

Member Woodside added that during that board action, she expressed her concerns and voted against this emergency rule. One reason was because she questioned and asked if there would be a special permit process for cultural practices because there are special events happening in the 120 days. For this item, based on the rules and type of action, this is different from the emergency rules passed.

Member Roehrig added that it is important for DLNR and the board to provide as much access to the mountain for ed. Spirit, religion, and business purposes to the mountain. He encouraged those people that want to go to the mountain, make an application for a permit, there will be very few reasons it would be denied.

Member Gomes added that this would not only apply that for big island but for wherever the practices need to be. Due to the fact what was presented here he would have to stand with what they have here before the board.

Member Oi commented that during the hearing he talked against restricting the hunters and practitioners, in the end what we are trying to do is protect the health and safety of the public.

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

**ITEM L-2 Contested Case Regarding: Application for Geothermal Exploration Permit Hualālai West Rift Zone, Hawaii.**

*Written testimony was submitted by Cory Harden,*

Bill Wynhoff, AG and Mark Brady, ENG introduced themselves.

Wynhoff explained that the request was styled as non-invasive type testing, someone from UH was present to testify. In the petition it there is no statement of why Ms. Napiahi or pele defense fund has a particular interest in this property. Pele defense fund has been very closely involved with the area. Their failure to articulate in the petition was an oversight which could be rectified. The objection to the permit here is that there should have been 343 EA or EIS. The reason why the specific rights is important is that we do respect people's property rights. The reason that is not applicable here is because there is an alternative specific avenue in which your rights if they are implicated to challenge the lack of EA. It is in Chapter 343. We believe the appropriate process for them to be to utilize that process in the statute. I communicated with the applicant and told her and her hearing is here today and made sure she knew we were going to come to the board reasons why the application should be denied.

Member Roehrig disclosed that this matter came up in July 14, 2015 the request was made for a contested case for that day. I was the lawyer for the petitioner, after that day I withdrew as council for the petitioner. I spoke with ethics commission lawyer and disciplinary council attorney and the matter that I represented was unrelated to geo-thermal rights. The ethics commission lawyer said there was no conflict if voting on this matter because it is unrelated.

Member Yuen asked if they drive metal spikes on the ground and lay wires across the surface, is that the extent of the work that is done.

Brady responded yes and expanded that the protocol is to bury it just enough so the atmospheric interface will not interfere with the instrument.

Teri Napiahi, petitioner for this contested case testified on Item L-2. The commission granted exemption because the applicant had a request to develop on Hualalai and you granted the exemption. There are environmental sensitive areas that the applicant wants an exemption of without doing an environmental review. In the cultural assessment, there are important areas that need to be looked at. That is a religious, gathering purposes, sensitive areas of sanctuary that would be over looked, mitigation should be done with the surrounding community.

Brady responded to the comment on cultural sensitivity and expanded that as part of due process that we did was we circulated with other divisions in DLNR, SHPD provided comments and requested that UH hire archeologist and walk through where they were going to do this study. They have done the studies.

Member Gomes asked how long the study was.

Brady answered that 2 months as a rough estimate. This is non-invasive, just to understand what is out there. That is why don't think an EA is necessary.

Member Gomes asked what was being done with this survey and was the public able to access.

Don Thomas representing the University of Hawaii answered that, the survey is intent to gather basic information and evidence for geothermal activity in Hualalai. We are trying to do soundings 5-10km down to gather data. Ultimate objective is to define the structure of Hualalai to see if there is evidence of thermal or molten material that underlies the rift zone of the volcano

Member Gomes added that this is never been done before and asked if there be scaring of the land. Member Oi said that the impact is very minimal and we have good electrical contract to the land and beyond that we have no impact.

Member Yuen made motion to deny the request of contested case by Attorney General  
Member Oi seconded the motion.

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

**Unanimously moved to deny (Yuen, Oi)**

10:19 RECESS

10:27 RECONVENE

**ITEM D-4 Amend General Lease No. S-6076, Water Board of the County of Hawaii (WBCH), Lessee, to Include Within the Lease Premises a Right of Ingress and Egress Over a Portion of Land Office Deed No. S-28,237, a Perpetual Non-exclusive Easement for Electric Transmission Line Purposes to the Hawaii Electric Light Company, Inc.; Authorize an Immediate Right-of-entry to WBCH Over a Portion of Land Office Deed No. S-28,237 While Lease Amendment Document is Processed, Lālāmilo, South Kohala, Hawai'i, Tax Map Keys: 3rd/ 6-6-01:02 por., 71 & 76.**

A representative from the County was present for questions, however there were none.

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

**ITEM J-1 Request Approval to Adopt Amendments to Hawai'i Administrative Rules (HAR), Title 13, Section 256-152, Kahalu'u Bay, in Order to Update Location Designations, Limit Commercial Surf Instruction, and Revise Swim and Surf Zone Restrictions Within Kahalu'u Bay.**

The rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules/> and <http://dlnr.hawaii.gov/dobor/draft-rules/>, or can be reviewed in person at any small boat harbor from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. Location and contact information for DOBOR offices is available online at: <http://dlnr.hawaii.gov/dobor/contact/>.

*Written testimony was submitted by Ossian, Captian Rich Green, Tifani Steghuis, and Cindi Punahaole Kennedy.*

Maria Gaydos legal fellow with DOBOR, introduced item J-1, took boards concern back and asked community for feedback.

Cyndi Punehaole, director of Kahaluu bay education center, project off Kohala center. Gave testimony on Item J-1. Punehaole explained that she was Kamaaina of Kona, 2015, residents of Kailua Kona approached Kohala center staff to request for help in saving Kahaluu bay for careless overuse. This small park receives 400k visitors every year. The Kohala center partnered with US sea grant in advising visitors and educating them. The county ocean safety team have shared their concerns and safety issues within the county park. Lastly Punehaole asked that the board approve recommended changes.

Ken Van Bergen deputy director parks and recreations, count of Hawaii testified in support of the rule. He said that the Big Island does not have much accessible spots to beaches. Surf schools access the harbor and Kahaluu, it creates a lot of congestion. Great place to learn out to surf. It is hard when you have 65 students in the water.

Member Downing asked if the county seen this, was the road that the people are parking on county and the beach. Bergen said none that we know of.

Member Downing added that it seems that they could have worked on this. It is something the county could have done to help solve. You want us to work on the ocean but they still have to get on the road to the beach. This is the first time I have seen something like this.

Punehaole said what they wanted to do was to look at the state rule and set a foundation for something for schools to bring the people possibly doing illegal activities on the road and bring them in the park. At the same time look at bringing what you saw in this to the county and community, creating an advisory board is our recommendation. Because this is a new rule, they need the flexibility of looking at it, and the county needs to look at changing that but keep a foundation.

Chair Case asked that the rule has to do with state jurisdiction, are you saying that there is a lot on here that has to do with county jurisdiction and would that have an alleviate the problem. Bergen said.

Punehaole said they need the board to coordinate with us and build a safety issue in the equation. That is for the schools and the zones are very critical.

Chair Case asked for a follow up with DOBOR.

Member Gomes added that in the past year, there are conditions in here on how the surf schools are permitted, the county is in charge of the concessions creating limits. The criteria is being fulfilled. It is not written into the rule.

Chair Case committed to following on process of submittal to make sure the board has the best available information. I want to add that there had been extensive discussion with a lot of information.

Bergen added that they have a RFP contract with eh county to do reef teach and have concession down there. It will go off of the county, and that has not been awarded yet. They are involved regardless. What the rule calls for is the county to go out and issue an RFP for a nonprofit entity with criteria and choose a proposal. Hire them and solicit surf school bids. They will issue the permit and monitor them. If that does happen in that order it will be a much safer environment.

Member Yuen added that once the 4 surf schools are selected on county level, that is a management issue, they have a contract. We are just setting out a foundation for amount of schools. I think it is hard for us at the board.

Member Downing wanted to see is something done right so there is a template. There is no conversation between county and state.

Member Oi detailed the issue and explained that most important is the zones for public safety by establishing them that is the most important thing now. Too me that is the most important thing.

Member Roehrig showed concern that there should be changes on the 4-1 ratio based on wave size. State and county could be sued because of injury. He asked the AG if the Board could put something to preserve PAS rights.

Bill Wynhoff answered yes and did not think there is any intent or implication rule that PAS rights are affected.

Member Roehrig said it needed to be made clear, he didn't want unintentional conduct.

Bergen added that this rule does not affect local or cultural people

Member Yuen added that PAS rights are already in the HRS. There are other locations where they are not all the same.



Chair Case expanded that the board would make it broader and say in doing this we are affirm the general law this applicable to this place and all other places relating to PAS rights.

Member Yuen made a motion to approve with understanding that native Hawaiian rights, PAS rights are subject to general law concerning those protections, here and all locations.

Member Roehrig seconded the motion

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

**ITEM F-1 Request for Approval of a Permit Application for Mr. James K. Mawae for Netting Activities within Area 1A Only, in Kaunakakai Harbor, Moloka'i (10/1/2015 – 9/30/2016); and Request to Delegate to the Chairperson the Authority to Approve Future Kaunakakai Harbor Fisheries Management Area Netting Permits.**

**Item Withdrawn**

**ITEM J-2 Issuance of Easement to Hawaii Fueling Facilities Corporation for Construction, Access, and Maintenance of Monitoring/Recovery Wells and Interceptor Trench at the Ke'ehi Small Boat Harbor, Tax Map Key No. (1) 1-2-025:113.**

**Item Withdrawn**

**ITEM D-2 RESUBMITTAL: Amend Prior Board Action of April 25, 2008, Item D-8, Grant of Easement to Benjamin Konshak, Claude L. Harris, Jr., and Greeley West Corporation for Access Purposes, Kaia'akea, North Hilo, Hawai'i, Tax Map Key: (3) 3-4-003: Portion of 011.**

**Purpose of the amendment is to change the grantee from Konshak, Harris & Greeley West Corp, to the Maulua Homesteads Owners' Association, and to include an immediate right-of-entry to the Maulua Homesteads Owner's Association.**

Russel Tsuji, administrator for Land Division-LAND introduced himself reviewed item D-2.

David Real, Chair of Maulua homestead owner association explained that these properties are bought and sold. Each owner has to apply for their own easement. This is where it can get difficult. They formed an association to build roads on private lands. Later they found out that they have been crossing over state parcel. He supported the work and negotiated a deal with them. They are now taking the old easement that was never completed and now trying to complete it. The 3 land owners in the bottom wants their names replaced with Maulua Homesteads association, just a name change.

Chair Case wanted to add that additional members complete a tax certificate and in the future when there is a substitution that the members provide tax clearance.

Real added that they could add an addendum that says that the people that submitted tax clearance can use the easement.

Member Roehrig asked if they relating to tax clearance and asked if this is HRS. Tsuji answered that it is and expanded that HRS Section 171-36 prohibits a lease to anyone that owes money to the state. In order to clear that, we require a tax clearance.

Chair Case commented that it is required by law and point of issuance.

Tsuji said the way the state has dealt it in the past and the Department of taxation tried to work out a deal and if they do, they provide the clearance.

Chair Case said that the way this would work is the association would get the easement, the members with tax clearance are original association members and when someone gets clearance they can get into the association. Real added that the association has a broader purpose such as road building on Mauka were there are no state areas.

Member Yuen asked if the survey verified the actual location of plantation road is in portion of state land that connects. The state land has a narrow point.

Tsuji answered that the line is verified by the certified surveyor.

Member Yuen asked what is the association going to do when people use the road. Real said it would be a state enforcement issue. If they don't want to be a part of our private association, they could apply for their own easement.

Member Yuen asked about people that have been using this road without an easement.

Chair Case asked why would not this easement benefit the parcels and therefore run with the lands. Real answered that the historic legal access to the parcel. This is access to Mamaloa hwy. to another road up there. There is a physical way to get up there but it is very difficult.

Member Yuen made motion to approve language suggested by chair.

Member Roehrig seconded the motion

The Board added a condition C.5 to read:

*C.5. The Association shall provide to the Hawaii District Land Offices: (i) tax clearances for all initial members of the Association who are granted rights to use the easement area for access; and (ii) tax clearances for any new members who later join the Association after the issuance of the easement document and are granted rights to use the easement area for access.*

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

**ITEM E-1 Consent to Transfer of General Lease No. S-5304 to Blanche Soga by Succession, Ahupua‘a O Kahana State Park, Lot No. 27 C, Kahana, District of Ko‘olaupua, City and County of Honolulu, State of Hawai‘i Tax Map Key: (1) 5-2-005:023.**

Curt Cottrell Administrator for State Parks-PARKS commended staff. This submittal had a complicated history.

David Cooper attorney for the Soga family was present for questions.

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

**ITEM C-1 Appointment and Selection of a Hearing Officer to Conduct Hearings for a Contested Case Hearing Regarding Administrative and Civil Penalties Pursuant to Chapter 195, Hawaii Revised Statutes, to Ahiu Hawaii LLC for Violations of Chapter 13-209, Hawaii Administrative Rules, at Kahauale‘a Natural Area Reserve, Puna, Hawaii, TMK (3) 3-1-001:001**

Dave Smith Acting Administrator for the Division of Forestry and Wildlife- DOFAW had no changes and nothing to add.

**Approved as amended (Roehrig, Oi)**

**ITEM C-2 Approval of a Memorandum of Understanding Between the Koke‘e Resource Conservation Program, Garden Isle Resource Conservation & Development, Inc., and the Department of Land and Natural Resources to Conduct Invasive Species Removal and Monitoring on State Lands on Kaua‘i, Tax Map Keys: (4) 4-2:01:02, (4) 3-9:01:01, (4) 1-4:01:03, (4) 1-4:01:13, (4) 5-9:01:01, (4) 5-9:01:02, (4) 5-9:01:16, (4) 1-4:01:14, (4) 1-4:01:20, (4) 1-2:01:06**

David Smith presented item C-2 and wanted to add it to “Authorize the chairperson and negotiate and approve for MOU”

Member Woodside added that she has been to Kokee twice with these people. Their goals and targets are based on number of plants and species that they want to pull. She asked if there were other goals.

Emma Yuen from DOFAW added that DOFAW contract them through water shed program to clear certain areas acreage wise instead of killing 10k weeds. DOFAW works with them in location and not numbers. Their job is to upkeep a certain area.

Member Woodside added that they should target to maintain a certain area; that should highlight that at a future time.

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

**ITEM D-1 Sale of Remnant Lateral Ditch No. 11 to Hafiz Heartsun and Chandra Radiance, por. of Kapa‘a Homesteads, 4th Series, Kawaihau, Kaua‘i, Tax Map Key:(4) 4-6-009:005.**

**Issuance of Immediate Right-of-Entry Permit to Hafiz Heartsun and Chandra Radiance for Access to Complete Land Survey of Property for Proposed Condominium Property Regime Units.**

Nothing to add, no public testimony.

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

**ITEM D-3 Issuance of Right-of-Entry Permit to American Forest Management, Inc., Onto Unencumbered State Lands for Access Purposes, at Kamoauau, Hāmākua, Hawai‘i, Tax Map Key: (3) 4-3-006:012.**

Member Woodside disclosed that she is an employee of Kamehameha schools but this will not affect decision making.

Member Yuen asked if they have a right of entry to plant this in the first place. Tsuji was not sure if they planted it.

Member Gomes asked when they are done after 6 months would they put it back into original condition. Tsuji explained that this submittal as written will not allow any construction, this is just right of entry for access purposes.

Chair Case wants them to maintain it in its existing condition and prevent erosion. She also wondered of the rent waiver and asked if it still has value. Tsuji answered that he had never seen that paragraph; if she wanted the submittal sent back for correction, it was understandable.

Chair Case said they should send it back. If it is time sensitive then it can be brought it back in November.

**Item Deferred (Oi, Gomes)**

**ITEM D-6 Grant of a 55-Year Term, Non-Exclusive Easement to the Association of Apartment Owners of (AOAO) Milowai-Mā‘alaea for Seawall Purposes, Mā‘alaea Beach Lots, Waikapū, Wailuku, Maui, Tax Map Key: (2) 3-8-014: Seaward 022.**

Member Yuen was confused if this is a grandfathered seawall that was legal 60 years ago, and now it encroaches.

Member Oi explained that wherever the high wash of the wave, if it goes over the wall then it is not.

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

**ITEM D-7** Consent to Mortgage, General Lease No. S-3980, Brian Lester Sakamaki, Donna J. Walden, as Trustee under that unrecorded Donna J. Walden Revocable Living Trust dated September 14, 1988, and Giampaolo Paul Boschetti, Lessees, Makiki, Honolulu, O‘ahu, Tax Map Key: (1) 2-4-029:066.

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

**ITEM L-1** Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules for Job No. F75C646E, Hāpuna Beach State Recreation Area Phase 3 Park Improvements and Repairs, South Kohala, Island of Hawai‘i, Hawai‘i.

No changes, no public testimony.

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

12:17PM RECESS  
01:03PM RECONVENE

**ITEM D-5** Amend Prior Board Action of October 28, 2011, To include a Pipeline C and to Approve Easement Form Relating to the Amendment and Restatement of Grant of Easement No. S-27,613 to Napu‘u Water, Inc. for Water Transmission and Storage Purposes, Pu‘uwa‘awa‘a, North Kona, Hawai‘i, Tax Map Key: (3) 7-1-001: portion of 006.

**The purpose of the amendment is to: 1) delete Condition 2.B., which allowed DOFAW to tap into the Napu‘u Water pipeline to service an existing DOFAW standpipe, and 2) delete Conditions #15 and #24 of the Amendment & Restatement document.**

Chair Case asked if DOFAW reviewed this. Tsuji wasn't sure, but had his staff check with DOFAW. Steve Bergfeld from DOFAW was in agreement. The pipe currently does not have water. He was asking to tap into the Napuu water pipe.

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

**ITEM K-1 The Office of Conservation and Coastal Lands will brief the Board of Land and Natural Resources on its Overall Functions with respect to Coastal Lands.**

**No decisions will be made/ No staff submittal.**

Sam Lemmo, administrator of OCCL, gave presentation on overall functions with respect to coastal lands. OCCL was established in 2003 as a joint partnership with the University of Hawaii Sea Grant College Program with focus areas in Authority for managing and conserving Hawaii's beaches, erosion management and shoreline protection, beach maintenance and restoration, shoreline certifications, shoreline vegetation & public access, DLNR/UH coastal data program. Reason is we have lost 13 miles of beaches around Hawaii. A lot of our coast lines are cliffs, there is not many sandy beaches. 13 miles is very significant, over the period of 70 years. The beach lost was due to sea walls and shoreline arming structures. As sea level rises, you have erosion. Shoreline is going to recess inland. Lemmo added that Beaches are a critical component of Hawaii's tourism-based economy. Lemmo added that OCCL currently is finding alternatives to deal with coastal erosion that suite the public and private property owners, one of the biggest challenges of the job. In maintaining shoreline public access, OCCL is the lead agency with authority for maintaining public access along Hawaii's shorelines. Coastal landowners are required to maintain the vegetation along the seaward boundary of their property to ensure that it does not inhibit the ability of the public to access the shoreline. The "certified shoreline" serves several key functions: It provides the baseline for calculating Hawaii's shoreline setbacks, it represents the jurisdictional boundary between the State Conservation District and the County Special Management Area, the certified shoreline represents the landward limits of the public trust, and it establishes the landward boundary of Hawaii's "b reach transit corridors", the area that is reserved for lateral public access along the shoreline.

Lastly, ongoing initiatives at OCCL are Ho'ala Loko l'a, Royal Hawaiian groin replacement project, Waikiki, Kaanapali Beach restoration project, Streamlines permitting process for beach restoration, Develop sources of beach quality sand for restoration, and Feasibility study and EIS for Waikiki Beach improvements.

**Non action item.**

Member Downing moved to adjourn meeting.

Member Roehrig seconded the motion.

There being no further business, Chair Suzanne D. Case adjourned the meeting at 2:16 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Ku'ulei Moses  
Land Board Secretary

Approved for submittal:



Suzanne D. Case  
Chairperson  
Department of Land and Natural Resources