

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

DATE: THURSDAY APRIL 08, 2016
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

Acting Chair James "Jimmy" Gomes called the meeting of the Board of Land and Natural Resources to order at 9:02 a.m. The following were in attendance:

MEMBERS

Suzanne D. Case
James Gomes
Stanley Roehrig
Keone Downing

Chris Yuen
Thomas Oi
Ulalia Woodside

STAFF

Carty Chang-ENG
Curt Cottrell-PARKS
David Smith-DOFAW
Eric Yuasa-DOBOR
Kevin Moore-LAND

Russell Tsuji-LAND
Ed Underwood-DOBOR
Alton Miyasaka-DAR
Maria Carnevale-PMNM
Brian Kanenaka-DAR

OTHERS

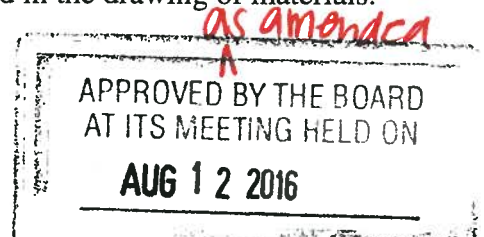
Dan Morris/Deputy AG
Keahi Warfield/M-2
Mark Roy/D-5
Micah Kane/D-8
Lori Buchannan/M-5
Stacy Robinson/ F-4

Tony Valdez-DOT-HAR
Mike Fujimoto/D-1
Wes Chang/D-8
Ross Smith/ M-5
Kanoe Morisigue/ F-2

Chair Case was running late.

ITEM M-1 Amend Prior Board Action of August 28, 2015 (Item M-1), to add Stock Pile 2- Issuance of a Right-of-Entry to the Department of Hawaiian Home Lands and Royal Contracting Co., Ltd., at Kalaeloa Barbers Point Harbor, O'ahu, Tax Map Key No. (1) 9-1-014, Portions of 024 and 039.

Tony Valdez representing the Department of Transportation-Harbors Division-DOT-HAR presented item M-1. This adds to and provides a sequenced in the drawing of materials.



Member Gomes asked what kind of training would be involved. Valdez explained that they have been talking different groups to leverage things in the area.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM M-2 Issuance of a Revocable Permit to the Keaukaha One Youth Development for Hawaiian Culture Canoe Club and After School Program at Hilo Harbor, Hawai‘i, Tax Map Key No. (3) 2-1-002: Portion of 32.

Valdez explained that this formalizes. They have been taking care of the property for 15 years, so this would give them the RP. It will never turn into a lease as long as the area is not developed, they will continue to be there.

Member Oi asked when the harbor expansion is expected. Valdez didn't think it was anytime soon.

Member Oi asked if the harbor was ever expanded if the program would have to leave. Valdez confirmed.

Keahi Warfield Executive Director for the Keaukaha One Youth Development testified that they have been the caretakers for the last 15 years. These programs were developed to not only get the youth involved, but get the community engaged in cultural activities that bring awareness to revitalization to language and culture.

In the case the harbor is expanded, they are not worried. They have had a great relationship with DOT-HAR.

Member Gomes applauded Warfield for doing such a great job.

Member Roehrig later disclosed the he knew Keahi Warfield, they lived in the same neighborhood.

Unanimously approved as submitted (Woodside, Downing)

ITEM L-1 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules; Waiver of Geothermal Well Modification Permit Bond Requirement and Issuance of Well Modification Permits to Engineering Division for Scientific Observation Holes (SOH) SOH-1 and SOH-2, Puna, Hawai‘i; and Authorization and Execution of Letter of Agreement Between the Board of Land and Natural Resources and Kapoho Land Development Company for DLNR Job No. J38CH20B Geothermal Well Plugging and Abandonment, SOH-1 and SOH-2, Puna, Hawai‘i.

Carty Chang Chief Engineer-ENG reviewed item L-1, he had nothing to add. There was no public testimony.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM D-1 Approve Mediated Settlement of Rent Disputes Relating to Ten-Year Extensions of General Lease Nos. S-3592, S-3609, and S-3611, located in Hilo, Hawai'i, Tax Map Key Nos. (3) 2-2-032:067,078, (3) 2-2-032:068,070, and (3) 2-2-032:021.

Russell Tsuji administrator for Land Division-LAND presented item D-1.

Member Downing asked why the State appraiser is so different from their appraiser. Tsuji felt appraisers had differences in opinions.

Member Downing asked if there was a way to see why they came up with that number when the State does the appraisal. Tsuji explained that they follow the State procurement code when choosing an appraiser. He explained the process of choosing an appraiser.

Mike Fujimoto, Chairman and CEO of HGM said he was present to answer any questions.

Member Oi suggested getting an appraiser specific to each island.

Member Roehrig commented that there was nothing in the procurement code that can't be done; he said it was worth a try.

Tsuji asked to set up a meeting to set up a procurement options available. He didn't think it was appropriate to prevent certain appraisers from applying for certain jobs.

Member Roehrig asked for an attorney general's opinion.

Member Yuen was concerned that the idea of the history of a particular tenant would be a ground for adjusting the lease rent for a particular situation. He was worried that taking into account the individual circumstances of a lessee rather than what is the fair market value introduces an element of favoritism to the process. Member Yuen said that we need to look at the factors other than the determination of fair market rent that we are able to consider in these mediations.

9:28AM Chair Case arrived.

Member Roehrig made a motion to approve with the request to ask the attorney general whether or not the procurement code would allow a revised publication or not.

Chair Case said she would pass that info along, but she didn't feel like that was the right approach.

Member Woodside clarified that the Board was looking for appraisers to do appraisals on the islands that they are from.

Member Oi suggested publishing in island papers.

Member Downing asked how many appraisers were out there. Tsuji said about 10, it changes every year.

Chair Case recused because she came in the middle of this discussion.

Unanimously approved as submitted (Roehrig, Gomes)

ITEM D-5 Amend GL S-6050, Grant of Term, Non-Exclusive Easements to the Puamana Community Association for Shoreline Seawall/Revetment Encroachment Purposes, Puamana, Lāhainā, Maui, Tax Map Key:(2)4-6-028:Seaward of 001, increasing the Easement Area from 1,895 Square Feet to 5,242 Square Feet.

Tsuji-LAND conveyed item D-5. The consulting firm was present.

Member Oi asked if the historical structures were considered illegal or were they legal. Tsuji didn't think they were illegal.

Member Yuen noted that there was something in the file from OCCL that said the structure was nonconforming.

Member Oi asked if this was just taking into consideration on structures that are covered under the easement.

Tsuji confirmed, they aren't saying to take it out or saying it's illegal.

Mark Roy with the planning consulting firm was present with Dave Medina with the Puamana community association testified in support of this. Roy explained that the structures dated back to the 1930's. They were old structures put in place and they provide central coastal protection to residents around the coastline. Roy thanked staff and was happy to answer questions.

Member Yuen asked what the status was on the 2012 application.

Roy disclosed that the association is committed to moving forward. They are in the process of reviewing the files. That improvement is on a different TMK.

Unanimously approved as submitted (Gomes, Yuen)

ITEM D-8 Re-Submittal: Consent to Stock Purchase Agreement and Consent to Mortgage Regarding General Lease No. S- 4095, between Hawaii OGL LLC, Seller/Mortgagee, and JNC USA, Inc., Purchaser, Olomana Golf Links, Inc., Lessee, Mortgagor; Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-013:010 & 012.

Tsuji-LAND presented item D-8 as a resubmittal from last meeting. Tsuji told the Board that the applicant's counsel would like to approach and answer the specifics, but generally the funding source did not come from the golf course lessee, it came from the purchaser which was the JNC. The debt service would be paid from the buyer.

Member Downing asked who owns Olomana Golf Links, Inc. Tsuji said Hawaii OGL LLC. was the current owner.

Wes Chang the attorney for the applicant testified that Hawaii OGL was a single member limited liability company; its sole owner is Pacific Links. Hawaii OGL is a subsidiary of Pacific Links.

Member Roehrig brought up that on DCCA it says that Hawaii OGL LLC is not in good standing as an entity in the State of Hawaii.

Chang said that has been corrected this morning. The annual statement was delinquent for 2016 so when they found out, they had staff make the annual filing. He said that it should be clear by tomorrow.

Micah Kane, an advisor to the company said that was a standard filing.

Chair Case suggested making a recommendation that the filing would have to be final. Kane was okay with that.

Member Downing asked why this was a good deal for the State.

Kane said the real question was whether the State should consent to the transaction or not; whether consent can be reasonably withheld. The original lease didn't require any consent to the sale of the stock of the corporation. When the lease was extended it said that any sale of the corporate stock of the lessee must require the State's consent. In addition on the extension of the lease a requirement was imposed that the lessee continuously post a performance bond in an amount equal to twice the rent. That provision was very strict. Their position as the applicant; the only real issue was whether the new buyer is qualified to be the buyer of the stock of the corporation. Their point was if they purchase the stock, is in better shape now than when they obtained it because they made improvements to the golf course. They feel the adequate performance is assurance on the lease. They feel the new owner is well qualified to be corporate successor of the stock.

Member Downing said he was good with that.

Member Roehrig was concerned that Kane wants the Board to consent to the mortgage of the lease in favor of the assignor to protect the assignor against the default of the assignee. The problem he had was that the State Supreme Court came down in the TMT decision reminding the Board that they are trustees that have a fiduciary duty to do due diligence on whether or not they are going to place State land in a mortgage for the benefit of a third party.

Member Roehrig understood that, but wanted to know why they couldn't get security elsewhere.

Chair Case commented that the main concern was whether there was adequate assurances that were covered in case of default, the performance bond was pretty comprehensive way to cover it. She said there were many other ways to make it more secure, but she didn't feel it was necessary in this case.

Member Roehrig wasn't confident with having an assignee that was not a resident in the State of Hawaii. He didn't agree that the performance bond covered the assignment of the mortgage, he believed it covered only the lease.

Chair Case said that the bottom line question was; does the rent get paid.

Member Yuen felt there was an issue of who operates the golf course. He asked if the percentage rent historical has been a minimum of 140 or has there been a percentage rent over and above that.

Tsuji said it was 145 per year before the recent appraisal brought it down to 140 but didn't recall. Member Yuen asked if they were collecting more than the minimum because of percentage rent. Tsuji said that they have been getting lease rent for the past year.

Member Yuen was satisfied that the new assignee was qualified, but he was not sure that in the bankruptcy situation if the trustee puts up the lease hold interest for sale and someone other than the current assignor purchases it, that they would have the right to be the operator. Member Yuen was interested if there was a way of dealing with that.

Kane said that as long as there as a mortgage, it's unlikely that them as a mortgagee would want the bankruptcy to continue. He said they would want to have the bankruptcy dismissed because they would want to control the foreclosure. They would also comply with the board's consent for any assignment to the lease as a result of their foreclosure proceedings.

Kane indicated that when they were there two weeks ago the question they were asked was, does the signee have adequate financial backing to manage the acquisition. They believe the assignee has provided adequate financial documentation for staff to give to the Board that they have a strong financial position to do that.

Member Roehrig commented that the new submittal was identical.

Chair Case said that they, the Board asked staff to review this, they did not ask them to provide it to the Board members.

Tsuji confirmed that the financials were provided and staff was satisfied with it.

Chair Case understood that Member Roehrig was not comfortable, but she asked to wrap things up.

Member Woodside brought up that in the recommendation the consent to the stock purchase agreement and the consent to the mortgage... Tsuji asked to correct the mortgagor as Olomana Golf Links, Inc.

Member Woodside asked if there needed to be consent to assignment. Tsuji said no, it would be a consent to a stock transfer.

Member Woodside made a motion to approve with the amendment suggested by staff, Member Gomes seconded.

Member Yuen asked to suggest an amendment as stated by the mortgagee's attorney that there be an agreement between them and the state that in the event that the property go into bankruptcy

that the mortgagee use the best efforts to dismiss the bankruptcy and that any further assignment require the consent of the Board.

Chair Case also added the amendment to confirm that the companies are in good standing.

The recommendation section number 3 was amended to reflect that the mortgagor is Olomana Golf Links, Inc. and a new recommendation 4 was added that requested Olomana Golf Links, Inc. agree with DLNR that in the event that JNC USA, Inc. files for bankruptcy protection before the note and mortgage is paid in full, then Olomana Golf Links, Inc. will use its best efforts to obtain a dismissal of the bankruptcy as it relates to the lease and revocable permit for the Olomana Golf Course site, and Olomana Golf Links, Inc. shall subsequently obtain the Land Board's consent to any new assignee of the lease.

Unanimously approved as amended (Woodside, Gomes)

ITEM M-5 Issuance of a Direct Lease to Barbers Point Aviation Services, LLC, Kalaeloa Airport, Island of O'ahu, Tax Map Key: (1) 9-1-13: Portion of 32.

Ross Smith Property Manager with the Department of Transportation Airports Division-DOT-AIR reviewed items M-3 through M-15.

There was a problem with the agendas matching up; the printed

In regards to item M-5 Member Yuen asked how that qualifies as a direct lease. Smith said that he was doing it to supply the space.

Member Yuen asked why the site could not be put out to bid and ask what else goes on at Kalaeloa.

Smith said it could get put out to bid; he said it was a functioning airfield, it's used as general aviation practice field and it is a reliever airport for Honolulu international. Smith said there were other businesses that have office spaces there.

Member Yuen asked how this encouraged competition.

Smith explained that UH had a flight school out there and it was shutdown. Now this guy is making a goal of it.

Member Roehrig was concerned that there was not enough of a demand for a flight school at Kalaeloa Airport and Hilo airport and agreed that there was no explanation that this encouraged competition.

Lori Buchannan regularly flies into Kalaeloa airport testified in support of item M5.

Member Yuen made a motion to defer item M5 to give Smith an opportunity to clarify the situation relating to chapter 171-59B whether this is going to encourage competition or not. He asked Smith to include a couple sentences as to why this would encourage competition.

Unanimously moved to defer (Roehrig, Yuen)

- ITEM M-3 Issuance of a Revocable Permit for Office Space, American Airlines, Inc., Central Concourse, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 050 (Portion).**
- ITEM M-4 Issuance of a Revocable Permit for Parking and Storage of Rental Car Vehicles, EAN Holdings, LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-70: 004, and 005.**
- ITEM M-6 Issuance of a Revocable Permit for Aircraft Parking, Robert Arthurs, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.]**
- ITEM M-7 Issuance of a Revocable Permit for Aircraft Parking, Sport Horse Sales of Texas, L.L.C., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-8 Sale of an Air Cargo Lease by Notice of Public Auction, New Cargo Building (Space No. 139-102), Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-9 Sale of an Air Cargo Lease by Notice of Public Auction, New Cargo Building (Space No. 139-115), Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-10 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Civil Air Patrol, Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**
- ITEM M-11 Issuance of a Revocable Permit for Aircraft Parking, Moku Maluhia Enterprises, LLC (Space No. 415-101), Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**
- ITEM M-12 Issuance of a Revocable Permit for Aircraft Parking, Moku Maluhia Enterprises, LLC (Space No. 415-104, Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**
- ITEM M-13 Issuance of a Revocable Permit for Spaces in the Main Terminal for Airline Operations, American Airlines, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**
- ITEM M-14 Issuance of a Revocable Permit for Space in the Main Terminal for Airline Operations, Hawaii Island Air, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**

ITEM M-15 Issuance of a Revocable Permit for Space in the Main Terminal for Airline Operations, Hawaiian Airlines, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.

The Board approved items M3-M4 and M6-M15.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM C-3 Review of Project Recommendations for Funding from the Fiscal Year 2016 Legacy Land Conservation Program (Land Conservation Fund) and Approval of the Following Grants:

Pu‘ukua; Hi‘ipaka LLC, and the Trust for Public Land at \$175,000 for Acquisition of 3.75 Acres in Waimea Valley, Island of O‘ahu

Kanewai Spring; Maunalua Fishpond Heritage Center and the Trust for Public Land, at \$1,300,000 for Acquisition of 0.77 Acres in Kuli‘ou‘ou, Ko‘olaupoko, Island of O‘ahu

Helemano Wilderness Recreation Area; the Trust for Public Land and the Division of Forestry and Wildlife, at \$1,500,000 for Acquisition of 3,027 Acres, Island of O‘ahu

Turtle Bay Makai – Kahuku Kawela Forever; the Trust for Public Land and the Division of Forestry and Wildlife, at \$1,500,000 for Acquisition of 53 Acres, and Acquisition of a Conservation Easement over 605.996 Acres, Ko‘olaupoko, North Shore, Island of O‘ahu

Addition to Mauna Kea Forest Reserve, Upper Kūka‘iau Ranch Acquisition; the Division of Forestry and Wildlife, at \$25,000 for Acquisition of 4,469.585 Acres in Hāmākua, Island of Hawai‘i.

David Smith Administrator for the Division of Forestry and Wildlife-DOFAW gave a quick summary of the projects. Upper Kūka‘iau Ranch was partially funded, the others were fully funded.

Smith had one clarification under #5 in the discussion section; 3rd paragraph down he asked to strike the piece of the section that says it was “planned to be transferred” because it’s not certain what is going to happen. He just wanted to state The Nature Conservancy-TNC holds the conservation easement, it provides protection suitable for the property. It may be transferred in the future, but DOFAW wasn’t sure right now.

Smith also explained that there was not enough funding for the Upper Kūka‘iau Ranch project so he asked that if one of the other projects falls through that the funding be redirected to the Upper Kūka‘iau Ranch project.

Member Woodside disclosed that she is employed by TNC (#5 in the submittal).

Chair Case disclosed that TNC was her former employer, but has no interest in this.

Member Yuen asked if this was a buildable lot.

Smith said yes, there's a house on it now; it's zoned residential and is in the special management area.

Member Gomes asked how much more money would go into the additional Mauna Kea reserve.

Kristen Gallaher DOFAW research specialist said their original request was \$1,363,346.

Member Yuen asked if Poamoho was a done deal, he said it was definitely needed.

Smith believed so, in DOFAW's eyes it was.

Member Yuen clarified that what was meant when it's said the project is fully funded was that the requested share was fully funded, not the project. Smith confirmed.

Chair Case asked which of these would complete the acquisitions.

Smith said Pu'ukua and Kanewai Spring.

Smith reminded the Board of the two amendments 1) remove the sentence "planned to be transferred" 2) the addition to authorized the Chairperson to redirect fund from the Pu'ukua, Kanewai Spring or Helelmano should they not come through; authorize the chair to redirect funds to Kūka'iau.

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

Unanimously approved as amended (Gomes, Oi)

ITEM C-1 Acceptance of Hearing Officer's Report on a Public Hearing for One Proposed Withdrawal and Four Proposed Additions to the Forest Reserve System on the Island of Hawai'i.

Approval and Recommendation to the Governor Issuance of an Executive Order for Withdrawal of Tax Map Key (3) 4-6-011:040 Comprising Approximately 238 Acres, from Hāmākua Forest Reserve, Hāmākua, Hawai'i.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Tax Map Keys (3) 4-3-010:009 and (3) 4-4-015:002, Comprising Approximately 6887.577 Acres, to Mauna Kea Forest Reserve, Hāmākua, Hawai'i.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Tax Map Key (3) 7-5-001:022, Comprising Approximately 17.490 Acres, to Honua'ula Forest Reserve, North Kona, Hawai'i.

Approval and Recommendation to the Governor Issuance of an Executive Orders for the Redesignation of Tax Map Keys (3) 3-9-001: Portion of 013 and (3) 3-9-

001:018, Comprising Approximately 40.090 Acres, from Demonstration Forest Purposes, to the Humu‘ula Section of the Hilo Forest Reserve, North Hilo, Hawai‘i.

Approval and Recommendation to the Governor Issuance of Executive Orders for the Redesignation of Tax Map Keys (3) 4-9-001: Portion of 007, (3) 4-9-013: Portion of 001, (3) 4-9-014:001, 003, 004, 005, 008, 009, 010, 011, 013, 014, 017, 020, 021, AND 022, Comprising Approximately 3,431.480 Acres, from Waimau National Estuarine Research Reserve, to the Kohala Forest Reserve, Hāmākua, Hawai‘i.

David Smith-DOFAW reviewed item C-1. No changes, no public testimony.

Unanimously approved as submitted (Yuen, Woodside)

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Shauna Kēhaunani Springer, Nā Maka o Papahānaumokuākea and Conservation International - Hawai‘i, for Access to State Waters to use Traditional Ecological Knowledge to Examine Intertidal Ecosystems Activities.

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Christopher Bird, Texas A&M University – Corpus Christi, and Dr. Robert Toonen, Hawai‘i Institute of Marine Biology, University of Hawai‘i, for Access to State Waters to Conduct Intertidal Biodiversity Survey Activities.

Maria Carnevale State Co-Manager for Papahānaumokuākea-PMNM reminded the Board of the review process. She asked to take F-1 and F-2 together. Carnevale presented items F-1 and F-2 detailing that these permits were approved last year and asked to amend the number of collections for additional. The information was on page #2.

Member Woodside clarified that the Board permitted them for 20. Carnevale said yes, they collected 10 and they are requesting 10.

Member Gomes asked if there was a relationship to what is found at the monument that can be applied here. He asked what the main purpose was.

Kanoe Morisigue representing the applicant testified that they were doing surveys to determine the density of ophi, there are a lot more up there but their protocols are to record the numbers and to use the native Hawaiian approach to understanding environment. They have been putting together with their environmental observations what information is found and what is seen.

Member Gomes asked what the difference was, Chair Case asked if each trip adds to the base of information. Morisigue said that they go during different times of the year so they are starting to see different size classes that are more abundant during different times of the year. The spawning seasons are matching up with the main islands. They are starting to put together different outreach materials to correlate what they see through each trip.

Chair Case asked if the amendment was to the submittal or if the amendment was in the submittal already.

Carnevale said there was no additional amendment to the submittal.

Member Yuen was confused about the collection number. He felt like it was written in a way which it was carried over.

Carnevale said they were within the 365 days so the permit was still valid.

Member Yuen that there was a discrepancy in the permit request, Carnevale clarified.

Member Yuen then asked what the rules were in the F1 permit for ahi, mahimahi and ono to be collected.

Carnevale explained that they have asked permission to substance fish. This was substance fishing with a Native Hawaiian Practices permit.

Member Gomes asked when Ha'uke'uke was the fattest. Morisigue explained that it's normally during fall and spring when they're spawning.

Chair Case suggested not taking them when they are spawning.

There was no other testimony.

Unanimously approved as submitted (Gomes, Woodside)

ITEM F-3 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to April Surgent, Private Artist – Surgent Glassworks, for Access to State Waters to Conduct Art and Photographic Activities.

Carnevale-PMNM presented item F-3 and had no changes.

Member Downing asked if the State got any of her photographs.

Carnevale explained that one of the conditions on the permit was that any of the products would be given to the monument management board for the use of education. It is one of the key foundational procedures.

Member Downing asked what the limit was for the limit of how much trash can be taken and brought back to the Hawaiian Islands.

Carnevale said there was no set limit, it's just logistical capacity. She didn't have numbers, but committed to looking into it.

Member Downing asked if more entrepreneurs were going to want to go.

Carnevale said they haven't seen that yet, in 10 years.

Member Roehrig asked if there were any kids programs.

Carnevale said not yet, but there were lots of programs in the schools through NOAA.

Member Yuen asked what resource this permit allowed as a removal.

Carnevale said the glass balls and marine debris; it is considered a resource.

Unanimously approved as submitted (Roehrig, Yuen)

ITEM F-4 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Frank Parrish and Ann Garrett, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, for Access to State Waters to Conduct Shark Removal Activities.

Carnevale explained that they are now requesting 17 instead of 18.

Member Downing asked if 1 made a difference.

Stacy Robinson research ecologist with the Hawaiian Monk Seal Program introduced Jeff Walters with NOAA. Robinson explained that the numbers are very small because they have a very conservative fishing program, they let free any non-target and were specifically targeting Galapagos sharks. Over the 21 days they were able to monitor and document incidents of sharks patrolling.

Chair Case asked what the home range was of the Galapagos sharks.

Robinson explained that it was pretty wide ranged.

Member Oi asked if there would be a report on the sharks and would there be answers on why they are there or what's happening there.

Robinson explained that the researchers are documenting how the sharks interact. The data hasn't been turned in yet for scientific publication yet but is used on their annual reports.

Walters testified that there are seal pups and Galapagos sharks at all the atolls, but something is unique about this location. They think it's a small subset of sharks that learn how to take the pups off the beach.

Chair Case asked if the 17 sharks that are permitted here where specific sharks.

Robinson said they weren't specifically identified.

Member Yuen commented that catching one shark didn't seem very successful from a fishing perspective.

Robinson said they weren't trying to be successful fishermen; it's a combination of the safety of their crew as well as the targeting of these specific sharks that are doing the patrolling.

Member Roehrig asked about chumming.

Walters said they have not tried chumming.

Member Downing asked if these monk seals were territorial to that area or could they be moved.

Robinson explained that that was one of the things they do monitor. Adult females are faithful to

their birthing sites. One thing their crew does to get pups out of harm's way is as soon as the pups ween on Trig Island, they are taken on a boat to Turn Island.

Walters added that a lot of this effort was to keep the pups alive until they finish nursing so that they can get out of there. The pup can't be separated from the mother.

Robinson also added that shark fishing is just one step in protecting the pups.

Unanimously approved as submitted (Gomes, Oi)

ITEM C-2 Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, Amend, and Extend Agreement(s), Contract(s), and Other Document(s) for the Operating Grant-In-Aid to Moanalua Gardens Foundation, Inc., in the Honolulu Watershed Forest Reserve, Tax Map Keys: (1) 1-1-013:001 and (1) 1-1-012:015, Moanalua Ahupuaa, Kona District, Island of Oahu.

And

Request Approval of Declaration of Exemption to Chapter 343, Hawaii Revised Statutes, Environmental Compliance Requirements for the Project.

David Smith-DOFAW had no changes, no public testimony.

Unanimously approved as submitted (Gomes, Woodside)

ITEM C-4 Request Approval to Negotiate and Sign a Contract(s) for the Management of the Department of Land and Natural Resources Youth Conservation Corps Program.

Member Yuen recused.

No changes, no public testimony.

Unanimously approved as submitted (Gomes, Oi)

ITEM C-5 Request for Authorization for the Chairperson to Solicit Bids, Award, Execute, Amend, and Extend a Contract(s) to Furnish and Deliver Fence Materials for Department of Land and Natural Resources, Division of Forestry and Wildlife.

Member Gomes asked about how much fencing would be done on each island and what areas would be fenced.

Smith-DOFAW said there would be watershed initiative fences.

Member Yuen commented that this is the type of thing that could be delegated for a longer period of time.

Chair Case said they would look into it since it was for projects that have already been approved.

No changes, no public testimony.

Unanimously approved as submitted (Gomes, Woodside)

ITEM C-6 Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend , and Extend a Contract for the Purchase of Compact Track Loader for Kawainui Marsh Capital Improvement Project.

No changes, no public testimony.

Unanimously approved as submitted (Gomes, Woodside)

ITEM D-2 Issuance of a Month-to-month Revocable Permit to C. W. Maintenance, Inc. for Janitorial Service Purposes, and Issuance of a Right-of-Entry Permit to Mar-Les Corporation for Remediation Purposes, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-049:014.

Kevin Moore Assistant administrator for LAND presented item D-2, and explained the big issue is the property has soil contamination. There have been soil samples and a remediation plan is being developed. The request is to keep a right of entry in place for them to continue remediating the contaminated site.

No comments, no public testimony.

Unanimously approved as submitted (Roehrig, Oi)

ITEM D-3 Issuance of Right-of-Entry Permit to Maui’s Original Hawaiian Corporate Games, Inc., to Host Various Beach Games at Wailea Beach, Wailea, Maui, Tax Map Key, (2) 2-1-023: seaward of 007.

No comments, no public testimony.

Unanimously approved as submitted (Gomes, Woodside)

ITEM D-4 Issuance of a Right-of-Entry Permit to Ms. Jeanine Thomason (Event Manager) for The Maui Film Festival at Wailea, 2016 Event, at Wailea Beach, Maui, Hawai‘i, Tax Map Key: (2) 2-1-023: seaward of 007.

No comments, no changes, no public testimony.

Unanimously approved as submitted (Gomes, Woodside)

ITEM D-6 Issuance of Right-of-Entry Permit to Waikīkī Beach Activities, Ltd. for Beach Event Purposes on April 21, 2016, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:Portion of 021.

Member Downing asked why they were going to a State beach with all the beach that they own. Moore-LAND said the lagoon was under a revocable permit, but wasn't sure.

Unanimously approved as submitted (Downing, Gomes)

ITEM D-7 Authorization for Hiring Consultant(s)/Vendor(s) for Replacement of State Land Information Management System used by Land Division.

Member Yuen asked if someone was going to advise what kind of system they should get. Moore said yes, they would get a scope as to what is recommended and the second phase would be implementation. It would be up to the consultant whether to upgrade the system or replace it.

Chair Case confirmed that LAND was working with the State IT department to use standard software that can be modified.

Moore confirmed they have been in the process.

Unanimously approved as submitted (Oi, Gomes)

ITEM F-5 Request for Approval to Enter Into A Grant-In-Aid Contract Agreement (\$95,000 State Operating Budget) Between The Board Of Land And Natural Resources (BLNR) And Malama Maunalua For A Project Titled “Restoring And Conserving Maunalua Bay Through Community Kuleana And Building The Next Generation Of Marine Conservation Professionals”.

Alton Miyasaka and Brian Kanenaka with the Division of Aquatic Resources-DAR had one change. There's a sentence on the 1st page, 3rd paragraph a sentence that starts “Furthermore a memo was submitted...” They asked to strike that sentence from the submittal. The memo was not submitted to the State Comptroller, but went to the attorney general's office.

Member Downing asked why the Board implements, and can the Board say no.

Miyasaka explained that they were instructed by the legislature to fund this project, so how they fund a project is through a contract. They have to go through a process to make sure the money is channeled correctly. He said yes, he supposed the Board could say no, but from their prospective because the legislature has instructed DAR to do this they don't have a choice.

Member Downing commented that it was hard for him to give them money for this when they didn't want to sit down with community groups, to the point where they created this group IMUA Maunalua just for this task. Then at that point they tried to go to the community, but the community wasn't having it. Through that failure now they have created Malama Maunalua. Member Downing felt that from their past history, this would be a failure.

Chair Case commented that she has worked with Malama Maunaloa and its significantly different, she offered to facilitate some discussion. She said that ultimately what needs to happen is broad collaborative planning.

Member Downing asked Chair Case if she felt it was worth it to give them \$95,000 to be the lead in this.

Chair Case first clarified the legislative grant in aid process; the legislature makes their own determination about projects to fund. The agencies don't have any roll in that decision. When the legislature has approved their grant in aid for the year they are assigned to an agency with the most subject matter jurisdiction to go through a process to certify that the entity qualifies then do the paperwork that ends up in the grant itself. What is being approved is the contract to carry that out. Personally Chair didn't have a problem.

Member Downing understood, but felt they would be going backwards not forward.

Member Yuen asked Chair to make it clear that the legislature picked the grantee. Chair Case confirmed.

Member Yuen made a motion to approve as submitted. Member Woodside seconded.

Member Downing was opposed; all others were in favor.

Approved as submitted (Yuen, Woodside)

ITME E-1 Sale of Lease at Public Auction for Entrance Fee Collection and Parking Management Purposes, at Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 3-1-042:006 (por); Continuation of a Revocable Permit to Pro Park, Inc., for Entrance Fee Collection and Parking Management Purposes, Pending Public Auction, Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 3-1-042:006 (por).

Curt Cottrell Administrator for the Division of State Parks-PARKS was happy to present item E-1. He gave background that the previous concession lessee when bankrupt and they had to scramble to get a parking vendor to manage Diamond Head. The preferred goal is to put it back out to auction. He was changing this to be more standard where they would pay a vendor to manage the station for them and in that scenario, the lowest bid would win.

He asked to amend page #2, under commencement date should be under the commencement date under page #3. Then conversely, the commencement date language on page #3 should be in regards to how they are going to run the public auction.

With an amendment to the commencement date which is now on page #2 will now read "July 15, 2016 or as determined by the Chair for a period of 5 years".

Cottrell also asked to strike “To run continuous with the existing SP0-543 to Pro Park.” He was concerned that this would be a challenge to get this out to public auction so he wanted the cushion of a 6 month extension on this RP with the commitment that as soon as they can, they are going to set up a bid package.

Pro Park could win the bid, but it could be someone else.

Cottrell gave background of how important this was to State Parks.

Unanimously approved as amended (Woodside, Yuen)

ITEM J-1 Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules for Ticket Booth Construction and/or Repairs to Existing Ticket Booths at the Division of Boating and Ocean Recreation Facilities, Statewide.

Ed Underwood Administrator with the Division of Boating and Ocean Recreation-DOBOR reviewed item J-1.

No changes, no public testimony.

Unanimously approved as submitted (Gomes, Oi)

ITEM J-2 Authorization to Issue Procurement Solicitations and Award Contracts Under Hawai‘i Revise Statues Chapter 103D for Repairs and Maintenance of DOBOR Facilities; Maintenance of Submerged Lands and Shorelines Under Its Jurisdiction; and Declare Projects Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules For Repairs and Maintenance of DOBOR Facilities; Maintenance of Submerged Lands and Shorelines Under Its Jurisdiction.

Underwood-DOBOR explained that these were the project they are engaging in throughout the state.

Member Downing asked what the shoreline improvements were for Kaanapali.

Eric Yawasa lead engineer with DOBOR detailed that typical improvements would be removal of marine debris, a vessel or offshore moorings that need to be replaced.

Member Oi asked about the Hanalei River landing.

Underwood said there was no Hanalei River landing; he asked to delete that.

Member Roehrig asked questions about ramps and piers specific to Hawaii Island.

Member Downing pointed out that page #5 Waikiki Beach was the same as member Oi’s issue. DOBOR had no issue striking that one.

Member Gomes asked about Maliko Boat Ramp, he asked if A & B would be improved. Underwood explained that no action has been taken, it's stalled right now. Chair Case asked if this should be removed. Member Gomes and Member Yuen just said that this was something that should be worked on.

Member Gomes made a motion to approve as amended to deleted Hanalei River landing and Waikiki. Member Oi seconded.

Unanimously approved as submitted (Gomes, Roehrig)

ITEM L-2 Request Delegation to the Chairperson to Approve Time Extensions for Dam Safety Construction/Alteration Permits.

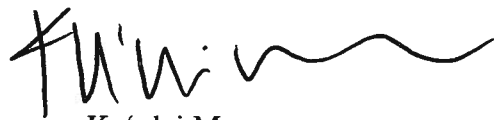
Carty Chang Chief engineer-ENG noted that in the future they were going to add a delegation action.

Unanimously approved as submitted (Gomes, Oi)

Motion to adjourn (Gomes, Roehrig)

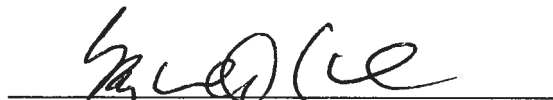
There being no further business, Chairperson Suzanne D. Case adjourned the meeting at 1:08 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to 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