

APPROVED BY THE BOARD  
AT ITS MEETING HELD ON

**APR 28 2017**

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

DATE: FRIDAY FEBRUARY 24, 2017  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Acting Chairperson James Gomes 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  
Stanley Roehrig  
Sam Gon

James Gomes  
Chris Yuen  
Keone Downing

**STAFF**

Sam Lemmo/OCCL  
Russell Tsuji/LAND  
Dana Yoshimura/DOBOR

Ed Underwood/DOBOR  
Dave Smith/DOFAW  
Maria Carnevale/DAR

**OTHERS**

Cindy Young/ Deputy AG  
Christina Ohira/D8 & 9  
Frank Carpenter/E1  
Mike Maberry/K1  
Brett Curtis/J3  
Dan Purcell/All  
Blue Kaanehe/D3  
Bruce Robinson/D3  
Keola Lindsay/F1  
Josh Uyehara/D2

Ross Smith/DOT-Airports  
Brock Stratton/E1  
Jim Saylor/J1  
Fred Styer/J1  
Steve Strauss/J2  
Eric James/D3  
Jennifer Whitmore/D3  
Esther Price/D3  
Joseph Dand/D2  
Kawika Freitas/D4

There were no minutes to approve.

Chair Case announced that items C-2 and C-4 would be withdrawn.

- ITEM M-1** Issuance of a Revocable Permit to Hensel Phelps Construction Co. for a Field Office, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 82 (Portion).
- ITEM M-2** Issuance of a Revocable Permit for Office Space, Mokulele Flight Service, Inc. dba Mokulele Airlines, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 208 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for Three Additional Newsstands, Blind Vendors Ohana, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-003: Portion of 228, 42 & 51.
- ITEM M-4** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Gregory C. Hazelton, Honolulu International airport, Tax Map Key: (1) 1-1-76: Portion of 21.
- ITEM M-5** Issuance of a Revocable Permit for Aircraft Parking, Axel M. Edwardsson, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
- ITEM M-6** Issuance of a Revocable Permit for Aircraft Parking, Everett Lewis, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
- ITEM M-7** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Everett Lewis, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

Ross Smith, DOT-Airports, presented M-1 to M-7. There were no questions or public testimony.

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

Chair Case read the standard contested case disclosure printed in the agenda.

Member Roehrig commented that we had a matter which may be a potential contested case at Pohoiki, and suggested that the interested party might want to make a request for a contested case before evidence was taken.

- ITEM D-3** Resubmittal: Approval of January 13, 2017, Item D-2, Submission to Approve Mediated Settlement with Robinson Family Partners on Market Value of Old Government Road Remnant in Makaweli, Waimea, Kaua'i, adjoining Tax Map Key Nos. (4) 1-7-005:006 and (4) 1-7-005:001 Owned by Robinson Family Partners.

Russell Tsuji-LAND presented this agenda item. He mentioned that the property does have another legal access, and that typical term easements were not very valuable. He repeated Land Division's support for the mediated settlement. Member Roehrig disclosed that he voted on the project while a member of the Land Use Commission in the 1990's.

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

**ITEM K-1 Conservation District Use Application MA-3779 by the University of Hawai'i, Institute for Astronomy (UH IfA) for the Polarized Light from Atmospheres of Nearby Extra-Terrestrial Systems (PLANETS) facility at the Haleakalā High Altitude Observatories Site (HO) at Papa'anui, Makawao, Maui, Tax Map Key: (2) 2-2-007:008.**

Sam Lemmo- OCCL presented this Item. Lemmo mentioned that the Board Members were sent copies of, or links to, the application, the Haleakala Management Plan, and the final environmental assessment. Lemmo described the project in some detail. This is a renovation of one of the first astronomy facilities to be built on Haleakala. He described mitigation measures taken to protect petrels, cultural sites, and historic resources. This project could have been approved by the Chair as a "moderate reconstruction" of an existing facility, but the Chair decided to have it reviewed by the full Board because of the public interest in astronomical facilities on Haleakala.

Lemmo asked that the submittal be amended by removing three conditions that didn't belong: #3, getting permission for occupancy of State land did not apply because this site was under Executive Order, #5, concerning single-family residences, and #6, requiring recordation.

Member Gomes asked about the Ahu. Mike Maberry of the Institute for Astronomy said, that the University facilitated the Ahu construction; they were complete; the work was done by Native Hawaiians.

Member Gon commented that the use of diacritical marks in Hawaiian names was inconsistent, and the spelling of scientific names were inaccurate. He disputed the statement in the cultural assessment that a certain bird had been hunted on Haleakala, when it was extinct and known only from bones in lava tubes; there was no oral tradition or other proof it had ever been hunted. He asked about the accommodation of cultural tradition. Mike Maberry of IFA said that they were working on a way to shelter people prior to sunrise ceremonies; there was a cultural working group looking at this.

Dan Purcell testified that there should be streaming video. He commented that this should not be considered a minor modification and should definitely come to the Board. He criticized Board member Roehrig's comments earlier about contested case hearings. Chair Case said BLNR practice was to remind people of our processes on contested case hearings.

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

**ITEM D-9 Grant of Term, Non-Exclusive Easement to Hilton Hawaiian Village LLC for Pier Purposes; Termination of Revocable Permit No. S-7566; Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 2-6-008:029.**

Russell Tsuji-LAND presented this agenda Item. He mentioned the importance of the income to the State, which is currently receiving \$33,766/month. Hilton does want the option of remaining on the Revocable Permit because of the uncertainty of the easement appraisal.

Member Downing asked, why this wasn't going out for public auction. Tsuji said, it wasn't required by statute. Member Downing said, that what the State is receiving is less than what Hilton is. He asked how you would appraise something that is one of a kind. Chair Case and Tsuji said that the appraisal could possibly consider the revenue received from the site.

Tsuji mentioned that the Board had instructed the Division to move from RP's to a long-term disposition. Christina Ohira, representing Hilton, said that this request came from the State, not from Hilton. The only commercial activity on the pier was Atlantis Submarines. Member Downing asked about Hawaii Nautical. Ohira said if they did use it, Hilton collected \$1.50/person and gave it to the State.

Member Downing said, that a public auction might be in the best interest of the State. There might be other interested bidders who might pay more.

Tsuji questioned whether the State could auction the use of the pier. He believes the State does not own the pier, at least until the end of the RP.

In response to a question from Member Oi, Tsuji stated that the RP and the proposed term easement were for the submerged land, not for the pier itself. Also, the path over the sand to the pier was an easement to Hilton.

Member Roehrig, disagreed that the State did not own the pier; everything built in the ocean was owned by the State. He said that public auction was mandated except in certain rare exceptions.

Chair Case said, that public auction wasn't analyzed by Staff because this wasn't the direction given by the Board.

Tsuji said, that he strongly disagreed with Member Roehrig's assertion that everything built makai of the shoreline was owned by the State. He gave the example of seawalls. And the Harbors Commission authorized this pier to be built.

Member Roehrig asked for an AG opinion clarifying this.

Member Yuen asked whether the \$1.50/person exceeded the \$33,000/mo. minimum. Ohira said, yes, but Staff could not give the exact figure. In response to Member Yuen's question, Ohira said, that the public can walk on the pier, but if they were going to a commercial activity on the pier, they would collect the \$1.50. Any commercial operator using the pier would have to go through Hilton. They would welcome other operators.

In response to a question from Member Yuen, Ohira did not know where customers typically parked who were not staying at the Hilton. She thought that most customers were in Waikiki hotels and would walk.

Member Yuen asked what Hilton collected from Atlantis. Ohira said, she didn't know; she guessed they had a per head fee.

Tsuji mentioned that because it would be uncertain if a bidder would win, the State would have to bear the cost of an appraisal.

Ohira said, she didn't know how to respond at the present time because this had been a request from the State, and now the Board seemed unhappy with its own request. She asked, if their RP was put out to auction, that everybody's should have been.

Tsuji said, that this disposition should have been an easement all along; there were other RP's that were like this.

Member Yuen asked, whether there was a business opportunity for entities other than Hilton to bid on this lease. Member Downing said, that this is the only pier in Waikiki; there would be people who wanted to use it. He said Atlantis brought most of its people by bus. The public, including the HCRA years ago, has sometimes been unable to use the pier.

Member Downing asked, whether the pier would have to be removed if Hilton was not given the RP at the end of the year. Tsuji replied, that he would have to look at the wording of the RP.

Chair Case said, she was happy to have a deferral to study the issues further.

Tsuji mentioned that another possibility was to treat this as a concession, which has other legal requirements. There was another concession let in Waikiki by sealed bid where the State was receiving \$600,000/yr.

Member Roehrig suggested studying the potential user group.

Ohira asked, if the Board was going to pause all RP conversions. Chair Case said, that we are going to continue trying to convert other RP's to a long-term disposition.

Member Roehrig discussed another RP at the King Kamehameha Hotel.

Member Gomes confirmed with Tsuji that Hilton paid for the maintenance and insurance on the pier.

Ohira asked, if the RP would continue to roll over if these issues are not resolved. Chair Case said that we could not assure that.

Dan Purcell testified that he appreciated the in-depth discussion and knowledge of some Board Members. He said that Russell Tsuji is one of the most powerful persons in the State and that there is too much power in one bureaucrat. He praised Member Downing. He urged video.

Member Downing acknowledged Tsuji for his insight and the knowledge he has shared.

Member Oi said, that Purcell should bring evidence of any accusations; that he knows that Russell is a fair person; there are laws to be followed.

Member Roehrig made a motion to defer, with the recommendations to Staff. Member Oi seconded. All voted in favor.

### **Deferred**

**ITEM D-8 Amend General Lease of Easement No. S-5174 by Allowing Other Subsidiary under the Same Parent Entity of the Grantee to Use the Subject Easement; Hilton Hawaiian Village LLC, Grantee, Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037:021 and (1) 2-6-008:029.**

Russell Tsuji-LAND presented this agenda item. This is not the pier. Christina Ohira, representing Hilton, explained that this is to make sure that the easement allows Hilton Hawaiian Village, LLC, to share the easement with its subsidiary, Hilton Hawaiian Village Lessee, LLC.

Member Roehrig asked, if this was related to the pier RP that was discussed earlier in the meeting. Tsuji and Ohira said, this was a separate matter. This is a separate area from the pier.

### **Unanimously approved as submitted (Gon, Gomes)**

**ITEM J-2 Administrative Enforcement Action for Violation of Hawaii Administrative Rules, Section 13-231-51, Business Activities, Against Mr. Henry Pomroy for Engaging in Illegal Commercial Operations from the Pohoiki Boat Ramp and Lands Adjacent Thereto Without a Commercial Use Permit, and Request the Issuance of a Fine in the Amount of \$10,000 pursuant to Hawaii Revised Statutes § 200-14.5.**

Steven Strauss, Attorney for Henry Pomroy, came forward and said, that his client had not received the Submittal. Bill Taylor of DOBOR had emailed it to him. Chair Case expressed apologies. Strauss orally requested a contested case hearing. He said, that he would present reasons if asked or wait for his written submission.

Member Yuen said, that he wanted to move things along, and was wondering if we could approve the contested case hearing, and authorize the Chair to select a Hearing Officer, at the present time, so that this would not have to come back to the Board a second time, if the Petitioner did follow up with a written request. Deputy Attorney General Cindy Young, indicated that this would be in order.

Member Yuen made a motion to defer action on the violation itself, and, if there was a timely written request for a contested case hearing, authorize the Chair to select a Hearing Officer. Strauss stated he had no objection to that as long as he was given proper notice of the selection, but that he was informed that there were three criminal investigations concerning alleged corruption in DOBOR, that there might be a declaratory relief action filed, that there was a violation action filed in district court, and that Prosecuting Attorney Mitch Roth had declined to prosecute any DOBOR violations pending the outcome of these criminal investigations, and that there might be overlap between the various cases. He didn't believe that this will be expeditiously resolved.

Chair Case said, that considering this, she would prefer that we wait for the written request for a contested case hearing. Member Yuen modified his motion, to defer action on J-1 pending the receipt of a written request for a contested case hearing. Member Gon seconded the motion. All Members voted in favor.

### **Deferred**

10:47 AM            Chair Case left  
                         RECESS  
11:01 AM            RECONVENE

**ITEM J-1      Authorize a One-Year Holdover of Boating Lease No. B-00-3 to Nawiliwili Yacht Club, Situated at Nawiliwili Small Boat Harbor, Lihue, Kauai, Hawaii. Tax Map Key: (4) 3-2-03:043 (por).**

Ed Underwood-DOBOR presented Item J-1. This was to allow a one-year holdover while DOBOR prepared a new lease auction, which they expected to be ready soon. The new minimum rent, per appraisal, is \$1746/month.

In response to Member Oi's questions, Dana Yoshimura of DOBOR said, that they will have a surveyor determine the proper boundaries, and talk to the County regarding zoning issues. DOBOR is in due diligence. Member Oi said, that a subdivision will take more than a year. Yoshimura said DOBOR needs to determine if a long-term disposition is feasible, and also to think about how to handle the other RP's in the area.

Member Oi remarked that the lot was never legally subdivided. He doesn't know how the lease was issued.

Yoshimura stated that the lease expired last September. The holdover would therefore be retroactive to September 2016. After the one-year holdover, it could go to an RP.

Jim Saylor, former commodore, and Fred Styler, current commodore of the Nawiliwili Yacht Club, came forward. Saylor said that they just recently were told of this. They are a nonprofit. They have had a lease for 15 years. Their lease specifies what we have to do. They are the largest ocean-related non-profit on Kauai. Their main activity is the junior sailing program. 400 kids came through this program last year. They have small boat storage, not large boats. They have racing events. There are no fees for the events; they are not making any money.

Normally, a Yacht Club is a 501(c)(4). They made a 501(c)(3) for the youth sailing group. Their clubhouse is used for various community events. Saylor said, that he heard the Board talking about profit for the State earlier, but urged the State to consider the overall benefit to its citizens. He asked that the current rate of \$1100/mo. be continued. They were scared of a public auction. They could lose the \$300,000-\$400,000 building they had built.

Member Downing asked, how they raised money for their current activities. Saylor said, primarily from dues, which are \$175/year. They charge an entrance fee for the Kauai Channel Race, he thinks it's \$70. They netted \$2500 on their awards banquet. Their no-host bar nets \$120/wk. They got a permit for a commercial kitchen. Saylor said that the appraisal was based upon commercial-industrial property but their lease was marine recreational.

Member Yuen asked about their boat storage. They replied, that all the boats are used in the youth sailing program. In response to Member Yuen's question, they said that there was no competition at the 2001 auction. Their lease did require this educational program.

Member Oi asked, when the lease rent was last reviewed. Saylor replied that it was supposed to be done in 2011, but DOBOR didn't do it until 2013. They raised the rent retroactive to 2011. It went from \$400/month to \$1100/month. They had to raise their dues to make up the difference and they did lose some members.

Member Gomes asked if they had had more time to digest this, they would have been better prepared. The Yacht Club representatives agreed. They said, that they had been asking about this for two years.

Member Oi mentioned that when the lease ended, the building was no longer theirs. They agreed; this was why they had to stop working on the commercial kitchen. He also commented that renting out the kitchen was not part of their lease. They said that they needed clarification on that.

The Yacht Club representatives asked whether they could get a negotiated lease as a 501(c)(3). They discussed the issues with having this as the current educational use verses a restaurant. It would be a great site for a restaurant but there is no parking and it would need a septic system. In response to a question whether they were on the county septic system, they said they had made their own septic system.

Member Roehrig discussed a similar issue with an RP for a paddling program in Hilo.

Yoshimura testified that DOBOR had a meeting in Honolulu specifically to discuss the new rental and holdover. They had also asked the Yacht Club, and other non-profits, asking them for information about their public benefit and income, so that DOBOR could vet the use. This was on Feb. 6<sup>th</sup>. None of the non-profits, including the Yacht Club, have responded yet, but they have more time. Underwood said, that they were discussing legal uses for the site with county planning; the county said there was "no zoning" for the property, but this was from a staffer; DOBOR is seeking an official statement. Yoshimura stated that at this time, this site may not be ready for long-term disposition.



Member Oi, asked how DOBOR put their trailer office down there. Underwood said, that they didn't need county approval for this.

Member Yuen commented that the submittal says the zoning was "General Industrial." Yoshimura said, this was from the PITIS. But they were still vetting this.

Member Oi, asked whether DOBOR would allow the current rent until the end of the holdover. Yoshimura said, that would not be consistent with what DOBOR was saying to other tenants: that the rates would be raised to market value, then the non-profit would have a chance to justify a lower rate.

Member Roehrig said, this should be done on a case-by-case basis and supported leaving the rent the same. Member Yuen said he was inclined to leave the rent the same because it was appraised as an industrial use, but the lease was extremely restricted, allowing only recreational use.

Member Gon moved to approve the staff recommendation, that the current lease rent of \$1107/mo. be continued through the hold-over period.

*Written testimony in support of one-year holdover extension submitted by Nawiliwili Yacht Club Board of Directors.*

**Unanimously approved as amended (Gon, Oi)**

Member Oi reminded the Yacht Club representatives to fill out their application.

**ITEM E-1 Amend its prior Board action of November 10, 2016, under agenda item E-1. The purpose of this amendment is to clarify that the base rent for Adventures in Paradise (SP0517), Kona Boys, Inc. (SP0518) and Iwa Kalua, dba Aloha Kayak Company (SP0519) is \$5.00 per person, or 5% percent of gross receipts, whichever is higher, Kealakekua Bay State Historical Park.**

Curt Cottrell-State Parks, clarified that the title of this agenda item on the agenda was correct, but that the title on the Submittal sent out earlier was wrong. It is correctly given in the paragraph above.

Because this changed the rate structure for Kona Boys, Cottrell worked out an agreement where this increase would kick in July 1, 2017, for all three. Cottrell mentioned that in the longer term, Parks plans to bring these operations up to a market rate. They are working on an EIS for Kealakekua Bay. Parks eventually wants a longer-term disposition.

Member Roehrig asked about the incident a few years ago when a boy died at Kealakekua Bay while in a group. Cottrell said that the vendor in that incident, who had an RP, violated three terms of their permit, and it was revoked. The vendor took the group outside of the approved area. They went to the lighthouse area, which is an attractive cove, but there was big surf. The three current RP holders have an impeccable safety record.

Brock Stratton with Kona Boys, said that he appreciated speaking to the Board, and appreciated that staff would delay the increase.

Cottrell said that the submittal should be amended so that the rent increase would begin on July 1, 2017. Member Roehrig so moved.

**Unanimously approved as amended. (Roehrig, Gon)**

**ITEM D-2 Cancellation of Revocable Permit No. S-5983 to Syngenta Seeds, LLC and Issuance of New Revocable Permit to Syngenta Hawaii, LLC, Kekaha, Waimea (Kona), Kaua'i, Tax Map Key: (4) 1-2-002:040 por.**

Russell Tsuji-LAND presented this agenda item. Although this appeared to be just a name change, there were some mistakes on this RP. Syngenta has actually been using a larger area. Also, the area has not been legally subdivided. Syngenta has agreed to do the survey work necessary to create a parcel that will be transferred to the Department of Agriculture.

Member Oi commented it would be good to have a survey to create a dividing line between the agricultural land and the drag strip.

*Written testimony submitted in opposition from Gary Hooser.*

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

**ITEM J-3 Delegation to the Chairperson to Enter into an Agreement Between Youth With A Mission (YWAM) Ships to Resolve the Debt of \$149,650.00 Owed to the State for Salvage of the S/V Hawaii Aloha In Lieu of the Case of Being Forward to the Attorney General For Collection.**

Ed Underwood-DOBOR presented this agenda item. YWAM-Ships had a vessel go aground; one person died on the boat. It was fronting the Four Seasons Hotel. They had a problem with their insurance paying for the salvage, so DOBOR stepped in. DOBOR made a compromise settlement where YWAM-Ships would pay \$85,000 and do volunteer work for the balance, credited at the rate for a general laborer. They would not do work that would duplicate what a civil service worker would normally do.

Member Roehrig commented that the newspaper had an article where DOBOR staff seemed critical of the people on the boat, and it looked bad in light of the fact that a person had died.

Member Downing asked, what the State was doing to be sure the insurance would cover this kind of incident. Underwood said, that DOBOR has increased the insurance amount for its moored vessels to \$500,000, but didn't have any rules for vessels that come from out of State.

Member Yuen asked, about the connection between University of Nations in Kona, and Youth With a Mission. Member Yuen said, University of Nations has land and assets. Brett Curtis, director of YWAM Ships, said that they were a separate entity from YWAM. He said, that this organization was a separate 501(c)(3). YWAM-Ships sent medical vessels to foreign islands; YWAM was an educational enterprise. There were a number of related YWAM entities, but they were legally separate. Staff concurred that this was correct.

In response to a question from Member Roehrig, Curtis said that they were temporarily moored when this happened.

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

**ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Mr. Keola Lindsey, Office of Hawaiian Affairs, for Access to State Waters to Conduct Archaeological Cultural Research Activities.**

Maria Carnevale-DAR, presented this agenda item. The Applicant was present. Carnevale updated the Submittal by saying that the Monument Management Board had not yet voted to endorse this application when the Submittal was done, but it has approved it since.

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

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

Dave Smith- DOFAW presented this agenda item. No questions or testimony,

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

**ITEM C-2 Request for Delegation of Authority to Issue Licenses Under Hawaii Administrative Rules Chapter 13-107, Rules Regulating Threatened and Endangered Plants, to the Chairperson of the Department of Land and Natural Resources**

**And**

**Authorize the Chairperson to Determine and Approve Chapter 343, Hawaii Revised Statutes (HRS) Environmental Compliance Requirement, including approval of Declarations of Exemptions, as applicable, for licenses, issued under Hawaii Administrative Rules Chapter 13-107, Rules Regulating Threatened and Endangered Plants.**

**Withdrawn.**

**Item C-3 Request for Approval to Enter a Cooperative Agreement Between the American Bird Conservancy (ABC) and the Division of Forestry and Wildlife for \$84,000 in Private and Federal Funds to Support the Core Missions of the Mauna Kea Forest Restoration Project, Maui Endangered Forest Bird Recovery Project and the Kauai Endangered Forest Recovery Project, Subject to Review and Approval by the Attorney General.**

Dave Smith-DOFAW presented this agenda item. There were no questions or public testimony.

**Unanimously approved as submitted. (Gon, Oi)**

**ITEM D-1 Issuance of Right-of-Entry Permit to Kauai Invasive Species Committee (KISC), on Lands Encumbered by Revocable Permit No. S-7805 to Garden Island Racing Association for Eradication of the Long-Thorn Kiawe Plant, Kekaha, Waimea, Kaua'i, Tax Map Keys: (4) 1-2-002:por. of 036 and 040.**

Russell Tsuji-LAND presented this agenda item. There were no questions or public testimony.

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

**ITEM D-4 Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihu'e, Kaua'i, Tax Map Key: (4) 3-5-002:seaward of 002.**

Russell Tsuji-LAND presented this agenda item. This had been deferred by the Board previously.

Kawika Freitas with Hawaii Beach Volleyball Association came forward for questioning. Member Downing asked, what donations they had made to volleyball clubs. Freitas said, that they organized clinics. They were only going to set up two additional nets for this event. Downing asked about the \$900 entrance fee. He said it was hard for him to stomach waiving rent for this when amateur surfing gets charged. There were only 96 participants and most of them were not from here. He said the State should get something.

Acting Chair Gomes asked, how do you determine what is something.

Freitas said, youth volleyball events charge fees. People pay lots of money for their children to go to clinics. It's hard to charge adults.

Member Yuen asked, what youth surfing events were charged. Member Downing said it's been charged \$0.10/ft<sup>2</sup>.

Member Yuen said, that it was fine to charge corporate events, but that sometimes we are overcharging for these community-type noncommercial events, like canoe races or amateur surf contests. Typically, the State is not making money for the site on a normal day.

Acting Chair Gomes said, that it looked like the event was losing money. Freitas said, that was correct. Freitas said, that he was doing this to promote beach volleyball. Duke Kahanamoku founded beach volleyball. In other places, the local states or counties build beach volleyball courts. There are no State or County courts on Oahu.

Board members asked Tsuji to assist Freitas in finding land that might be suitable for beach volleyball.

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

**Item D-5. Consent to Subleases General Lease No. S-3961, Hilo-Hawaiian Associates, Inc., dba Hilo Hawaiian Hotel, as Sublessor; to Banyan Mini Mart LLC, Banyan Gallery, and KHNL/KGMB, LLC, as Sublessees, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-003:005.**

Russell Tsuji-LAND presented this agenda item. The revenue from the sublease will be included in the revenues that Hilo Hawaiian’s 2% percentage rent is based upon, and Hilo Hawaiian has been paying based on the percentage rent. 20% of the revenues go to OHA, the rest go into the special land and development fund.

**Unanimously approved as submitted. (Roehrig/Oi)**

**ITEM D-6 Amend Prior Board Action of January 27, 2017, Item D-12, *Issuance of Right-of-Entry Permit to the United States to Perform Remedial Investigation/Feasibility Studies on Unencumbered Government Lands in Waimea, District of South Kohala, Island of Hawaii, at Puu Kawaiwai, Panoluukia, and Kapia, Tax Map Key: (3) 6-2-001:015 (por.), and at Ouli, Tax Map Key: (3) 6-2-005:022.* The purpose of the amendment is to delete the word “unencumbered” from the agenda item title, add requirement of written concurrence from Lessee to Recommendations section, revise information in Exhibit A to include the lease encumbrance, and replace legal reference of Section 171-55, HRS, with Section 171-95, HRS.**

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

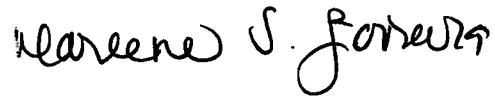
**ITEM D-7 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on March 28, 2017, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Portion).**

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

Member Gon made a motion to adjourn, Member Yuen seconded. Everyone voted in favor.

There being no further business, Acting Chair Gomes adjourned the meeting at 12:45 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,



Darlene S. Ferreira  
Land Board Secretary

Approved for submittal:



Suzanne D. Case  
Chairperson  
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