

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

DATE: THURSDAY, APRIL 13, 2017  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**MEMBERS**

Suzanne Case  
Thomas Oi  
Stanley Roehrig  
Sam "Olu" Gon

James Gomes  
Chris Yuen  
Keone Downing

**STAFF**

Russell Tsuji-LAND  
David Smith-DOFAW  
Marvin Miyasaka-LAND  
Ross Smith-DOT-AIRPORTS

Alton Miyasaka-DAR  
Kevin Moore-LAND  
Richard Howard-LAND

**OTHERS**

David Day/Deputy AG  
Ivan Nishiki-DAGS/M-7  
Wayne Teruya/D5  
Ross Smith-DOT/M1-6  
Tony Ali/D8

Halona Fukulomi/C1  
David Kimo Frankel/K1  
Steven Frank/D2  
Jeff Onaga/D8  
James Manaku/C1

**The Meeting was called to order by Chair Case at 9:04 am. She conveyed the contested case advisory.**

There were no minutes to approve.

Ivan Nishiki-Department of Accounting and General Services (DAGS) summarized the amendments that are being requested.

**ITEM M-7** Revisions to Condominium Documents of the Association of Apartment owners of the King Kalakaua Building (former U.S. Post Office Building, or Old Federal Building, aka the Downtown Post Office Building, or Old Federal Building), 335 Merchant Street, Honolulu, Oahu, Tax Map Key no.: (1) 2-1-025-004, CPR Nos. 0001,0002, 0003, 0004, to Clarify Common and Apartment Elements and the Responsibility of Apartment Owners.

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

*as Amended*  
APPROVED BY THE BOARD  
AT ITS MEETING HELD ON  
AUG 25 2017

Russell Tsuji, Administrator Land Division explained the reason for the amendment was due to a name change.

**ITEM D-4** Amend Prior Board Action of January 25, 2013, Item D-3, *Grant of Perpetual, Non-Exclusive Easement to Time Warner Cable Inc. for Underground Fiber Optic Utility Cable Purposes and Issuance of an Immediate Right-of-Entry for Construction Purposes, Ooma 1st & Kalaoa 1st – 4th, North Kona, Hawaii, Tax Map Key no.: (3) 7-3-043: portions of 042 & 091.*

The purpose of the amendment is to change the grantee to Oceanic Time Warner Cable LLC.

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

Sam Lemmo, Administrator Office of Conservation and Coastal Lands, the applicant is State Parks for improvements to the park. Recommend removing conditions #2 and #5 from the submittal as they do not apply.

**ITEM K-1** Conservation District Use Application (CDUA) HA-3782 for the Kekaha Kai State Facility Improvement Project, Tax Map Key nos.: (3) 7-2-005:002, 003 and 007; 7-3-043-:001; 7-2-004:003, 009; 017 and 019.

Member Roehrig, he did not see any input from the surfing community on the impact of putting in the parking and other improvements

Russell Kumabe, Planning & Development, Branch Chief, State Parks. Regarding the input surfing community we did go through public input participation through the County SMA process. At the time when the Leeward Planning Commission held their hearings no one from the surfing community came up. Likewise, we had the EA process, at that point formal response was made to us, that does not mean there are no concerns raised. The improvements that we would like to make is for the public safety which includes, kaamainas, visitors, fisher's, divers, hikers, surfers etc. So these improvements are meant to provide at least an improved venue for all park users. As far as the specific surfing opportunities at the park, if it was not identified before, we are not including that because we are going off what was identified in 2003. We are interested in the Surfing Community's input.

Member Roehrig, I would like to see you reach out to the Surfing Community.

Member Downing had concerns regarding how close the showers are from the ocean in regards to run-off. And is the run-off going to the beach? Is there any concept to recycle the water for fauna? Recycling the water is better than dumping it into our oceans.

Kumabe, run-off from the showers are going to empty into a 4-foot concrete swale on the mauka side & going to the opening into the rocks which empty out into the natural landscaping. The Staff is going to monitor the swale to see what the impacts are and look at other options.

Members Gomes, are there any plans to have paid parking like other State parking? Is the up keep of the park from General Funds?

Kumabe, we are not doing paid parking at this time. The up keep of the park will come from State Parks General & special funds as far as operating.

Member Yuen asked about pavement overlay on park access road. Basically 2" asphalt put on, it only applies to where there is current asphalt that needs repair. For other areas, gravel and fill will be used to smooth out the road.

Member Yuen mentioned that he was involved in the park planning in the 1990's and basically the idea Mahai'ua road would be graded gravel 2-wheeled drive road to slow people down. Do we really need a barb-wired on the chain-link fence? It does not have the right feel, try it without it.

Kumabe, it is to secure the Staff structure, which will have storage, and a 2000-gallon water tank for the staff to clean the area and wash down. In case we need to place equipment out there and the remoteness of the area, we wanted to secure our equipment.

Member Gomes mentioned that on Maui they were not allowed to use barb-wire because of the Hoary Bat (this is mentioned by DOFAW in the submittal).

Member Yuen, barb-wire is usually used for animal control. Similar to Member Downing, if we can redirect the water to landscaping. There were emails back & forth from Bobby Camara regarding the shower placement.

Kumabe replied, we have been in discussions with Bobby regarding the drainage build up and we will look at other options as suggested by Member Downing to mitigate run-off.

Member Roehrig how are you going to manage the sewage that goes into the ocean?

Kumabe, said, we have a tank that gets pumped out regularly. As far as any impact to the surrounding areas there is no impact unless we have a catastrophic event that cracks the tank.

### Public Testimony

*David Frankel on behalf of Palma-Gennie (member Surf Rider Foundation), the concern is that the road improvements will make it too easy for people to crowd the section of the park where she frequently surfs.*

Member Oi, commented this is an improvement to the park. You get more tourist coming down & I can understand your clients position she does not want the tourist to come down. There has to be a balance. You have the surfers saying they need a more road and parking to go down there, it's difficult to balance the number of tourists and surfers we have, both have increased since the 60's.

Member Yuen made the motion to;

***” Approve with the conditions that, (1) the State monitor the shower areas to ensure soapy water in not entering the ocean, and that sand is kept close to the beach as much as possible; (2) discuss the access issues with the surfing community as requested by Member Roehrig, and report back to the Land Board on the results of its monitoring and community discussions and (3) refrain from using barbed wire in any fencing unless necessary for security reasons.”***

*Written testimony submitted by Glennie Alastair & Carol Fuller in opposition.*

**Unanimously approved with the conditions. (CY, SR)**

*Break at 10:08 am*

*Back in Session at 10:17 am*

Ross Smith, Department of Transportation (DOT), Airports Division summarized the following items and their monthly rent.

- M-1** Issuance of a Revocable Permit for Aircraft Parking, Eduardo S. Acuna, Honolulu International Airport, Tax Map Key no.: (1) 1-1-76: Portion of 023.
- M-2** Issuance of a Revocable Permit for Office Space to Air China Limited, Honolulu International Airport, Tax Map Key no.: (1) 1-1-003: Portion of 053.
- M-3** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Mid Pacific Aero Services LLC, Honolulu International Airport, Tax Map Key no.: (1) 1-1-76: Portion of 021.
- M-4** Issuance of a Revocable Permit for Aircraft Parking, Edward K. Stanwood, Kalaeloa Airport, Tax Map Key no.: (1) 9-1-13: Portion of 032.
- M-5** Issuance of a Hangar Facilities Lease by Notice of Public Auction, Honolulu International Airport, Tax Map Key no.: (1) 1-1-72: 023.

Member Oi asked a question regarding Item M-5, this is one of the few auctions that pass through your office.

Smith replied, yes, we do not often have hanger facilities come back to us. And we are taking the Board's lead and taking it to auction.

Member Oi mentioned that he noticed in the paper there were two helicopter pads on the Big Island that went up for auction.

Smith said, it was area's for them to operate from. There were not concrete pads there, what we are leasing to them is land where they can take off and land.

**M-6** Issuance of a Directly Negotiated Lease for the United States Department of Agriculture, Honolulu Plant Inspection Station, Honolulu International Airport, Tax Map Key no.: (1) 1-1-03: Portion of 218.

Member Yuen asked several questions as to why the Federal Government is privatizing the construction and maintenance,

Smith-DOT, replied originally, they asked DOT to construct the building which they would then lease. We are not qualified to maintain lab facilities at the level they need. Due to funding cut backs the ATHIS will have a third party develop, construct, and manage the USDA Honolulu Plant Inspection Station.

Member Yuen said, the fact that an improved, larger facility is great as biosecurity and invasive species protects us all. It is amazing that the federal government is not going to maintain its own building. It is a tremendously important function.

**Unanimously approved (Gomes, Gon).**

Tsuji-Land explained the boundary adjustment.

**D-5** Approval of Boundary Adjustment to State Land Set-Aside to the Division of State Parks Under Governor's Executive Order No. 2876 and Unencumbered State Lands situated at Kealakehe, Keahuolu and Lanihau-Nui, North Kona, Hawaii; Tax Map Key no.: (3) 7-5-005:007 and (3) 7-4-008:071

and

Amend Governor's Executive Order No. 2876 to Reflect the Adjusted Boundary to State Land situated at Keahuolu and Lanihau-Nui, North Kona, Hawaii; Tax Map Key no.: (3) 7-5-005:007.

**Unanimously approved (Gomes, Gon).**

Tsuji-LAND presented this item.

**D-2** Consent to Assign General Lease No. S-4201, David S. De Luz, Sr., Assignor, to Stephen Harold Frank, Trustee of The Stephen Harold Frank Living Trust dated March 27, 2014, also known as Stephen Harold Frank Revocable Trust, Assignee, Waiakea, South Hilo, Hawai'i, Tax Map Key no.: (3) 2-2-058:033.

Member Yuen had questions regarding the Lessor/Assignor and subleasing. The discussion of whether the assignee should be the corporate entity that operates the used car lot and the auto sales license, or should it be the Trustee of Mr. Frank's Trust who bought out Mr. De Luz interest. Mr. Frank will discuss with his attorney, but if the Trustee is to be the lessee/assignee, then a sublease and consent to sublease to the corporate operator might be necessary and the Board could than participate in the sublease rent.

**Unanimously approved (Gomes, Gon).**

David Smith, Administrator summarized request to go out to public hearing to update administrative rules for activities in forest reserves.

- C-1** Request for approval to initiate rule making proceedings, including conducting public hearings to amend Hawaii Administrative Rules (HAR), Title 13, Subtitle 5, Part 1, Chapter 104, "rules regulating activities within forest reserves":
- A. Adding subchapter 4, "fees and charges", that establishes fees and charges relating to forest reserves;
  - B. Making other substantive amendments, including adding, amending, and removing various definitions; amending penalty, abandoned and unattended property, fire use restrictions, closing of areas, vehicles and transportation, and general, camping, collecting, commercial, and access permit provisions; and conforming certain sections of Chapter 13-104, HAR, to other administrative rules under the Division of Forestry and Wildlife; and
  - C. Making non-substantive amendments to numerous sections for the purposes of clarity, consistency, and style.

Member Roehrig asked, after you go out to public comment and it comes back to the Board what is the regularity of the Board making changes to what you present to us?

Smith-DOFAW, when the public testify, we consider their testimony, we either change, modify, or do not change, if we can justify and defer to council. I believe the Board can make a change.

Day-AG, the understanding is if it is a basis of whether it is a substance of change verses a minor change. If it is a substance of change it has to back out to the public hearing and come back before the Board.

If you have a comment now is the time to discuss it.

*Public Testimony*

*Halona Fukutomi, requested a contested case as cultural practitioner in training. My concern is that any potential restrictions on land access or closing off areas could negatively impact the ability to protect these areas and conduct cultural practices.*

*Member Yuen asked, do you have any specifics on the rules you want to comment on?*

*Fukutomi replied, closing off the forest and wildlife area, if a practitioner needs to pick ti-leaf for attire and collecting rocks.*

*Member Gon asked, if he was aware that currently, collecting requires a special use permit in the forest reserves?*

*Fukutomi replied, he did not.*

*Healani Sonoda Pale of Ka Lahui Hawaii Polical Action Committee (KPAC) submits testimony in strong opposition to initiate rule making process and the opposed amendments. She went on to mention all the constitutional and government rights that protect the Kanaka Maoli for gathering rights. The proposed fees and charges in particular posed a hardship and stress to people who are socio-economically challenged already. The propose rules regarding disposition of abandoned and unattended properties infringes on our rights. Kanaka maoli often have temporary shelters in the mountains and near the ocean that they use for practicing their culture. The language allowing closure of certain areas to the public, what happens when we go on the night of akua and we need to access the forest during the night? This goes against our religious practices.*

*Kim Horseman, American Veteran, Native American, Navaho Nation, this concerns me because the Kanaka did not make any treaties with the United States. I think there needs to be more of a country to country relationship between each Ahupua'a. As an American veteran I have an America the Beautiful pass to get in free to all our National Parks, I believe since we have a country here existing "Hawaii Kingdom", they should also have a pass. They should be able to do their cultural practice without any problems, they should not get arrested, this is their country and we should work on that kind of diplomatic pollical relationship.*

*Dotty Berino would like to contest this case on behalf of our halau. We feel it would affect us in a negative way. We go into the forest in preparation for our competitions and festivals.*

*Diana Marshall has concerns as a non-Hawaiian, I was trained to gather ho'okupu in the forest and go to the heiau in the forest to make ho'okupu. She does not believe that there should be fees and charges, you are charging me to go to church, how many of you pay to go to church. Reconsider*

*Kalani o' Pua, individual, community member, kanaka maoli, I want to echo what others have spoken to. There is a conflict of interest in terms of these community partnerships between Coca-Cola and community members who are trying to protect the watershed. She went on to convey what happened in the City of Del Acara, in India, who lost their water resources source and kicked out Coca-Cola for the effects & depletion of their water resources. I do not understand how prioritizing a corporate interest is a benefit to the community to our common good. I am concerned about the attack on our common as I see as an indigenous concept of resources, we all depend on clean water a sustainable system & kanaka maoli have practiced zero carbon footprint and water sustainability since time in memorial. I am here to give voice the kanaka maoli practitioners who continue to serve as the rightful protectors of water. Another concern is camping changes as I have done field work mostly on the Waianae side which is mostly native Hawaiians. These people live outside because of the high cost of living and displacement over the years. While they are living outside they are practicing Hawaiian cultural practices that is malama aina.*

*Member Gon mentioned that the camping adjustments proposed extends the number of camping days, it really does not impose anything, it relaxes the requirements so I am not sure I understand your objection.*

*Kalani replied, my objection is to the overall the criminalization of those living outside when the state does not provide any viable alternatives.*

*Member Gon said, so its above and beyond these particular permit proposals.*

*Kalani replied, its partly related because of the collusion with corporate interest and the \$200,000 contribution from Coca-Cola. I think its privileging corporate interest. under the false claim that they are going to create a sustainable water resource. It is a bold face lie. If you look at what happened in India they depleted their water. They actually depleted the underground resources why claiming the opposite. Corporate partnerships are not in the best interest of the people. Kanaka maoli are stewards for our natural resources.*

*Member Gon said, they are contributing \$200,000, to a watershed protection project to protect the native forest at the summit of the Koolaus.*

*Chair Case said she participated in the ceremony to thank Coca-Cola for their donation to the Koolau Mountain Watershed Partnership, which they are under no obligation to do. Their goal is in various locations around the country and world to support efforts to conserve or replace water because they use water in their processing. Everyone uses water. It is a very positive goal for anyone who uses water to participate in protecting the source of water. They are under no obligation to do it. None of us are individually only as a government we support watershed protection.*

*Daniel Cooper, had questions regarding Coca-Cola's involvement and the maintenance of the watershed and preserving the water for the community as much as possible. How much water is Coca-Cola using?*

*Chair Case clarified that the Agenda item is the rules. We are taking testimony on the proposed rules for forest reserves. If you have testimony on that please go ahead.*

*Cooper's understanding that it was regarding the fencing and Coca-Cola's contribution. He agrees with the other testifiers with collecting and preserving the natural resources.*

*Member Gon said discussion is for the amendments and rules for the forest reserve.*

*James Manaku, practitioner, who loses out when the mountains are restricted? Us, the kanaka maoli. Will this affect the kanaka maoli which is already protected by the State Constitution?*

*Member Gon, these rule changes relative to Hawaiian access rights which already exists do not. Closures are for public safety. It not like one can arbitrary close a place. It states in the proposed rule for public health, safety, or welfare.*

*Manaku said, he needed comfort in understanding that what is in the State Constitution you folks are protecting it. Your job is to protect our natural resources.*



*Member Gon replied, you & I are in agreement.*

*Chair Case conveyed, that is why we go out to public hearing on these proposed rules, because it is the opportunity to explain what the rules are and answer questions like you have. Hawaiian gathering rights are constitutionally provided and they are given. Our job is to regulate public uses in public areas. I am sure you would not want to exercise your gathering rights and run into a situation where someone is conducting illegal use of public area. Our job is to regulate public access in public areas.*

*Manaku felt assured and thanked the Board.*

**Motion to move to Executive Session to consult with AG (SR, SG) 11:50 am**

**Return at 12:45 Back in session**

Chair Case explained if you want to request a contested case you have to do it during this meeting and follow up in writing within 10-days.

*Dottie Moreno, her family & Hula o Makai, Halona Fukutomi, Diane Marshall requested a contested case on Item C-1.*

Chair Case said we will take this contested case request first.

Member Yuen made a motion to deny all requests for a contested cases hearing on the grounds that this involves proposed rulemaking by the Board which is not a subject of contested case. Rulemaking which we are proposing here and contested case are two different types of actions by the Board. Contested case is when the Board applies existing laws and rules to people's individual situations. Making rules is not a subject of a contested case. When people commit a violation they can come to the Board and request a contested case.

Smith-DOFAW said, you can go into the forest reserve are open at any time, we are trying to regulate certain types of activities such as camping. You can pray, chant, sing.

Member Oi second the motion to deny the contested case.

Member Gon added that the denial of the contested case is not based on the merits of the arguments of the people who have come to testify, there are certainly concerns, and this is the place to voice those concerns as well as the public hearing that is to follow. I do not want this to look like this was meant to cut off feedback on these proposed rules. The law does not allow for a contested case of rulemaking procedures. That is the basis for the for this motion. That being the situation I am bound by law to vote for it.

**Unanimous decision to deny contested case. (Yuen, Oi)**

Member Yuen moved to approve Item C-1, he would like to make an Amendment to 13-104-7.5, to change it to say;

***“The Board or it’s Chairperson for a period of not more than 90-days may close or restrict public use for any or a portion of the forest reserve in the event of an emergency. The intent was that the Board could close for any period, but the Chair would be limited to 90-days.”***

Chair Case, confirmed that this is a motion to take the proposed rules to public hearing with one amendment.

Member Oi mentioned that if you have concerns, when this goes to public hearing, pick up a copy of the rules. Take a look at the rules that pertain to your interest and work on that. That way you can get more things done at the meeting.

*Written testimony with concerns submitted by Cory Harden.*

**Approved as amended (CY, SR).**

Tsuji-LAND explained the need for the right of entry. There is a representative if you have any questions.

**D-8 Issuance of Right-of-Entry Permit to CH2M HILL, Inc. for Due Diligence Purposes, Kalihi Kai, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:003, 004, 138, 204, 205, 206, 207, 211, 212, and 239; (1) 1-2-021:035 and 036.**

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

Tsuji -LAND, said there is a Representative from the Veterans Center if you have any questions.

**D-3 Cancellation of Executive Orders No. 4014 and No. 4108 to the County of Hawaii, for Combined Veterans Center, Veterans Housing, and Other Related Purposes; and Reset Aside to the County of Hawaii, for a Combined Veterans Center, and Affordable Senior Housing with Preference to Veterans and Spouses; Waiakea, South Hilo, Hawaii; Tax Map Key nos.: (3) 2-4-057:029 and 030.**

Member Gon asked the applicant if he had read the recommendation of the Staff and do you agree? Are you okay with this?

He said, “yes”.

Member Roehrig, mentioned he met with the group and the Mayor and said it is a great project.

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

Tsuji-LAND asked if the Board had any questions.

- D-9** Issuance of Right-of-Entry Permit to Hilton Hawaiian Village LLC for Beach Activities Purposes on June 14 to 17, 2017, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-03:021 (Portion).

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

Randolph Lee, Historic Preservation Division, this is required under our grant with the National Park, we do this once every four to five years.

- I-1** Request Approval for Selection of Competitive Sealed Proposal and Authorize the Chairperson to Award and execute a Contract to Organize, Coordinate and Facilitate the Development of a New State Historic Preservation Plan (Site Plan) for 2018-2022 with Approval of the National Park Service (NPS).

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

Tsuji-LAND, explained that this was previously approved and DOT wanted to expand their due diligence seaward.

- D-11** Amend Prior Board Action of March 10, 2017, Item D-7; *Issuance of Right-of-Entry Permit to Department of Transportation on Both Encumbered and Unencumbered Lands for Due Diligence Purposes, Kaaawa to Hauula, Koolauloa, Oahu, Tax Map Key no.: (1) 5-1, 5-2, 5-3, 5-4. See map attached as Exhibit A for location of the requested areas.*

The purpose of the amendment is to add portions of State lands located makai of the highway located in Kualoa, Koolaupoko, Oahu and shown on Tax Map Key no.: (1) 4-9-007, 4-9-008, and 4-9-009 into the right-of-entry permit area.

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

David Smith-Division of Forestry and Wildlife, is looking to streamline the process and explained that there will be projects that will have to come back to the Board for approval.

- C-4** Request for Delegation of Authority to the Chairperson to: 1) approve, procure, award, sign, execute, amend, and extend contracts in the amount of less than \$500,000 procured through Chapter 103D, Hawaii Revised Statutes; excluding contracts procured through Chapter 103D-303, Hawaii Revised Statutes: competitive sealed proposals; 2) declare these contracts exempt from the preparation of an environmental assessment or approve an environmental assessment and issue a finding of no significant impact, if appropriate.

Public Testimony

*Zuri Aki, OHA testified that OHA opposes the Delegation of Authority. Public participation and transparency in the decision making of our cultural resources are important.*

Member Roehrig made the disclosure that his law firm has a docket before OHA regarding Pohana and CEO Crabbe.

*Written testimony submitted in opposition submitted by Office of Hawaiian Affairs*

***“DOFAW will email the quarterly exemptions that are filed to the Board for non-action, non-testimony non-discussion, any doubts will be brought back to the Board”***

**Unanimously approved as amended (SR, SG).**

Dave Smith-DOFAW, this is similar to Item C-4.

**C-5 Request for Delegation of Authority to the Chairperson to: 1) approve, procure, award, sign, execute, amend, and extend contracts awarded under chapter 42F, Hawaii Revised Statutes (HRS); 2) declare these contracts exempt from the preparation of an Environmental Assessment or approve an Environmental Assessment and issue a finding of no significant impact, if appropriate.**

*Public Testimony*

*Zuri Aki, OHA, same situation, we want to emphasize that we want to have the public come in and share their concerns, share their own expertise.*

*Written testimony submitted in opposition submitted by Office of Hawaiian Affairs*

***“DOFAW will email the quarterly exemptions that are filed to the Board for non-action, non-testimony non-discussion, any doubts will be brought back to the Board”.***

**Approved as amended (SR, CY).**

**Member Gon offered approval with reservations.**

Member Gon commented, I do like the objection brought before by OHA, the opportunity to make the public aware of the good works that the DLNR does in a public venue and the ability to provide input. It is not necessarily a negative thing, I like the idea to streamline our processes. I just miss out, for example more than half of these items where I would love to publicly say, “this is an awesome thing that is happening in Kokee” or the like. So that is what I am missing. That was my reservation

Dave Smith-DOFAW presented this item.

**C-2 Request for authorization to procure three motor vehicles for the Division of Forestry and Wildlife Maui Branch’s Fire Management Program, including authorizing the chairperson to solicit bids, execute, amend, and extend contracts for the purchase of the motor vehicles.**

**Unanimously approved (TO, SG).**

Dave Smith-DOFAW, conveyed that they already do this for us for the endangered seabirds, and that we would like to do is be able to cover other endangered birds that may need veterinarian care or Hawaiian Humane Society. This is

**C-3 Request for Approval to Authorize the Chairperson to Approve and sign a Memorandum of Agreement between the State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife and the Kauai Humane Society (KHS) for wildlife care and rehabilitation on the Island of Kauai.**

**and**

**Request Approval of Declaration of Exemption under Chapter 343, Hawai'i Revised Statutes, for the subject Memorandum of Agreement.**

Member Oi asked if KIUC has been consulted.

Smith-DOFAW, replied yes, we are working closely with them.

Member Yuen noted, there is no one from the public remaining.

**Unanimously approved (SR, TO).**

Smith-DOFAW, again this is similar to the previous items. This delegation would allow me to sign permits for threatened and endangered plants under Chapter 13-107, as well as approve declarations of exemption under Chapter 343.

**C-6 Request for Delegation of Authority to issue licenses under Hawaii Administrative Rules Chapter 13-107, rules regulating threatened and endangered plants, to the administrator of the Division of Forestry and Wildlife, Department of Land and Natural Resources**

**and**

Delegation of Authority to the administrator of the Division of Forestry and Wildlife, Department of Land and Natural Resources, to approve declarations of exemptions under chapter 343, Hawaii Revised Statutes, as applicable, for licenses issued under Hawaii Administrative Rules Chapter 13-107, rules regulating threatened and endangered plants.

Amend to say the following as recommended by Counsel.

*“Specifically authorized to sign Declarations and Exemptions In lieu of Approve Declarations of Exemptions under Chapter 343.”*

Member Gon added to the amendment, that a yearly summary be emailed to the Board on how many licenses/permits are issued for the endangered plants.

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



Smith-DOFAW, one is for mapping rapid Ohia death State-wide using laser imaging, aerial platform (LGIS) and monitoring.

- C-7** Request for approval to enter into two (2) memorandums of agreement between the Department of Land and Natural Resources and the Department of Agriculture, for providing funding assistance for Rapid Ohia Death monitoring programs subject to review and approval by the Deputy Attorney General.

and

Approval of Declaration of Exemption under Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200, Hawai'i Administrative Rules.

Member Gon commented that the LGIS system in particular is really neat, you can see a tree that might now show any visible symptoms and yet in the process of dying. This help us get to a hot spot before that place goes brown. In the future that may be really useful in treatment or other actions.

**Unanimously approved (Gon, Roehrig)**

Curt Cottrell, Administrator State Parks, picnic tables, restroom upgrades, walkway, and road repairs

- E-1** Amendment of General Lease No. SP0152, Anna Thuente, widow, Lessee, Waimea Canyon State Park, Lot 84, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key no.: (4) 1-4-002:086. The Purpose of the Amendment is to Correct the Rent Reopening Date to Read the end of December 2018.

Consent to Assign General Lease No. SP-0152, Anna Thuente, widow, Assignor, to Anna Thuente, widow, and Donald Thuente, husband of Mary Thuente, Assignees, Waimea Canyon State Park, Lot 84, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key no.: (4) 1-4-002:086.

**Unanimously approved (Oi, Gon)**

Cottrell-Parks, summarized the improvements proposed to add showers, picnic tables, restroom upgrades, walkway, and road repairs

- E-2** Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, and Amend Contract(s) for the Capital Improvement Project to the 501(c)(3) Nonprofit Organization, Aha Hui E Kala dba Lawai International Center on the Island of Kaua'i, Tax Map Key no.: 4-2-5-004-007.

**Unanimously approved (Oi, Gon)**

Ed Underwood, Administrator Division of Boating and Ocean Recreation, presented this item.

- J-1** Installation of Offshore Mooring and Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules for Simon Engler, Mala Wharf Offshore Mooring Zone Lahaina, Maui, Hawaii.

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

Tsuji-LAND, 1,6,7,10,

- D-1** Sale of Remnant (abandoned ditch/pipeline) to Leonard F. Rosa, Sr., and Ethelyn K. Rosa, Castro Tract, Kapaa Homesteads, 4<sup>th</sup> Series, Kawaihau, Kauai, Tax Map Key no.: (4) 4-6-010: portion of 004 & 005.

Member Oi asked, if the remnants were offered to everybody in the area.

Tsuji-Land, we offered it to the abutting homeowners.

**Unanimously approved (Oi, Downing).**

- D-6** Sale of Lease at Public Auction for Pasture Purposes, Kiolakaa-Keaa Homesteads, Kau and Nukakaia, Kau, Hawaii, Tax Map Key no.: (3) 9-4-005:016.

Member Roehrig asked how come this is not going to the Department of Agriculture?

Tsuji-Land, replied that Big Island tends to hold on to pasture leases.

- D-7** Amend Prior Board Action of March 27, 1992, Item F-13, as amended by Board actions of May 22, 1992, Item F-15, and November 20, 1992, Item F-6; *Direct Award to City and County of Honolulu of Perpetual, Non-Exclusive Easements for Sewer Force Main Addition Kamehameha Highway, Moanalua, Kalihi-kai, Oahu, Tax Map Key no.: (1)1-1-003:003, 004, 007, 138 and (1) 1-2-021:035, and 037.*

The purpose of the amendment is to update the current Tax Map Key numbers for this project as follows: (1) 1-1-003:003, 004, 138, 211, 239 and (1) 1-2-021:035, 036, and 037, and the encumbrances affecting such parcels.

- D-10** Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on April 29, 2017, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).

Items D-6, D-7, & D-10; **Unanimously approved (Roehrig, Oi).**



There being no further business, Chair Case adjourned the meeting at 4:35 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 Ferreira  
Land Board Secretary

Approved for submittal:



Suzanne D. Case  
Chairperson  
Department of Land and Natural Resources  
Motion to adjourn (Roehrig, Gon)