

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

DATE: FRIDAY, MARCH 23, 2018
TIME: 9:30 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

MEMBERS

Suzanne Case
Thomas Oi
James Gomes

Chris Yuen
Keone Downing
Samuel Gon

STAFF

Russell Tsuji/LAND
Kevin Moore /LAND
Ian Hirokawa /LAND
Ed Underwood /DOBOR
Cal Miyahara/LAND
Scott Fretz/DOFAW

Sam Lemmo/OCCL
Emma Yuen/DOFAW
David Smith/DOFAW
Keiki Kipapa/DOBOR
Barry Cheung/LAND

OTHERS

Dan Morris/AG
Ivan Nishiki/DAGS-Leasing
Dre Kalili/DOT-Harbors
Pam Bunn/D3, K1
Kai Nishiki/D3, K1
Tamara Paltin/D3, K1
Tami Hart/D3, K1
Lucy Brown/D2, K1

Dre Kalili/DOT-Harbors
Ross Smith/DOT-Airports
Bianca Isakii/D3, K1
Tiare Lawrence/D3, K1
Glen Kamaka/D3, K1
Mark Deakos/D3, KI
Stacy Gray/D3, K1
Sharon Wright/D3, K1

Chair Case called the meeting to order at 9:31 a.m. and proceeded to read the standard contested case hearing statement.

ITEM A-2

ITEM M-4 Renewal of Revocable Permit for three (3) current tenants located at the State Capitol, 415 S. Beretania Street, basement (Chamber level), Honolulu, HI 96813.

Ivan Nishiki, DAGS, the use is for media tenants to have access to the legislative process and recording of legislative matters.

Board Discussion

Gon asked if this was long standing? They have been there for years. Nishiki replied that (2) have been there for 20-years or so. (1) has been there for little over a year.

Yuen asked if there was any competition for this? Nishiki said, not really, we have had vacancies there and one of the rooms is now being used as Security Office of Public Safety for the Capitol. Not much competition for that space. Yuen asked if there was another news organization that we are keeping out. Nishiki said, no.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

ITEM M-3 Issuance of a Revocable Permit to Salchuk Resources Inc., at the office space on Floor 7 of Aloha Tower, Pier 9, Honolulu Harbor, Honolulu, O'ahu, Tax Map Key No. (1) 2-001: Portion of 013.

Dre Kalili, DOT, Harbors Division. Will answer any questions the Board may have.

Board Discussion

Downing asked if there was any competition for this space and does anyone else know that you are leasing space? Kalili noted that they did have a series of request without advertising anything. As with the case of all our properties, it is on a first come, first serve basis. We have everyone fill out an application and we process them as they come in.

Downing asked why is it on a first come, first serve basis, and not auction? Kalili said we rely on a provision that allows for direct negotiation for maritime operations. Salchuk meets that criteria. Downing asked that no one else is maritime? Kalili said technically that is correct.

Yuen asked why are you doing short-term? Kalili said, 1) we are relying on using the same type of disposition as the other tenant we have there, and we figure out how we will manage the property we will do an all-by-lease or get them all on the same thing, 2) this may be a short-term disposition, they are looking for office space in other areas.

Yuen asked how the rent was determined. Kalili said they had an appraisal was done on a range of different types of office space we have in inventory at Honolulu Harbor to establish a base line. It was appraised at \$1.21, at Aloha Tower, due to the way the metering of the water and electricity, the maintenance of the elevator which is very old. We are primarily looking at \$3.00 sq. covering the rental and CAM.

Downing asked if the other tenant pay the same rate? Kalili replied, they have not adjusted that rate yet. Our priority was to make space for this maritime company. They pay a rate that was set in 1999.

Yuen commented that if you are going to have a long-term lease for office space, do not forget that your negotiated leases, not just maritime, must promote competition. When it comes to the Board we are going to ask questions on how it promotes competition to have one tenant versus another tenant.

Another comment is that it seems the rent is really low for office space in Honolulu.

Gomes replied it looks like we are in favor of one company, and agrees with Yuen, there should be a more level playing field and open it up for bid. Yuen asked to have a clause that this RP would come before the Board for renewal? Case said, yes.

Oi said, it is the character of use for that area is for maritime use, I think you need to look a little harder at what is meant by maritime use. Has anyone reviewed the work the other tenant does in relation to maritime use? Kalili said, she was not sure. She was tasked just for Salchuk.

Downing asked how long will it take to get it up to speed to turn into a revenue property? Kalili said it would depend on the condition of the plumbing, that is the biggest concern. Downing asked is there a time-line? As far as the rest of the floors that we could rent, it will depend on what we find, how much work needs to be down and we have a budget.

Case summarized what Kahili is hearing here, 1) that fair access to the opportunity, you have some duty to promote Harbors work here, you have a direct negotiation clause as long as it promotes competition, 2) fair rent. That is what we are asking for.

Public Testimony-None

Amendment:

The RP will not be extended beyond the one-year period without bringing back to the Board as a specific agenda item.

Motion

Approved as amended (Yuen, Gon) unanimous.

ITEM-M-1 Issuance of a Revocable Permit for Construction Material Storage and Equipment Staging, Watts Constructors, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 017 (Portion).

Ross Smith, DOT, Airports, this will be for work on a DOT project so no rent will be charged.

Board Discussion-None

Public Testimony-None

Motion

Approved as submitted (Gomes, Oi) unanimous.

ITEM M-2 Issuance of a Revocable Permit for Trailer Parking, New Cingular Wireless PCS, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

Ross Smith, DOT, Airports provided that it will be used to store parts.

Board Discussion-None

Gomes asked how long will the trailer be there? Smith said, on an as need basis. Gomes asked if was being used to promote? Smith replied they have a cellular tower on property and they are using it to store replacement parts.

Public Testimony-None

Motion

Approved as submitted (Gomes, Oi) unanimous.

ITEM D-7 Approve Mediated Settlement of Rent Reopening Dispute in General Lease No. S-4223, InSite Towers Development, LLC; Mt. Ka'ala, Mokolē'ia, Waialua, O'ahu, Hawai'i; Tax Map Key: (1) 6-7-003: Portions.

Russell Tsuji, Land Division, commented that an amendment was needed. Summarized how they came to an agreement through mediation. He acknowledge Dan Morris from the AG's office in assisting in this matter.

Board Discussion

Gomes asked why the rent really did not change for the first 30-years and then it really jumped? Tsuji believes that at that time, they had an in-house Appraiser. Now we use independent Appraisers.

Downing asked with the 50% formula, how much would we have been making? Tsuji said we roughly made around \$49,000.

The Board amended the title of the item to read as follows (new language underscored):

Approve Mediated Settlement of Rent Reopening Dispute and Amendment of Lease Pursuant to Settlement in General Lease No. S-4223, InSite Towers Development, LLC; Mt. Kaala, Mokuleia, Waialua, Oahu, Hawaii; Tax Map Key: (1) 6-7-003: Portions.

Similarly, the Board amended the Recommendation section to read:

That the Board approve the mediated settlement for the rent reopening and amendment of lease pursuant to settlement in General Lease No. S-4223 for the period of March 1, 2016 through February 28, 2026, and March 1, 2026 through, to the end of the term, February 28, 2031 at \$39,000 per year together with an advancement of \$39,000 to be paid in a single lump-sum upon the full execution of the agreement.

Approved as amended (Gomes, Gon) unanimous.

ITEMS D-3 & K-1

Chair Case said that a contested case has been requested and made a motion to go into Executive Session 92-5(a) (4) HRS in order to consult with our Attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Member Gon made the motion and Member Gomes second the motion. Member Yuen for the record asked if it came it in writing. Case replied, yes, it was submitted this morning. It is not in the regular form. Yuen conveyed that the written or oral request should be made before the meeting. Tsuji asked it was for both Items D-3 and K-1. Case said yes.

Oral request for contested case made by Bianca Isakii, for Na Papai Wawae Ula, Felimon Sadang, and West Maui Preservation Association

10:00 am: Executive Session

10:00 am: Reconvene

ITEM D-3 Amend Prior Board Approval of Item D-8 from January 12, 2018: "Grant of Term, Non-Exclusive Easement to the Association of Apartment Owners of Hololani for Steel Sheet Pile Seawall and Rock Retention Purposes; Issuance of Management Right-of-Entry; Kahana, Lāhainā, Maui, Tax Map Key: (2) 4-3-010: Seaward of 009."

The purpose of the amendment is to approve a construction Right-of-Entry permit to the Hololani Association of Apartment Owners for steel sheet seawall and revetment purposes.

Chair Case said based on our discussions with Counsel, I want to ask for a motion to deny the request for a contested case request under D-3, under *SHARMA*, believe there is no right for a contested case for a Construction Right-of-Entry, this is a matter of an internal working of the Board. We believe there is no right for a contested case on a time extension for a CDUP. The time for a contested case would have been on the initial CDUP. Member Oi made the motion to deny, Member Oi made the motion, and Member Gon second the motion.

Motion – Denied for Contested Case. 4 Ayes, 2 No (Gomes, Downing)

Yuen clarified that we are not making a decision on the merits, just denying the contested case on legal advice. We will now here the pros and cons.

Russell Tsuji, Land Division, the Board recently approved the Grant of Easement to Hololani and that was in connection with a Conservation Use Permit that had been granted several years ago, that required a land disposition. We are asking to amend that to include a Construction Management Right-of-Entry, subject to Legislative approval. That resolution for the Easement is up before the Senate Water and Land Committee today.

Tsuji amended the title within the text of the recommendation on the commencement date of May 10th, to upon approval of the Easement by the Legislature.

Board Discussion

Gon said my question of the Right-of-Entry stipulation was first obtained, it was not the proper type? Tsuji replied, it was a Management Right-of-Entry, typically used to manage the area, not to start any type of construction of a new wall. It was to manage the land, (to take care of the building and the land) we are doing this because the documentation of the easement itself takes time. The Applicant came in because the ocean is really close to the building, and is trying to get in during the season that would allow them to build, there is a timeframe that they can explain. They have asked to start before the documents are executed on the easement side as long as they get Legislative approval.

Downing asked how long before the final documentation is completed. Tsuji, said may take up to six-months. Although they want to start before final execution of the Easement, they cannot start until they get Legislative approval. Downing asked should this not have been done when they got the initial CDUP? Tsuji said yes, it would have been better, but it is not unusual.

Yuen asked about the performance bond. Tsuji said, we want to make sure the wall is completed and they want to start before the Easement documents are executed. The bond would be

released after construction, I am not sure if the Board would like to hold on to the bond for removal. There was further discussion by the Board members regarding the Bond.

Pam Bunn, Hololani Association, reviewed the Hololani chronology, stating that the project has been reviewed and approved by State, Federal, and County levels with public comment and oral testimony at each level of review. Addressed the delay, there was back and forth about trying to move the structure more mauka so as not to take up less conservation land, then go through the SMA and Shoreline set-back process.

Sharon Wright, Construction Manager, Jim Barry, Project Engineer, Michelle Stafford, Board Member, Robert Luce, Owner, were present to answer questions.

Bunn stated that we have a weather window that is closing rapidly, Contractor needs to start by May 10th, that is the last day construction can start to complete before the winter wave season. If they cannot start on May 10th, we have to wait another year and rely on the temporary emergency protection and hope it continues to hold up, incur increases in interest for material cost, etc. The users of lower Honoapi'ilani Road will be impacted for another year of flooding in that area of the roadway can be rectified. Part of the agreement with DPW, Hololani owners, at its own expense would put in drainage improvements. We will know by May 3rd, whether we have Legislative approval.

Hololani's understanding of the Bond requirement is that once the Easement document gets executed that the Bond amount is applied to the 55-year lease payment. We would like the ability to begin before May 10th if we receive Legislature approve providing all the conditions are in place.

Gon commented that it also needed Governor's approval, have you got that? Bunn said no, that would be one of the contingencies that the Bond would secure.

Yuen asked from Bunn's point of view, what would be wrong with relying on the emergency sand bags situation for another year? Bunn replied, primarily it is fear that the owners have lived with for so long about protecting their property, the sandbags do not always hold, they have to be on top of it week to week maintaining the sandbags, mattress, it is a stressful way to live and they have been living like that for a long time. There is also the additional cost, we have had materials and equipment shipped here already. There are 64-owners funding this, any increase in cost is going to affect them greatly.

Yuen suggested OCCL present their submittal before hearing public testimony.

ITEM K-1 Time Extension Request for Conservation District Use Permit (CDUP) MA-3663 for Shoreline Erosion Control by Hololani Resort Condominiums Located at 4401

Lower Honoapi'ilani Road, Lāhainā, Maui, Tax May Key:(2) 4-3-010:009 and adjacent submerged land.

Sam Lemmo, Office of Coastal and Conservation Lands, this is the second extension requested.

Yuen, mentioned that there is a great deal of written testimony opposing this project that did not come forward in 2014. I know that you and your staff are vigilant about protecting the preservation of beaches and generally skeptical of the construction of seawalls can you provide the thought process at that time in 2014. I understand the reasons for the time extensions,

Lemmo, said the history of Hololani goes back to 1996 or 1997, there was a severe erosion event, they installed boulders along the shoreline, we opened a violation, there was no authorization to do that. We came to an agreement that if they removed the boulders, we would grant them an emergency authorization for sandbags. They did comply, we gave the authorization for sandbags and have maintained a sandbag revetment, Tensar mattress for something like 10-years. We tell everyone we give an emergency authorization, they need to come in with a permanent solution. A permanent solution could mean a lot of things, it could mean you vacate the premises and allow the erosion to advance, seeking a seawall, doing a beach restoration project, they chose to do the revetment alternative. They engaged in a Conservation Use process in 2013 through OCCL, they provided an Environmental Assessment and we processed the EA, we held a Public Hearing at Hololani, there were 25-35 people there. This was a very tough case. Our office essentially does not support the construction of seawalls in the Hawaiian Islands 95% of the time. Reason for that, State Law 205 (a) prohibits the construction of private shoreline structures seaward of the shoreline, except under certain conditions, he said he did not know the exact language for that Statue property under prohibitions. We looked at the situation at Hololani, our concern #1, beach conservation, so people building shoreline structures need to be cognizant of the problem that seawalls cause on beaches. They tend to exasperate erosion on sandy beaches.

Noted the study by Fletcher, regarding the beach losses in the Hawaiian Islands, Maui, Oahu, Kauai, tremendous loss of beaches due to shoreline structures. We also look at it from the perspective of the homeowner, they have a condominium that is being undermined and the last thing you want to see is a condominium coming out on to the beach.

We looked at a lot of things, basically our determination at the end of the day was because Kahana Bay has unique geology, he explained the type of material out in the bay, the concern, is when you build shoreline structures where you have dune systems or any kind of sand resource, the structure will now prevent the shoreline from recessing landward and reaching those sand deposits which would then re-nourish the beach. We are totally against seawalls and structures in those kind of environments.

Coring was done in the back-shore area, its consistent with it being not typical Hawaii beach sand. This answered the question, does it starve the beach of landward sand deposits. No, it does not.

Another question was does the shoreline structure result in flanking? Noted that the problem at Kahana Bay, is really a sand supply issue, the back-shore area is filled with non-beach type material, clay, gravel, some sand material, limited amount of sand in the bay. Due to sea-level rise, that sand resource will become diminished over time. It will not re-nourish itself overtime. The problem exists on all islands., not just in places with seawalls.

The only way to have a beach at Kahana Bay whether or not there is a seawall or not, is to go out and do a beach restoration project. The beach is not going to nourish itself naturally. You have to import sand, stabilize it with sand retention structures, groin fields.

There was an effort to move the structure more mauka, we went through that process, Maui County approved the permit with condition, if the wall gets built and are successful in getting the beach restoration project, the structure would be removed at Hololani's expense.

Yuen asked how many new seawalls have been approved in the last 12-years. Lemmo replied, they are all on Maui, nothing in the last 15-years.

Downing asked since the sandbag wall has been up how have the neighboring beaches been affected? Lemmo said everything is eroding terribly. The sandbag structure is there. Downing asked north and south of it, whatever beaches were there, are they diminishing at the same rate or has it sped up? I am looking at a picture with a drain pipe coming out on the north side, it seems like a beach is building. Lemmo said now, Pohilani to the west has a giant revetment, no beach there. The Royal Kahana to the other side now has a sand bag revetment everyone and the Kahana Sunset has a sandbag revetment. Everyone at Kahana Bay has armoring.

Jim Barry, Sea Engineering, conveyed that the CZM requirement allows a private entity to build on State land if there is a public benefit. We have the benefit of protecting the road and the drainage easement. We have carried that through the process. They have been observing Kahana Bay for a long time and the last few years it has really been hammered.

Downing asked Barry, is this an indication that the ocean bubble is receding & on your dates of start and finish, you are saying a May 10th fixed date, what is your finish date? Barry replied, in November. Downing said you are 2-months into the winter season. Barry said November would be the end of the "in-water" work.

Downing commented he understands that it is hard to live with sandbags, have you seen any more land erosion because of this? Barry said yes, there has been some. The sandbags degrade after 2-years you have to repair. Downing asked to clarify the pipe coming out, is this for drainage from the road? It is going to be dumping into the only sand spot that you have. Barry said there will be a revetment there and a headwall structure for the drain line. The public access will be by stairs next to the drain-line.

Gomes, said, doesn't the drain-line gets plugged with sand? Barry said yes, we are installing a 30-inch line, there is a man-hole that we will be connecting to and extend it out further with a tide-flex valve. Gomes said if it is draining from the road into the man-hole you are going to get a brown water advisory.

Sharon Wright, clarified that the drain-line does not only serve Hololani, but gives the public back their access. On top of the revetment is a concrete walkway which gives the public lateral beach access that is along the whole front of Hololani which is missing right now. This is the preferred area when working with the County of Maui.

Barry noted, that they did not want to build a vertical seawall. The reason for the rock revetment is to absorb wave energy, reduce reflection, and that helps the beach accrete in front of it.

Gomes asked during the design and research period did you take in consideration your neighbors on both sides and what would be the negative impacts or adverse situations they would encounter? Barry said, absolutely.

Public Testimony

Opposed, *Tiare Lawrence, Kai Nishiki, Glen Kamaka, Tamara Paltin, Mark Deakos, Tami Hart, Stacy Gray, Lucy Brown, Bianca Isakii*

Downing made a the motion to defer, Gomes second

Discussion: Downing, reason for deferral, allow the Legislature to make the call first. There is not enough understanding of the complexity of this piece, you have a group looking at sand replenishment verses seawalls. If there is a choice in the interim, I do not think anything needs to be done right now, whatever we do, it will have an effect for all of Hawaii. Somewhere along the line we need some guidance, not one rule will fit everyone. Gomes agrees with Downing, we need more time, if the others living along the shoreline have these sand bag revetments and have been living with it for a while, I think they can too. Until we get a better focus on the operation itself.

Further discussion among the Board members regarding the pros and cons of the seawall and it was decided to split the motion between D-3 and K-1.

Motion for Item D-3

Defer. Ayes 3 (Gomes, Downing, Oi), No 3 (Case, Yuen, Gon) Does not pass.

Yuen made the Motion to defer to April 27, 2018 meeting with the performance bond to stay in place until the Board releases it. Gon seconded the motion.

Ayes: 3, (Case, Yuen, Gon) No: 3, (Gomes, Downing, Oi) Does not pass.

Yuen made a motion to defer to April 27, 2018. Gon seconded the motion.
No vote.

Yuen made a motion to defer the item until such a time as the Chair, in her discretion decides to place on the agenda again. Gon second.

Motion

Defer Item D-3 to the Chairs discretion (Yuen, Gon) unanimous.

Motion for Item K-1

Approved as submitted (Oi, Gon) unanimous.

Break: 2:10 pm

Return: 2:30 pm

ITEM C-2 Request approval of amendment to the Habitat Conservation Plan for the Daniel K. Inouye Solar Telescope (DKIST); formerly known as the Advanced Technology Solar Telescope (ATST) and associated Incidental Take License (ITL-13).

Scott Fretz-DOFAW, presented the amendment.

Board Discussion

Gon want to clarify that this item came before the ESRC after I left, I will not have to recuse myself.

Public Testimony- None

Motion

Approve as submitted (Gomes, Gon) unanimous.

ITEM D-6 Grant of Term Non-Exclusive Easement to Shirley Patricia Gulmon, Trustee for Access Purposes, Kailua, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-3-017: adjacent to 061.

Kevin Moore, Land Division. This is really a mapping issue. We defer to DAGS survey

Public Testimony

Rosemary Fazio, representing Gulmon Trust, and Agent for Buyer, provided testimony regarding the history of the property and the reason they would like to have a perpetual easement in lieu of the 55-year lease. They would like the easement to run with the land.

Kyle Stevens, potential buyer. Pointed out on an Exhibit C-6 Map 102 shows the access road is shown as extending all the way to the seaward boundary. We are asking for an additional 65-feet to drive in to the property. We would like to pave the driveway, the 65-feet was paved at some time.

Downing said he sees the lanes on the map as public access to the beach. Stevens agreed that there is public access and Fazio confirmed that it cannot be gated off. Downing said he understands why staff is recommending a 55-year lease. Things could change.

Gon asked Moore if the proximity to the ocean the reason why this is a non-exclusive easement. Moore replied, yes, they are not sure with sea-level rise and everything going on with the environment what this will look like in 55-years, if it is suitable for an easement in 55-years, he does not seem cumbersome to come back and apply for a new one.

Gon said, if in 55-years it is under water, then it is moot point anyway. He would not be averse to having the same kind of easement relationship as every other driveway in that neighborhood.

Case asked Moore, normally you would have a perpetual easement. Moore said for a land-lock parcel to give it access to a public highway we would. Just in the shoreline area we do not. Yuen asked even for access? Moore said yes.

Amendment:
Grant a perpetual, non-exclusive easement.

Motion
Approved as amended (Yuen, Gon) unanimous.

ITEM D-5 Grant of Perpetual, Non-Exclusive Easement and Issuance of Construction Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Utility Purposes; Mutual Cancellation of Perpetual Easement recorded as Liber 4170, page 220; Consent to the Disposition between the City and County of Honolulu and Hawaiian Electric Company, Inc. over the Lands under Governor's Executive Order No. 569 for Staging Areas; Waikiki, Honolulu, O'ahu, Tax Map Keys: (1) 2-7-036:001, 007, and portions of Ala Wai Canal.

Kevin Moore, Land Division. HECO would like to relocate their existing power line. It is tied to the Departments own dredging project for the canal.

Board Discussion
Case thanked HECO, Engineering and Land Division for working together.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

Member Gon recused himself as he is an employee of the Nature Conservancy for Item C-4, C-5 & C-6.

ITEM C-6 Authorization of funding for the Nature Conservancy for \$807,132 during FY 19-24 for continued enrollment in the Natural Area Partnership Program and acceptance and approval of the Ka'ū Preserve Long Range Management Plan, TMK 3-9-7-001:002, 003, 004, 007, Hawai'i.

ITEM C-4 Authorization of funding for the Nature Conservancy for \$1,148,400 during FY 19-24 for continued enrollment in the Natural Area Partnership Program and acceptance and approval of the Kamakou Preserve Long Range Management Plan, TMK 5-4-03:26, Moloka'i.

ITEM C-5 Authorization of funding for the Nature Conservancy for \$1,201,200 during FY 19-24 for continued enrollment in the Natural Area Partnership Program and acceptance and approval of the Waikamoi Preserve Long Range Management Plan, TMK 2-3-05:04, Maui.

ITEM C-7 Authorization of funding for the Nature Conservancy for \$288,715 during FY 19-24 for continued enrollment in the Natural Area Partnership Program and acceptance and approval of the Mo'omomi Preserve Long Range Management Plan, TMK 5-1-02:37, Moloka'i.

Emma Yuen, DOFAW, present to answer any questions.

Board Discussion

Chair Case disclosed that the Nature Conservancy was her former employer, and has no connection now and not in a position to gain financially.

Public Testimony

Stacy Gray, supports the submittals for Nature Conservancy.

MOTION

Approved as submitted (Gomes, Gon) unanimous.

ITEM I-1 Request Approval and Authorization to accept a Promissory Note from Simon Velaj to pay fines owed, through a 12-month installment plan. Historic Punalu'u Wharf, Ka'u, Hawai'i Tax Map Key: (3) 96-001:002

Alan Downer, State Historic Preservation Division, summarized the reasons for negotiating the promissory note.

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

ITEM L-1 Application for a DLNR Dam Safety Permit, Permit No. 72 – Opaeha Reservoir No. 15 (OA-0020), Dam Removal, Hale'iwa, Hawai'i Tax Map Key: (1) 6-2-010:001.

Engineering, No change to submittal

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

ITEM F-1 Request for Approval for a Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project entitled "Hawaii marine Recreational Fishing Survey."

Mike Fujimoto, Division of Aquatics, present to answer questions.

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

ITEM C-1 Request to delegate authority to the Division of Forestry and Wildlife Branch Managers to act as the authorized representatives pursuant to Chapter 13-209-5, Special Use Permits, Hawaii Administrative Rules, Rules Regulating Activities within Natural Area Reserves;

and

Authorize the Division of Forestry and Wildlife Branch Managers to determine and approve Chapter 343, Hawaii Revised Statutes environmental compliance requirements, including approval of Declarations of Exemptions, as applicable, for permits issued under Chapter 13-209-5, Hawaii Administrative Rules, Rules Regulating Activities within Natural Area Reserves

Emma Yuen, DOFAW, present to answer any questions.

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted (Gon, Oi) unanimous.

Member Yuen recused himself, from Item C-3, his daughter is a member of the committee that would be formed.

ITEM C-3 Request approval to negotiate and sign a contract(s) for the Management of the Department of Land and Natural Resources Youth Conservation Corps Program.

Emma Yuen, DOFAW, present to answer any questions.

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

ITEM D-2 Cancellation of Revocable Permit No. S-5127, Elizabeth Marks Stack, Les Marks, and Cynthia Marks Salley dba McCandless Properties, Permittee, and Issuance of

a Revocable Permit to McCandless Land & Cattle Company, LLC, for Access Purposes, Waiea, South Kona, Hawai'i, Tax Map Key: (3) 8-6-001:003.

Kevin Moore, present to answer questions.

Board Discussion

Yuen felt that it should be managed along with the Federal Wildlife Sanctuary immediately adjacent to it. There have been issues in the past with governmental access through the McCandless property and we should make sure that there is governmental access through our lands as well. A lot of it is good native forest. Allow the McCandless family to have an easement so they can manage their properties.

Public Testimony- None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

ITEM D-4 Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. and Events International, Inc. for Beach Activities Purposes from April 16 to 22, 2018, at Hale Koa Beach, Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 2-6-005: seaward of 001.

Cal Miyahara, Land Division, present to answer any questions.

Board Discussion

Public Testimony- None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

ITEM D-8 Amend Prior Board Action of November 10, 2016, (Item D-10), *Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom Services Company, Inc. for Submarine Fiber Optic Telecommunication Cable Purposes and Issuance of Construction and Management Right-of-Entry on State Submerged Lands off Mākaha, Wai'anae, O'ahu, Tax Map Key: (1) 8-4-001: seaward of 012.*

Barry Cheung-, Land Division. Amendment is needed to add legal reference and to correct typographical errors.

Board Discussion-None

Public Testimony- None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

Motion to adjourn (Gomes, Gon) unanimous.

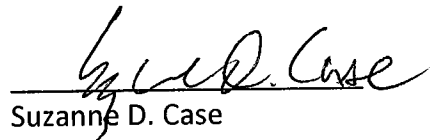
There being no further business, Chair Case adjourned the meeting at 3:19 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Darlene Ferreira
Land Board Secretary

Approved for submittal:



Suzanne D. Case
Chairperson
Department of Land and Natural Resources