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

DATE:	FRIDAY, FEBRUARY 24, 2006
TIME:	9:00 A.M.
PLACE:	KALANIMOKU BUILDING LAND BOARD CONFERENCE ROOM 132 1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:10 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Gerald DeMello
Ms. Taryn Schuman
Mr. Ted Yamamura
Mr. Ron Agor

STAFF

Mr. Paul Conry, DOFAW
Mr. Dan Quinn, Parks
Mr. Russell Tsuji, Land

OTHERS

Ms. Pam Matsukawa, Deputy Attorney General
Ms. Heidi Wild, C-1
Ms. Haunani Aipolani, D-7
Ms. Diana King, D-7
Mr. Bonne Coffman, C-1
Ms. Donna Woo, D-7
Mr. Phil Hauret, D-5

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1: Minutes of January 12, 2006 briefing

Member Yamamura recused himself.

Unanimously approved as submitted by the remaining Board members (Agor/Schuman).

Item A-2: Minutes of February 10, 2006

Unanimously approved as submitted (Agor/Yamamura).

Item C-1: Establishment of the Hawaii Experimental Tropical Forest on State lands at Laupahoehoe, Hamakua, Hawaii and Puu Waawaa, Kona, Hawaii, Approval of Recommendations to the Governor of Hawaii and Secretary of Agriculture, and Authorization to Develop a Memorandum of Agreement with the U.S. Forest Service for Administration of the Experimental Forest Sites.

Paul Conry, Administrator for the Division of Forestry and Wildlife announced that in 1992, President George H.W. Bush signed into law the Hawaii Tropical Forest Recovery Act. Part of the recovery act set up the basis to recognizes the importance of the tropical forest here in Hawaii. At present Hawaii is the only state that does not have an experimental tropical forest. The act also establishes the criteria for designating a tropical forest. On April 2005, Governor Lingle formally requested the Secretary of Agriculture to take the necessary steps to establish the Hawaii Experimental Tropical Forest. Over the past year the Department of the U.S. Forest Service have completed the scoping process and identified possible lands for inclusion. As a result of the scoping process Mr. Conry indicated there were nine sites considered for the wet forest location and four sites considered for the dry forest. Meetings with the community and key stake holders were held as part of the scoping process. Based on the meetings two sites were recommended, The Laupahoehoe Forest as the wet forest site and the Puu Waawaa site as the dry forest site. Mr. Conry recommended that the Board approve the Report of Findings attached to staff's submittal for the Establishment of the Hawaii Experimental Tropical Forest, recommend to the Governor the identification of State lands in Laupahoehoe Natural Area Reserve and Puu Waawaa Ahupuaa to be included into the Hawaii Experimental Tropical forest and transmittal of those recommendations to the Secretary of Agriculture and authorize the department to develop a memorandum of agreement wit the U.S. Forest Service to establish and administer the proposed sites as the Hawaii Experimental Tropical Forest, subject to Board and Attorney General approval and to assist in the development and implementation of plans.

Heidi Wild testified on behalf of Stephen Smith, President of the Hawaii Forest Industry Association in support of staff's recommendation. Ms. Wild made in known the Hawaii Forest Industry Association has been involved in this process and has consistently supported the designation of an Experimental Tropical Forest in Hawaii. Mr. Wild noted her organizations support to assist the department in whatever way they can.

Boone Coffman, Director for the Institute of Pacific Islands Forestry which is the U.S. Forest Service Branch here in Hawaii and the Pacific testified in support of staff's recommendation. Mr. Coffman announced since becoming director of the Institute he realized the need for an experimental forest and has worked diligently in seeing that this mission comes true. His view for the project is for it to become an experimental demonstration in forest education that will focus on the cultural, ecological and economic values that are important to all Hawaiians. He feels the real beneficiaries to this project will be the school children.

Unanimously approved as submitted (DeMello/Schuman).

Item D-7: **(1) Authorization to Expend an Emergency Appropriation from the Legislature in connection with the Settlement of the City's Condemnation Action Involving Waimea Valley, Waimea, Wailua, Oahu; (2) Authorization to Allow the Chair to Negotiate a memorandum of Agreement concerning Waimea Valley, Waimea, Wailua, Oahu and (3) Authorization to Allow the Chair to Negotiate Conservation and/or Public Access Easements.**

Russell Tsuji, Administrator of the Land Division let it be known the Chairperson as well as staff from the City, other State agencies as well as non-profit agencies participated in mediation of the City's condemnation action. As a result of that meeting an agreement was reached in which a consortium of government and non-profit agencies would contribute approximately $14.1 million towards the settlement of the City's condemnation lawsuit. At that meeting Chairperson Young agreed to seek funding and contribute $1.6 million out of the total $14.1 million. At present there are bills at the legislature requesting the appropriation of $1.6 million. Mr. Tsuji recommended the Board authorize the expenditure of a $1,600,000 emergency appropriation (upon passage into law) under the terms and conditions cited in the submittals, authorize the Chairperson to negotiate a Memorandum of Agreement with appropriate parties and authorize the Chairperson to negotiate and approve the terms and conditions of a conservation and/or public access easements pursuant to Hawaii Revised Statutes Chapter 198 subject to the review and approval by the Department of the Attorney General.

Chairperson Young made it known the title would be under the Office of Hawaiian Affairs and there is also the issue of a lease to the Hawaii Audubon Society. There has also been preliminary discussion with OHA about an agreement with DLNR.

Haunani Aipolani, Chairperson of the Office of Hawaiian Affairs (OHA) noted their support of staff's submittal and announced that all pieces are necessary to occur for this project to become a reality.

Donna Woo, First Deputy Cooperation Counsel for the City and County of Honolulu came forward to answer any questions regarding the settlement. Ms. Wu communicated that it is the City's hope that the Board would approve this item.

Diana King, representing the National Audubon Society extended her encouragement to the Board to support this measure.

Written testimony was received from Toni Sickler, the Hawaii Forest Industry Association and Save Waimea Valley Coalition.

Unanimously approved as submitted (Schuman/DeMello).

Item M-1: **Consent to Assignment of Lease No. DOT-A-79-0010 Makena Hawaii, Inc. to Resort Air, LLC, Honolulu International Airport.**

Terrance Lee, counsel for Makena Hawaii, Inc. stated that this is a routine matter in which they are assigning the hanger lease to Resort Air, LLC.

Unanimously approved as submitted (Yamamura/Schuman).

Item D-5: Amend Land Office Deed No. 28,529, Direct Issuance of a Perpetual, Non-Exclusive Easement to Hawaiian Electric Co. for Utility Purposes at Kapolei, Oahu, TMK: 9-1-16:25 por. & 9-1-17:4 (now 9-1-16:108 & 109).

Phil Hauret of Hawaiian Electric Company was present and noted his support of staff's recommendation.

Unanimously approved as submitted (Yamamura/DeMello).

Item D-3: Forfeiture of General Lease No. S-5707, All Tree Services, Inc., Lessee, Waimanalo, Koolaupoko, Oahu, TMK: 4-1-010:048.

Written testimony was received from Hawaii Farm Bureau Federation, Web One, Inc. dba The Plant Place, Waimanalo, Agricultural Association and MCA Tropicals.

Motion to defer
Unanimously approved to defer (Agor/Yamamura).

Item D-1: Consent to Assign Perpetual Non-Exclusive Easement LOD No. 28,194, Larry R. Oler and Midge J.L. Older, Assignor, to Parker K. Mossman and Bina K. Saafi, Assignee, and Amendment to the Easement; Waiohinu, Kau, Hawaii, TMK: (3) 9-5-02:40.

Item D-4: Amend Prior Board Action of June 18, 2004, Item D-10, Set Aside to Department of Land and Natural Resources, Division of Forestry and Wildlife for Addition to Mount Kaala Natural Area Reserve System, Mokuleia, Waialua, Oahu, TMK: (1) 6-7-003:021.

Item D-6: Request to Extend Navy License No. N6274201RP00064 with the United States of America, Department of the Navy on behalf of the Department of Education at Pearl City Peninsula, Ewa, Oahu, TMK: (1) 9-7-016:01 (portion).

Unanimously approved as submitted (Yamamura/DeMello).

Item E-1: Request Approval to Establish Kaumahina State Wayside Open Hours and Request Delegation of Park Hours Decisions to the Chairperson in the Future.

The Board amended the fourth sentence of paragraph one on the submittal to read:

"On March 15, 2006, construction of a new [~~$1 million~~] <u>$ 855,240.00</u> ADA compliant comfort station and newly paved parking lot will be completed and the wayside facilities open to the public."

Unanimously approved as amended (Yamamura/DeMello).

Item D-2: **Request of Department of the Attorney General for Concurrence with Proposed Settlement of the Rezents v. Kuaea Quiet Title Action, Civil No. 03-1-0160 (1), Haiku and Pauwela, Maui, TMK: (2) 2-7-010:051.**

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Member Yamamura recused himself.

The Board went into Executive Session at 9:35 a.m. and the meeting was resumed at 9:42 a.m.

Unanimously approved to confirm the proposed settlement to the Quiet Title Action (DeMello/Schuman).

There being no further business, Chairperson Young adjourned the meeting at 9:43 a.m. Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review.

Respectfully submitted,

Terry Crowell

Terry Crowell

Approved for submittal:

PETER T. YOUNG

Chairperson

Department of Land and Natural Resources