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

DATE: FRIDAY, JUNE 9, 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 9:15 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Jerry Edlao
Mr. Tim Johns
Dr. Sam Gon III

STAFF

Mr. Russell Tsuji, Land
Ms. Athline Clark, DAR
Mr. Dan Quinn, Parks
Mr. Sam Lemmo, OCCL
Mr. Dan Polhemus, DAR

OTHER

Ms. Pam Matsukawa, Deputy Attorney General
Dr. Jim Anthony, D-13
Dr. George Antonelis, F-7
Mr. Ben Welborn, K-5
Mrs. Lauree Johnson, K-4
Mr. Tom Schnell, K-5
Mr. Walton Hong, K-2
Mr. Edwin Sproat, D-6
Mr. Bill Tam, D-10
Mr. Guillermo Geldermann, D-13
Ms. Lynn Wong, D-8
Mr. Richard Johnson, K-4
Ms. Marissa Furfaro, K-4
Mr. Galen Leong, K-1
Ms. Laurel Bennett, K-2
Mr. Kali Watson, D-10
Dr. Leszek Karczmarski, F-3

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

Item A-1: Minutes of May 26, 2006

Motion to defer due to lack of quorum.

ITEM A-2:

Unanimously approved to defer (Johns/Edlao).

Item D-13: Amend Prior Board Action of June 9, 2005 (Item D-17), Issuance of Direct Lease to Windward Retreat Center for Religious Social (Community), and Charitable Eleemosynary Purposes, Kaaawa, Koolauloa, Oahu, TMK: (1) 5-1-14:por. 47 and 5-1-11:por. 55.

Written testimony received from Kaaawa Community Association and Guillermo Geldermann.

Motion to defer.

Unanimously approved to defer (Johns/Edlao).

Item F-7: Resubmittal of a Request for Authorization/Approval to Issue One (1) Northwestern Hawaiian Islands (NWHI) Research, Monitoring and Education Access Permit to Dr. George Antonelis, National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service from June 9, 2006 to September 15, 2006 at French Frigate Shoals to Remove Galapagos Sharks for the Purpose of Enhancing the Survival of Monk Seal Pups.

Athline Clark, Planner with the Division of Aquatic Resources (DAR) pointed out this request would allow the permittee to enter the Northwestern Hawaiian Islands (NWHI) to engage in activities to enhance the survival of monk seal pups at French Frigate Shoals. The permit will allow the permittee to cull some galopos sharks that are attacking monk seal pups. This item was previous brought before the Board and at that time they were not prepared to issue a permit to the applicant and asked the applicant to consult with Native Hawaiian groups on various issues of concern. As a result of these consultations the group came up with the following conditions: 1) The State reconvene its own cultural advisory committee after working out legal issues to met on this and other permit applications that pertain to the Native Hawaiian culture and practices in the NWHI; 2) Have Dr. Antonelis follow up with the suggestion of having a Native Hawaiian practitioner on the monk seal recovery team and present when the sharks are killed; and 3) If limited shark culling is done, it would have to be done using the proper cultural protocol and any use of the shark would have to be: a) studied to help find answers to their unique behavior, and b) with the purpose of perpetuating cultural practices by using those parts of the shark that can be saved for Native Hawaiian uses. Ms. Clark made it known the applicant has obtained authorization from the NWHI Ecosystem Reserve Cultural Advisory Council, the US Fish and Wildlife Service and the Hawaiian Islands National Wildlife Refuge for the removal of up to five sharks. Mr. Clark recommended the Board authorize and approve with stated conditions, a Research Monitoring and Education Permit to Dr. George A. Antonelis of the National Oceanic and Atmospheric Administration for activities and access within the State waters of the NWHI and for the removal of up to five (5) Galapagos sharks within the State waters.

Ms. Clark clarified that this permit would allow the culling of up to five (5) Galapagos sharks and after consultation with the Native Hawaiian community and approval from the Board they would be allowed to remove an additional five (5) Galapagos sharks.

Dr. George Antonelis noted they would keep the US Fish and Wildlife Service and other involved in this process updated on their culling activities. Once they've culled five (5) Galapagos sharks they would meet with the State and US Fish and Wildlife Service to go over what has happened with the hopes of obtaining a permit to allow the additional culling of sharks. Dr. Antonelis briefed the Board on the decline of the Hawaiian monk seal population. He began by noting that the Hawaiian monk seal is in a crisis situation and extreme efforts must be initiated immediately to enhance recovery. At present their population is estimated at 1200-1300 seals. Dr. Antonelis acknowledged that they've researched the behavior of the Galapagos sharks for over thirty years but it is within the last five years that the sharks have exhibited a threatening behavior towards the Hawaiian monk seals. He noted this behavior is only taking place in the French Frigate Shoals. Dr. Antonelis indicated a discrete number of Galapagos shared learned to predate on young seal pups due to multiple factors. At present twelve Galapagos sharks have been selectively removed from the French Frigate Shoals over the last six years while they were observed hunting for monk seal pups. Dr. Antonelis believes the removal of sharks preying on young pups before or near weaning is one of the most successful and measurable action taken to enhance juvenile monk seal survival. In the removal of the Galapagos sharks, Dr. Antonelis proposes to uses selective shark removal which includes the use of small caliber harpoon guns and a high powered rifle under carefully defined safety protocols.

Written testimony was received from 'Ilioyulaokalani Coalition.

The Board amended

1. **Recommendation 2)**

   "Permittee may be allowed [Allow the removal of five (5) such sharks under this permit, with the potential] to remove up to no more than five (5) additional sharks after [additional] further consultation with three primary resource management agencies (DLNR, USFWS and NOAA) and the Native Hawaiian community and with approval by the Chairperson of the Board;

2. **Add Recommendation 6)**

   "6. After the close of the current season covered under this permit, the Permittee shall timely report to the Board of Land and Natural Resources in writing and at its scheduled meeting (s) on the activities that have been carried on pursuant to this Permit, and on the results of the activities with Permittee's recommendations; and "

3. **Add Recommendation 7)**

   "7. Before the taking and removal of any sharks allowed under this Permit, the Permittee shall have a briefing between a Native Hawaiian practitioner and the staff covered under this Permit."

Unanimously approved as amended (Johns/Edlao)

Item D-8: **Sale of Reclaimed (Filled) Land to Tsugio Ueyama, as Trustee of the Tsugio Ueyama Revocable Living Trust dated July 10, 2001, Jane N. Ueyama, as Trustee of the Jane N. Ueyama Revocable Living Trust dated July 10, 2001, and Lynn Wong, Wailupe, Honolulu, Oahu, TMK: (1) 3-6-03:15 seaward and Cancellation of Grant of Non-Exclusive Easement S-5669.**

Russell Tsuji, Administrator of the Land Division conveyed that the applicant constructed a seawall and filled land which encroached upon State land. Initially the applicant was interested in a pier lease but now would like to purchase the reclaimed land. Mr. Tsuji recommended the Board authorize cancellation of Grant of Non-Exclusive Easement S-5669 prior to the execution of the quitclaim deed, authorize the subject request to be applicable in the event of a change in the ownership of the abutting parcel described as tax map key: (1) 3-6-003:015 provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five years, find that the sale of the subject reclaimed land is not prejudicial to the best interest of the State, community or area and authorize the sale of the subject reclaimed l and to Tsugio Uyema, as Trustee of the Tsugio Ueyama Revocable Living Trust dated July 10, 2001, Jane N. Ueyama, as Trustee of the Jane N. Ueyama Revocable Living Trust dated July 10, 2001, and Lynn Wong, covering the subject area under the terms and conditions listed in staff's submittal.

Lynn Wong was present and noted her agreement with staff's recommendation.

Unanimously approved as submitted (Johns/Gon).

Item K-5: **Conservation District Use Application (CDUA) KA-3280 for Proposed Noel and Suzi Ochwat Single Family Residence (SFR) Located at Haena, Island of Kauai, TMK: (4) 5-9-002:058.**

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands (OCCL) made a change to page one of the submittal by indicating the applicant was Noel and Suzi Ochwat and the consultant was Ben Welborn of Landmark Consulting Services, Inc. The applicant proposes to construct a single family residence (SFR) on approximately 7,931 square foot parcel. Mr. Lemmo recommended the Board approve CDUA KA-3280 for the proposed Ochwat Single Family Residence located in Haena District, Island of Kauai subject to the terms and conditions listed in staff's submittal.

Ben Welborn, the consultant was present.

Unanimously approved as submitted (Johns/Edlao).

Item K-4: **Conservation District Use Application (CDUA) HA-3288 Single Family Residence and Peach Palm Cultivation, Located at Papaikou, South Hilo, Island of Hawaii, TMK: (3) 2-7-008:128 (residence) and 2-7-030:026 (access).**

Mr. Lemmo communicated the applicant proposes to construct a single family residence (SFR) and expand a peach palm cultivation on the subject 16 acre coastal property on the Hamakua coastline. An Environmental Assessment was completed on this case and was found to have to

significant impact. Mr. Lemmo let it be known a public hearing was held on this issue as there might be concern as to the location of the proposed SFR. Mr. Lemmo conveyed his concern regarding the detached structure as it looked like a separate dwelling which is not permitted in the conservation district. Mr. Lemmo proposed the applicant remove the interior wall so it would look like a recreation room with a bathroom. Mr. Lemmo recommended the Board approve CDUA HA-3288 for the proposed Johnson Single Family Residence in Papaikou, South Hilo subject to the seventeen (17) conditions listed in the submittal.

Tom Schnell, of PBR Hawaii the consultant for the proposed project came forward to provide testimony. Mr. Schnell acknowledged his agreement with staff's request to remove the wet bar in the third bedroom but he had concerns with the removal of the interior wall. He asked the Board to remove condition 15) as he believes the wall is an integral part of the homes structural integrity and the removal of the interior wall would result in the redesign of the closet. Mr. Schnell instead proposes to include a condition which would state "The third bedroom will not be used as a separate dwelling, rental unit, bed and breakfast, or any other commercial purpose."

Richard Johnson, the applicant noted the wall is there for support and should you remove that wall the building would not fall down but, it would compromise the stiffness of the building.

Written testimony was received from PBR Hawaii.

Unanimously approved as submitted (Johns/Edlao).

Item K-1: Conservation District Use Application (CDUA) OA-3301 Legalizing a CRM Wall and Encroachment Located at Kahaluu, Koolaupoko, Island of Oahu, TMK: (1) 4-7-019:073.

Mr. Lemmo communicated this item is to legalize a CRM wall and encroachment along Kaneohe Bay. He went on to say these improvements were made at an unspecified time in the past. Mr. Lemmo indicated the subject structure was not targeted by the Department's zero tolerance policy on recent encroachments as it was not built within the last ten years. Mr. Lemmo recommended the Board approve this application for an after the fact permit for Easement E-9 and CRM wall subject to the ten conditions listed in staff's submittal.

Galen Leong, agent for the applicant noted his agreement with staff's recommendation.

Unanimously approved as submitted (Johns/Gon).

Item K-2: Resolution of an Enforcement Action Involving the Unauthorized Construction of an Access Road on State Land at Waioli Valley, Island of Kauai, TMK: (4) 5-5-08:02.

Mr. Lemmo announced that this action is to resolve an enforcement action involving unauthorized work that was conducted in Waioli Valley. As a brief history, Mr. Lemmo reminded the Board the violation took place in 1991. At that time a group of landowners conducted some unauthorized land improvements, graded and cleared land, constructed stream crossings and removed an access road from private land onto state land. At present, two of the current

landowner is requesting staff's help in resolving this situation so they could apply for an easement. As they are benefiting from the road constructed by the previous landowner, Mr. Bonar, Mr. Lemmo is requesting they pay a portion of the fines that remained unpaid by Mr. Bonar. Mr. Lemmo recommended the Board allow Ms. Lamberson and Ms. Bennett to apply for easements for roadway access to their respective parcels, provided that an after-the-fact CDUP is executed for the unauthorized portions of the road, and provided that the balance of Mr. Bonar's fine of $8,134.20 relative to the State parcel is paid as a condition of the granting of a CDUP.

Walton Hong, Attorney for Ursula Lamberson appeared before the Board. Mr. Hong announced that the current landowners recognize they are faultless but bought land that had a colorful history. He went on to disclose that prior to purchasing the subject property, his client and Laurel Bennett conducted a title report which indicated there were no outstanding problems with the subject properties except the need to obtain an easement. He stated that his client and Ms. Bennett are willing to pay the fines so they can move ahead with obtaining an easement over state lands. Mr. Hong made it known he will be working with staff to determine what is legally required to obtain an easement.

Ms. Bennett disclosed she purchased her property approximately four years ago but prior to the purchase she conducted a title search and the property and found that there were no outstanding issues. She went on to tell the Board how she came to purchase her property.

Unanimously approved as submitted (Johns/Edlao).

Item K-3: Request to Amend Title 13, Chapter 5, Hawaii Administrative Rules (Chap. 13-5, HAR), to Designate a Portion of the State Land Use Conservation District Located at Kealia, Island of Kauai, TMK (4) 4-7-007:029.

Mr. Lemmo conveyed that the County of Kauai is requesting the subject area be designated a resource subzone on the other hand, staff would like the area to be designated in the limited subzone as the land around the subject parcel has been designated in the limited subzone. Mr. Lemmo believes if a limited subzone is granted the County would still be able to conduct the proposed park improvements. Mr. Lemmo recommended the Board amend the petitioner's request to amend Chapter 13-5 Hawaii Administrative Rules to designate approximately 44 acres of undesignated Conservation District land into the Limited Subzone and authorize the forwarding of the rule amendment to the Governor, State of Hawaii for approval and enactment.

Unanimously approved as submitted (Johns/Gon).

Item D-6: Re-Submittal Reconsideration of Rent under General Lease No. S-5497 to Trustees for the Apostolic Faith Church of Honolulu for Church and Allied Facilities Purposes, Lahaina, Maui, TMK: (2) 4-5-05:portion 17.

Mr. Tusji noted this is a resubmittal based on a rent issue for a church that has been designated a 501(c) 3 which also entitles the church to nominal rent. As background information, Mr. Tsuji communicated that the Apostolic Faith Church of Honolulu acquired the property though the auction process. Later that lease was terminated and the church was issued a new lease under the 171-43.1. At that time, in 1992 an appraisal was done which determined the fair market rent at

$600.00 per year. At its reopening another appraisal was done which determined fair market rent to be $7000.00 a year. Based on the increase in the rent the Board raised the question if rent should be set at nominal rate. Mr. Tsuji recommended the Board amend General Lease No. S-5497, Trustees for the Apostolic Faith Church of Honolulu by 1) add "Effective July 1, 2002 to June 30, 2047, the annual rental shall be $480 per annum' and 2) delete the rental reopenings at the expiration of the tenth (10th), twentieth (20th), thirtieth (30th), and forty-fifth (45th) years of the lease term requirement subject to the conditions listed in staff's submittal.

Edwin Sproat, representing the Apostolic Faith Church of Honolulu noted his agreement with staff's recommendation.

Unanimously approved as submitted (Edlao/Johns).

Item D-10: Status of General Lease No. S-5707, All Tree Services, Inc., Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-10:48.

Mr. Tsuji reminded the Board at five previous meetings All Tree Service, Inc., has appeared before them to address issues dealing with lease violations (intensive agricultural lease) and use of the property as a baseyard. The lessee was given sixty days to cure the default and the issue was brought back to the Board at which time the item was deferred. At present the baseyard has been eliminated and the property is being used as intensive agriculture but an issue of an unpermitted structure on the site was raised. At All Tree Services, Inc. last appearance before the Board they communicated they were in the process of completing the "as built" plans and submitting the building plans to the County. Due to this County violation the Department issued a notice of default on May 6, 2006 and a sixty day cure period was set in place. As the cure period is still in effect, Mr. Tsuji recommended the Board defer this item until the July 14, 2006 meeting in accordance with staff's comments and recommendations cited in the submittal.

Mr. Tsuji went on to describe the relationship between All Tree Service, Inc. and Mr. David Kendrick as at the previous meeting allegations of an improper sublease were made. Mr. Tsuji let it be known Mr. Watson has conveyed that this issue has been resolved as All Tree Service, Inc., has purchased most of the plants on the subject site and Mr. Kendrick has been employed as a consultant for All Tree Service, Inc.

Chairperson Young made it know he has received the building plans for All Tree Service, and the plans have indicated the removal of the shade house. Chairperson Young questioned the removal of the shade house due to the statement made by the lessee that the shade house is an integral part of their farm plan.

Kali Watson, attorney representing All Tree Service, Inc. indicated it was their intent to include the shade house as part of their operation but after discussion with staff it was suggested that the shade house be removed as it might require another building permit. Mr. Watson noted their view is that the shade house is not a permanent structure therefore a permit is not required. Mr. Watson pointed out should they need the shade house they would send in a request to the department for a permit. In closing, Mr. Watson noted his agreement with staff's recommendation.

Bill Tam, representing the Waimanalo Ag Association appeared before the Board and raised four points: 1) All Tree Service, Inc., was allowed to bid on the subject lease based on plans submitted to the department but All Tree Service, Inc. did not follow through with those plans and based on the changed plans they would not qualify as a bidder. Mr. Tam acknowledged Dean Okimoto would be submitting a declaration stated the above point. They will also submit declarations from four other bidders who bid for the subject property (but did not win) detailing their particular issues; 2) All Tree Service, Inc. has invested money in activities which are not authorized by the lease; 3) The lessee had an oral sublease with Mr. Kendrick; and 4) There are buildings on the property constructed without permits. Mr. Tam encouraged the Board to ask for a sworn declaration as to whether the file plans submitted to DPP had the Chairman's signature on it.

Member Johns told staff when they return for the July 14, 2006 meeting to report on the current violation, compliance on all issues and to address the points raised by Mr. Tam.

Written testimony received from Hawaii Farm Bureau Federation.

Unanimously approved as submitted (Johns/Edlao).

Item F-3: Request for Authorization to Issue One (1) Northwestern Hawaiian Islands (NWHI) Research, Monitoring and Education Permit to Dr. Leszek Karczmarski of Texas A&M University at Galveston for Acoustic Sampling, Genetic Sampling, and Individual Photo-Identification of Spinner Dolphins within Kure Atoll Lagoon, Valid from July 1, 2006 to October 31, 2006.

Ms. Clark conveyed this permit would allow the continued research of spinner dolphins at Kure Atoll and allow Genetic and Acoustic Sampling. She indicated the photo capture work is currently underway based on a previous permit issued to Cynthia Vanderlip. Ms. Clark recommended the board authorize and approve with stated conditions, a Research, Monitoring and Education Permit to Dr. Leszek Karczmarski of Texas A&M University, for activities and access within the State waters of the NWHI.

Dr. Leszek Karczmarski went over the procedure used in conducting the genetic sampling. She noted she would be using a biopsy system which shoots a dart into the dolphin which will take a sample of about five millimeters. She assured the Board this technique is the most humane technique and has very little impact on the dolphins. Dr. Karczmarski informed the Board that the research must take place in the Northwestern Hawaiian Islands (NWHI) as opposed to the main Hawaiian Islands as the spinner dolphins in the NWHI exhibit factors such as a completely different social system, more stable social groups, smaller population sizes and lower genetic diversity.

Member Gon encouraged Dr. Karczmarski to engage in dialogue with 'Ilioyulaokalani Coalition to discuss concerns they may have.

Written testimony was received from 'Ilioyulaokalani Coalition.

Unanimously approved as submitted (Johns/Gon).

Item F-1: **Request for Approval to Enter into a DLNR/RCUH Contract to Develop Tools to Access Land Based Pollution Impacts in Corals ($119,998) to be Conducted from June 1, 2006 through May 31, 2008.**

Item F-2: **Request for Authorization to Issue One (1) Northwestern Hawaiian Islands (NWHI) Research, Monitoring and Education Permit to Dr. John J. B. Rooney of the National Oceanic and Atmospheric Administration (NOAA), Pacific Island Fisheries Science Center (PIFSC) for Multibeam Surveying for Benthic Habitat Mapping Purposes in the Waters Surrounding Kure Atoll and Pearl and Hermes Atoll, Valid from June 29, 2006 to July 14, 2006.**

Item F-4: **Request for Authorization to Issue One (1) Northwestern Hawaiian Islands (NWHI) Research, Monitoring and Education Permit to Dr. Russell Brainard of the National Oceanic and Atmospheric Administration (NOAA), Pacific Island Fishery Science Center (PFISC), Coral Reef Ecosystem Division (CRED), for the Removal and Mitigation of Marine Debris in the State Waters of the Northwestern Hawaiian Islands, Valid from July 17, 2006 to September 6, 2006.**

Item F-5: **Request for Authorization to Issue One (1) Northwestern Hawaiian Islands (NWHI) Research, Monitoring and Education Permit to Dr. Hans Van Tilburg of the National Oceanic and Atmospheric Administration (NOAA), National Marine Sanctuary Program (NMSP) for the Documentation of Archaeological Material and Environmental Parameters Around Historic Wreck Sites in the Waters Surrounding Kure Atoll and Pearl and Hermes Atoll, Valid From June 29, 2006 to July 14, 2006.**

Item F-6: **Request for Authorization to Issue One (1) Northwestern Hawaiian Islands (NWHI) Research, Monitoring and Education Permit to Christina Claire Johnson of the National Oceanic and Atmospheric Administration (NOAA), National Marine Sanctuary Program (NMSP) for Education and Outreach Activities at Kure Atoll and Pearl and Hermes Atoll, Valid form June 29, 2006 to July 14, 2006.**

Unanimously approved as submitted (Johns/Edlao).

Item E-1: **Request for Approval to Execute a Contract with the Hawaii Tourism Authority for Improvements to Akaka Falls State Park, Hawaii and Kalalau Lookout at Kokee State Park, Kauai.**

Unanimously approved as submitted (Johns/Edlao).

Item D-11: **Issuance of Right-of-Entry Permit to Hui Ku Maoli Ola, LLC, on Unencumbered Lands, Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-13:01 (por.).**

Motion to defer.

Unanimously approved to defer (Johns/Edlao).

Item D-1: **Grant of Term, Non-Exclusive Easement to Lorren and Lina Van Fossen for Access and Utility Purposes, Kapaa Homesteads 3rd Series, Kawaihau, Kauai, TMK: (4) 4-6-32:portion of 35.**

Item D-2: **Issuance of Right-of-Entry Permit to the County of Hawaii, Department of Water Supply on Lands Encumbered by Governor's Executive Order No. 2554, Ahualoa, Hamakua, Hawaii, TMK: (3) 4-6-11:42.**

Item D-3: **Approval in Principle of a Proposed Acquisition of Private Lands and Set Aside to Department of Land and Natural Resources, Division of State Parks for a Heiau Protection and Preservation Buffer Area, Kukuipahu, North Kohala, Hawaii, TMK: (3) 5-6-01:75 por.**

Item D-4: **Consent to Assign General Lease No. S-5136, Felisa S. Kaniho, Assignor, to Leonard Naboa St., Assignee, Milolii-Hoopuloa, South Kona, Hawaii, TMK: (3) 8-9-14:22. y)**

Item D-5: **Set Aside to Department of Transportation, Highways Division; Issuance of Construction and Management Right-of-Entry at Kaalaala-Kapapala, Kau, Hawaii, TMK: (3) 9-6-12:portion of 4; 9-6-13:portion of 2; and 9-8-01:portion of 11.**

Item D-7: **Request for Extension of Cure Period for Notice of Default, Sand Island Business Association, General Lease No. 5261; Honolulu, Oahu; TMK: (1) 1-5-41:302.**

Item D-9: **Acquisition of County Lands and Set Aside to Department of Land and Natural Resources, Division of State Parks, and Department of Transportation, Highways Division, for the Ka Iwi Scenic Shoreline project, Maunalua, Oahu; TMK: (1) 3-9-11:06.**

Item D-12: **Issuance of Direct Lease to Jeffrey Isao Tsuzuki and Charlotte Chiemi Higa for Private, Noncommercial Pier Purposes, Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-4-18:80 seaward.**

Item D-14: **Withdrawal of Two Parcels from Governor's Executive Order No. 3765, State Parks, Kahana Bay Beach Park, Reset Aside to the Department of Transportation, Highways Division for the North Kahana Stream Bridge Replacement Project No. BR-083-1(53), Kahana, Oahu, TMK: (1) 5-2-05:03. Issuance of a Perpetual Non-Exclusive Easement to the Department of Transportation over Governor's Executive Order No. 3765 and Governor's Executive Order No. 3518 for Highway Purposes, TMK: (1) 5-2-02:01 and TMK: (1) 5-2-05:03. Issuance of Right-of-Entry, Construction Purposes over Governor's Executive Order No. 3518 and Governor's Executive Order No. 3765, Kahana, Oahu, TMK: (1) 5-2-02:01 and TMK: (1) 5-2-05:03.**

Item D-15: **Grant of Perpetual, Non-Exclusive Easement to Yukio Yonekawa for Access Purposes, Waianae-Kai, Waianae, Oahu, TMK: (1) 8-5-04:36 & 39.**

Item L-1: **Certification of Election and Appointment of Soil and Water Conservation District Directors.**

Item L-2: **Approval for Award of Construction Contract – Job No. J00CF69A, ADA Barrier Removal, Manuka State Wayside, Kona, Hawaii.**

Unanimously approved as submitted (Johns/Gon).

There being no further business, Chairperson Young adjourned the meeting at 11:27 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. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

Terry Crowell

Terry Crowell

Approved for submittal:

PETER T. YOUNG

Chairperson

Department of Land and Natural Resources