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

DATE:	FRIDAY, AUGUST 25, 2006
TIME:	9:00 A.M.
PLACE:	KALANIMOKU BUILDING LAND BOARD CONFERENCE ROOM 132 1151 PUNCHBOWL STREET HONOLULU, HI 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:07 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Ron Agor
Ms. Taryn Schuman
Mr. Rob Pacheco
Mr. Tim Johns
Mr. Jerry Edlao
Mr. Sam Gon III

STAFF

Mr. Paul Conry, DOFAW
Mr. Dan Quinn, SP
Mr. Russel Tsuji, Land
Mr. Sam Lemmo, OCCL

OTHERS

Ms. Linda Chow, Deputy Attorney General
Mr. Geoff Hand, E-1
Mr. Alika Desha, E-1
Mr. Robert Fox, D-9
Ms. Betsy Morrigan, E-1
Mr. Mahialani Pai, E-1
Mr. Gordon Leslie, E-1
Ms. Carolyn Oshiro, D-3

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

Chairman Young welcomed the new interim Big Island Land Board Member, Rob Pacheco.

Item A-1: Minutes of August 11, 2006

Members Schuman and Pacheco recused themselves

Unanimously approved as submitted (Johns, Edlao)

Item E-1: Request Approval of Curator Agreement between State of Hawaii, Department of Land and Natural Resources, and Hale Mua Cultural Group which Establishes Hale Mua Cultural Group as Curators of Ka`awaloa Village, Kealakekua Bay State Historical Park, South Kona, Hawai'i Island.

Dan Quinn, Administrator of the Division of State Parks, presented a map of the proposed area within the curator agreement. The makua boundary of the site has not been determined yet. The initial efforts of this project will be to clear the vegetation from the historical and cultural resources, document, and monitor the resoureces. This will help to determine the best way for the curators to manage and preserve these resources. The Hale Mua Cultural Group is a non-profit organization of which their board members are also members of the Royal Order of Kamehameha I. Staff's recommendation is to authorize the department to enter into a 5 year period for this curatorship agreement, subject to approval by the attorney general and also to allow the Chairperson to negotiate other potential and future terms and conditions, including future revisions and amendments to best serve the objections of this agreement, the preservation of the park's cultural resources, and the interest of the State.

Mahialani Pai (Hale Mua) (written testimony also provided), Alika Desha (Royal Order of Kamehameha), and Gordon Leslie (Hale Mua) all provided testimony in which they expressed their gratitude for being chosen as the curators of Ka'awaloa Village and stated that they are very willing to work closely with the community and other organizations to preserve the area and returning it to its natural state.

Betsy Morrigan (written testimony also provided) provided testimony in which she expressed her concerns with this agreement. One concern is landscape removal and how it can be done without affecting the natural resources of the area and how it will affect visitors. The logging of the area is also a concern because it wasn't stated where the logs would go, whether there would be run off, etc. Another concern is that there was no mention of toilet facilities. Overall though, she is generally in favor of the curator agreement.

Member Johns, suggested that staff take into account the concerns of Ms. Morrigan as they further develop their plans with the curators.

To address the concerns in regards to the toilet facilities, Mr. Leslie stated that when they (Hale Mua) had met with the vendors at Ka'awaloa and state agencies, the vendors agreed that they would have their own portable toilets. They also agreed that there would be an area close to the waters edge that would be cleared and used for a staging area.

Written testimony was also provided by Karen Hand

Unanimously approved as submitted (Pacheco, Johns)

Item D-3: Amend Prior board Action of June 9, 2006, under Agenda Item D-12, for Issuance of Direct Lease to Jeffrey Isao Tsuzuki and Charlotte Chiemi Higa for Private, Noncommercial Pier Purposes, Kaneohe, Oahu, TMK: (1) 4-4-18:80 Seaward (ODLO/Al)

Mr. Russell Tsuji, Administrator of the Land Division stated that this was a request by the tenant for a voluntary forfeiture of a lease. The tenant was present, but was ill. Mr. Tsuji had an amendment to recommendation number 2 where instead of using the performance bonds for liquidated damages, rather use it for the cost of phase 1 and phase 2. The property is an industrial site and more than likely it is going to require a phase 3. The tenant's attorney was also present.

The Board:

Amend Recommendation 2:

"Authorize the retention of all sums heretofore paid or pledged under General Lease No. S-3729 [~~as liquidated damages~~] <u>to pay for the costs of a Phase I and Phase II environmental site assessments, and any clean-up that may be required</u>;"

Unanimously approved as amended (Pacheco, Johns)

Item D-12: Authorize the issuance of a Request for Qualifications/Request for Proposals for public lands at Honouliuli, Ewa, Island of Oahu, Hawaii. TMK: (1) TMK 9-1-31:01, 25, 26, and 37 (PLANNING & DEVELOPMENT/Keith)

Member Johns recused himself.

Mr. Tsuji stated that the property is 100 plus acres, located behind Campbell Industrial Park and already zoned industrial and ready to go. Because of lack of industrial space on Oahu, staff feels that this is a viable project that will attract a lot of interest. He also provided some background information that most of the revenue is generated by 98% of the land that managed by the Division of Land which reverts to the general fund, OHA, and DHHL. The other 2% goes to their special land development fund.

Unanimously approved as submitted (Schuman, Gon)

Item D-9: Sale of Reclaimed Lands to Robert M. Fox. Waialae-Iki, Honolulu, Oahu, TMK: 3-5-22:05, seaward. (ODLO/Al)

Applicant, Mr. Robert Fox, was present.

Unanimously approved as submitted (Schuman, Agor)

Item D-2: Approval of Lease of Private Property with Mr. Clifford H. Furukado and Mrs. Keri R. Furukado on behalf of the Department of Health, Clean Air Branch, for Air Monitoring Station Site at Keaau, Puna, Island of Hawaii, TMK: (3) 1-7-21: portion of 9 (HDLO/Wesley)

A member from the Clean Air branch was present.

Member Edlao had a question about liability. Mr. Tsuji responded by saying that since DLNR is the leasee the State would be liable.

Unanimously approved as submitted (Pacheco, Gon).

Item B-1: Request approval to authorize Chairperson to negotiate amendments and additions to existing joint enforcement agreement from NOAA, National Marine Fisheries Service, Office of Law Enforcement.

David Gauld, from the Division of Conservation and Resource Enforcement (DOCARE), stated that their Division recently acquired an agreement with NOAA's Office of Law Enforcement which provided them with $60,000 in Federal grant funding. Since then, additional funding has become available and there may be a possibility of obtaining additional funding. Chairman Young acknowledged that we are close to obtaining $94,000.

Unanimously approved (Johns, Edlao)

Item C-1: Request for approval to implement landowner incentive program projects.

Member Gon recused himself

Unanimously approved as submitted (Schuman, Johns)

Item F-1: Request for approval to enter into an $873,651 project agreement with the research cooperation of the University of Hawaii for fish and habitat monitoring and assessment (10/1/06-9/30/09).

Item F-2: Request for approval to enter into a cooperative agreement with the National Oceanic and Atmospheric Administration for the conservation of threatened and endangered marine species.

Unanimously approved as submitted (Johns, Schuman)

Item D-7: Resubmittal: Amendment to Prior Board Action of December 12, 2003, Agenda Item D-49, Direct Award of Perpetual, Non-Exclusive

Easement for Utility Purposes, Honolulu, Oahu, TMK: 1-5-041:06, 22, 130, 334 portions. (ODLO/Al)

Member Johns recused himself

Unanimously approved as submitted (Schuman, Gon)

Item D-1: **Set Aside to the County of Hawaii for Public Water Spigot Facility and Other Related Public Purposes, Nanawale and Kaniahiku Homesteads, Puna, Hawaii TMK: (3) 1-5-04:001 (HDLO/Harry)**

Item D-4: **Rescind Prior Board Action of September 27, 1996 (D-20), Request by the Veterans of Foreign Wars for Cancellation of Revocable Permit No. S-4892 and the Direct Issuance of A General Lease for Eleemosynary Purposes, Kihei, Maui, TMK: (2) 3-9-7:3 (ADMINISTRATION/Charlene)**

Item D-5: **Rescind Prior Board Action of September 10, 2004 (D-4), Consent to Issuance of Revocable Permit for Lands Under Governor's Executive Order No. 1189 to Molokai General Hospital, Pukoo, Molokai, TMK: (2) 5-7-7:16 (ADMINISTRATION/Charlene)**

Item D-6: **Grant of Perpetual, Non-Exclusive Easement in Favor of TMK: (1) 1-5-33:9, 16 and 19, for Sewer Line Purposes, Kapalama-Kai, Honolulu, Oahu, TMK: (1) 1-5-33:14 (SUPPORT BRANCH/Gary)**

Item D-8: **Consent to Assign General Lease No. S-4899, Applicants Ronald K. Lopes, Assignor, to Ronald Keelikolanimaluhiakeao Lopes, Cindy Keonaonaokapuakakahiaka Lopes Torres and Darren Kealii Lopes, Assignees, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, TMK: (1) 2-5-24:32 (ODLO/Al)**

Item D-10: **Amend Prior Board Action of February 10, 2006, Item D-9; Issuance of Direct Leases for Private Noncommercial Pier Purposes, Honolulu, Oahu, TMK: (1) 3-6-1:18, 19, 20, 23, 31, 33, 34, 37, 38, 41, 122; 3-7-2:43-seaward (ODLO/Barry)**

Item D-11: **Direct Sale of Remnant Ditch to Plant Research Corp., and Withdrawal from Governor's Executive Order No. 1598, Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-025:037 (por) (ODLO/Steve L.)**

Unanimously approved as submitted (Johns, Edlao)

Item L-1: **Request for authorization to retain various consultants and governmental agencies for the purpose of conducting surveys, studies,**

and assessments of dams and reservoirs statewide to determine their current physical integrity, and authorize the Chairperson to enter into and negotiate agreements with various consultants and government agencies, as direct by Act 118, SLH 2006, relating to Emergency Relief for Natural Disasters.

Unanimously approved as submitted (Johns, Schuman)

Item K-1: Conservation district use application (CDUA) HA-3302 for consolidation and re-subdivision of Ka'ohe, South Kona, Hawai'i, TMK (3) 8-7-19:34, 35, 36, 37. Applicant is the Killeen Family Trust.

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands (OCCL) stated that this application is for a consolidation and re-subdivision of 4 lots (each lot is less than 10,000 sq. ft) to 3 lots, which represents a decrease in population density of the area. Existing rules of the Conservation District requires a minimum of 10,000 sq. ft to qualify as "buildable." Mr. Lemmo explained that turning 4 unbuildable lots into 3 buildable lots would actually increase the density in the conservation district rather than decrease. Staff is recommending approval because the lots are in an existing subdivision and the applicant could easily ask for a rule amendment which could potentially increase density. This application would only allow the lots to become buildable and the applicant would be required to file a CDUP to construct a house. One lot is a shoreline parcel which may or may not create a constraint on allowing the applicant to build a house in that area.

Item K-2: Request to Extend the Processing Period for an Additional 60-days for Conservation District Use Application HA-3250 for the Commercial Use of Hand Quarried Volcanic Ash located at Pu'u Nene, Humu'ula, North Hilo, island of Hawaii, TMK:(3) 3-8-001:001

Unanimously approved as submitted (Pacheco, Johns)

There being no further business, Chairperson Young adjourned the meeting at 9:56 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,

Lauren Yasaka

Approved for submittal:

PETER T. YOUNG
Chairperson
Department of Land and Natural Resources