

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

DATE: FRIDAY, DECEMBER 18, 1992  
TIME: 9:00 A.M.  
PLACE: BOARD ROOM  
KALANIMOKU BUILDING, ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

**ROLL CALL** Chairman William Paty 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. John Arisumi  
Mr. Herbert Apaka  
Ms. Sharon Himeno  
Mr. Christopher Yuen  
Mr. William Paty

**STAFF:** Mr. W. Mason Young  
Mr. Roger Evans  
Mr. Manabu Tagomori  
Mr. Henry Sakuda  
Mr. Richard Kanayama  
Mr. David Parsons  
Ms. Charlene Unoki  
Ms. Dorothy Chun

**OTHERS:** Ms. Dawn Chang, Esq., Department of Attorney General  
Mr. Peter Garcia, Department of Transportation  
Ms. Nickie Hines (Item F-13)  
Mr. You Soukaseum (Item F-13)  
Ms. Nani Rapoza, Esquire (Item H-1)  
Mr. Lloyd Lee (Item F-6)  
Mr. Richard Grimm (Item F-14)  
Mr. Carl Christensen (Item F-14)  
Ms. Meredith Ching (Item F-14)  
Mr. Byron McCann (Item F-14)  
Mr. Neal Wu (Item F-10)  
Ms. Anne Lo-Shimazu (Item F-10)  
Mr. Ben Schlapak (Item F-11, K-1 and K-17)  
Mr. R. P. Rogers (Item K-9)  
Mr. Paul Matsuo (Item F-9)

**MINUTES** The minutes of the meeting of October 23, 1992 were approved as submitted. (Arisumi/Apaka)

**ADDED ITEM:** Upon motion by Mr. Arisumi and second by Mr. Apaka, the following was added to the agenda:

Item H-6 Request for Approval to Enter Into A Cooperative Agreement

Items on the agenda were considered in the following order to accommodate those applicants and interested parties at the meeting.

**ITEM F-13 AUTHORIZATION TO LEASE AT PUBLIC AUCTION, CANCELLATION OF REVOCABLE PERMIT NO. S-4987, AND ISSUANCE OF INTERIM REVOCABLE PERMIT, GOVERNMENT LAND AT WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEYS 4-1-08:11 AND 4-1-23:65**

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Mr. Mason Young presented Item F-13 to the Board giving the details of an absentee permittee landlord, Mrs. Goodness, who has been allowing a current user, Mr. You Soukaseum, of the property to occupy the premises without authority as provided for in the revocable permit.

Mr. Young then presented the proposal to correct the situation. 1) Cancel the permit to Mrs. Goodness; 2) in the interim until staff can go to public auction, issue a permit to the current user of the property in order to get rid of and eliminate the absentee landlord situation; 3) issue the permit to Mr. Soukaseum on an interim basis with Board's approval and his understanding that the property will be put up for public auction for truck farm purposes.

Mrs. Nickie Hines spoke on behalf of Mr. You Soukaseum and before doing so she passed out a fact sheet showing the crops being grown, employee information and income/expenditures of the farm. She also introduced Mr. Soukaseum and his son to the members of the Board. Mrs. Hines informed the Board that the farmers did not have anything to add except to say that allowing them to have an interim permit would be better than having their \$250,000+ investment thrown off the land. She said that they were wonderful farmers and have contributed to the revenues of the State. They have employees, they're honest farmers with good crops and when they have produce that are not marketable they donate it to the Food Bank. They also donate produce to her food dispersal program in Waimanalo which has been functioning now for nine years on a weekly basis.

**ACTION** Unanimously approved as submitted. (Himeno/Arisumi)

**ITEM H-1 EXTENSION OF TIME REQUEST FOR A STAY OF ENFORCEMENT ON CONSERVATION DISTRICT USE APPLICATION (CDUA) HA-2555: AFTER-THE-FACT SINGLE FAMILY RESIDENCE AT KEEKEE, SOUTH KONA, HAWAII, TAX MAP KEY 8-1-4:13; APPLICANTS: WILLIAM AND RITA COWELL; AGENT: NANI RAPOZA (CADES SCHUTTE FLEMING & WRIGHT)**

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Mr. Evans made the presentation of Item H-1. Staff is recommending approval of this request.

Agent Nani Rapoza, Esquire addressed the Board and said that the Cowells have modified their plans for the residence on their property. They will be working with her and an archaeologist that they have retained and also an architect to design a house that would meet all the requirements of both the State and the County. They are also working for a shoreline certification since last year.

**ACTION** Unanimously approved as submitted. (Yuen/Himeno)

**WITHDRAWAL OF STATE LAND FROM GOVERNOR'S EXECUTIVE ORDER NO. 3206; RESET ASIDE TO COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS FOR MAINTENANCE BASEYARD SITE; AND GRANT IMMEDIATE RIGHT-OF-ENTRY AT HONOKOWAI, LAHAINA, MAUI, TAX MAP KEY 4-4-01:POR. 104**

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**ITEM F-6**

Mr. Young made the presentation and explained that the County of Maui Department of Public Works obtained a permit from the Maui Planning Commission on June 25, 1991 to construct a baseyard facility at Honokowai. One of the conditions required them to inform the Department of Land and Natural Resources (DLNR) that the baseyard would be built and to seek the necessary approval from DLNR. DLNR did not get word of this till October 1992. The County had gone ahead with the approval from the Planning Commission in the construction of the baseyard.

Staff is recommending the set aside of the acreage to the County and that the County be fined \$500.00 for unauthorized use and occupancy of State land. Because of the lack of facilities in the Lahaina area, staff is also asking that the applicant provide DLNR use of storage area within the baseyard site.

Mr. Lloyd Lee, County of Maui, Public Works said that basically they have their own equipment in the baseyard. The area that would be specified for DLNR would be in a separate secured fenced area, a covered shed at a minimum of 10'x10'. The cost would be approximately between \$5000 to \$8000.

Mr. Arisumi asked Mr. Lee if he had any questions in regard to the conditions.

Mr. Lee said that he wanted to clarify some statements, basically an environmental assessment was filed in 1991 under the old system before the Environmental Impact Statement (EIS) requirements by the Office of Environmental Quality Control (OEQC). Now according to OEQC, because in their negative declaration there were responses from various agencies that said there was no impact except for the State Department of Transportation. The OEQC accepted their negative declaration as a legal document so the condition saying, "That prior to any construction, the applicant shall obtain Negative Declaration approval for the baseyard use;" and he was concerned about that.

Mr. Lee explained that the baseyard facility is mostly all portable structures. They do have monies in their present budget and they will be constructing a new baseyard. In looking at this project, he found out that there were some discrepancies in getting approval from DLNR as far as the use of the place. In their efforts to correct the situation, they are here today, the County did error in not per se following procedures and he apologized to the Board for that. As far as the new baseyard, they would need a right-of-entry.

Regarding DLNR's request for storage area, they have not finalized any plans on the storage shed, location and means of security. They will be working with DLNR on these issues.

**MOTION**

Mr. Arisumi moved for the approval of Item F-6 and because the County will be spending quite a bit of money which would include the State's storage facility, that the \$500 fine be deleted. Motion was seconded by Ms. Himeno.

**DISCUSSION** Mr. Lee asked if the condition requesting the EA would still be required as he had presented a letter to Mr. Young that the negative declaration had been approved.

Mr. Young said that he would have no problem with the deletion of that requirement as he had received the letter from Mr. Lee this morning and that Chapter 343 had been complied with.

**ACTION** Mr. Arisumi amended his motion to include the deletion of the requirement under Condition B.3.

Chairperson Paty called for the question and motion was carried unanimously.

**ITEM F-14 ANNUAL REVIEW OF REVOCABLE PERMITS ON THE ISLANDS OF HAWAII, MAUI/MOLOKAI, OAHU AND KAUAI**

Mr. Young said that due to the magnitude of the project he drafted an opening statement which he requested to be allowed to read to the Board. Before doing so, he introduced Miss Charlene Unoki, staff appraiser.

Mr. Young proceeded to read his opening statement which gave background information and current information relating to revocable permits issued by the State. In closing he said that they had looked at every revocable permit, fairly, conservatively and have been consistent in the methodology used and are ultimately responsible for the people they represent whether they be the department or permittees or the tax payers. The increases recommended are in some instances substantial but he said that the Land Board has to set up the parameters and a clear definition of what is market rent. His division is ready to assist in any way.

Discussion then followed with questions of Mr. Young by the board members.

Mr. Arisumi suggested that sugar and pineapple land leases not be increased as it would greatly jeopardize the industry on all islands.

Mr. Yuen referenced his concern on non-valuation issues relating to three of the permits, whether they should be under revocable permits.

Mr. Young said that these concerns were referred to the Hawaii Land Agent for review.

Mr. Apaka questioned the use of the appraisers. Mr. Young said that local on-island appraisers on each island were used.

Ms. Unoki gave the explanation of how the appraisers on the different islands came up with their appraisals.

Ms. Himeno informed the Chairman that going through the permits she would have a number of conflicts and would have to excuse herself on some of the permits but felt that she would be able to participate in the discussions.

Chairperson Paty expressed concern in moving off the graduated 4% per year into a rental predicated on fair market that you have situations particularly that

affect the agricultural community. He gave an example of the taro grower where the fair market value of the land is based on the appraisal. In no way will they be able to grow taro even if they could come up with that price range in 10 years. There are a lot of ramifications and he said that he didn't think the Board has a problem recognizing that probably they will want to move to a rental based on fair market but in moving to that objective he felt they would need to keep a balance on the economic factors into the time light involved so that what is done is fair and at the same time there is a sense of fiduciary responsibility to try to use State lands.

Mr. Young at the recommendation of the Chairperson then explained briefly the situation of telecommunication statewide, especially from Humuula, Mauna Kea, Haleakala on Maui and Oahu. He cited a letter received from Mr. Grimm which felt they were being discriminated against as well as the other radio stations.

Ms. Unoki then read from her report which gave the number of appraisers on each island and explanations of the various appraisers reports and the methods used in the 1st, 2nd, 3rd and 4th comparables in setting the lease rents.

Mr. Richard Grimm of KGMB addressed the Board saying that they had never received a request for an appraisal. He then presented his testimony. He cited that they provide free over the air service to all islands. If the proposed increase in rent goes through they will not be able to service Hilo and people there will be forced to purchase cable. He also cited the different comparables. He said that he was asking the Board to defer the issue of these permits so that some kind of arrangement could be reached as he felt that they would not have heard about this meeting had it not been for phone calls from another radio station.

Mr. Byron McCann, Chief Engineer at Channel 5 said that they were not informed of this meeting today and did not know if they were on the list to request to be deferred. He said, "At these rental prices, K-5 will not be able to continue to construct. We would just continue our operations on Oahu and not serve the other islands if it's not economically feasible for us to continue. That's all I have."

Chairman Paty asked Mr. McCann what was the present rental arrangement.

Mr. McCann said that at this time they have only one facility on Haleakala. He said that they requested a revocable permit when they got their Conservation District Use Permit and on the 1st of November they got notification of what the monthly rental would be, which was \$1,333.00 per month versus other stations and other communication facilities on Haleakala which were paying substantially less. He said that one neighbor KHNL Channel 13 was paying \$13.00 per month. He said that they had a parcel of similar size and use of which the State requested \$1300 per month.

Mr. Young informed the Board that K-5 is not on the list today because the staff does not have an executed document from them.

Mr. Yuen asked Mr. Young the status of KHNL on Haleakala.

Mr. Young said that the new proposed rental for KHNL would be \$796.00 per

month.

Dr. Donald Hall of the University of Hawaii wanted to clarify one point that the astronomers consider the broadcasters a major polluting industry. They are a source of very high tech pollution, namely electromagnetic radiation, a major source of pollution that affects their activities. They are working closely with the broadcasters, trying to work out an approach particularly on Haleakala that would set up a common facility for the broadcasters which would eliminate most of these pollution problems.

Ms. Meredith Ching of A & B, EMI was called upon to address the Board. At this point Ms. Himeno excused herself because of a conflict.

Ms. Ching re-emphasized that at this point in time the sugar industry will have a hard time absorbing the increases. They would have a very hard time citing economic trends, comparing lease rents and water rates. She mentioned that any kind of increase in the rates would affect them and they don't feel it would be justified. She also said that based on what other rents were being charged, they feel they are being charged very high.

Mr. Carl Christensen, staff attorney of the Native Hawaiian Legal Corporation said that they were very pleased to see the move that the department is making. They are among those that have been critical of past practices under which rental fees for revocable permits did not appear to relate to fair market value. They are also in litigation with the board on certain ceded land issues with regard to an EIS for the East Maui Irrigation leases. They believe moving to a lease system is desirable. They understand it will be a long term process requiring manpower and hoped the board will support request for additional manpower in that area.

Mr. Christensen commented in regard to EMI, "the pricing for those water licenses is going to be very difficult. I'd like to suggest that one option that should be looked at is to consider EMI on the basis of a public utility, given that they have the only way of extracting water from those areas, obviously there's not going to be any way to auction those licenses off that's going to have any competition. Some sort of public utility type regulated entity pricing may be appropriate for them."

#### **EXECUTIVE**

**SESSION** Mr. Arisumi requested an executive session to meet with counsel.  
11:00 am - 11:10 am

Chairperson Paty called the regular meeting back to order.

Mr. Yuen clarified with Mr. Young that the board must act today on Recommendation A if the revocable permits were to continue.

#### **ACTION**

Mr. Yuen made a motion to authorize a continuation of the permits, as listed on the attached schedule, on a month-to-month basis for another year, subject to the following:

- a. Permits which are in arrears of rental payment for more than 60 days shall not be renewed.

- b. R.P. No. S-5127, South Kona, permit to Elizabeth Marks Stack, TMK 8-6-01:3; approve changing the use from pasture to access purposes only, with area and rental to be determined by staff.
- c. R.P. No. S-5332 to William Thompson, TMK 8-7-01:13 & 14; review and consider including this area as addition to South Kona Forest Reserve; also review R.P. No. S-5226 for same reason.
- d. R.P. No. S-5930 to Huehue Ranch, TMK 7-2-04:17, staff to review and consider revising area to be consistent with State's plans, excluding anchialine ponds, and ensuring that permit prohibits permittee from interfering with public access.
- e. Deferred increasing monthly rental and requested staff to again review rentals in light of concerns i.e. sugar/agricultural industry, OHA and Native Hawaiian Legal Corporation, notification, graduated timeline for arriving at fair market rent, etc. expressed by them and the public. Staff is requested to report back at next Oahu meeting in February.

Motion was seconded by Ms. Himeno and carried unanimously.

**ITEM E-3** **SPECIAL USE PERMIT TO MICHAEL A. MEIERDIERCKS FOR RESIDENTIAL PURPOSES, KALIHI, OAHU**

Mr. Richard Kanayama presented Item E-3 to the board giving a short background.

Mr. Michael Meierdiercks had nothing to add and was in agreement with all the conditions and the amount of the rent.

**ACTION** Unanimously approved as submitted. (Himeno/Arisumi)

**ITEM H-3** **EXTENSION OF TIME REQUEST FOR CONSERVATION DISTRICT USE PERMIT HA-1314A, MAUNA KEA, HAWAII, TAX MAP KEY 4-4-15:9, APPLICANT: UNIVERSITY OF HAWAII, INSTITUTE FOR ASTRONOMY**

Mr. Evans made the presentation of Item H-3 to the board with staff's recommendation for approval. He did inform the board that applicant has requested an extension through the end of 1999 although staff has used the year 1996 in the submittal.

Dr. Donald Hall said that he concurred with staff's recommendation.

**ACTION** Unanimously approved as submitted. (Yuen/Himeno)

**ITEM H-4** **REQUEST TO REVIEW FOR RENEWAL OF CONSERVATION DISTRICT USE PERMIT ISSUED TO ROCK ISLAND RIDERS TO CONDUCT YEARLY RECREATIONAL MOTORCYCLE RIDE ON THE ISLAND OF HAWAII, APPLICANT: ROCK ISLAND RIDERS**

Mr. Evans informed the board that this is a yearly activity where an off-street motorcycle group known as the Rock Island Riders conduct a yearly recreational motorcycle ride on the island of Hawaii.

Mr. Evans said that he would need to make one amendment to one condition on Exhibit 1. Condition 3 reads, "That the applicant obtain proper authorization for the use of affected properties." Based upon discussions with the University of Hawaii, staff would like to amend that condition so that it reads, "That the applicant obtain proper authorization from the University of Hawaii for the use of its affected properties."

Mr. Yuen asked for a clarification of what UH properties the applicant would be using.

Mr. Evans explained that there was concern where they would be parking their motorcycles as they did not specify a specific location. There were concerns that they might want to park on the mountain in the staging area being used for construction and UH would have difficulty accepting that at this time.

Discussion followed regarding insurance requirements. Mr. Evans said that staff felt comfortable with the 'hold harmless clause' which the organization signs.

Mr. Yuen expressed concern that perhaps the individual rider should sign some sort of release.

**MOTION** Motion was made by Mr. Yuen for approval with modification to Exhibit 1, Condition 3, That the applicant obtain proper authorization from the University of Hawaii for the use of its affected properties; and that the individual rider be asked to provide their own insurance for liability and sign some kind of agreement using State property. Motion was seconded by Ms. Himeno.

**DISCUSSION** Mr. Bob McClaren of the University of Hawaii said that he wanted to clarify the issue of the University of Hawaii property. He said that there is a 2-day race and they have a break over-nite. The proposal this year was to leave the motorcycles impounded, as they call it, near Hale Pohaku and the proposal was to leave it on an area which is currently used as a construction staging area. This was a suggestion last year because that area was vacant. They have informed them informally that it won't work this year and they've proposed an alternative location which is not on UH land. The alternative location is just south of the UH sublease on State land and not on UH land.

**ACTION** Chairperson called for the question and motion carried unanimously.

**PROPOSED LAND EXCHANGE BETWEEN STATE OF HAWAII AND  
PIONEER MILL COMPANY, LTD., LAHAINA, MAUI, TAX MAP KEY**

**ITEM F-10 4-5-21:POR. 4 AND POR. 2**

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Mr. Young made the presentation of Item F-10 explaining the proposed land exchange. Staff is recommending approval.

Mr. Young said that Mr. Neal Wu of HFDC and Mrs. Anne Lo-Shimazu of Pioneer Mill Company were present today. Both Mr. Wu and Mrs. Lo-Shimazu were in agreement with the proposal and had no further comment.

**ACTION** Unanimously approved as submitted. (Arisumi/Apaka)

**ITEM F-11 DEPARTMENT OF TRANSPORTATION REQUESTS SET ASIDE OF LAND AT KAPALAMA MILITARY RESERVATION, OAHU**

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Mr. Owen Miyamoto, of the Department of Transportation, Airports Division was present to answer any questions of the board. He was in agreement to the submittal and had nothing to add.

**ACTION** Unanimously approved as submitted. (Himeno/Arisumi)

**ITEM K-1 SPECIAL FACILITY LEASE/SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (ELLERS-POHRER AIRPORT PARTNERS, FEDERAL EXPRESS CORPORATION AND THE STATE OF HAWAII)**

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Mr. Garcia made the presentation going over much detail of the submittal.

**ACTION** Unanimously approved as submitted. (Himeno/Arisumi)

**ITEM K-9 THIRD AMENDMENT TO RIGHT-OF-ENTRY AGREEMENT FOR TEST BORINGS, ALOHA TOWER COMPLEX REDEVELOPMENT, HARBORS DIVISION, OAHU (ALOHA TOWER ASSOCIATES)**

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**ACTION** Unanimously approved as submitted. (Himeno/Arisumi)

**ITEM K-17 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION**

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Mr. Garcia made the presentation of Item K-17 which was distributed at the meeting. He explained that the 23 applicants previously had airport-airline leases and other agreements with the Airports Division. The leases expired on July 31, 1992 and an extension was granted to December 15, 1992 to address the various issues involved to reach agreement on the terms of the new lease. In the event an agreement is not reached by the extension date, the Airports Division must issue revocable permits to continue the applicants' use of the terminal facilities until a new lease is agreed upon.

**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

\*\*\* Chairperson Paty invited Mr. Garcia to present the balance of his items to the board at this time as he has been the last on the agenda throughout the year.

**ITEM K-2 AUTOMOBILE PARKING FACILITIES CONCESSION, LIHUE AIRPORT, OAHU**

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**ACTION** Unanimously approved as submitted. (Apaka/Arisumi)

**ITEM K-3 RIGHT-OF-ENTRY, HONOLULU INTERNATIONAL AIRPORT (UALENA STREET), OAHU (UNITED STATES POSTAL SERVICE)**

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**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

**ITEM K-4 PARTIAL AMENDMENT TO AVIGATION EASEMENT AND AVIGATION AND DRAINAGE EASEMENT, KALIHI-KAI, OAHU (SEN PLEX CORPORATION)**

**ACTION** Unanimously approved as submitted. (Himeno/Arisumi)

**ITEM K-5 LEASE - VENDING AGREEMENT, MAIN TERMINAL BUILDING, KAHULUI AIRPORT, MAUI (FIRST HAWAIIAN PROPERTIES, INC.)**

**ACTION** Unanimously approved as submitted. (Arisumi/Himeno)

**ITEM K-6 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4945, ETC., AIRPORTS DIVISION**

**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

**ITEM K-7 RENEWAL OF REVOCABLE PERMITS 2086, ETC., AIRPORTS DIVISION**

After Mr. Garcia's presentation of Item K-7, Mr. Arisumi asked what method they were using in determining the rental of the revocable permits.

Mr. Garcia said that annually between 18-24 months they have two independent appraisers and they make independent appraisals of all the facilities at all the airports.

Mr. Apaka questioned Mr. Garcia, that shown on pages 2 and 5 on the attachment to Item K-7, there were \$00.00 amounts on several of the permits.

Mr. Garcia said that it must be a computer error as there should be rentals listed. He also informed the Board that they do not charge the Civil Air Patrol and the U. S. Department of Commerce any fees.

**ACTION** Mr. Arisumi moved to approve all permits except the permits listed with a \$00.00 amount, excluding the Civil Air Patrol and the U.S. Department of Commerce; seconded by Mr. Apaka, motion carried unanimously.

**ITEM K-8 REQUEST FOR AMENDMENT TO DIRECT SALE OF LEASE OF PIPELINE EASEMENT AT BARBERS POINT HARBOR, HARBORS DIVISION, EWA, OAHU (CHEVRON U.S.A. INC. AND TEXACO REFINING AND MARKETING, INC.)**

**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

**ITEM K-9** See page 9 for Action.

**ITEM K-10 EXTENSION OF CONSTRUCTION RIGHT-OF-ENTRY AGREEMENT, SAND ISLAND CONTAINER FACILITY, OAHU (SEA-LAND SERVICE, INC.)**

**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

- ITEM K-11** CONSTRUCTION RIGHT-OF-ENTRY AND FIRST AMENDMENT TO HARBOR LEASE NO. H-92-22, SAND ISLAND CONTAINER FACILITY, OAHU (SEA-LAND SERVICE, INC.)
- ACTION** Unanimously approved as submitted. (Himeno/Arisumi)
- ITEM K-12** ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, SAND ISLAND CONTAINER FACILITY, OAHU (SEA-LAND SERVICE, INC.)
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-13** ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 9 MEZZANINE, SUITE 4, OAHU (SEA ENGINEERING, INC.)
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-14** ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR AND KAWAIHAE HARBOR, HAWAII (KAWAIHAE TERMINALS, INC.)
- ACTION** Unanimously approved as submitted. (Yuen/Himeno)
- ITEM K-15** CONTINUANCE OF REVOCABLE PERMITS H-89-1614, ETC., HARBORS DIVISION
- Ms. Himeno asked to be recused from acting on permits for Matson Terminals, Inc. R.P. H-91-1740, Matson Navigation Company, Inc. H-86-1381 and H-86-1382, also for Brewer Chemical Corporation H-80-872 and H-81-1118 because of a conflict.
- ACTION** Approved as submitted. (Arisumi/Himeno)
- ITEM K-16** SECOND RESTATED AND AMENDED HARBOR LEASE AND SPECIAL FACILITY LEASE AGREEMENT, HARBOR LEASE NO. H-79-5, SAND ISLAND CONTAINER FACILITY, OAHU (MATSON TERMINALS, INC.)
- Ms. Himeno asked to be recused because of a conflict.
- ACTION** Approved as submitted. (Arisumi/Apaka)
- ITEM K-17** See page 9 for Action.
- ITEM B-1** REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT TO SUPPORT FEDERAL FISHERIES MANAGEMENT-RELATED ACTIVITIES OF THE DIVISION OF AQUATIC RESOURCES DURING CALENDAR YEAR 1993
- ACTION** Unanimously approved as submitted. (Himeno/Arisumi)
- ITEM D-1** PERMISSION TO HIRE A CONSULTANT TO CONDUCT DAM SAFETY INSPECTIONS
- Mr. Tagomori said his three Items D-1, D-2 and D-3 were all asking for permission to hire consultants. Staff said that the consultant fee for each would be about \$25,000.

**ACTION** Unanimously approved Items D-1, D-2 and D-3 as submitted. (Himeno/Apaka)

**ITEM D-2** **PERMISSION TO HIRE CONSULTANTS FOR JOB NO. 63-HF-E1, STATE TREE NURSERY OPERATIONS BUILDING, HAWAII**

See D-1 for Action.

**ITEM D-3** **PERMISSION TO HIRE A CONSULTANT TO CONDUCT A FEASIBILITY STUDY OF THE INTENSIVE SHRIMP PRODUCTION TECHNOLOGY USING ROUND PONDS**

See D-1 for Action.

**ITEM E-1** **APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO REFINE AND IMPLEMENT THE MAKIKI TANTALUS RECREATION AREA PLAN AS A PILOT 'AINA HOOMALU PARK'**

**ACTION** Unanimously approved as submitted. (Himeno/Yuen)

**ITEM E-2** **APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO INITIATE INTERPRETIVE PROGRAMS IN BOTH KOKEE AND WAIMEA CANYON STATE PARKS**

**ACTION** Unanimously approved as submitted. (Apaka/Arisumi)

**ITEM E-3** See page 7 for Action.

**ITEM F-1** **TRANSMITTAL OF DOCUMENTS**

Item F-1-a Resubmittal--assignment of General Lease No. S-5136 between Yvonne L. Teves, assignor, and Sheldon W. Baniaga, assignee, Lot 9, Milolii-Hoopuloa Lots, Phase II, Hoopuloa, So. Kona, Hawaii, Tax Map Key 8-9-14:22

Item F-1-b Issuance of Revocable Permit to Institute for Human Services, Inc., Iwilei, Honolulu, Oahu, Tax Map Key 1-5-07

Item F-1-c Assignment of General Lease No. S-5023 covering lot 51, Kokee Camp site lots, Waimea (Kona), Kauai, Tax Map Key 1-4-03:17

Item F-1-d Assignment of General Lease No. S-4986 covering lot 29, Kokee Camp site lots, Waimea (Kona), Kauai, Tax Map Key 1-4-04:21

Item F-1-e Warehouse lease between Honolulu Warehouse Co., Ltd. and Department of Education at Hoaeae, Ewa, Oahu

Item F-1-f Issuance of land patent in confirmation of Land Commission Award No. 9117-B to Kaau, by application of attorney Peter Morimoto on behalf of Mitchell McPeck and Mark Feighan, Wainiha Hui lands at Hanalei, Kauai, Tax Map Key 5-8-06:8

**ACTION** Mr. Apaka made a motion to approve Items F-1-a through F-1-f; seconded by Mr. Arisumi, motion carried unanimously.

**REQUEST FOR AUTHORIZATION TO ACQUIRE THE GREENBANK  
PROPERTY AT HALAWA, NORTH KOHALA, HAWAII, TAX MAP KEY  
5-3-03:3**

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**ITEM F-2**

**ACTION** Unanimously approved as submitted. (Yuen/Himeno)

**ADOPTION OF HEARINGS OFFICER'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND RECOMMENDED ORDER IN THE MATTER  
OF THE SHORELINE CERTIFICATION APPLICATION OF ALFIE FUJITANI,  
KAILUA-KONA, HAWAII, TAX MAP KEY 7-6-17:28 AND 40**

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**ITEM F-3**

Mr. Young requested that this item be withdrawn from the agenda.

**WITHDRAWN** Motion was made by Mr. Yuen to withdraw this item from the agenda, seconded by Mr. Apaka, motion carried.

**ACCEPTANCE OF A LICENSE FROM HAMAKUA SUGAR COMPANY, INC.  
AND SUBSEQUENT ISSUANCE OF A REVOCABLE PERMIT TO HAWAII  
BEEF PACKERS, INC. FOR OPERATION OF FEEDLOT AND  
SLAUGHTERHOUSE FACILITY AT POHAKUHAKU, HAMAKUA, HAWAII,  
TAX MAP KEY 4-3-05:POR. 2**

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**ITEM F-4**

Mr. Young made the presentation of Item F-4 explaining that the department would like to see the cattle industry going and concurrently either to allow this department or the Department of Agriculture to issue an interim lease or sublicense to the user of the facility to operate the feedlot.

Discussion followed.

Miss Pat Tummons asked to comment. She said that she had been following the case of Hamakua Sugar and stated that, "the reason why the bankruptcy court did not allow the sale of Hamakua's meat packing operation, feedlot as was proposed last August, it was basically because Hamakua wanted to use the proceeds as operating capital and the bank was not happy with that. They wanted to use that proceeds to offset their indebtedness."

One of her concerns was that she would like to know if there were any underground storage tanks on the site and the status of such. She also wanted to know if there were any hazardous waste storage areas.

Before the State commits to acquire any kind of ownership, she feels they should realize that they would be assuming liability for all the issues she pointed out.

Mr. Yuen clarified with Mr. Young that today's action would simply authorize the Chair to negotiate the license and sublicense.

Mr. Young said that should the Board make their recommendation towards that, he would like to make an amendment that in the second part with respect to issuing a sublicense or revocable permit, it either be the chairperson and/or the Department of Agriculture as they may wish to issue the permit in lieu of DLNR once the license comes over.

Mr. Yuen had more questions regarding authority and the board's position in this matter.

**ACTION** Motion was made by Mr. Yuen for approval with recommended amendment; seconded by Mr. Apaka, motion carried.

**AMENDMENT TO PRIOR BOARD ACTION OF FEBRUARY 24, 1988 (AGENDA ITEM F-6), AUTHORIZING THE PUBLIC AUCTION SALE OF AN INTENSIVE AGRICULTURAL LEASE COVERING LOTS 44 AND 44A, WAILUA HOMESTEADS, WAILUA, KOOLAU, HANA, MAUI, TAX MAP KEY 1-1-06:70**

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**ITEM F-5**

**ACTION** Unanimously approved as submitted. (Arisumi/Apaka)

**ITEM F-6** See page 4 for Action.

**AMENDMENT TO PRIOR BOARD ACTION OF AUGUST 28, 1992 (AGENDA ITEM F-4) RELATIVE TO AUTHORIZATION FOR PUBLIC AUCTION SALE OF LEASE AT PULEHUNUI QUARRY SITE (REVISED), PULEHUNUI, WAILUKU (KULA), MAUI, TAX MAP KEY 3-8-08:POR. 1 AND POR. 31**

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**ITEM F-7**

**ACTION** Unanimously approved as submitted. (Arisumi/Apaka)

**AMENDMENT TO PRIOR BOARD ACTION OF APRIL 28, 1989 (AGENDA ITEM F-6) AUTHORIZING THE PUBLIC AUCTION SALE OF A DIVERSIFIED AGRICULTURAL LEASE COVERING LOTS 20 AND 20A, WAILUA HOMESTEADS, WAILUA, HANA (KOOLAU), MAUI, TAX MAP KEY 1-1-04:6 AND 18**

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**ITEM F-8**

**ACTION** Unanimously approved as submitted. (Arisumi/Apaka)

**REQUEST FOR AUTHORIZATION TO ACQUIRE LAND BY WAY OF A LEASE FOR PROPOSED LANAI AGRICULTURAL PARK, LANAI, HAWAII, TAX MAP KEY 4-9-02:POR. 1**

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**ITEM F-9**

Mr. Paul Matsuo of the Department of Agriculture said that their department will negotiate the nominal rent.

**ACTION** Unanimously approved as submitted. (Arisumi/Apaka)

**ITEM F-10** See page 8 for Action.

**ITEM F-11** See page 9 for Action.

**REQUEST FOR APPROVAL TO RENEW LEASE AGREEMENT FOR MILILANI-UKA ELEMENTARY SCHOOL, MILILANI, OAHU, TAX MAP KEY 9-4-91:7, 8, 21 TO 32 AND 42**

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**ITEM F-12**

**ACTION** Unanimously approved as submitted. (Arisumi/Apaka)

**ITEM F-13** See page 2 for Action.

**ITEM F-14** See pages 6-7 for Action.

**ITEM H-1** See page 2 for Action.

**ITEM H-2** PARADISE PARK ANNUAL REPORT, FUTURE PLANS AND EXHIBITS,  
MANOA VALLEY, OAHU, TAX MAP KEY 2-9-54:18, APPLICANT: MR.  
JAMES W.Y. WONG, PRESIDENT, PARADISE PARK, INC.

Mr. Evans said that he had received a request from the applicant that this item be deferred as they wouldn't be able to have representation today.

**DEFERRED** Unanimously approved to defer. (Yuen/Himeno)

**ITEM H-3** See page 7 for Action.

**ITEM H-4** See page 8 for Action.

**ITEM H-5** TITLE 13, CHAPTER 2, CONSERVATION DISTRICT: DELEGATION OF  
AUTHORITY

**ACTION** Unanimously approved as submitted. (Yuen/Himeno)

**ADDED  
ITEM H-6** REQUEST FOR APPROVAL TO ENTER INTO A COOPERATIVE  
AGREEMENT

Mr. Corbin made his presentation with recommendation that the board approve the authorization of the chairperson to negotiate and enter into the agreement between the Department of Land and Natural Resources, the University of Hawaii and the U.S. Department of Agriculture to provide for cooperative operation and management of the Mariculture Research and Training Center.

Dr. Phil Helfrich said that the tri-partite agreement between the University of Hawaii, the Fish and Wildlife Service and DLNR for the cooperative fisheries unit has an advantage as each contributes something and each benefits. He explained what this program would be doing and accomplishing.

**ACTION** Unanimously approved as submitted. (Apaka/Arisumi)

**ITEM I-1** DECERTIFICATION OF HUNTER EDUCATION INSTRUCTORS, ISLANDS  
OF OAHU, HAWAII, LANAI AND MAUI

**ACTION** Unanimously approved as submitted. (Himeno/Yuen)

**ITEM J-1** ISSUANCE OF REVOCABLE PERMIT, LAHAINA BOAT HARBOR, LAHAINA,  
MAUI FOR TICKET BOOTH SITE (LIN WA CRUISES, INC.)

Mr. Parsons said that Items J-1, J-2 and J-3 were for issuance of revocable permits for standard ticket booths at Lahaina Boat Harbor.

**ACTION** Unanimously approved Items J-1, J-2 and J-3 as submitted. (Arisumi/Apaka)

**ITEM J-2      ISSUANCE OF REVOCABLE PERMIT, LAHAINA BOAT HARBOR, LAHAINA, MAUI FOR TICKET BOOTH SITE (SUMNER H. BATES, INC.)**

See Item J-1 for Action.

**ITEM J-3      ISSUANCE OF REVOCABLE PERMIT, LAHAINA BOAT HARBOR, LAHAINA, MAUI FOR TICKET BOOTH SITE (LAHAINA RESTORATION FOUNDATION)**

See Item J-1 for Action.

**ITEM J-4      ISSUANCE OF REVOCABLE PERMIT, KAILUA-KONA, ISLAND OF HAWAII FOR SWIMMING POOL PUMP HOUSE SITE (KAILUA-KONA DEVELOPMENT GROUP)**

**ACTION**      Unanimously approved as submitted. (Yuen/Himeno)

**ITEM J-5      ISSUANCE OF REVOCABLE PERMIT, NAWILIWILI SMALL BOAT HARBOR, ISLAND OF KAUAI FOR TEMPORARY CONSTRUCTION OFFICE SITE (KIEWIT PACIFIC CO.)**

**ACTION**      Unanimously approved as submitted. (Apaka/Arisumi)

**ITEM J-6      ISSUANCE OF LEASE BY PUBLIC AUCTION, HEEIA-KEA SMALL BOAT HARBOR, ISLAND OF OAHU FOR A MARINE FUELING FACILITY**

Mr. Parsons informed the board that since the submission of this submittal, staff discovered an error in the exhibit and possible error in the amount of square footage in parcel 3 in the application. Rather than withdrawing the item at this time he asked the board to consider an amendment to the description of Parcel 3 by inserting the words "more or less" following the 1945 square feet to allow staff the opportunity to revise the exhibit and later return to the Board for an amendment with the exact square footage.

**ACTION**      Unanimously approved as amended. (Himeno/Arisumi)

**K-ITEMS      OTHER DEPARTMENTS**

See pages 9-11 for Action on Items K-1 through K-17.

**ITEM Z      REPORT ON THE RESULTS OF AUCTION SALE, ISLAND OF HAWAII**

Report was accepted by the Board.

**RESOLUTIONS:**

The Board extended sincere congratulations and best wishes for their well-earned retirement and expressed appreciation for services rendered by the following employees who would be retiring on December 30, 1992:

Mr. Clarence Gonsalves Branco, Wildlife Management Assistant III  
Division of Forestry, for more than 27 years;

Mr. Keiji Ikezaki, Planner V  
Division of State Parks, for more than 33 year;

Mr. James Mitsugi Inouye, Forestry Worker II  
Division of Forestry and Wildlife, for more than 29 years;

Mrs. Jean T. Kaneshiro, Abstractor IX  
Bureau of Conveyances, for more than 30 years;

Mr. Young Hung Kim, Forestry Technician IV  
Division of Forestry and Wildlife, for more than 15 years;

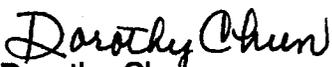
Mr. Yoshio Kinoshita, Park Caretaker II  
Division of State Parks, for more than 21 years;

Mr. George Tomotsu Niitani, Parks District Superintendent II  
Division of State Parks, for more than 33 years; and

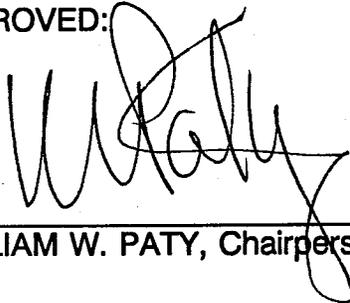
Mr. Warren H.Y. Yue, Land Agent V  
Division of Land Management, for more than 25 years.

**ADJOURNMENT** There being no further business, the meeting adjourned at 1:05 p.m.

Respectfully submitted,

  
Dorothy Chuh  
Secretary

APPROVED:



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WILLIAM W. PATY, Chairperson

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