

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

DATE: October 27, 1989
TIME: 9:00 a.m.
PLACE: Kalanimoku Building
1151 Punchbowl Street, Room 132
Honolulu, Hawaii 96813

ROLL CALL: Chairperson William W. Paty called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

MEMBERS: Mr. Moses Kealoha
Mr. William Yuen
Mr. John Arisumi
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. William W. Paty

STAFF: Mr. Michael Buck
Mr. Roger Evans
Mr. Ralston Nagata
Mr. Mike Shimabukuro
Mr. Manabu Tagomori
Mr. Clyde Hosokawa
Ms. Dorothy C. Chun

OTHERS: Mr. Randall Young, Deputy A.G.
Mr. Peter Garcia, Dept. of Transportation
Mr. Robert Henriques (Item H-2)
Messrs. Robert Smolenski, Ken Hermanson,
and Dr. Donald Hall (Item H-4)
Mrs. George Ilae and Mr. Jim Hochberg (Item F-15)
Messrs. Raymond Aki, Mr. Sidney Hashimoto
and Mr. Charles Kawakami (Item E-2)
Mr. W. Buddy Soares (Item F-2)
Mr. Clyde Nagata (Item H-3)
Mr. Mark Jurgensmeyer (Item H-1)

Mr. Kealoha moved that the minutes of the meeting of June 23, 1989 be approved as circulated. With a second by Mr. Apaka, motion carried unanimously.

ADDED Upon motion by Mr. Arisumi and a second by Mr. Kealoha, the
ITEM following item was added to the Agenda:

H-6 -- Request for Out-of-State Travel for Training for Edward Henry, December 8-9, 1989, Cambridge, Massachusetts, regarding land use in the United States.

Items on the Agenda were considered in the following order to accommodate those applicants and interested parties present at the meeting:

ITEM H-2 CONSERVATION DISTRICT USE APPLICATION FOR SINGLE FAMILY RESIDENTIAL USE, AT HONOULIWAI (EAST END), MOLOKAI; APPLICANT: MR. ROBERT J. HENRIQUES

Mr. Evans presented the application to the Board with staff's recommendation for approval on a non-conforming use basis, subject to conditions on pages 6 and 7.

Mr. Arisumi said he did not have any questions, but was concerned if the applicant could go along with all the listed conditions.

Mr. Henriques said that he had not had a chance to read the conditions, thus he was called upon to read the conditions. After reading over the conditions he said that they were okay with him.

Mr. Arisumi had a question on condition 4 calling for a septic tank. Mr. Henriques said he had checked with someone who had an approved system with the State of Hawaii and he will do the same.

In answer to Mr. Arisumi's question to condition no. 7, Mr. Henriques said he understood and plans to build within the next year.

ACTION

Mr. Arisumi moved that the application be approved. Mr. Arata seconded and the motion carried unanimously.

ITEM H-4

CONSERVATION DISTRICT USE APPLICATION FOR TRANSMITTER, BUILDING, ANTENNA AND RELATED SITE IMPROVEMENTS FOR TELEVISION STATION KOGG, AT HALEAKALA, MAUI; APPLICANT: KING BROADCASTING CO.

Mr. Evans said that should the board approve this application it will make permanent the temporary variance that the board granted King Broadcasting Co. for research purposes last year. After careful review of applicant's Engineering Compatibility Study and comments by the University of Hawaii Institute of Astronomy and various state, county and federal agencies staff recommends approval subject to conditions listed.

Mr. Smolenski said this has been a very long and technical process and over the period of time involved, everyone atop Haleakala has learned a lot about everyone else's operations and uncovered probably the source of problems that Astronomy and the Air Force are having. He also commended the staff at DLNR for doing a good job.

In answer to Mr. Arisumi, Mr. Smolenski said that King Broadcasting has read over all the conditions and feel they can comply.

Dr. Hall of the University of Hawaii, Institute for Astronomy presented writted testimony to the chairperson and members of the board. He also wanted to reiterate about what the applicant had said about the superb cooperation from the staff. He also mentioned they could live with King Broadcasting's antenna facility and appreciated Mr. Hermanson's offer of cooperation in the future and will certainly draw upon that. Dr. Hall said that King Broadcasting, an independent consultant and the U.H. have done exhaustive characterization about the electromagnetic radiation levels within the science reserve and it shows that King Broadcasting does not exceed the recommended standards, however there are a number of other facilities up there; the four existing television transmitters, public radio, FM station and NOAA weather transmitter. In the future they will try to identify resources that could eventually be made available to relocate those transmitters and reduce the potential of conflict in the future.

Mr. Arisumi also wanted to thank the staff for a job well done.

ACTION:

Mr. Arisumi moved for approval. Motion was seconded by Mr. Arata and carried unanimously.

ITEM F-15

RESUBMITTAL - FORFEITURE OF GENERAL LEASE NO. S-5167 TO MR. & MRS. GEORGE ILAE, WAIMANALO, OAHU, TAX MAP KEY 4-1-10:37.

Mr. Shimabukuro said that item F-15 is a resubmittal. It was deferred at the meeting of May 26, 1989 referring to staff's recommendation to the forfeiture of General Lease No. S-5167 to Mr. & Mrs. George Ilae. The lease was bid at a public auction held on April 14, 1988 and Mr. & Mrs. Ilae were the successful bidder at the annual rental of \$20,100.

Subsequent to that, after signing the Memorandum of Agreement, the Ilae's failed to execute the lease S-5167 and failed to make payment on the rental. The rental noted as the delinquency on this submittal refers to \$15,213.91, subsequent to that another semi-annual rental of \$10,050 became due on August 14, 1989.

At the last board meeting at which this item was deferred, staff was instructed to do two things: 1) to obtain the evaluation of the equipment which was represented to be owned by Mr. Ilae and 2) to determine if the State property can be properly and legally subdivided.

Subsequently to that staff attempted to obtain an inventory from the Ilaes, but Mr. Ilae has represented to staff that he doesn't own any of the equipment. So there is no evaluation of equipment.

Mr. Shimabukuro said that they have checked with the City and County of Honolulu regarding subdivision of that particular property. From the zoning standpoint, this parcel contains 4.6 acres and it is possible theoretically to cut it up into two acre + lots. From the practical stand point, staff would not recommend subdividing because it would create a one flag lot that would necessitate a access road to be accessed to the back lot and would be impractical because of the terrain and the location of the existing house. In addition, the access to the property at the present time is located at the cul de sac.

Since that time, staff has learned that Mr. Ilae did say that he has an assignment of a lot with the Department of Hawaiian Homes in Waianae. This was checked out and Mr. Ilae was awarded a lot in the Waianae Kai Division, but at the same time he did not sign the lease no. 5538.

Staff also has information of the Ilaes having someone take over the lease.

With all the information acquired, staff is recommending that the General Lease S-5167 be cancelled and that all sums paid in to date to that under that General Lease be retained by the State and terminate all rights and obligations of the lessees Mr. & Mrs. Ilae effective October 31, 1989 and also authorize the Attorney General's office or the Department's private collection agency to collect all monies to the State under the general lease.

Mr. Arata said according to his notes the Ilae's or their counsel have asked for and gotten deferrals several times and felt that the Board has been more than compassionate with their requests.

Discussion followed on the possibility of the Ilae's selling their lease and how much the State would be able to recover for the delinquent rental fees. It was explained that if there was someone willing to buy the lease, part of the consent to assignment, they would have to pay all the delinquencies.

Mrs. Ilae and her counsel, Mr. Jim Hochberg of Wagner and Watson were called upon to answer any questions. (Mr. Gordon Lee no longer is the counsel for the Ilae's.) Mr. Hochberg said that the problem Mr. Ilae is having is recovering from the U.S. Army and other entities that have confiscated so to speak, dumpsters and he's having a difficult time regaining possession, he does own them but there's a long story about it. He does own them but there is a lot of dispute. He reported that the Ilae's are facing extreme economic hardship at this time. He said that they have advertised for sale and have potential buyers. Several people are interested at the price of \$275,000. He said they would like to ask for a reasonable period, say, 180 days which would allow them to close the sale.

Mr. Arisumi asked what kind of money can the Ilae's come up with now to give some kind of security, \$20,000? You ask for 180 days and yet its been almost 5 months that the Board has been trying to work something out.

Mr. Hochberg again referred to economic hardship they are experiencing is devastating. Mrs. Ilae said they only get \$700 a month. Claimed they had a good business and now going bankrupt and only way to get the back rent is sale of the lease.

Mr. Yuen asked Mrs. Ilae regarding her Hawaiian Homes lease in Waianae and the equipment owned. He reminded her that at the last board meeting a month ago, the board deferred action based on Mr. Ilae's representation that he would cooperate with the State in permitting the State to realize some monies from the sale of the equipment.

Mrs. Ilae said yes; it is a piece of vacant land and said it would cost about \$40,000 to move the house to Waianae. They can't sell the equipment because it's being held because of money owed due to hauling and putting things in storage and other things. She said her husband tried to get the equipment back but they won't release it.

Mr. Yuen questioned what other resources did she have to pay the back rent.

Mrs. Ilae said only if they could sell it and put the money into escrow then you folks would be paid off.

Mr. Hochberg said they have been offered \$275000. They are not trying to defraud but trying to salvage themselves.

Mr. Kealoha commented that this has been going on for 16 years and nothing has happened. This case has been extended 6 times in the year 1989, everything has been tried to help the Ilaes out, but nothing has happened. The Board has tried to help the Ilae's in every way and that they have never signed the lease. They also have not even attempted to sign a new lease. Even if they should they sell the property, the history does not indicate anything that they would abide by the conditions of the original lease.

ACTION

Mr. Kealoha moved to accept staff's recommendation to cancel the lease that was originally issued to the Ilae's and those conditions therein. Motion was seconded by Mr. Arata.

For clarification, Mr. Arata asked counsel, in the event that the board takes action and initiates the cancellation for lease today and the Ilaes are fortunate this weekend to sell the property, where do we stand.

Deputy Attorney General Mr. Young said that part of the complication is that in a technical sense there may not even be a lease here, an executed lease.

Mr. Yuen clarified the sense of the motion made by Mr. Kealoha was that the Attorney General's office be authorized to take whatever action is necessary, whether it is by cancellation of the lease or eviction of a month to month tenancy.

Mr. Shimabukuro said that Mr. Ilae did not want to sign the lease although he signed the Memorandum of Agreement after the public auction saying that he would sign the lease, so they are using the signed Memorandum of Agreement as a commitment on his part.

Mrs. Ilae claimed that the lease papers got lost and her husband went to the hospital for surgery.

Mr. Kealoha addressed her counsel that the board understands that they hadn't signed the lease and for some reason no one can find the lease. He also addressed the fact that they had never attempted to come back and sign a copy of the lease that was originally issued.

The Chairperson said that it was unfortunate that this thing had to come about and he had to agree that the board has gone over board in trying to work things out on this issue.

There being no further questions and discussions, Chairperson called for the question and motion was approved unanimously.

PERMISSION TO ADVERTISE FOR BIDS FOR: 1) RESTAURANT AND BEVERAGE CONCESSION, JOB NO. 94-KP-1A, WAILUA RIVER STATE PARK, WAILUA, KAUAI; 2) SNACK BAR CONCESSION, JOB NO. 94-KP-1B, WAILUA RIVER, WAILUA RIVER STATE PARK, WAILUA, KAUAI; 3) GIFT SHOP CONCESSION, JOB NO. 94-KP-1C, WAILUA RIVER STATE PARK, KAUAI.

ITEM E-2

Mr. Nagata said that this is a request for permission to advertise for bids for three separate concessions at the Wailua Marina Complex on Kauai. He continued to elaborate on the contents of the submittal pointing out past and present rentals received and the proposed method for calculate future rentals.

He also mentioned that these concessions have been operating without a contract for the past 10 years.

Mr. Kealoha questioned by what method did they arrive at the proposed rent.

Mr. Nagata said that percentage figures were taken similar to the airport methods. Mr. Hosokawa explained that the Department of Transportation has a sliding scale and explained the different methods.

Mr. Kealoha expressed concern on the new methods and felt that staff should study this a little more.

Mr. Apaka asked where they were with the repairs of the complex and why were they raising fees before making repairs. Mr. Hosokawa responded to his questions.

ACTION

Mr. Kealoha requested that this item be deferred so that staff could make further studies.

Mr. Nagata requested a clarification from the board on whether the repairs questioned by Mr. Apaka had to be completed before this issue was brought back to the board. It was decided that a package should be presented.

A gentleman from the audience requested to approach the chair on this item.

Chairperson apologized for not calling for discussion from the audience, he said that the deferrment would stand but the board would be happy to hear what he had to say.

Mr. Raymond Aki said he was representing the Wailua Marina Flowers, a shop that has been in operation for 22 years. He presented a report of a record of 6 years that they have paid the State. He listed differences between their concession and the airport concessions, weddings in Fern Grotto and the snack bars. He said that the shop has been on a month to month lease for the last twelve years so they have not been able to plan and buy things because of the insecurity of short runs.

He read a letter he received from the Division of State Parks and Outdoor Recreation which said there would be bidding for a snack bar to replace the flower shop and felt that these people were being treated unfairly.

Mr. Sidney Hashimoto, representing the restaurant owner, Mr. Arashiro said he received a letter on October 23, 1989 and mentioned that they had difficulties on planning because of the month to month leases and this is the first time they've seen proposals and conditions. They would like to be informed and would cooperate with staff.

Mr. Charles Kawakami representing the gift shop said that they also received short notice about putting out to bids and he was concerned about the percentage compared with the airports as they were very concerned that their business is for short periods of the day.

ITEM F-1-g CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4612, DEL MONTE CORPORATION, ASSIGNOR TO PPI DEL MONTE FRESH PRODUCE (HAWAII), INC., A DELAWARE CORPORATION, ASSIGNEE.

Mr. Shimabukuro presented the consent to assignment to the board.

Mr. Yuen asked if applicant had satisfied the statutory assignment.

Mr. Shimabukuro said that they had met the legal requirements.

ACTION Mr. Yuen moved for approval; seconded by Mr. Arata motion carried unanimously.

ITEM F-2 DIRECT LEASE OF GOVERNMENT LAND SITUATE AT WAIAKEA, SO. HILO, HAWAII TO THE UNIVERSITY OF HAWAII, TAX MAP KEY 2-4-01:07.

Mr. Shimabukuro listed the details of this direct lease of government land at Waiakea, South Hilo, Hawaii to the University of Hawaii.

Mr. Buddy Soares representing the University of Hawaii said that there are about 4000 students in attendance in Hilo campus and this would allow housing needed for the students.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM H-3 CDUA FOR TWO 69 KV TRANSMISSION LINES (ALIGNMENT A AND B) WITHIN A 50-FOOT WIDE EASEMENT OF NANAWALE FOREST RESERVE (PARTS 2 AND 3), AT PUNA DISTRICT, COUNTY OF HAWAII; APPLICANT: HAWAII ELECTRIC LIGHT CO., INC.

Mr. Evans said that there had been a public informational meeting for the residents of the area. One of the concerns that came up at the public information meeting related to cost.

For the record, Mr. Yuen said although his firm works for Hawaiian Electric Company, he felt that he did not have a conflict of interest.

Mr. Clyde Nagata of Hawaii Electric Company said that they had concerns on condition no. 4 regarding survey of Hawaiian bats. He wanted to confirm that the survey will be in the Nanawale area. He said the other conditions were okay.

ACTION Mr. Arata moved for approval; seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-1 CDUA FOR SINGLE FAMILY RESIDENTIAL USE, AT HONOULIWAI (EAST END),
MOLOKAI; APPLICANT: MR. MARK K. JURGENSMEYER.

Mr. Evans outlined the details of the application for single family residential use at Honouliwai (East end), Molokai.

Mr. Arisumi questioned the Department of Health's requirements regarding sewage and a septic tank.

Mr. Evans pointed out that it was covered in condition no. 14 of the submittal.

Mr. Arisumi also asked about the water line and water supply for human consumption since the County was not allowing applicant to tap into their system.

Mr. Jurgensmeyer said he had read and understood the conditions.

Mr. Yuen reminded staff to be sure that applicant is aware that there is to be no rental.

ACTION Mr. Arisumi moved for approval. Seconded by Mr. Yuen, motion carried unanimously.

RECESS: 11:05 - 11:30 a.m.

ITEM B-1 REQUEST FOR OUT-OF-STATE TRAVEL FOR PAUL Y. KAWAMOTO TO ATTEND THE
HAWAIIAN MONK SEAL TEAM MEETING AT HOPKINS MARINE STATION, MONTEREY,
CALIFORNIA, DECEMBER 12-14, 1989

Unanimously approved as submitted. (Arisumi/Arata)

ITEM C-1 FILLING OF POSITION NO. 13166, TEMPORARY APPOINTMENT, GENERAL LABORER I,
KAMUELA STATE TREE NURSERY, ISLAND OF HAWAII

Unanimously approved as submitted. (Arata/Kealoha)

ITEM C-2 FILLING OF POSITION NO. 13357, TEMPORARY APPOINTMENT, GENERAL LABORER I,
WILDLIFE BRANCH, ISLAND OF HAWAII

Unanimously approved as submitted. (Arata/Kealoha)

ITEM D-1 ADOPTION OF ADMINISTRATIVE RULES FOR DAM SAFETY PROGRAM

Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM D-2 AUTHORIZATION TO ENGAGE THE SERVICES OF A CONSULTANT TO COMPILE STATEWIDE
STREAM FAUNA INFORMATION

Unanimously approved as submitted. (Kealoha/Apaka)

ITEM D-3 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 61-OM-4, MAHIMAHI REARING
TANKS, VARIOUS LOCATIONS, OAHU, HAWAII

Unanimously approved as submitted. (Arisumi/Arata)

ITEM D-4 APPOINTMENT AND CERTIFICATION OF SOIL AND WATER CONSERVATION
DISTRICT DIRECTORS

Unanimously approved as submitted. (Arisumi/Arata)

- ITEM E-1 FILLING OF HISTORIC SITES SPECIALIST II, POSITION NO. 2535E,
HISTORIC SITES PROGRAM, OAHU
- Mr. Nagata said the spelling of the park mentioned in the submittal should be Keonahi State Park and not Keolonahiki.
- ACTION Unanimously approved the appointment of Phyliss Holland McEldowney to Position No. 25358E. (Arata/Arisumi)
- ITEM E-2 PERMISSION TO ADVERTISE FOR BIDS FOR: 1) RESTAURANT AND BEVERAGE
CONCESSION, JOB NO. 94-KP-1A, WAILUA RIVER STATE PARK, WAILUA, KAUAI;
2) SNACK BAR CONCESSION, JOB NO. 94-KP-1B, WAILUA RIVER, WAILUA RIVER
STATE PARK, WAILUA, KAUAI; 3) GIFT SHOP CONCESSION, JOB 94-KP-1C,
WAILUA RIVER STATE PARK, KAUAI
- See page 5.
- ITEM F-1 DOCUMENTS FOR CONSIDERATION.
- Item F-1-a CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4930, STEPHEN K. MORSE, ASSIGNOR TO STEPHEN K. AND DONNA MARIE MORSE, HUSBAND AND WIFE, ASSIGNEES, TAX MAP KEY 4-1-35:09, WAIMANALO AGRICULTURAL PARK, PHASE I, WAIMANALO, KOOLAUPOKO, OAHU.
- Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO BERTRAM ITO FOR GARDENING AND STORAGE OF GARDEN EQUIPMENT, POR. OF THE PEARL CITY EDUCATIONAL COMPLES, TAX MAP KEY 9-7-25:POR. 04, WAIMANO, OAHU.
- Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO KENT K. YAMAUCHI, DBA LOCAL LIVING FOR COMMERCIAL GUIDED SHORELINE FISHING TOURS, COASTLINE OF KAUAI FROM POLIHALE STATE PARK TO ANINI BEACH, KAUAI.
- Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO R&M SERVICE CO., INC., DBA MAUI BLOCKS FOR MANUFACTURING OF CONCRETE (HOLLOW TILE) BLOCKS AND RELATED ACTIVITIES, PULEHUNUI AND WAIKAPU, WAILUKU (KULA), MAUI, TAX MAP KEY 3-8-08:POR. 01.
- Item F-1-e ASSIGNMENT OF SUBLEASE INTEREST, FICKER & HUNT, A HAWAII GENERAL PARTNERSHIP, ASSIGNOR TO BANK OF HAWAII, ASSIGNEE INVOLVING GENERAL LEASE NO. S-4649 TO CHESTER HUNT; LOT 3 & 4, KEKAHA TOWN LOTS, KEKAHA, WAIMEA (KONA), KAUAI.
- Item F-1-f ISSUANCE OF REVOCABLE PERMIT TO JOHN DRISCOLL FOR AGRICULTURE USE (HOME GARDENING), TAX MAP KEY 5-3-07:25, WAIONO, KOOLAULO, OAHU.
- Item F-1-g CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. 2-4612, DEL MONTE CORPORATION, ASSIGNOR TO PPI DEL MONTE FRESH PRODUCT (HAWAII), INC. A DELAWARE CORPORATION, ASSIGNEE.
- ACTION Unanimously approved. See page 6.
- Item F-1-h ASSIGNMENT OF LEASE (GENERAL LEASE NO. S-4664) FROM JAMES E. MILES, ASSIGNOR TO JACK D. UMPHREY, HUSBAND OF BARBARA UMPHREY AND JOHN D. UMPHREY, SINGLE, ASSIGNEE, LOT 4, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-2-37:97.
- Item F-1-i SUBLEASE (GENERAL LEASE NO. S-4001) FROM JACK BRYSSON GREENWELL, HUSBAND OF HELEN MARY GREENWELL AND NORMAN LEONARD GREENWELL, HUSBAND OF ETHELYN GREENWELL, SUBLESSORS TO JOHN H. PACE, JR., HUSBAND OF GUSSIE PACE, SUBLESSEE, ONOULI 2ND GOVERNMENT TRACT, SO. KONA, HAWAII, TAX MAP KEY 8-1-05:01.

Item F-1-k

REVOCABLE PERMIT TO J. GORDON CRAN OF GOVERNMENT LANDS AT WAILAU, NINOLE, MAKAKA, MOAULA, KANAIO, MAKAKUPU, AHULILI, KAPAPALA, DISTRICT OF KAU, HAWAII, TAX MAP KEY 9-8-01:POR. 03.

Mr. Shimabukuro outlined item F-1-k to the board.

Mr. Kealoha questioned the location and Mr. Arisumi asked for an explanation of the rental to be charged.

Mr. Shimabukuro amended the submittal to read, "Recalculate monthly rent, take into consideration the 1100 withdrawn, and on the carrying capacity per animal unit per acre."

ACTION

Mr. Apaka moved that documents F-1-a to F-1-d, F-1-f, F-1-h to F-1-j be approved as submitted; documents F-1e and F-1k be approved as amended. Motion was seconded by Mr. Kealoha and unanimously approved. Mr. Yuen abstained from voting on F-1-e.

ITEM F-2

DIRECT LEASE OF GOVERNMENT LAND SITUATE AT WAIAKEA, SO. HILO, HAWAII TO THE UNIVERSITY OF HAWAII, TAX MAP KEY 2-4-01:07.

ACTION

Unanimously approved. See page 6.

ITEM F-3

DIRECT SALE OF EASEMENT TO STEPHEN K. MANGAUIL AND MAUREEN L. MANGAUIL FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER AND ACROSS A PORTION OF GOVERNMENT LAND AT AHUALOA, HAMAKUA, HAWAII, TAX MAP KEY 4-6-06:POR. 12

Mr. Shimabukuro asked that Item F-3 be withdrawn. Staff needs additional time to clarify more information.

ITEM F-4

DEPT. OF TRANSPORTATION REQUEST FOR GOVERNOR'S EXECUTIVE ORDER TO SET ASIDE GOVERNMENT LANDS AT PUAKO BAY, SO. KOHALA, HAWAII, BEING THE PUAKO BOAT LAUNCHING RAMP, TAX MAP KEYS 6-9-01:POR 01 AND 6-9-02:20

Mr. Shimabukuro said that previously the Department of Transportation was given the right-of-entry to go ahead and work on the boat launching ramp, also a CDUA was approved for the submerged area.

The proposal today is to set aside 4.773 acres which includes more than the actual boat launching area. If they were to set aside just the boat launching area, it would be necessary to go through a subdivision process which would require county SMA and other processes. Staff would like to set aside the entire parcel instead of cutting it up first.

Mr. Kealoha expressed concern that it would involve fast land and submerged land

Mr. Shimabukuro said that the submerged land would not be included. He also mentioned that there would be no revenue involved, no concession and that it would be used by the public for boat launching and parking area. (He later corrected himself, saying the submerged land would be included.)

Mr. Kealoha was also concerned that down the road they were charging the public and none of the revenue was coming back to the Department.

Mr. Shimabukuro said that staff could stipulate in the set aside if there's any revenue to be had from there. Any set aside would be by Executive Order and the Governor would have to cancel the executive order.

Mr. Shimabukuro added that he needed to amend this further, Condition No. 2 on the second page reads, "That the approval is subject to Legislative disapproval of submerged lands in accordance to Section 171-53, Hawaii Revised Statutes;" He requested to delete the whole sentence and insert a new condition no. 2, "Legislative disapproval." The Executive Order would require by law, legislative disapproval.

ACTION Mr. Arata moved that item F-4 be approved as amended. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM F-5 REQUEST FOR DELETION OF CERTAIN RESERVATIONS, LAND PATENT GRANT NO 4918, KANIAHIKU, PUNA, HAWAII, APPLICANTS: ROBERT M. SHIMODA, WIDOWER AND CRAIG SHIMODA, SINGLE, JOINT TENANTS, TAX MAP KEY 1-5-03:48.

Mr. Shimabukuro presented item F-5 to the board.

Mr. Kealoha questioned the reserving of a quarry site as he pointed out that there was only one quarry site presently in that Kona area. Mr. Shimabukuro said that this was in Puna.

ACTION Mr. Kealoha moved to defer action until staff could check out the questions on the quarry site. Mr. Apaka seconded and motion carried.

ITEM F-6 AMENDMENT TO DIRECT SALE OF ACCESS AND UTILITY EASEMENT AT KAUMANA AND PONOHAUAI, SO. HILO, HAWAII (OSHIRO/TAJIRI).

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-7 DEPT. OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE REQUEST FOR SET ASIDE OF LAND AT KAPAPALA, KAU, HAWAII, TAX MAP KEY 9-8-01:POR. 03.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-8 DIRECT SALE OF EASEMENT TO STANLEY T. TOMONO, ET AL, PERPETUAL, NON-EXCLUSIVE 30-FT. WIDE ACCESS AND UTILITY EASEMENT OVER AND ACROSS STATE LAND (TOMITOMI ROAD) AT KEALAKEHE HOMESTEADS, 1ST SERIES, NO. KONA, HAWAII, TAX MAP KEY 7-4-04.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-9 PROPOSED LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE COUNTY OF MAUI INVOLVING LANDS AT KAUNAKAKAI, MOLOKAI, UKUMEHAME, LAHAINA AND WAILUKU, MAUI.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM F-10 DIRECT LEASE TO MAUI COUNTY COUNCIL, LTD., BOY SCOUTS OF AMERICA, TAX MAP KEY 3-1-01:01, KAHAKULOA, WAILUKU (KAANAPALI), MAUI.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM F-11 PUBLIC AUCTION SALE OF PASTURE LEASE, PUOLUA GOVERNMENT LANDS, PUOLUA, MAKAWAO (HAMAKUALOA), MAUI, TAX MAP KEYS 2-9-06:06, 2-9-08:13, 17, 18 AND 24.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM F-12 DIRECT SALE OF EASEMENT COVERING PORTION OF SUBMERGED LAND FRONTING TAX MAP KEY (2) 4-5-01:04, LAHAINA, MAUI.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

DIRECT SALE OF ABANDONED GOVERNMENT ROAD REMNANT PARCELS DESIGNATED AS HIGHWAY REMNANTS "E" AND "F", FEDERAL AID PROJECT NO. F32(3), HANA BELT ROAD, HAIKU TO KAUPAKULOA SEPARATION, SITUATE AT HAMAKUALOA, MAKAWAO, MAUI.

ITEM F-13

ACTION Unanimously approved as submitted. (Arisumi/Arata)

GRANT OF EASEMENT (NON-EXCLUSIVE) FOR A SEAWALL AND OTHER PROPERTY IMPROVEMENTS AT KAALAEA, OAHU, TAX MAP KEY 4-7-16:11, APPLICANT: MR. LEO WILLIAMS.

ITEM F-14

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

RESUBMITTAL - FORFEITURE OF GENERAL LEASE NO. 2-5167 TO MR. AND MRS. GEORGE ILAE, WAIMANALO, OAHU, TAX MAP KEY 4-1-10:37.

ITEM F-15

ACTION Unanimously approved. See Page 4.

GRANT OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR UTILITY PURPOSES, KEEHI LAGOON AREA, HONOLULU, OAHU.

ITEM F-16

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

CITY AND COUNTY OF HONOLULU REQUEST TO: 1) CONVEY THREE PARCELS IN FEE SIMPLE FOR ROAD-WIDENING PURPOSES; 2) GRANT OF EASEMENTS FOR RETAINING WALL AND SIGHT-DISTANCE PURPOSES, PALI MOMI STREET TO AIEA INTERCHANGE, FAUS PROJECT NO. M-7200(1), AIEA, OAHU.

ITEM F-17

ACTION Unanimously approved as submitted. (Yuen/Arata)

DEPARTMENT OF AGRICULTURE REQUEST TO EXTEND LEASE FOR ONE YEAR AND CONSENT TO SUBLEASE, FRUIT FLY ERADICATION PROCESS PLANT AND OFFICE, KAAKAUKUKUI, HONOLULU, OAHU, TAX MAP KEY 2-1-59:01.

ITEM F-18

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

FILLING OF POSITION NO. 41671, LAND AGENT IV (OAHU DISTRICT), DIVISION OF LAND MANAGEMENT, HONOLULU, OAHU.

ITEM F-19

ACTION Unanimously approved appointment of Russell Dang to Position No. 41671. (Yuen/Arata)

FILLING OF POSITION NO. 36520, ABSTRACTING ASSISTANT V, LAND MANAGEMENT DIVISION, OAHU OFFICE.

ITEM F-20

Mr. Shimabukuro requested that item F-20 be withdrawn.

PERMISSION TO NEGOTIATE WITH A CONSULTANT TO EVALUATE THE FEASIBILITY OF CREATING A MICROCOMPUTER NETWORK, LAND MANAGEMENT DIVISION.

ITEM F-21

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

STAFF RECOMMENDATION FOR THE ADOPTION OF GUIDELINES/CRITERIA/OBJECTIVES FOR RESOLVING SHORELINE ENCROACHMENTS ON STATE-OWNED LANDS, STATEWIDE.

ITEM F-22

Mr. Shimabukuro said the department needed a broad guideline for resolving shoreline encroachments uniformly throughout the state. He then went through the objectives and details.

Mr. Shimabukuro amended Recommendation B. to read, "Request the assistance of the Department of the Attorney General..."

After further discussion, Mr. Shimabukuro added another amendment, under III. Guidelines (Disposition), after no. 3, delete the sentence, "All other shoreline encroachments must be physically removed prior to any shoreline certification." and add "The board reserves the right to require physical removal of all other encroachment prior to shoreline certification.

ACTION Mr. Yuen moved for approval as amended. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM F-23 STAFF RECOMMENDATION TO INCLUDE TO INCLUDE ADDITIONAL LANDLOCKED ARE TO REVOCABLE PERMIT NO. S-4987 TO HENRY S. GOODNESS, WAIMANALO, OAHU TAX MAP KEY 4-1-23:65 & 66.

ACTION Mr. Kealoha moved that Item F-23 be deferred. Seconded by Mr. Apaka, motion carried.

ITEM F-24 GRANT OF NON-EXCLUSIVE EASEMENT FOR A SEAWALL AT LANIKAI, OAHU, TAX MAP KEY 4-2-03:75.

Mr. Shimabukuro asked that Item F-24 be withdrawn because there is a question on the necessity of a Conservation District Use Application.

ITEM F-25 GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE CITY AND COUNTY OF HONOLULU FOR GRADE ADJUSTMENT WALLS (PARCELS W-1 THROUGH W-4), SALT LAKE BOULEVARD IMPROVEMENT, HALAWA, EWA, OAHU.

Mr. Shimabukuro amended the submittal by adding another condition under Recommendation on page 2, "Require obtaining approval of the U. S. Bureau of Outdoor Recreation, Department of Interior before the easement is granted." This is because this is former federal fee land and under the terms of the quit claim deed, that they deed it over to the City and subsequently deed it over to the State, requires that any easement, if not used for stadium purposes must have the Department of Interior's approval.

ACTION Unanimously approved as amended. (Yuen/Arata)

ITEM F-26 GRANT OF EASEMENT TO HAWAIIAN ELECTRIC CO., INC. FOR STEEL POLE FOUNDATION AND POLE ANCHOR, HALAWA, EWA, OAHU.

Mr. Shimabukuro amended item F-26 to require the approval of the U.S. Bureau of Outdoor Recreation, Department of Interior as this is an electrical easement over a portion of the Aloha Stadium land.

ACTION Unanimously approved as amended. (Yuen/Arata)

ITEM F-27 THE UNITED STATE OF AMERICA REQUEST FOR A FIVE (5) YEAR EXTENSION (SUPPLEMENTAL AGREEMENT NO. 3) OF GENERAL LEASE NO. S-4259, ACCESS ROADWAY AT WAIMEA, KAUAI.

ACTION Unanimously approved as submitted. (Apaka/Yuen)

ITEM F-28 DIRECT SALE OF NON-EXCLUSIVE AND PERPETUAL ACCESS EASEMENT AND CONSTRUCTION RIGHT OF ENTRY AT HOOLAWA-MOKUPAPA, MAKAWAO (HAMAKUALOA), MAUI TAX MAP KEY 2-9-02:POR. 12.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM H-1 Cдуа FOR SINGLE FAMILY RESIDENTIAL USE, AT HALAWA VALLEY MOLOKAI: APPLICANT: MR. MARK K. JURGENSMEYER.

ACTION Unanimously approved as submitted. See page 7.

ITEM H-2 CDUA FOR SINGLE FAMILY RESIDENTIAL USE, AT HONOULIWAI (EAST END), MOLOKAI; APPLICANT: MR. ROBERT J. HENRIQUES.

ACTION Unanimously approved. See page 2.

ITEM H-3 CDUA FOR TWO 69 KV TRANSMISSION LINES (ALIGNMENT A AND B) WITHIN A 50-FOOT WIDE EASEMENT OF NANAWALE FOREST RESERVE (PARTS 2 AND 3), AT PUNA DISTRICT, COUNTY OF HAWAII; APPLICANT: HAWAII ELECTRIC LIGHT CO., INC.

ACTION Unanimously approved as submitted. See page 6.

ITEM H-4 CDUA FOR TRANSMITTER, BUILDING, ANTENNA AND RELATED SITE IMPROVEMENTS FOR TELEVISION STATION KOGG, AT HALEAKALA, MAUI; APPLICANT: KING BROADCASTING CO.; AGENT: SMOLENSKI AND WOODDELL.

ACTION Approved as submitted. See page 2.

ITEM H-5 REQUEST TO EXTEND THE INITIATION DEADLINE OF CDUA OA-2161: ADDITION TO A SINGLE FAMILY RESIDENCE; APPLICANT: JOHN RAPP.

ACTION Unanimously approved as submitted. (Kealoha/Yuen)

ADDED
ITEM H-6 REQUEST FOR OUT-OF-STATE TRAVEL FOR TRAINING FOR EDWARD HENRY, DECEMBER 8-9, 1989, CAMBRIDGE, MASSACHUSETTS.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM J-1 CONSENT TO ASSIGNMENT OF LEASE DOT-A-84-3, LIHUE AIRPORT, KAUAI (BLUE PACIFIC LINES, INC.)

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM J-2 CONSENT TO SUBLEASE A SUBLEASE, HARBOR LEASE NO. H-82-4, HONOKOHAU BOAT HARBOR, HAWAII (CHARTER LOCKER, INC./KONA ZODIAC OF HAWAII, INC. AND TED MUHLERT AND PAT MUHLERT.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (SERVCO PACIFIC INC., DBA MCWAYNE MARINE SUPPLY).

Mr. Garcia asked that Item J-3 be deferred as it was incomplete and staff needed more information.

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI COMMERCIAL SUB-DIVISION, OAHU (MAGLINTI BUILDERS INC.)

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (VIAJERO INC.).

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 21, HONOLULU HARBOR, OAHU (KEONE ENTERPRISES, LTD.).

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR
DISPOSAL AREA (NIUMALU), KAUAI (ALOHA LUMBER COMPANY).

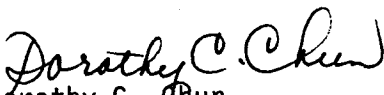
ACTION Unanimously approved as submitted. (Apaka/Arata)

ITEM J-8 RIGHT-OF-ENTRY, HONOLULU INTERNATIONAL AIRPORT, OAHU (FEDERAL EXPRESS
CORPORATION).

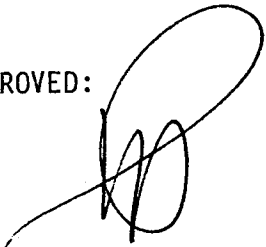
ACTION Unanimously approved as submitted. (Yuen/Arata)

ADJOURNMENT: There being no further business, the meeting was adjourned at 1:16 pm.

Respectfully submitted,


Dorothy C. Chun
Secretary

APPROVED:



WILLIAM W. PATY, Chairperson
Board of Land and Natural Resources