

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

DATE: SEPTEMBER 14, 1990  
TIME: 8:30 A.M.  
PLACE: KOHALA CONFERENCE ROOM  
KONA SURF RESORT  
KAILUA-KONA, HAWAII

ROLL CALL: Chairperson William W. Paty called the meeting of the Board of Land and Natural Resources to order at 8:30 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi  
Mr. Herbert Apaka  
Ms. Sharon Himeno  
Mr. William Paty

STAFF: Mr. Roger Evans  
Mr. W. Mason Young  
Mr. Ralston Nagata  
Mr. Gordon Akita  
Mr. Manabu Tagomori  
Mr. Glenn Taguchi  
Mr. Michael Buck  
Mr. Charles Supe  
Ms. Dorothy Chun

OTHERS: Mr. Johnson Wong, Deputy Attorney General  
Mr. Ronald Hirano, Dept. of Transportation  
Mr. Richard Cameron (Item H-4)  
Dr. Walter Dudley (Item F-5)  
Mr. Calvin Lum Wun (Item E-2)  
Mr. Clarke Poos (Item F-10)  
Ms. Charmaine Tavares (Item F-8 and F-9)  
Mr. William Pyle (Item H-5)

MINUTES Mr. Apaka moved to approve the minutes of April 27, 1990, May 11, 1990, June 8, 1990 and July 27, 1990 as circulated. Seconded by Mr. Arisumi, motion carried.

ADDED ITEMS Upon motion by Mr. Arisumi and a second by Mr. Apaka, the following items were added to the agenda:

- Item B-1 Request for Duty Status for Out-of-State Travel for Jo-Anne N. Kushima of the Division of Aquatic Resources to Attend the Fishing Vessel Steering Committee Meeting on October 3-4, 1990, at Las Vegas, Nevada
- Item C-3 Out-of-State Travel Request for Paul J. Conry, Senior Staff Endangered Species Biologist, Division of Forestry and Wildlife
- Item D-8 Approval to Inspect Geothermal Power Plant Facilities and Meet with California and Nevada Regulators Responsible for Geothermal Development Activities

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

ITEM H-4

CDUA FOR CONSTRUCTION OF BEACH ACCESS AND LANDSCAPING IMPROVEMENTS, KAPALUA, MAUI; TMK 4-2-01:34 AND "OFFSHORE"; APPLICANT: MAUI LAND AND PINEAPPLE CO., INC.; AGENT: BELT COLLINS AND ASSOCIATES

Before beginning his presentation, Mr. Evans requested to make a modification to staff's recommendation on page 11. He would like to add another condition if this item is approved today and that condition would read, "Our standard land disposition condition" because there are beach lands involved as well.

He explained that the project was located at Honokahua at the bay.

Comments by the University of Hawaii Environmental Center indicate that the current EIS rules require that a group of actions be treated as a single action when the components are phased or incremental. In terms of the environmental law, they feel that this project in the conservation district must be treated in association with the 550 room hotel.

An Attorney General's opinion is attached to the submittal which indicates that the board need only look at those areas within the Conservation District. The Maui County Planning Department informed staff that the Maui Planning Commission issued a Shoreline Management Area permit (SMA) for the proposed project in the urban district.

Staff feels that the Maui County agencies should be the lead agency relative to the environmental rules, making the determination for what would be required, before any CDUA is issued.

The Department of Transportation requests that the applicant share in the cost of the Lahaina bypass road due to the construction of this new 550 room hotel.

Staff is recommending approval with the modification added this morning.

Chairperson Paty: Relative to the University's Environmental Center, did they take issue with the EIS rules?

Mr. Evans said that they do not take issue with the environmental rule but their interpretation of them is somewhat different. They both agree with the statement that the Environmental Center makes that when you have an incremental project, you must treat everything as one.

Chairperson Paty questioned that therefore this entire resource project should be treated as a single action?

Mr. Evans said if that were to be done, because the Maui Planning Department had processed the Shoreline Management Area permit and the Maui Planning Commission which had the approval of the Shoreline Management Area permit, they should have been the appropriate body to make that determination. They acted first, they included this piece of land within their action. They should be the one to make the determination as the lead agency on the EIS.

Responding to Chairperson Paty's question, Mr. Evans said that at the Public Hearing the applicant indicated that all 70 parking stalls which were a part of an agreement between the County and the applicant are to be public. The location was fixed at Fleming.

Mr. Richard Cameron, applicant, said that he had one comment. At the Public Hearing he indicated that they were actually proposing a smaller project than originally applied for. They are not now proposing to build the pathways down to the beach, that is one change. Their consultant sent a letter to the department at the end of August elaborating on this and apparently it was not received on time.

Mr. Evans suggested a change under RECOMMENDATION on page 10, it could read: That the Board approve CUA MA-2348 for Landscaping Improvements on TMK 4-2-1:34 subject to the following conditions: (Leaving out the words "Conservation of Beach Access and") for clarification.

Chairperson Paty commented if you're not going to have the beach access what are your plans.

Mr. Cameron said that they had originally planned to pave accesses down to the beach and looking at the topography they feel they don't need to do that. They thought they needed to stabilize the slopes but now they feel they don't have to do that. They're still going to allow access to the ocean through that property and they're still going to provide the parking for the public but they're not going to put in the stairs. There will be paths behind the Conservation District that will allow circulation within the area.

Mr. Evans suggested another condition no. 12, "That beach access along the routes originally indicated, would remain."

Mr. Cameron said that their original proposal was one beach access for the public and one for their hotel guests and they're willing to designate an area for public access.

Chairperson Paty addressed counsel present, relative to access and landscaping as presented.

Mr. Johnson Wong, Senior Deputy Attorney General commented that staff could add that it be subject to review of the Attorney General's Office to work out the language

Mr. Evans reconfirmed that staff will still require of the applicant a public beach access along the route as originally proposed. They won't need to pave it, concrete it or put lights. Staff is basically holding them to their representation of the land use proposal. This will be included as condition no. 12.

Applicant said that was agreeable. He asked for a correction on page 8 in the Summary of Public Hearing the last sentence which states the existing road would not be closed. He said that this was incorrect as they are proposing to close the road, it's a private road and they had permission from the county and that was always their intent. Instead of a road for vehicles, a bike path and lateral access for pedestrians and bikes will be available. He said there will be signs to show the public access and they will be working with the County of Maui regarding those signs.

**ACTION**

Motion was made by Mr. Arisumi to approve item H-4 as amended. Seconded by Ms. Himeno, motion carried unanimously.

**ITEM F-5**

DIRECT LEASE TO UNIVERSITY OF HAWAII AT HILO, GOVERNMENT LAND AT LALAMILO, SO. KOHALA, HAWAII, TAX MAP KEY 6-9-01:POR. 01

Mr. Young made the presentation of item F-5 going over the highlights of the submittal. Staff's recommendation was for approval. In the event that the UH decides they need to expand requiring additional area across the street, staff has indicated to them that they will seek alternate sites for them in the event that they show good cause and develop the five acres accordingly.

Ms Himeno asked under what circumstances could the Land Board grant gratis to someone.

Mr. Young explained that they are able to do that for government agencies, State and Federal under statute. He also explained that this was an unusual case as the UH discovered they had the financing but no site. Staff is recommending approval on the basis before they proceed they will need the County approval on the SMA and subdivision approval also; without that today's approval would be null and void.

Dr. Walter Dudley of the UH asked to recommend that there be consideration of an easement between the site and the ocean.

Mr. Young suggested that the question of the easement be held up till later should it be necessary for a CDUA to be filed.

Responses to questions of the Board covered the following: That this was one of the first of its kind, a program for training under-graduates for teachers in marine science; ultimate desire would be to have limited amount of housing on the site for visiting students from the Pacific Islands or housed on the Hilo Campus or in the Kona Educational Facility that's going to be built one of these years. A study was done of different sites and the Pukoo reef was found to be one of the best coral reef in many senses, it's relatively untouched, pristine, and that made it an ideal reef to train students on.

Students could possibly become a biologist specializing in the Marine Science part of biology and if they want to become a teacher they could continue to graduate school. They could become a geologist and specialize in the physical side and there's also a Bachelor's degree being proposed both at Manoa and Hilo in Marine Science, it would train people looking for government positions. Faculty would probably be based in Hilo and perhaps a laboratory manager based on site.

Dr. Dudley said that last year there was a resolution passed by the legislature that recommended an undergraduate marine facility be established and the proposal has now been sent to the regents to request additional positions.

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

**ITEM E-2** REQUEST TO USE THE OLD KONA AIRPORT STATE PARK IN KAILUA-KONA, HAWAII, FOR A FUND RAISING CARNIVAL

Mr. Nagata said that the Kona Hawaiians Pop Warner Football Organization is requesting as for the past 6 years or so, to use a portion of the runway, the north end of the runway of the Old Kona Airport State Park for a fund raising carnival which will be held from September 21-23, 1990. Staff is recommending approval.

Mr. Arisumi asked if the area was part of ceded lands.

Mr. Nagata said he did not think so and asked the representative from the Division of Land Management for assistance. Mr. Taguchi confirmed that these were acquired lands.

Mr. Calvin Lum Wun, applicant, said the time listed for Saturday was incorrect. It should be listed from noon to 12:00 p.m.

Chairman Paty inquired if there were off duty officers there.

Mr. Lum Wun said that there were three at night and two during the day hours.

**ACTION** Mr. Arisumi moved for approval; seconded by Ms. Himeno, motion carried unanimously.

COUNTY OF MAUI REQUESTS SET ASIDE OF STATE LANDS AT WAIAKEA AND  
WAIHOLI-KEOKEA, WAILUKU, MAUI FOR PARK AND RECREATION PURPOSES,  
TAX MAP KEY 3-9-01;1

---

ITEM F-10

Mr. Young said that this was a request by the County of Maui to set aside 22.702 acres at Waiholi-Keokea, Wailuku, Maui for park and recreation purposes. With the growth of the Kihei area there is a demand to preserve the recreational shoreline properties and for control by the County of Maui.

Should the Board approve staff's recommendation, staff is requesting an amendment with respect to the set aside be subject to the constitution and statutory provisions required pro rata sharing of all revenue derived from the land with the Office of Hawaiian Affairs. The reason being these are ceded lands.

Mr. Young presented a map of the area to the Board per request of Mr. Arisumi.

Mr. Clarke Poos, Resort Manager for the Maui Schooner Resorts pointed out to the Board the areas of parking lot, adjoining hotels, tennis courts and restaurant facilities on the map. He said the tennis court area is presently maintained by the different associations.

Mr. Poos asked to defer this item on behalf of the Maui Schooner Resort and several other resorts who were unable to be present today till the Board meets on Maui.

Discussion continued on the use of the property, right of way, maintenance of the grounds and area and the responsibility of keeping the beach area clean.

ACTION

Mr. Arisumi moved that this matter be deferred to the next Maui meeting; seconded by Mr. Apaka, motion carried unanimously.

CDUA FOR IMPROVEMENTS TO KUIHIWA WELL, WATER TRANSMISSION LINE AND  
ELECTRICITY TRANSMISSION CORRIDOR, NAHIKU, MAUI; TMK 1-2-04:03;  
APPLICANT: MAUI PINEAPPLE COMPANY

---

ITEM H-5

Ms. Himeno informed Chairman Paty that she had a conflict at the Public Hearing with A & B.

After a short discussion Ms. Himeno suggested that this item be deferred to the next meeting and in the interim she would confer with the Disciplinary Council and the Deputy Attorney General's Office to see how this could be worked out.

DEFERMENT

Ms. Himeno moved that the item be deferred to the next meeting; seconded by Mr. Apaka, motion carried.

RECESS

9:55 a.m.-10:05 a.m.

ADDED  
ITEM B-1

REQUEST FOR DUTY STATUS FOR OUT-OF-STATE TRAVEL FOR JO-ANNE KUSHIMA OF  
THE DIVISION OF AQUATIC RESOURCES TO ATTEND THE FISHING VESSELL STEERING  
COMMITTEE MEETING ON OCTOBER 3-4, 1990, AT LAS VEGAS, NEVADA

---

ACTION

Unanimously approved as submitted. (Himeno/Arisumi)

ITEM C-1

OUT-OF-STATE TRAVEL REQUEST FOR MICHAEL G. BUCK, ADMINISTRATOR,  
DIVISION OF FORESTRY AND WILDLIFE

---

ACTION

Unanimously approved as submitted. (Arisumi/Apaka)

ITEM C-2      LIMITED TERM APPOINTMENT FOR GENERAL LABORER I, POSITION NO. 13170, ISLAND OF HAWAII

ACTION      The Board unanimously approved the appointment of Mr. David E. Kilcoyne to fill Position No. 13170, General Laborer I on the island of Kauai. (Arisumi/Apaka)

ADDED  
ITEM C-3      OUT-OF-STATE TRAVEL REQUEST FOR PAUL J. CONRY, SENIOR STAFF ENDANGERED SPECIES BIOLOGIST, DIVISION OF FORESTRY AND WILDLIFE

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM D-1      PERMISSION TO ENTER INTO AN AGREEMENT WITH U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE TO CONSTRUCT A 60 MILLION GALLON RESERVOIR, WAIMANALO IRRIGATION SYSTEM, OAHU

Mr. Gordon Akita made the presentation of the items for the Division of Water and Land.

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM D-2      PERMISSION TO HIRE CONSULTANT FOR JOB NO. 1-OW-E, FEASIBILITY STUDY OF WATER RESOURCES FROM LAVA TUBES, HAWAII

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM D-3      PERMISSION TO HIRE CONSULTANTS FOR JOB NO. 1-OW-F, WATER SHORTAGE STUDY FOR THE WAIMEA AND KEKAHA HAWAIIAN HOMESTEAD AREAS, WAIMEA, HAWAII AND KEKAHA, KAUAI

ACTION      Unanimously approved as submitted. (Apaka/Himeno)

ITEM D-4      PERMISSION TO HIRE CONSULTANT FOR JOB NO. 31-OL-I, ALA WAI CANAL IMPROVEMENT, OAHU

Mr. Akita said that the requested amount for the consultant services is \$700,000.00.

At the request of the Chairperson, Mr. Tagomori informed the Board of what took place at a meeting that was held last nite. There was a panel that talked about the Ala Wai, the history, the economic benefits that would lead to a greater Waikiki, hotels and beaches, and the environmental impacts among other things. The Department of Transportation has \$1 million dollars for improvements in Waikiki. The City will have a meeting next week looking at the Waikiki area. The City is thinking of reshaping the Ala Wai and possibly create a lagoon. Another alternative is to fill the area in the Kapahulu end and another is to open another lake into the ocean through the zoo area. These are conceptual ideas and this request is for a consultant to look into these improvements. The \$700,000.00 request is for the consultant to do certain parts, feasibility, alternatives, design and construction, design and plans and EIS.

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM D-5      AWARD OF CONSTRUCTION CONTRACTS, VARIOUS STATE PARKS PROJECTS STATEWIDE

ACTION      Unanimously approved as submitted. (Apaka/Arisumi)

ITEM D-6      APPROVAL TO ATTEND ASSOCIATION OF STATE DAM SAFETY OFFICIALS CONFERENCE IN NEW ORLEANS, LOUISIANA

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM D-7      APPOINTMENT OF CERTIFICATION OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION      Unanimously approved as submitted. (Arisumi/Himeno)

ADDED  
ITEM D-8      APPROVAL TO INSPECT GEOTHERMAL POWER PLANT FACILITIES AND MEET WITH CALIFORNIA AND NEVADA REGULATORS RESPONSIBLE FOR GEOTHERMAL DEVELOPMENT ACTIVITIES

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM E-1      FILLING OF GROUNDSKEEPER I POSITION, POSITION NO. 33472, DIVISION OF STATE PARKS, KAHANA VALLEY STATE PARK

ACTION      The Board unanimously approved the appointment of Mr. Keone Kapapa to fill position No. 33472, Groundskeeper I, assigned to the Resource Management Branch. (Arisumi/Himeno)

ITEM E-2      REQUEST TO USE THE OLD KONA AIRPORT STATE PARK IN KAILUA-KONA, HAWAII, FOR A FUND RAISING CARNIVAL

See page 4 for action.

ITEM F-1 DOCUMENTS FOR BOARD CONSIDERATION:

Item F-1-a      ASSIGNMENT OF GENERAL LEASE NO. S-4306, LOT 2, HILO INDUSTRIAL DEVELOPMENT, POHAKU STREET SECTION, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-2-58:04

Item F-1-b      ISSUANCE OF REVOCABLE PERMIT TO T & Y ENTERPRISES, INC. COVERING GOVERNMENT LAND AT IWILEI PRODUCE CENTER, IWILEI, HONOLULU, OAHU, TAX MAP KEY 1-5-07:POR. 14

Item F-1-c      ASSIGNMENT OF GENERAL LEASE NO. S-3600 COVERING LOT 29, KANOELEHUA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-2-50:97

Item F-1-d      ASSIGNMENT OF GRANT OF EASEMENT NO. S-5000 AT WAIMEA, SO. KOHALA, HAWAII, TAX MAP KEY 6-5-04:POR. 15

ACTION      Mr. Apaka moved to approved items F-1-a, F-1-b, F-1-c and F-1-d as submitted; seconded by Mr. Arisumi, motion carried.

ITEM F-2      CONVEYANCE OF A PORTION OF RAILROAD AVENUE TO COUNTY OF HAWAII, PANAWEA FARM LOTS, WAIAKEA, SO. HILO, HAWAII

ACTION      Unanimously approved as submitted. (Arisumi/Himeno)

ITEM F-3      AMENDMENT TO REVOCABLE PERMIT NO. S-5294 TO MR. ROGER JAMES, KAPAPALA, KAU, HAWAII, TAX MAP KEY 9-8-01:POR. 2

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM F-4      DIRECT AWARD TO HELEN C. TEXEIRA PERPETUAL, NON-EXCLUSIVE ROADWAY AND UTILITY EASEMENT AT POHAKUHAKU-KEMAU, HAMAKUA, HAWAII, TAX MAP KEY 4-3-06:POR. 4 & 16

ACTION      Mr. Apaka moved for approval as amended by staff. Seconded by Mr. Arisumi, motion carried unanimously.

Amendment: Direct sale of easement to Helen C. Teixeira subject to consent of Hamakua Sugar Company.

ITEM F-5 DIRECT LEASE TO UNIVERSITY OF HAWAII AT HILO, GOVERNMENT LAND AT LALAMILO, SO. KOHALA, HAWAII, TAX MAP KEY 6-9-01:POR. 01

See page 4 for action.

ITEM F-6 MAKAWAO, MAUI FOR THE KANAIO NATURAL RESERVE, TAX MAP KEYS 2-1-02:POR. 1 AND 2-1-03:POR. 50

ACTION Unanimously approved as submitted. (Arisumi/Himeno)

ITEM F-7 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUESTS TO SUBDIVIDE NEW WAIHEE ELEMENTARY SCHOOL LOT, WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 2863, AND CONVEYANCE IN FEE SIMPLE TO COUNTY OF MAUI FOR KAHEKILI HIGHWAY WIDENING, WAIHEE, WAILUKU, MAUI, TAX MAP KEY 3-2-07:POR. 21

ACTION Unanimously approved as submitted. (Arisumi/Himeno)

ITEM F-8 COUNTY OF MAUI REQUESTS SET ASIDE OF STATE LANDS AT KAONOULU, KULA, MAUI FOR ADDITION TO HAROLD RICE MEMORIAL PARK, TAX MAP KEY 2-2-06:62

ACTION Unanimously approved as submitted. (Arisumi/Himeno)

ITEM F-9 COUNTY OF MAUI REQUESTS SET ASIDE OF STATE LANDS AT KIHEI, WAILUKU, MAUI FOR PARK AND RECREATION PURPOSES, TAX MAP KEY 3-8-13:2

Mr. Young did the presentation of item F-9 to the Board.

Ms. Charmaine Tavares, Director of Parks and Recreation, County of Maui explained how the County would like to handle the permitting for use of the park because of their concern for the safety of the children and various canoe club members.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-10 COUNTY OF MAUI REQUESTS SET ASIDE OF STATE LANDS AT WAIAKEA AND WAIHOLI-KEOKEA, WAILUKU, MAUI FOR PARK AND RECREATION PURPOSES, TAX MAP KEY 3-9-01:1

See page 5 for action.

ITEM F-11 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 8, 1990 (AGENDA ITEM F-1-a) RELATIVE TO CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4350 COVERING LOT 2, PART 1, UALAPUE LOTS, UALAPUE, KONA, MOLOKAI, TAX MAP KEY 5-6-02:1

Mr. Young requested to make an amendment to the submittal: After the word "term" under Recommendation, delete the period and add "to reflect the rental reopening dates contained in the certain Agreement for Extension of General Lease No. S-4350 document".

ACTION Mr. Arisumi moved for approval as amended; seconded by Ms. Himeno, motion carried.

ITEM F-12 AMENDMENT TO PRIOR BOARD ACTION OF APRIL 12, 1990 (AGENDA ITEM F-1-a) COVERING COMMENCEMENT DATE OF REVOCABLE PERMIT TO KENNETH REDSTONE, HONOPOU-HOOLAWA, HAMAKUALOA, MAKAWAO, MAUI, TAX MAP KEY 2-9-03:08

ACTION Unanimously approved as submitted. (Arisumi/Himeno)



ITEM F-13 MRS. THELMA J. MORGAN REQUESTS SEAWALL AT KALUANUI, OAHU, TAX MAP KEY 5-3-10:SEAWARD OF 17

---

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM F-14 STAFF RECOMMENDATION FOR MUTUAL CANCELLATION OF GENERAL LEASE NO. S-5150 TO HEFTEL BROADCASTING CORP. AT KALIA, WAIKIKI, HONOLULU, OAHU

---

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM F-15 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 22, 1990 (AGENDA ITEM F-7) AUTHORIZING DIRECT SALE OF REMNANT AT WAIKALUA, KANEOHE, OAHU, TAX MAP KEY 4-5-06:54

---

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

ITEM F-16 RESCIND PRIOR BOARD ACTION OF AUGUST 26, 1988 (AGENDA ITEM F-22) COVERING DIRECT SALE OF RECLAIMED (FILLED) LAND AND CONVEYANCE OF EASEMENT, AND AUTHORIZE THE DIRECT SALE OF A NON-EXCLUSIVE EASEMENT FOR SEAWALL AND OTHER PROPERTY IMPROVEMENTS AT LANIKAI, KAILUA, OAHU, TAX MAP KEY 4-3-01:1

---

Mr. Young said that item F-16 and F-17 are very similar and would possibly like to take them up together. He explained that the Board had authorized the sale of reclaimed land and granting of easements. Staff went through the whole process of the appraisal, offering, they paid the money and subsequently went to the Attorney General's office for preparation of the deed as well as the grant of easement and were informed by the A.G.'s that they do not feel it is appropriate and may not qualify under the statute with respect to disposition of reclaimed land. Also the Attorney General's office mentioned that since we have a Board policy with respect to encroachment, we should be consistent in the disposition. Therefore they are recommending that rather than selling the reclaimed land, to be consistent with the policy on encroachment, (like what was done for Mrs. Morgan this morning) that we grant the easements to Gerald M. Williams and Glen I. Payton, Jr..

There staff is recommending that the Board rescind their prior action with respect to the disposition to Gerald M. Williams Trust and Glen I. Payton, Jr. and in turn grant the necessary easements on a term basis to cover the encroachment areas..

ACTION Ms. Himeno moved for approval of Items F-16 and F-17; seconded by Mr. Arisumi, motion carried unanimously.

ITEM F-17 RESCIND PRIOR BOARD ACTION OF DECEMBER 18, 1987 (AGENDA ITEM F-11) FOR DIRECT SALE OF RECLAIMED (FILLED) LAND AND AUTHORIZE THE DIRECT SALE OF A NON-EXCLUSIVE EASEMENT FOR SEAWALL AND OTHER PROPERTY IMPROVEMENTS AT EWA, OAHU, TAX MAP KEY 1-23:18

---

ACTION See Item F-16.

ITEM F-18 MR. BREN JOSHUA DONOFRIO DBA KOKEE MOUNTAIN BIKES REQUESTS CANCELLATION OF REVOCABLE PERMIT NO. S-6672 AND ISSUANCE OF NEW REVOCABLE PERMIT TO MESSRS. BREN JOSHUA DONOFRIO AND RICHARD HAVILAND DBA KOKEE MOUNTAIN BIKES, PUU KA PELE, WAIMEA (KONA), KAUAI

---

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-19 DEPARTMENT OF AGRICULTURE REQUESTS RIGHT OF ENTRY TO THE KAHUKU AGRICULTURAL PARK, KAHUKU, KOOLAULOA, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM F-20 SALE AT PUBLIC AUCTION, LOT 285, KEKAHA HOUSE LOTS, KEKAHA, KAUAI, TAX MAP KEY 1-3-05:73

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM F-21 STAFF RECOMMENDATION TO AMEND THE ASSIGNMENT OF LEASE EVALUATION POLICY, STATEWIDE

Mr. Young explained that the Board had adopted a policy with respect to premiums on new leases that are being issued whereby staff has a right to participate, whereby a person assigns a lease. Today staff is trying to do three things that are important, 1) take care of subsequent assignment of leases; 2) the legislature in the past session under Act 242 passed a law whereby it provided that agricultural leases, in the event of foreclosure or sale, the premium, if any, shall be assessed only after the encumbrances to the lender are taken care of, so the lenders are secured, the farmers and the Federal Land Bank people were concerned that in the event they foreclosed on a lease, put it up on the auction block, whatever is sold, we take a percentage off the top, that might not have enough leftover to take care of their debts; and 3) with respect to State lands which have improvements that are state-owned, the policy originally was silent with respect to improvements, thus a formula has been worked out to define what is state-owned, what is the investment by the lessee in determining the premium to be participated in if any.

Mr. Young said the key issue today is they're only taking care of the agricultural leases, not all the leases across the board. They are presently working with the Attorney General's Office to come up with some kind of mechanism or formula and they will report back to the Board when this happens.

With respect to the recommendations today, Deputy A. G. Wong said there were no objections.

ACTION Mr. Apaka moved for approval of Item F-21; seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-1 REQUEST FOR APPROVAL OF OUT-OF-STATE TRAVEL TO ASSIST THE GOVERNMENT OF GUAM WITH COLLECTION AND EXAMINATION OF SPECIFIC PATHOGEN-FREE PENAEID SHRIMP IN GUAM

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

ITEM H-2 CDUA FOR SINGLE FAMILY RESIDENCE, AT HAENA, KAUAI; TMK 5-8-12:12; APPLICANT: WALTON D.Y. HONG, FOR MR. DON KARLEEN

DEFERRED Mr. Apaka moved to defer this item to the next Oahu meeting per request of the applicant. Seconded by Mr. Arisumi, motion carried.

ITEM H-3 CDUA FOR CONSTRUCTION OF A FIRE WALL AND FIRE PROOF CARPORT OFF MALU PLACE, HONOLULU, OAHU; TMK 3-5-24:POR. 1; APPLICANT: MR. HOLLIS HO

Mr. Evans presented Item H-3 to the Board with staff's recommendation for approval.

Ms. Himeno asked if staff is setting a new precedence here, being that a person is allowed to build one house on one lot. Now this garage will be built on another lot.

Mr. Evans explained that the house is not in the Conservation District. It is at the end of the road and the applicant proposes to buy a perpetual easement from Bishop Estate to build a fire wall and a carport.

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

**ITEM H-4** CDUA FOR CONSTRUCTION OF BEACH ACCESS AND LANDSCAPING IMPROVEMENTS, KAPALUA, MAUI; TMK 4-2-01:34 AND "OFFSHORE"; APPLICANT: MAUI LAND AND PINEAPPLE CO., INC.; AGENT: BELT COLLINS AND ASSOCIATES

See page 3 for action.

**ITEM H-5** CDUA FOR IMPROVEMENTS TO KUHIWA WELL, WATER TRANSMISSION LINE AND ELECTRICITY TRANSMISSION CORRIDOR, NAHIKU, MAUI; TMK 1-2-04:03; APPLICANT: MAUI PINEAPPLE COMPANY

See page 5 for action.

**ITEM H-6** AMENDMENT TO MEMORANDUM OF UNDERSTANDING--SALE OF LANDS TO HOUSING FINANCE AND DEVELOPMENT CORPORATION (HFDC)

See page 13 for action.

**ITEM J-1** CONSENT TO ASSIGNMENT OF A PORTION OF LEASE NO. DOT-A-75-6, KAHULUI AIRPORT, MAUI (HEMMETER AVIATION, A DIVISION OF HEMMETER INVESTMENT COMPANY--HEMMETER AVIATION, INC.)

**DEFERRED** Ms. Himeno informed the Chairperson she had a conflict with Item J-1.

**ITEM J-2** AMENDMENT NO. 2 TO LEASE NO. DOT-A-84-26, HAWAII DISTRICT AIRPORTS, HAWAII (ALAMO RENT-A-CAR, INC. (ALAMO))

**DEFERRED** Ms. Himeno informed the Chairperson that she had conflicts on Items J-2 through J-6. If these could be deferred till the next meeting she would try to get clearance from the Disciplinary Council.

**ITEM J-3** AMENDMENT NO. 1 TO LEASE NO. DOT-A-84-32, KEAHOLE AIRPORT, HAWAII (AUTO RENTAL COMPANY, LTD.)

See Item J-2.

**ITEM J-4** AMENDMENT NO. 2 TO LEASE NO. DOT-A-84-27, KEAHOLE AIRPORT, HAWAII (AVIS RENT A CAR SYSTEMS, INC. (AVIS))

See Item J-2.

**ITEM J-5** AMENDMENT NO. 3 TO LEASE NO. DOT-A-84-25, KEAHOLE AIRPORT (BUDGET RENT A CAR SYSTEMS, INC. (BUDGET))

See Item J-2.

**ITEM J-6** AMENDMENT NO. 2 TO LEASE NO. DOT-A-84-29, KEAHOLE AIRPORT, HAWAII (NATIONAL CAR RENTAL HAWAII, A JOINT VENTURE)

See Item J-2.

- ITEM J-7      AMENDMENT NO. 5 TO LEASE NO. DOT-A-84-28, KEAHOLE AIRPORT, HAWAII (PACIFIC INTERNATIONAL SERVICES CORPORATION (PISC))  
See Item J-2.
- ITEM J-8      AMENDMENT NO. 2 TO LEASE NO. DOT-A-84-31, KEAHOLE AIRPORT, HAWAII (ROBERT'S HAWAII RENT-A-CAR SYSTEMS, INC. (ROBERT'S))  
See Item J-2.
- ITEM J-9      AMENDMENT NO. 3 TO LEASE NO. DOT-A-84-36, KEAHOLE AIRPORT, HAWAII (TROPICAL RENT-A-CAR SYSTEMS, INC.)  
See Item J-2.
- ITEM J-10     APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 4696, HILO INTERNATIONAL AIRPORT, HAWAII (HEMMETER AVIATION, INC.)  
See Item J-2.
- ITEM J-11     RENEWAL OF REVOCABLE PERMITS 4030, ETC., AIRPORTS DIVISION  
See Item J-2.
- ITEM J-12     RENEWAL OF REVOCABLE PERMITS 3779, ETC., AIRPORTS DIVISION  
ACTION        Ms. Himeno moved to approve Item J-12 for all revocable permits with the exception of Revocable Permit No. 3779; seconded by Mr. Arisumi, motion carried.
- ITEM J-13     APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4691, ETC., AIRPORTS DIVISION  
ACTION        Ms. Himeno moved to approve Item J-13 for all revocable permits with the exception of Revocable Permit No. 4691; seconded by Mr. Arisumi, motion carried.
- ITEM J-14     LEASE, KAHULUI AIRPORT, MAUI (M&H HELICOPTERS, INC. DBA MAUI HELICOPTERS)  
ACTION        Unanimously approved as submitted. (Apaka/Himeno)
- ITEM J-15     LEASE-VENDING AGREEMENT, MAIN LOBBY, KAHULUI AIRPORT, MAUI (AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.)  
ACTION        Unanimously approved as submitted. (Arisumi/Apaka)
- ITEM J-16     REQUEST FOR A RIGHT-OF ENTRY FOR THE INSTALLATION OF A FORCE MAIN AND GRAVITY EFFLUENT PIPELINE SITUATED AT THE HILO INTERNATIONAL AIRPORT, HAWAII (DEPARTMENT OF PUBLIC WORKS, COUNTY OF HAWAII)  
ACTION        Unanimously approved as submitted. (Himeno/Apaka)
- ITEM J-17     FIFTH AMENDMENT TO RESTATED AND AMENDED HARBOR LEASE AND SPECIAL FACILITY LEASE AGREEMENT (HARBOR LEASE NO. H-79-5), SAND ISLAND CONTAINER FACILITY, OAHU (MATSON TERMINALS, INC.)  
DEFERRED      See J-2.
- ITEM J-18     AMENDMENT TO HARBOR LEASE NO. 2694 DATED NOVEMBER 15, 1955, PIER 23, HONOLULU HARBOR, OAHU (HAWAIIAN GRAIN CORPORATION)  
ACTION        Unanimously approved as submitted. (Himeno/Arisumi)

ITEM J-19      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PORTION PIER 32 WAREHOUSE, HONOLULU HARBOR, OAHU (HONOLULU AGENCY, INC.)

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM J-20      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 21, HONOLULU HARBOR, OAHU (HAWAIIAN TUG & BARGE CORPORATION)

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

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

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM J-22      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 9 SHED, ALOHA TOWER COMPLEX, HONOLULU HARBOR, OAHU (CHARLES PANKOW BUILDERS, LTD.)

ACTION      Unanimously approved as submitted. (Himeno/Arisumi)

ITEM J-23      AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT TO ABUTTING OWNER, PAHOA, HAWAII

Mr. Apaka's question was, "Who is the abutting owner?"

Mr. Hirano said that they would have to check on that.

Mr. Arisumi said that he felt the question that Mr. Apaka raised was very important.

DEFERRED      Ms. Himeno moved to defer this item; seconded by Mr. Arisumi, motion carried.

ITEM J-24      AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF OLD MALUHIA ROAD TO ABUTTING OWNER, LIHUE, KAUAI

ACTION      Unanimously approved as submitted. (Apaka/Arisumi)

ITEM J-25      AMENDED ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (SUISAN COMPANY, LTD.)

ACTION      Unanimously approved as submitted. (Arisumi/Himeno)

ITEM J-26      AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT SITUATE AT HONOULIULI, EWA, OAHU

Mr. Hirano informed the Board that the abutting owner is the Campbell Estate.

Ms. Himeno moved for approval.

Chairperson asked Counsel Wong if this were sold to the Campbell Estate could this possibly have an effect on the current combination proceedings with Campbell in terms of land value.

Deputy A.G. Wong questioned what would be the selling price. He asked Mr. Hirano if he knew the price that they're selling it for.

Mr. Hirano said that he didn't know the price. They are processing this request to get the board's approval and then they would go and get the valuation.

Mr. Wong asked whether they shouldn't coordinate the valuation of the first site so that it won't impact on the 2200 acres that the State is condemning?

Mr. Hirano said that they could.

Chairperson asked if this could be approval subject to coordination with the Attorney General's office.

**ACTION** Ms. Himeno's motion was amended by Mr. Paty, to be subject to coordination with the Attorney General's Office; amended motion was seconded by Mr. Arisumi and motion carried.

**ITEM J-27** CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-84-30, HAWAII DISTRICT AIRPORTS, HAWAII (PHILLIPS' U-DRIVE, INC.--K. PACIFIC, INC., DBA THRIFTY RENT A CAR)

**DEFERRED** See Item J-1.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 11:15 a.m..

**RECONVENE:** Chairperson Paty reconvened the meeting as it was noticed that Item H-6 had not been acted upon.

**ITEM H-6** AMENDMENT TO MEMORANDUM OF UNDERSTANDING--SALE OF LANDS TO HOUSING FINANCE AND DEVELOPMENT CORPORATION (HFDC)

Chairperson Paty said that there was concern expressed by the Attorney General relative to the legality of the situation. It is the Chair's recommendation that action be deferred to a subsequent meeting.

**ACTION** Mr. Apaka moved that Item H-6 be deferred; seconded by Mr. Arisumi, motion carried unanimously.

**ADJOURNMENT** There being no further business, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

  
Dorothy Chun  
Secretary

APPROVED FOR SUBMITTAL:



William W. Paty, Chairperson