

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

DATE: DECEMBER 7, 1990
TIME: 9:00 A.M.
PLACE: BOARD ROOM
KALANIMOKU BUILDING, ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

ROLL
CALL

Due to a lack of quorum Chairperson William Paty called the meeting of the Board of Land and Natural Resources to order at 11:10 a.m. and the following were in attendance:

MEMBERS: Mr. Herbert Apaka
Ms. Sharon Himeno
Mr. Christopher Yuen
Mr. William Paty

STAFF: Mr. Roger Evans
Mr. W. Mason Young
Mr. Michael Buck
Mr. George Matsumoto
Mr. Richard Kanayama
Ms. Dorothy Chun

OTHERS: Mr. Edwin Watson, Deputy Attorney General
Mr. Ronald Hirano, Dept of Transportation
Ms. Jan Sullivan, Mr. Michael Hands, Mr. Bill
Davidson, Mr. Mark Van Pernis, Ms. Hannah
Springer (Item F-4)
Mr. Steven Lim, Mr. Mahoney (Item F-2)
Mr. Lee Sichter, Mr. Melrose,
Mr. Vitousek (Item H-6)
Mr. Paul Yim (Item H-3)
Ms. Laverne Higa (Item H-9)
Mr. Bruce Matsui (Item F-11)
Ms. Claire Hachmuth (Item F-1c)
Mr. Don Cann, Senator Ann Kobayashi, Ms. Sally
Youngblood, Ms. Gail Carbone (Item H-11)
Mr. William Blok (Item H-7)
Mr. Steve Parker (Item F-9)
Mr. Rodney Funikoshi (Item H-4)
Mr. Glenn Hara, Mr. Alan Okamoto (Item F-1e)
Mr. Rick Wilson (Item H-5)
Mr. Rick Egged (Item F-1d)
Mr. Gary Wixom (Item J-2)

Commissioner Himeno apologized to the Board and all the people in the board room for the delay. She explained that she was unexpectedly called to Court this morning.

MINUTES: Mr. Apaka moved that the minutes of the meeting of June 22, 1990 be approved as circulated. Seconded by Ms. Himeno, motion carried.

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

ITEM F-4 PROPOSED LAND EXCHANGE BETWEEN STATE OF HAWAII AND NORTH KONA
DEVELOPMENT GROUP, A HAWAII LIMITED PARTNERSHIP, COVERING LANDS AT
AWAKEE, MANINIOWALI, AND KUKIO 2ND, NO. KONA, HAWAII (TO BE
DISTRIBUTED AT BOARD MEETING)

Mr. Young began with an orientation of the parcel on the map that he had displayed for the members of the Board.

Mr. Young then over the details of the submittal on the proposed land exchange going over the conditions in the recommendation. He explained that the shoreline area that the State is retaining if used a 1,000 foot setback, is approximately 132 acres, whereas in last year's proposal it was proposed that the State give up a portion of the shoreline area which would encompass about 46 acres but today's proposal completely keeps into the State's ownership that buffer between the 1,000 foot and the shoreline. The State would retain adequate land to create a public park at Kua Bay.

He said the notable differences from last year's proposal, he felt were important for the Board to know, is that 1) North Kona Development Group has dropped all plans for a resort and has indicated they will provide direct public access to and build park facilities along the 2.5 miles of shoreline. They also have indicated they would wish to develop luxury houses and an 18-hole golf course. 2) Shoreline property, Kuhio II and Maniniowali will not be exchanged, ownership will remain with the State. 3) Public access, Queen Kaahumanu Highway to Kua Bay will be assured. 4) Concerns voiced by opponents of previous proposals have been or are being addressed. 5) Inclusion of the 400' wide buffer. All of this will be part of the conveyance of the property as part of the covenants in the conveyance, staff is suggesting a 400' buffer mauka be retained and prohibiting any future structures. 6) No alterations of cinder cones or its slopes. 7) Preservation of historic sites. 8) The difference in acreage from last year to this year, the State is gaining 46 as a result of the shoreline property that was proposed to be exchanged.

Subsequent to the submittal going to the Board, there are several amendments as a result of staff working with our Historic Preservation Office. In the submittal there are several conditions that Historic Preservation has requested be included in the conveyance. Subsequent to that there have been further discussions between the North Kona Development group and staff and they've come up with several amendments which he passed out to the Board. These amendments have been reviewed by the Historic Preservation Office as well as the North Kona Development group and they have concurred to certain amendments which will be made a part of the submittal today.

Mr. Young went over the amendments. Going to the Recommendation on item 6, there are certain changes that will be discussed later; Condition 7, they are asking that staff delete certain words and the owner and include back their sites T-23 and T-24; Condition 9, they are asking for deletion outright; Condition 11, complete deletion; Condition 12, deletion outright; Condition 13, proposed deletion of certain provision within the condition; Condition 14, deletion and addition; Condition 15, deletions as well as additions.

Chairperson Paty suggested where there were significant changes he should point them out for the record and also that the Board members get the full input.

Mr. Young proceeded to go over each proposed amendment and informed the Chair that these amendments would be given to the secretary to incorporate into the minutes.

For the Board's information, the exchange is permitted under the Hawaii Revised Statutes. Staff has received the appraisal and it has been reviewed and recommended that it be accepted. He would prefer withholding the figures until it is accepted by the Chair.

Ms. Jan Sullivan, Attorney for the applicant said their whole team is present today and they would be happy to answer any questions. She mentioned that they had made a lengthy presentation at the last meeting in Kona and will not repeat the whole thing again. She said that Mr. Young had gone over all the revisions that she had with the exception of Condition No. 6. She referred to her letter of December 6, 1990, addressed to William W. Paty, Chair (exhibit passed out to Board members), they are requesting a change of language. The revisions are primarily to clarify the land owners' obligations with respect to the park improvements. The second sentence was also changed to place a lid on the amount of reimbursement that the landowner would be obligated to pay and this lid only applies in the event the Parks Department goes ahead and develops the park on their own prior to the landowner. The wording that's underlined at the bottom of the page of her letter on page 1 is the wording they are requesting.

Ms. Sullivan continued, that as Mr. Young mentioned, Conditions 9, 11, 12, 13, 14 and 15 were conditions that were requested by the State's Historic Preservation Division and they have concurred to the amendments that they are requesting.

The Chairperson read the requested amended Condition 6 and asked Ms. Sullivan to explain their rationale on that.

Ms. Sullivan said that it was similar to the condition that was proposed by staff. They added in the clarification on when the park improvements would be provided and the lid on the reimbursement amount that would be going to the parks department. She also forgot to mention an additional amendment that was discussed this morning and which is not included in the letter. The word "satisfying" in the 6th sentence, should be changed to "contributing towards" so that, that portion of the sentence to read, "and subject to said improvements contributing towards the private landowner's public access requirements."

Mr. Yuen asked if the changes to Conditions 9, 11, 12, 13, 14, and 15 that Mr. Young described, were those the same as in her December 6th letter. Ms. Sullivan said yes, with the exception of Condition 7 which is not in her letter.

Ms. Sullivan addressed the Chair to ask if Mr. Michael Hands and Mr. Bill Davidson, the principals in the partnership of North Kona Development could say a few words to the Board.

Mr. Hands, Vice-President of the North Kona Development Corporation and general partner, said he had been working on this project on a daily basis for some time. He appreciated the assistance and cooperation from staff and the community people. He introduced Mr. Bill Davidson of Southern California and President of North Kona Development Corporation.

Mr. Davidson said his business is home building and they're looking forward to the opportunity for this exchange. Responding to the Chair, he said that he agreed to the amendments as presented. He also restated his plans for the area, the golf course and market homes.

The planner for the project went over the view points using a map and an aerial photo. Detailed master planning of the site have not been done primarily as they have been studying the exchange. Following this there will be more detail studies of the view plains.

Mr. Apaka's question was on the access to the beach.

Ms. Sullivan said there is a Condition 4 in the submittal that staff is recommending which they're agreeing to, which is assuring that they provide a roadway to the beach. At this time, they're not sure if the road is going to go through the Maniniowali property or whether it may come through Awakee. It will be in the deed that they will provide public road access.

Mr. Mark Van Pernis addressed the Board on behalf of the some of the owners of the Kua Bay Beach lots. He talked about the park that everyone assumes will be built on the land retained by the State. He mentioned that there are four privately owned lots on the beach. He said that the private owners are very disappointed that they are not included in the process of negotiation in activities that have resulted in this proposed trade. He also talked about acquiring of the Kua Bay properties by the State is considerable and suggested that a condition to this trade be added that in fact the Kua Bay properties be acquired as part of this trade and/or the State concurrently condemn those properties without further delay.

Chairman Paty informed Mr. Van Pernis that it was a known fact of the State's intention to acquire those properties and they had all been informed.

Mr. Apaka's comment was that the Board was here today to decide on making the exchange of properties between the State and North Kona Development Corp. He said that Mr. Van Pernis had a legitimate concern but that was not before the Board today.

Chairman Paty said only as a comment for the record, an added condition of the exchange was that the developer incur the burden of acquiring these properties; he supposed for the record, he could ask the North Kona people if they willing to undertake that, and the obvious answer would be, "No way, Jose."

Mr. Van Pernis begged to differ saying that he had spoken to Mr. Hands and they were willing to acquire the Kua Bay private properties and

give them to the State under certain conditions.

Mr. Hands said that North Kona Development Corporation had proposed at one time for consideration to providing funds to acquire Kua Bay. It was based on a total different configuration to the configuration worked out with the staff. It also included different acreage and it was much closer to the shoreline. That was the only time they proposed that and he believed that staff is aware that it was taken off the tables a while ago.

Ms. Hannah Kehaulani Springer, resident of Kekaha, Kona said her interest in the land exchange involving Grant 2023 and Awakee and the ceded lands in Kukio 2nd and Maniniowali remains great. The land exchange as proposed if entered into immediately, will 1) in effect subsidize recovery from an unrealized speculative investment, 2) perhaps contribute to the additional overburdening, the already overburdened infrastructure development plans are subsequently approved, 3) compromise the sense of wide open space, 4) not have the benefit of a publicized State policy on the treatment of ceded lands, especially in cases of such as this, 5) perhaps serve as additional incentive for the State to publicize the policy on ceded lands, especially in cases such as this, 6) allow the acquisition of those lands in Awakee, not presently owned by the State for inclusion in the coastal park proposed for the region, 7) see the investment of considerable private time, effort and capital in the development of that portion of the State proposed coastal park in the Ahapuaa, Kukio 2nd, Maniniowali and Awakee, 8) perhaps deter the vandalization of historic resources which has occurred and continues to occur at certain sites in Kukio 2nd and Maniniowali by making closer monitoring of these resources a part of the proposed residential and park development activities, and 9) perhaps reduce the access of the carrying capacities of already over burdened areas, such as Kua Bay, that presently lack any comfort stations by timely implementation of the proposed development of the northern section of the proposed coastal park.

Ms. Springer continued that in her opinion the lands in Kukio 2nd and Maniniowali which are makai of the Kaahumanu Highway, be most appropriately included in the coastal park proposed for the region. If the land exchange is entered into, where the Grant 2023 lands in Awakee are exchanged for lands in Kukio 2nd and Maniniowali, lands mauka of the Kaahumanu Highway and makai of Mamalahoa Highway would be more appropriately considered for the exchanged. If this is not acceptable to the Awakee owners and if the proposal for the land exchange with the boundaries as drawn is the most realistic means of the State acquiring Grant 2023 parcel, then the proposal as described by Jan Sullivan, Jack Overton and others, which include the contribution of time and effort and capital to be given to the development of the proposed coastal park in Kukio 2nd and Maniniowali and Awakee should be pursued giving careful consideration to the input made by Virginia Isbell, Keola Childs, and others made at the November 29th informational meeting held in Kona.

MOTION

Mr. Yuen moved to approve the land exchange with the conditions outlined in staff's recommendation as modified this morning. Particularly to the modifications which were proposed by the letter dated December 6 from Jan Sullivan, representative from the North Kona Development group to the Chair. He requested to make several other amendments to the conditions, more of a technical nature.

Amendment to Condition 6, the word 'satisfying' on the 6th line, be changed to "contributing for";

Condition 4 of staff's recommendation, add after the word 'extinguish' add "with the approval of the board," this refers to the extinguishing of the State owned easement;

Condition 7, that the entire historic sites review committee should be appointed by the Chair, rather than with some by the Chair of DLNR and some by the landowner. He felt it appropriate for the Chair to appoint the private landowner to serve on the committee because he would want the committee to function in a cooperative manner;

Condition 7 should also include protection of sites T-23 and T-24;

Condition 13, the burial sites retention should be included as a covenant in the deed;

Condition 17 lists the conditions which would be included as deed covenants; and

Condition 6, should include as an additional sentence, "The State shall have the right to connect for free, any water system developed on the private parcel. This does not require anyone to put in a water system on the private parcel but, if there is one, the State shall have the right to connect to it for its park facilities."

Mr. Yuen asked if the Board adopted these conditions as a part of the land exchange if the other party is willing to agree to this as part of the exchange.

Ms. Sullivan said they are in agreement.

Mr. Young addressed the chair asking that all the amendments to the conditions be subject to approval of the Attorney General's office as to the final language.

Deputy A. G. Watson added that he would like to see that as a condition because the final language and the provisions to be inserted into the deed will be determined by the Attorney General's Office because some will need more clarification.

ACTION

The motion was seconded by Mr. Apaka, and motion carried.

ITEM F-2

DIRECT SALE OF GOVT. REMNANT, PORTIONS OF JUDD TRAIL TO MAHONEY CONTRACTING, INC. (TMK 7-7-07:10) AND TO ADN CORPORATION (TMK 7-7-07:41), KAUMALUMALU, NO. KONA, HAWAII

Mr. Young said that the Na Ala Hele people, staff from the Division of Forestry and Wildlife, and staff from the Attorney General's office met with owners of the property and have agreed to the scenario in the Board submittal. 1) The State will sell the trail that we're claiming to be a public trail in fee simple as a remnant to the owner, in turn the owner will dedicate in fee a trail, relocated along the north boundary of the property and develop that on behalf of the State. Later it will be taken over by the Division of Forestry and Wildlife.

Mr. Young informed the Board that two conditions were inadvertently omitted from the submittal. He would like to have it incorporated into the recommendation under sub-paragraph D as Condition 6 should the Board accept the proposal today as well as Paragraph E. (Mr. Young passed out copies of the amendments to the Board members.)

Condition D. 6:

The applicants shall complete an archaeological survey of the Judd Trail Remnant and the proposed New Judd Trail Alignment as it crosses Parcel 41 (ADN Corporation) and submit it for review by the Historic Preservation Division and Forestry and Wildlife's Na Ala Hele Program, in keeping with the time frame for construction of the public trail and parking areas "along with other subdivision improvements."

Paragraph E.:

Upon acceptance of title from Mahoney Contracting, Inc. ADN Corporation, approve of and recommend to the Governor issuance of an executive order setting aside the new Judd Trail to Department of Land and Natural Resources, Division of Forestry and Wildlife.

It was agreed amongst the negotiators that the applicants will be required to complete the archaeological survey on the present trail as well as the new trail.

MOTION

Mr. Yuen moved to approve Item F-2 with the condition amendments by staff this morning.

Mr. Yuen also wanted to mention that he had talked to the Na Ala Hele group about this trail and read staff's submittal and it turns out that the physical remnant of the trail has been totally obliterated by

floods and the present alignment of the trail is really quite undesirable for trail purposes.

Motion was seconded by Ms. Himeno.

Mr. Steven Lim, representing the applicant and Mr. Mahoney were present and had no problems with the conditions.

ACTION

Chairperson called for the question and motion carried unanimously.

CDUA, AFTER-THE-FACT, FOR THE INSTALLATION OF FIVE PERMANENT AND FIVE DAY-USE MOORINGS, PLUS A STERN MOORING, AND BEACH TRANSITING FOR BOAT PASSENGERS, IN ANAEHOOMALU BAY, SO. KOHALA, HAWAII; TMK: OFFSHORE FROM TMK 6-9-07:LL; APPLICANT: WAIKOLOA DEVELOPMENT CO., AGENT: BELT COLLINS AND ASSOCIATES

ITEM H-6

Mr. Evans began by pointing several corrections: On page 17 within the basic recommendations, change "five permanent moorings for commercial use", change to read, "five permanent moorings for commercial use and five day-use moorings." On page 18, Condition 10, Relative to site "D", the commercial mooring be moved to the public site which is expressed in the exhibits with a CDUA amendment for a new public site mooring to be presented to DLNR in sixty days. A new Condition 11 should the Board sustain the staff this morning, That the applicant develop a loading and unloading policy relative to the use of the beach area by the concessionaire. That policy would also include time spent loading and unloading to be submitted to the department for our review and approval.

Mr. Evans gave a history of how this applicant first came before the Board for a Temporary Variance, a public hearing was held and an EIS done and accepted. Since then applicant has cut down on the number of commercial moorings requested to five.

Mr. Lee Sichter, representing the applicant addressed the Board saying this is a thoroughly studied situation for the management of the bay and the moorings over a period of two years since they first applied. The best explanation is the applicant for this CDUA at present is Waikoloa Development Company, Inc. which is the shoreline owner of the majority of the parcels fronting Anaehoomalu Bay and the managing General Partner in the Royal Waikoloan Hotel which fronts on the bay. He went on to inform the board what their intentions were, how their association would be working with staff and they will address the concerns of the Board.

Mr. Evans pointed out to the Board, for about 18 months or so when they have required an applicant to file an Environmental Impact Statement (EIS), and they find the EIS to be acceptable, what they have been doing is requiring as a condition of use "That all representations made in the EIS, becomes effectively conditions of use to the permit."

Deputy A. G. Watson commented that what he sees here is the potential, of past problems we have had. We have an application for five moorings and looking at it as it stands today. Five years from now, we may be faced with the situation where DOT is looking to the overall package from mooring in the area and DOT like in the Lahaina area may come to the board and request a CDUA permit for mooring. If it is approved today there is a problem that they may come back in five years and say they were grandfathered in.

Mr. Evans injected that he could add in the condition, "no grandfathered vested rights."

Mr. Melrose, representative for the applicant said that they are still required by law to go to the Department of Transportation for a mooring permit. That's another step that they have to go through after the CDUA.

It was also pointed out that Waikoloa Development Company initiated this application a long time ago, coincident with the DOT beginning to develop its ocean and recreation plans. Citing Condition #3, that they will need to come back to the Division of Land Management for the occupancy of the lands; Condition #9, which says other terms and conditions as described by the Chairperson would provide some

flexibility they're asking for; two new conditions added by Mr. Evans this morning, Condition #11, related to loading and unloading which they've been talking about; and Condition #10, relates to mooring "D" being relocated, both of the added conditions are acceptable.

Deputy A.G. Watson commented that upon application made by Waikoloa, the request is for the approval for a land use of five moorings within this bay area. If the Board approves the granting of five moorings in this area with the recommendation that Land Management issues out upon application, five moorings. In other words, the way it reads right now, this application for CDUA approval has been given to you as an applicant, you shall comply with the conditions. The Board today is approving the establishment of five moorings. Land Management comes back to us upon your application to them for a permit. Should you violate your permit, Land Management could cancel it out.

Deputy A.G. Watson continued giving examples and concerns of use of the bay.

Mr. Vitousek said as he understands the conditions of the regulations that he had discussed with staff, they were really intended to promote safety consideration and to promote the idea that the loading and off-loading of people onto the boat should be done in a manner that didn't disrupt public use of the beach or minimal impact on other uses of the beach. He said that he thought the matter of the regulations they're talking about are really to regulate the use of the moorings and the loading and unloading by the commercial tenants. It's not intended to regulate the public in its conduct. The form the regulation will take will be contractual, in other words, the beach association or the individual hotels will have contracts to the concessionaires who will be able to use the moorings that are given to the beach association under the terms of the contract. He said they were not trying to regulate the public but the people to whom they have contracts so that they will conduct their operations so they won't impact adversely on the public. That was his understanding of the regulations and in terms of vested rights or non-vested rights, what they were asking for was the CDUA use permit. Then they could go to Land Management and negotiate with them for terms and conditions under which they could place the moorings. If there is a concern on the overall restructuring of how moorings are to be handled in Anaeoomalu Bay as between the DOT and the DLNR, that they prevent such a plan because they've already been given CDUA's. They assume it will be part of the documents.

Mr. Watson commented that as long as they agree that it's not intended to be a vested or grandfathered right down the road, in the event the State decides to master plan the whole area.

MOTION

Mr. Yuen moved for approval of Item H-6 with the conditions that had been added orally today, that is the 1) elimination of site 'D', 2) the adoption, the requirement that the applicant adopt rules governing their own lessees, their own association about the use of the moorings, use of the beach area and 3) that it be understood that this does not create a vested right to retain the mooring should there be an overall policy change or should there be change in circumstances, such as this does create a problem.

Mr. Yuen commented on the conditions. 1) He felt that the permit should be granted to the present applicant as they have the ability to control the commercial operators who are using the moorings and it enables the Board to directly control them. The purpose of having a condition that they control their operators is to try to reduce the impact on the other beach uses and they're supposed to report back to the department. I hope they will adopt rules and report back to the department on how they're going to limit the amount of time that their operators spend at the beach. Assist in eliminating solicitation of the public on the beach, limit the amount of motorized traffic back and forth, loading and off-loading process.

Further comments were on question of precedence and one mooring per hotel site. He said his motion was not for approval on the basis of the precedence that there is one mooring per hotel site.

ACTION

Motion was seconded by Ms. Himeno, and motion carried.

RECESS

12:50pm -1:00pm

ITEM H-3

CDUA FOR THE RESTORATION OF A SEAWALL AND PIER AT KANEOHE, OAHU
APPLICANT: PAUL YIM

Mr. Evans began his presentation with a background of the seawall and to the present proposal of restoration by the applicant.

Mr. Paul Yim, owner of the property, said that the length of the pier is 70 feet one way and it L-shapes and goes 28.5 feet responding to the Board's question.

ACTION

Unanimously approved as submitted. (Apaka/Yuen)

ITEM H-9

CDUA FOR THE KAWAINUI MARSH FLOOD DAMAGE MITIGATION PROJECT AT KAILUA, OAHU, TMK 4-2-16: 1 & 2; APPLICANT: CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS

Mr. Evans said the applicant proposes to create open waterways into the central portion of the marsh in order to increase the marsh's capability to distribute and store stormwater runoff. Staff's basic recommendation to the Board today is approval subject to the 18 conditions listed. Mr. Evans then answered questions of the Board.

Ms. Laverne Higa, Department of Public Works, Project Engineer for the Kawainui Marsh Flood Control Project said the function of the project is to provide flood protection for the Coconut Grove area. On page 13 she asked for consideration of Condition 9. Regarding the blasting, from day one, blasting operations have always been limited from October to March. She asked if the Board could revise that condition to provide an extension during the construction period if they find that they may need one or two more days in March to complete the blasting. Upon approval from the Department of Land and Natural Resources and the U.S. Fish and Wildlife (USFWS), providing that no wildlife habitat will be endangered if they went beyond February and that extension to be determined by the Department of Land and Natural Resources.

Mr. Evans said staff would not have any difficulty with that request. He said Condition 9 could be revised to read after the last word 'waterbirds' , unless otherwise approved by DLNR in conjunction with the U.S. Fish and Wildlife Services.

Referring to the USFWS' recommendation 1. on page 6 of the submittal, Ms. Higa asked if the Board could consider a more general statement rather than having it at Oneawa Canal. The waterways that they will be opening does not connect to Oneawa Canal, there's vegetation and a thick mat that which separate Oneawa Canal and the waterways they will be opening.

Mr. Evans suggested that it could be modified to say, "near the outlet of Kawainui Marsh to mitigate" that way it will not tie it down to a particular point.

ACTION

Ms. Himeno moved for approval of Item H-9 as modified, seconded by Mr. Apaka, motion carried.

ITEM F-11

DEPARTMENT OF TRANSPORTATION REQUESTS CANCELLATION OF EXECUTIVE ORDER 1793 AND RE-SET ASIDE FOR HARBOR AND WHARFAGE PURPOSES AND TO LEASE LANDS FOR PURPOSES CONSISTENT WITH CHAPTER 206J, HAWAII REVISED STATUTES, KAAKAUKUKUI, HONOLULU, OAHU

After Mr. Young's presentation, the applicant and representatives were invited to come forward.

Mr. Bruce Matsui, Mr. Dan Orondenker and Mr. David Higa were present to answer any questions of the Board.

Mr. Orondenker of the Aloha Tower Development Corporation clarified that the Legislation had already authorized the lease of this area for the Aloha Tower Project. The cancellation and re-issuance of the executive order is necessary to insure that they are consistent with that order and purposes for which that land is to be used. The additional area that is going to be added as a result of the new executive order, consists mainly of submerged lands and streets which

are already considered state roadways for purposes of public and DOT uses.

ACTION Unanimously approved as submitted. (Himeno/Yuen)

Item F-1c OPTION TO SUBLEASE AGREEMENT BETWEEN HIGH TECHNOLOGY DEVELOPMENT CORPORATION AS OPTIONOR AND KAD PARTNERS AS OPTIONEE, GENERAL LEASE NO. S-5157, COVERING PORTION OF THE GOVT. LAND OF OOMA 2ND, NO. KONA, HAWAII, TMK 7-3-43:POR. 03

After Mr. Young's presentation, the applicant Ms. Claire Hachmuth offered to answer any questions of the Board.

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM H-11 FINDINGS AND RECOMMENDATIONS ON THE PROPOSED INTERIOR RENOVATION AT PARADISE PARK: SENATE RESOLUTION 222 AND HOUSE OF REPRESENTATIVES RESOLUTION 271

Mr. Evans began his presentation with the background of Paradise Park beginning with the Conservation District Use Permit issued on March 11, 1966 for recreational purposes in order to establish a zoological and botanical garden.

A public informational meeting was held in Manoa on the park's latest proposed interior renovation. Testimony was received from a wide section of the Manoa community raising the issues regarding the traffic and noise impacts, safety, inappropriate location among other concerns.

Mr. Evans then stated that the original CDUP does not impose any restrictions regarding the number, types or sizes of plants and animals to be allowed; that the original CDUP does not specify that the exhibit must be live or animated; that the proposed project does not a different or greater land use pursuant to our statute; that the proposed project is in conformance with the approved original plan and its conceptual master plan approved by the Board in March 1966; and that a new CDUA or Public Hearing is not required.

Mr. Evans then read into the record the seven conditions listed in staff's recommendation of which they asked for the Board's concurrence.

Deputy Attorney General Watson responding to Mr. Yuen said that the Board is not being requested to approve any opinion. The Board has been requested by the staff to make certain findings. At a meeting with staff, the A.G.'s office has informed them that their determination from the legal standpoint is that an animated dinosaur exhibit may qualify and be considered as a zoological exhibit. Whether or not the Board wishes to accept it is a factual standpoint for the Board to make. The findings are: 1) that the Board does concur with staff and enter a finding that the proposed dinosaur exhibit is a part of the zoological exhibit; 2) that the proposed dinosaur exhibit does not constitute a new or greater land use, (The reason being, the Board in 1966 did approve a zoological exhibit. The question here is does an animated exhibit fall within the parameters of the zoological exhibit or was it intended to be only live animals. None of the records show. 3) that the Board concur with the staff and the Board enter its own findings that the proposed exhibit and the renovations are in conformance.

Discussion then followed on what the Board is actually acting upon, such as the actual exhibit, the traffic, size and number of busses, the noise, number of visitors, etc.

After many questions of the Board regarding the use of the permit and concerns of the public, the following testified:

Mr. Don Cann, General Manager of Paradise Park appeared before the Board to answer any questions. He had a comment to the mentioned bus control, saying that the road is the problem. He understands a City and County Resolution, one of the caveat's in that resolution is that it does not apply to streets that have only one access. In other words if there's no other way to get to where you're going, then the City and County does not restrict buses from going down that street.

At the hearing, he said they stated that the larger amount of attendees come from the local residents, about a third. They don't see the buses as a major problem but it doesn't mean that they don't share the community's concern in the November meeting that they form an ad hoc committee. He said he was all in favor of an ad hoc committee, formed of the residents of Manoa Community and himself to try to work towards a better understanding. He also said they would like to be good neighbors.

Mr. Yuen's question was, "How many large buses were used couple years ago?"

Mr. Cann responded, "Couple years ago, I think that, that was one of the points made by the community, I think the real opposition to what we were doing, ongoing, obviously the people are not against the educational sense of the dinosaurs, but against the fact that it's liable to mean more people, and this is the concern. Basically though, the figure quoted in 1988, I think it was up to 185,000 which is probably somewhere in the ballpark and then when we opened in 1968 it was somewhere around 400,000.

Mr. Yuen said he did not attend the public hearing but he read the testimony. Putting aside the MTL buses, he asked how many large tour type buses brought visitors to the park in 1988.

Mr. Cann said, "In 1986 and 1987 we submitted to the staff an actual count that we made based on justification whether we wanted to continue a shuttle bus and it came out to around six buses a day, average. I think it important to understand that, that does not mean that everyday of the year six buses came up to Paradise Park. It does mean that during peak periods, for example, when we had a higher number of west bound or east bound visitors, normally the bus counts would be higher than that during the week. The six buses represent an average and that does include the two school buses that came up. ... "

He mentioned that he would like to work with the community for solutions regarding the traffic which would solve both dilemmas. He also said that being this is a three hour attraction, the people can spend three hours going through. They feel that they will be averaging about 600,000 people per year, which is just an estimate. The optimal they figure in five years would be about 600,000 people.

Ms. Himeno asked if they would be willing to accept a voluntary cap for 450,000.

Mr. Cann said he would have a hard time answering that, but at 450,000 he and Mr. Wong would be willing to sit down to discuss.

Ms. Sally Youngblood said she had delivered many letters to the department from residents of Manoa Valley. She said that this was the result of 20 years of a bad neighbor, unresponsive property owner on Conservation land. She said that Mr. Cann is very new there. She would suggest as far as the ad hoc committee of neighborhood board people and residents and Paradise Park employees goes, give it some purpose and meaning that it make an annual report to this board to the problems of the impact upon the community that Paradise Park is having.

She said she would like to see this Board ask Paradise Park's owner to go to a commercial location to take his animated theme, amusement park and put it on another piece of land and stop cutting down trees in the upper end of this valley .

Senator Ann Kobayashi said she represented the area in the 14th Senatorial District. She said that Paradise Park has been a lousy neighbor. They have abused the conservation land mentioning that there are no fish or shrimp in the streams because of pollution. She also mentioned that once the park closed, they were catering to different types of parties and weddings. She said that she would not be proud to have a zoological park with plastic animated animals. She felt they should keep to their original plan.

Mr. Yuen asked as far as traffic is concerned, would it be better to have larger buses or smaller vans.

Senator Kobayashi said that the buses speed on Manoa Road and at times interfere with the residents watching their TV sets. She mentioned that the people going to the Lyon Arboretum are very concerned about being good neighbors and will try to use smaller type vans.

Ms. Gail Carbone said that she attended the informational meeting and it was mentioned that in the Manoa School area there are possibly 500 students that don't live in the Manoa Area and attend classes and commute by auto or bus. She felt that there can be compromises made and worked out.

More discussion followed regarding attendance figures and using a cap type approach.

EXECUTIVE
SESSION

The Board went into an executive session to confer with legal counsel.
2:35 p.m.-3:00 p.m.

MOTION

Ms. Himeno moved that the Board enter the following findings:

- 1) That the proposed animated dinosaur exhibit is permitted as a zoological or botanical enterprise.
- 2) That the dinosaur exhibit does not constitute a different or greater use provided that the attraction does not exceed an annual visitor count of 430,000 per year;

That no more than six large tour buses per day go to the attraction;

That the exhibit shut down by 10:00 p.m. every night; and

That an annual report be submitted to the Department of Land and Natural Resources, setting forth such things as the above as well as other things that would be pertinent for the Board's consideration

- 3) That the exhibit is in conformance with the approved CDUP OA-30 and its conceptual plan which was approved by the Board on March 11, 1966, and of course that finding would again be contingent upon the provisions stated earlier.

Motion was seconded by Mr. Apaka.

DISCUSSION

Ms. Himeno commented that she was very sympathetic to the community and to the concerns that they expressed, primarily among them was the traffic and disruptions in their lives with the traffic going back and forth into the valley. On the other hand, the Wong's do have a valid CDUP to use that land for botanical and zoological purposes. While some of us may not feel that plastic dinosaurs would be the best use of a zoological exhibit, I think that's a matter of personal opinion and legally they are within the realm of what they want to do with it. Since they are using the CDUP which was issued in 1966, they should respect circumstances that were in existence at that time and hence, that's the reason for her limitation on the visitor count, tour buses and etc. So if they're going to use the old CDUP there should be conditions or limitations to use that. If they want to change that and if they want a higher visitor count and more tour buses going in and out then they should come in for a new CDUP, we should have a Public Hearing on it and the Board can make the decision at that time. That's the basis for her motion.

Mr. Yuen commented that he's really not happy with the use that exists there and he's hoping the conditions that are being put on will give the Board a handle on something that's been a problem for a long time.

The Chairperson also commented that on the buses and how it interrupted the TV viewing and dinners of the residents and how they might turn to the van type of transportation. He does concur that there is a strong problem. The aspect of a report card relative to how good a neighbor they are will be watched with some interest.

Deputy A.G. Watson asked for a point of clarification. Does the motion also extend to acceptance of the draft report done by staff?

Ms. Himeno responded, "yes."

ACTION

Motion carried.

BOARD ACTION ON REQUEST FOR CONTESTED CASE HEARING AND DETERMINATION OF PARTIES, FOR CDUA FOR COMMERCIAL MOORINGS AT KEALAKEKUA BAY, SOUTH KONA (OFFSHORE); APPLICANT: WILLIAM B. BLOK, III

ITEM H-7

Before beginning his presentation, Mr. Evans requested to make a correction to a staff error on page 2. In paragraph #2, on the second line, "to hold a public hearing" is incorrect, that should read, "to hold a contested case hearing".

In paragraph #3, where it says "the master will take testimony", that is incorrect, it should read in total, "The master will conduct the contested case hearing."

In paragraph #4, where it says "the master will certify," that is incorrect, it should not be in there at all.

Mr. Evans went over the background of this application to where the applicant requested and submitted an application for a contested case. The application has been reviewed by the Attorney General's Office and the recommendation is for the Board to approve the request for a contested case hearing.

ACTION

Unanimously approved Item H-7 as modified by staff. (Yuen/Himeno)

DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AND R-0-E OVER, UNDER, IN AND ACROSS GOVT. LAND OF KAPUAAIKINI AND OLD GOVERNMENT SCHOOL LOT SITUATE AT KAPUAAIKINI, KIPAHULU, HANA, MAUI TO MARGARET HECHT, TMK 1-6-09:17

ITEM F-9

ACTION

Unanimously approved as submitted. (Himeno/Yuen)

Item F-1e

ASSIGNMENT OF GENERAL LEASE NOS. S-4331 AND S-4332 BY AND BETWEEN GEORGE R. MADDEN, JR. AND JEAN S. MADDEN, ASSIGNORS, TO L & M EXCHANGE, INC., A HAWAII CORPORATION, INTERMEDIARY ASSIGNEE, AND L & M EXCHANGE, INC., A HAWAII CORPORATION, INTERMEDIARY ASSIGNOR, TO S. T. EXCHANGE, INC., A HAWAII CORPORATION, INTERMEDIARY ASSIGNOR, TO JAMES WM. MCCULLY, TRUSTEE OF THE AINAKO REALTY TRUST DATED MAY 5, 1987 (UNDIVIDED 55% INTEREST) AND JAMES WM. MCCULLY AND FRANCINE M. MCCULLY AKA FRANCINE MORALES MCCULLY (UNDIVIDED 45% INTEREST), ASSIGNEES, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-37:144 AND 145

ACTION

Unanimously approved as submitted. (Yuen/Himeno)

ITEM H-4

CDUA FOR KALOKO WATER SYSTEM IMPROVEMENTS, NORTH KONA, HAWAII; TMK: 7-3-09:POR. 17, APPLICANT: TSA INTERNATIONAL, LIMITED

Mr. Evans made the presentation of item H-4.

Mr. Rodney Funakoshi, representing the applicant said that they had no problems with the conditions.

ACTION

Unanimously approved as submitted. (Yuen/Himeno)

Item F-1d

ASSIGNMENT OF LEASE FROM WAIMANALO DAIRY, INC. AS ASSIGNOR TO MEADOW GOLD DAIRIES, INC. AS ASSIGNEE, GENERAL LEASE NO. S-4101, LOT 50, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-08:80

ACTION

Unanimously approved as submitted. (Himeno/Apaka)

ITEM H-5

CDUA FOR COMMERCIAL, ESCORTED TOURS AND PICNICS AT VARIOUS STATE AND COUNTY PARKS ON THE ISLAND OF HAWAII, APPLICANT: HYATT REGENCY WAIKOLOA; LOCATIONS: KEOKEA BEACH COUNTY PARK; LAPAKAHI STATE HISTORICAL PARK; KALOPA STATE RECREATION AREA; AKAKA FALLS STATE PARK; HAPUNA BEACH STATE RECREATION AREA; MAUNA KEA STATE RECREATION AREA

Before beginning his presentation, Mr. Evans made corrections in the submittal on page 8. Under Recommendation: Condition #1, "The applicant must obtain a special use permit (CDUP)," "(CDUP)" should be deleted. Condition #2, "The CDUP may be reviewed" should read, "The special use permit may be reviewed,".

Based upon staff's analysis of all information obtained the recommendation is for approval subject to the conditions listed.

Mr. Yuen's question related to group size and number of tours that the impacts would be measurable and asked if there was a condition that would limit the group size and numbers to the amount that are indicated in the application.

Mr. Evans replied, "No we don't and we should have. We could put it in as a condition that says, The application is limited to the representations of the applicant."

Counsel Watson commented that along the lines with the mooring permit, in the event that State Parks later, because of greater public use of the parks, may wish to curtail these types of exhibits would you consider that perhaps the grandfather provision of disapproval might be appropriate.

Mr. Evans suggested that staff could put the applicant is limited to the representations in terms of numbers of tours, tour size as represented in the application and will cause no vesting.

Counsel Watson suggested a separate provision as done with the mooring permit, "that the Board's approval of the CDUA does not constitute a vested grandfathered right in the event the State should have any changes on the master plan."

ACTION Mr. Yuen moved for approval of Item H-5 with the corrections and addition of two conditions. Seconded by Ms. Himeno, motion carried.

ITEM J-1 GIFT, PACKAGED FOODS, JEWELRY AND SUNDRIES CONCESSION, HILO INTERNATIONAL AIRPORT, HAWAII

Mr. Ronald Hirano corrected the Term: 4 years commencing upon execution of the document instead of February 1, 1991 - 1995.

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-2 LEASE OF LAND FOR A SPECIAL FACILITY, SOUTH RAMP, HONOLULU INTERNATIONAL AIRPORT, OAHU (CATERAIR INTERNATIONAL CORPORATION)

ACTION Unanimously approved as submitted. (Himeno/Yuen)

ITEM J-3 LEASE-LEI STAND CONCESSIONS, HONOLULU INTERNATIONAL AIRPORT, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-4 (1) PROPOSED LAND EXCHANGE WITH THE UNITED STATES POSTAL SERVICE, (2) WITHDRAWAL OF LAND FROM GOVERNOR'S EXECUTIVE ORDER 2427, AND (3) SET ASIDE OF EXCHANGED LAND TO THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, KAHULUI AIRPORT, MAUI

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM J-5 (1) PROPOSED LAND EXCHANGE WITH THE UNITED STATES POSTAL SERVICE, (2) WITHDRAWAL OF LAND FROM GOVERNOR'S EXECUTIVE ORDER 4074, AND (3) SET ASIDE OF EXCHANGED LAND TO THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION, KEAHOLE AIRPORT, HAWAII

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-6 AUTOMOBILE PARKING FACILITIES CONCESSION, HILO INTERNATIONAL AIRPORT, HAWAII

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-7 AMENDMENT NO. 4 TO LEASE NO. DOT-A-84-3, LIHUE AIRPORT (K. PACIFIC, INC., DBA THRIFTY RENT A CAR)

Ms. Himeno asked to be excused because of a conflict. There being no quorum, the item was deferred.

ITEM J-8 AMENDMENT NO. 10 TO LEASE NO. DOT-A-73-38, HONOLULU INTERNATIONAL AIRPORT, MAIN TERMINAL, OAHU (PHILIPPINE AIR LINES, INC.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-9 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4591, ETC., AIRPORTS DIVISION

ACTION Ms. Himeno moved for approval of the revocable permits listed with the exception of Revocable Permit No. 4933 because of a conflict; seconded by Mr. Apaka, motion carried.

ITEM J-10 RENEWAL OF REVOCABLE PERMITS 2086, ETC., AIRPORTS DIVISION

ACTION Ms. Himeno moved for approval of the renewal of revocable permits listed with the exception of Revocable Permits Nos. 3799, 3817, 3819, 3954, 4595, and 4606 because of a conflict; seconded by Mr. Yuen, motion carried.

ITEM J-11 ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY AGREEMENT, SAND ISLAND CONTAINER FACILITY, OAHU (MATSON TERMINALS, INC.)

Ms. Himeno asked to be excused because of a conflict. There being no quorum, the item was deferred.

ITEM J-12 EXTENSION OF CONSTRUCTION RIGHT-OF-ENTRY, BARBERS POINT HARBOR, OAHU (HAWAIIAN INDEPENDENT REFINERY, INC. (HIRI))

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-13 APPROVAL OF HOLDOVER OF PREMISES OF LICENSE NO. 103, GASCO, INC., PIER 38, HONOLULU HARBOR, OAHU

ACTION Unanimously approved as submitted. (Himeno/Yuen)

ITEM J-14 ISSUANCE OF REVOCABLE PERMIT, PIER 40 SHED, HONOLULU HARBOR, OAHU (K. PACIFIC, INC., DBA THRIFTY AUTO CARRIERS)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-15 ISSUANCE OF REVOCABLE PERMIT, BARBERS POINT HARBOR, OAHU (HAWAII PACIFIC INDUSTRIES, INC.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-16 ISSUANCE OF REVOCABLE PERMIT, PIER 38, HONOLULU HARBOR, OAHU (CHEVRON U.S.A. INC.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-17 ISSUANCE OF REVOCABLE PERMIT, PIER 34, HONOLULU HARBOR, OAHU (CLEAN ISLANDS COUNCIL)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-18 CONTINUANCE OF REVOCABLE PERMITS H-82-994, ETC., HARBORS DIVISION

ACTION Ms. Himeno moved for approval of continuance of Revocable Permits listed with the exception of R.P. H-82-1011 for Matson because of a conflict; seconded by Mr. Apaka motion carried.

ITEM J-19 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT SITUATE AT KAILUA, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-20 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT, PORTION OF PARCEL 13, VINEYARD THOROUGHFARE, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-21 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT, PARCEL H-181-A, LUNALILO FREEWAY

ACTION Unanimously approved as submitted. (Himeno/Apaka)

AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANTS, PARCELS 31A, 34A, 35A AND 42A, VINEYARD THOROUGHFARE, HONOLULU, OAHU

ITEM J-22

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ISSUANCE OF REVOCABLE PERMIT NO. HY-90-056, HONOLULU, OAHU (AIRPORT INDUSTRIAL PARK ASSOCIATES, A LIMITED PARTNERSHIP REGISTERED TO DO BUSINESS IN HAWAII)

ITEM J-23

ACTION Unanimously approved as submitted. (Himeno/Yuen)

REQUEST FOR AMENDMENT AND WAIVER OF CERTAIN RESTRICTIONS, LAND PATENT (GRANT) NO. S-13,751, OLAA, PUNA, HAWAII, TMK 1-9-01:33

ITEM F-3

Mr. Young explained the request for amendment and waiver of certain restrictions and the need for an appraisal of the property.

Responding to questions of the Board, Mr. Donald Thomas said there was 29.45 acres involved and basically there's ohia and tree fern growing there now.

Mr. Young informed the Board that Mr. Thomas has just recently purchased the property and would like to grow timber also.

ACTION

Unanimously approved as submitted. (Yuen/Himeno)

AFTER-THE-FACT CDUA FOR A VESSEL MOORING, OFFSHORE KAILUA-KONA, HAWAII; APPLICANT: 14TH COAST GUARD DISTRICT, AIDS TO NAVIGATION BRANCH

ITEM H-1

Mr. Evans requested to present Items H-1 and H-2 together. He said he had received letters from the Commander of the U. S. Coast Guard, in which he makes a request for consideration of the buoy referring to file HA-2333 and file MA-2335. He has asked postponement or consideration to a later date to allow time for a more thorough review and appropriate response by the Coast Guard. The date of the letter is December 5th, 1990.

For the record, Counsel Watson informed the Board that Counsel for the Board and the Chairperson spoke with the Commander this morning. The Commander orally requested that both submittals be totally withdrawn, in other words the CDUA be withdrawn and he will follow-up with a written request. The Coast Guard Service does not wish to proceed with these CDUA applications.

ACTION

Ms. Himeno so moved that the U.S. Coast Guard be allowed to withdraw CDUA's HA-2333 and MA-2335 (Items H-1 and H-2); seconded by Mr. Apaka, motion carried.

ITEM H-2

AFTER-THE-FACT CDUA FOR A VESSEL MOORING, OFFSHORE LAHAINA, MAUI, APPLICANT: 14TH COAST GUARD DISTRICT, AIDS TO NAVIGATION BRANCH

See Item H-1 above for action.

2ND REQUEST FOR TIME EXTENSION ON THE CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT NIU VALLEY, OAHU, TMK 3-7-15:63, APPLICANT: LAWSON CANNON, D. C.

ITEM H-8

ACTION Unanimously approved as submitted. (Himeno/Apaka)

CDUA FOR A SINGLE FAMILY RESIDENCE-LEARNING CENTER-DORMITORY AT WAILAU, MOLOKAI; TMK 5-9-5:16; APPLICANT: SARAH SYKES

ITEM H-10

Mr. Evans informed the Board that he had received a request this morning from the applicant to defer this item because of the length of the agenda.

DEFERRED

Ms. Himeno moved to defer; seconded by Mr. Yuen, motion carried.

ITEM H-12

AUTHORIZATION TO APPOINT A PUBLIC HEARING MASTER FOR CDUA

ACTION

Unanimously approved as submitted. (Himeno/Yuen)

ITEM C-1 TIMBER HARVESTING PLAN FOR THE COMMERCIAL TIMBER HARVESTING PROJECT IN THE MOLOKAI FOREST RESERVE, ISLAND OF MOLOKAI

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM D-1 PERMISSION TO HIRE CONSULTANT TO FORMULATE CAPITAL IMPROVEMENTS PROGRAM FOR FLOOD CONTROL PROJECTS

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM D-2 APPOINTMENT AND CERTIFICATION OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM E-1 PERMISSION TO NEGOTIATE WITH COUNTIES TO PROVIDE LIFEGUARD SERVICES AT STATE BEACH PARKS AND TO EXECUTE MEMORANDUMS OF AGREEMENTS FOR SERVICES

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM F-1 DOCUMENTS FOR BOARD CONSIDERATION

Item F-1a SUBLEASE BETWEEN COUNTY OF MAUI AND MOLOKAI AGRICULTURAL PARK, INC., GENERAL LEASE NO. S-4433, LOT 15, MOLOKAI TASK FORCE SUBDIVISION, PALAAU AND HOOLEHUA, MOLOKAI, TMK 5-2-01 AND 5-2-04

Item F-1b ISSUANCE OF REVOCABLE PERMIT TO DWIGHT OTANI PRODUCE, INC., IWILEI PRODUCE CENTER SITE, IWILEI, HONOLULU, OAHU

Item F-1c OPTION TO SUBLEASE AGREEMENT BETWEEN HIGH TECHNOLOGY DEVELOPMENT CORPORATION AS OPTIONOR AND KAD PARTNERS AS OPTIONEE, GENERAL LEASE NO. S-5157, COVERING PORTION OF THE GOVT. LAND OF OOMA 2ND, NO. KONA, HAWAII, TMK 7-3-43:POR. 03

See page 9 for action.

Item F-1d ASSIGNMENT OF LEASE FROM WAIMANALO DAIRY, INC. AS ASSIGNOR TO MEADOW GOLD DAIRIES, INC. AS ASSIGNEE, GENERAL LEASE NO. S-4101, LOT 50, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-08:80

See page 12 for action.

Item F-1e ASSIGNMENT OF GENERAL LEASE NOS. S=4331 AND S-4332 BY AND BETWEEN GEORGE R. MADDEN, JR. AND JEAN S. MADDEN, ASSIGNORS, TO L & M EXCHANGE, INC., A HAWAII CORPORATION, INTERMEDIARY ASSIGNEE, AND L & M EXCHANGE, INC., A HAWAII CORPORATION, INTERMEDIARY ASIGNOR, TO S.T. EXCHANGE, INC., A HAWAII CORPORATION, INTERMEDIARY ASSIGNOR, TO JAMES WM. MCCULLY, TRUSTEE OF THE AINAKO REALTY TRUST DATED MAY 5, 1987 (UNDIVIDED 55% INTEREST) AND JAMES WM. MCCULLY AND FRANCINE M. MCCULLY AKA FRANCINE MORALES MCCULLY (UNDIVIDED 45% INTEREST), ASSIGNEES, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-37:144 AND 145

See page 12 for action.

Item F-1f ISSUANCE OF REVOCABLE PERMIT TO SARAH NAKAMURA, KAPAA RICE AND KULA LOTS, KAPAA, KAWAIHAU, KAUAI, TMK 4-5-15:POR.37

ACTION Mr. Apaka moved to approve Items F-1a, F-1b and F-1f as submitted. Seconded by Ms. Himeno, motion carried.

ITEM F-2 DIRECT SALE OF GOVERNMENT REMNANT, PORTIONS OF JUDD TRAIL TO MAHONEY CONTRACTING, INC. (TMK 7-7-07:10) AND TO ADN CORPORATION (TMK 7-7-07:41), KAUMALUMALU, NO. KONA, HAWAII

See pages 5-6 for action.

ITEM F-3 REQUEST FOR AMENDMENT AND WAIVER OF CERTAIN RESTRICTIONS, LAND PATENT (GRANT) NO. S-14,751, OLAA, PUNA HAWAII, TMK 1-9-01:33

See page 15 for action.

PROPOSED LAND EXCHANGE BETWEEN STATE OF HAWAII AND NORTH KONA DEVELOPMENT GROUP, A HAWAII LIMITED PARTNERSHIP, COVERING LANDS AT AWAKEE, MANINIOWALI, AND KUKIO 2ND, NO. KONA, HAWAII (TO BE DISTRIBUTED AT BOARD MEETING)

ITEM F-4

See page 5 for action.

AKEA FARMS, INC. REQUEST TO CONSTRUCT ADDITIONAL IMPROVEMENTS, GENERAL LEASE NO S-4340, PARCEL B, MOLOKAI FARM LOTS, HOOLEHUA-APANA 2, MOLOKAI, HAWAII, TMK 5-2-01:9

ITEM F-5

ACTION Unanimously approved as submitted. (Himeno/Apaka)

SET ASIDE OF STATE LANDS TO THE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION FOR AIRPORT PURPOSES AND GRANT R-O-E, KALAPAKI AND HANAMAULU, LIHUE (KONA), KAUAI, TMK 3-5-01 AND 3-7-02

ITEM F-6

ACTION Unanimously approved as submitted. (Apaka/Himeno)

MAUI ELECTRIC COMPANY, LTD. AND GTE HAWAIIAN TELEPHONE COMPANY, INC. REQUEST R-O-E TO GOVERNMENT LAND AT KAMAOLE (KIHEI) WAILUKU, MAUI, FOR PLACEMENT OF TEMPORARY UTILITY STUB POLE, GUY WIRES, AND ANCHORS, TMK 3-9-06:POR. 61

ITEM F-7

ACTION Unanimously approved as submitted. (Himeno/Yuen)

AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 15, 1990 (AGENDA ITEM F-7) RELATIVE TO CONVEYANCE IN FEE OF STATE LAND WITHIN GOVERNMENT ILI OF KOU, AT WAIEHU, WAILUKU, MAUI, TO HAWAIIAN HOMES COMMISSION/STATE DEPARTMENT OF HAWAIIAN HOME LANDS, TMK 3-2-13:8

ITEM F-8

ACTION Unanimously approved as submitted. (Himeno/Apaka)

DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AND R-O-E OVER, UNDER, IN AND ACROSS GOVERNMENT LAND OF KAPUAAIKINI AND OLD GOVERNMENT SCHOOL LOT SITUATE AT KAPUAAIKINI, KIPAHULU, HANA, MAUI TO MARGARET HECHT, TMK 1-6-09:17

ITEM F-9

See page 12 for action.

RESCIND PRIOR BOARD ACTION OF JANUARY 12, 1990 (AGENDA ITEM F-13) AUTHORIZING ISSUANCE OF QUITCLAIM DEED TO THE CITY AND COUNTY OF HONOLULU COVERING LANDS AT WAIALEE, KOOLAULO, OAHU, TMK 5-8-01:17

ITEM F-10

ACTION Unanimously approved as submitted. (Himeno/Yuen)

DEPARTMENT OF TRANSPORTATION REQUESTS CANCELLATION OF EXECUTIVE ORDER NO. 1793 AND RE-SET ASIDE FOR HARBOR AND WHARFAGE PURPOSES AND TO LEASE LANDS FOR PURPOSES CONSISTENT WITH CHAPTER 206J, HAWAII REVISED STATUTES, KAAKAUKUKUI, HONOLULU, OAHU

ITEM F-11

See page 9 for action.

CITY AND COUNTY OF HONOLULU REQUESTS GRANT OF EASEMENT FOR STORM DRAINAGE PURPOSES, KUIOOU, OAHU

ITEM F-12

ACTION Unanimously approved as submitted. (Himeno/Yuen)

DEPARTMENT OF AGRICULTURE REQUESTS TO EXTEND LEASE FOR FRUIT FLY ERADICATION PROCESS PLANT AND OFFICE, KAAKAUKUKUI, HONOLULU, OAHU, TMK 2-1-59:01

ITEM F-13

ACTION Unanimously approved as submitted. (Himeno/Apaka)

GRANT OF NON-EXCLUSIVE EASEMENT TO WAIALAE COUNTRY CLUB FOR ROCK REVETMENT STRUCTURE AND LANDSCAPING PURPOSES AT WAIALAE, OAHU, TMK 3-5-23:38

ITEM F-14

ACTION Unanimously approved as submitted. (Himeno/Apaka)

MINAMI DEVELOPMENT HAWAII, INC., REQUEST FOR NON-EXCLUSIVE EASEMENT AT MANOA STREAM COVERING EXISTING DRAINAGE PIPE STRUCTURE, TMK 2-9-22:01, 2-9-26:14

ITEM F-15

WITHDRAWN Staff request that this item be withdrawn.

ITEM F-16 SALE AT PUBLIC AUCTION, LOTS 77A AND 77C, HANAPEPE TOWN LOTS, 1ST
SERIES, HANAPEPE, KAUAI, TMK 1-9-09:3

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-17 AMENDMENT TO REVOCABLE PERMIT NO. S-6106 TO RICHARD CORR, HANAPEPE,
WAIMEA (KONA), KAUAI, TMK 1-9-12:28

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-18 KAPAA CONGREGATION OF JEHOVAH'S WITNESSES REQUEST FOR R-O-E TO INSTALL
ENTRANCE DRIVEWAY, PARKING LOT, AND OTHER BASIC GROUND WORK, KEALIA,
KAUAI, TMK 4-6-14:POR. 26

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-19 REQUEST FOR AUTHORIZATION TO EXCHANGE LAND WITH COUNTY OF KAUAI AND
SUBSEQUENT SET ASIDE TO DEPARTMENT OF EDUCATION FOR ADDITION TO KOLOA
ELEMENTARY SCHOOL, KOLOA, KAUAI, TMK 2-8-10:POR. 11 AND 2-6-03:POR. 1

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-20 ANNUAL REVIEW OF REVOCABLE PERMITS ON THE ISLANDS OF HAWAII,
MAUI/MOLOKAI, OAHU AND KAUAI

ACTION Unanimously approved as submitted. (Apaka/Yuen)

ITEM H-1 See page 15 for action.

ITEM H-2 See page 15 for action.

ITEM H-3 See page 8 for action.

ITEM H-4 See page 12 for action.

ITEM H-5 See page 13 for action.

ITEM H-6 See page 7 for action.

ITEM H-7 See page 12 for action.

ITEM H-8 See page 15 for action.

ITEM H-9 See page 8 for action.

ITEM H-10 See page 15 for action.

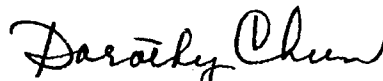
ITEM H-11 See page 11 for action.

ITEM H-12 See page 15 for action.

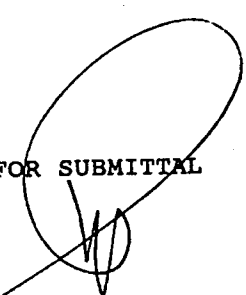
ITEMS J-1 through J-23 See pages 13-15 for action.

ADJOURNMENT There being no further business, meeting adjourned at 4:05 p.m.

Respectfully submitted,


Dorothy Chuh
Secretary

APPROVED FOR SUBMITTAL


William W. Paty, Chairperson