

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

DATE: FRIDAY, SEPTEMBER 27, 1991
TIME: 9:00 A.M.
PLACE: BOARD ROOM
KALANIMOKU BUILDING, ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

**ROLL
CALL**

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

MEMBERS: Mr. John Arisumi
Mr. Herbert Apaka
Mr. Christopher Yuen
Mr. T.C. Yim
Mr. William Paty

ABSENT & EXCUSED: Ms. Sharon Himeno

STAFF: Mr. Roger Evans
Mr. W. Mason Young
Mr. Ralston Nagata
Mr. Henry Sakuda
Mr. Linford Chang
Mr. John Corbin
Mr. Carl Watanabe
Ms. Dorothy Chun

OTHERS: Ms. Linnell Nishioka, Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Dr. Donald Hall (Item H-1)
Mr. Bob McLaren (Item H-1)
Mr. Neal Wu (Item F-6)
Mr. Mike Burke (Item F-6)
Mr. Christopher Christensen (Item F-6)
Ms. Colette Sakoda (Item H-2)
Mr. Mike Manning (Item H-2)
Mr. Bud Henry (Item E-1)
Ms. Carol McLean (Item E-1)
Mr. Fred Rodriguez (Item F-3)

MINUTES Unanimously approved minutes of September 13, 1991 as circulated.
(Arisumi/Apaka)

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

CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR USE OF A 5-ACRE SITE WITHIN THE MAUNA KEA SCIENCE RESERVE FOR THE JAPAN LARGE TELESCOPE (JNLT), APPURTENANT STRUCTURES AND ASSOCIATED INFRASTRUCTURE; TEMPORARY ACCESSORY USE OF A PORTION OF THE "SKIERS' PARKING LOT" FOR A CONCRETE BATCHING PLANT AND EXPANSION OF FACILITIES AT HALE POHAKU AT MAUNA KEA, HAMAKUA, HAWAII; TMKS: 4-4-15:09 (G.L. NO. 4191); 4-4-15:10; AND 4-4-15:12, APPLICANT: INSTITUTE FOR ASTRONOMY (IFA), UNIVERSITY OF HAWAII

ITEM H-1

Mr. Evans made his presentation of Item H-1 and said that staff was recommending approval subject to 14 conditions as shown on pages 23-25. Mr. Evans also requested that he be allowed to make some modifications in the conditions. On page 24, Conditions 10 and 11, these are conditions that staff had put into place as a result of concerns that were expressed by the State Division of Historic Preservation. Staff feels that these are appropriate but the caveat is that staff does not feel that these conditions should be tied to this particular application as they are relative to the whole mountain. As a result, this morning staff is asking that the Board allow staff to delete these two conditions. The people from the University of Hawaii are here this morning and they will provide some comment on this issue.

Condition No. 2 on page 23, is a standard condition and staff does require that there be some sort of disposition should the Board approve this application. It's been brought to staff's attention that relative to this condition, that the Board may entertain a right-of-entry at the same time. Should the Board approve this application, what that means in effect is the applicant comes to the Board one time.

Condition No. 5 is a standard condition that is put in every application where work has to start on the land in one year and be completed within three years. There has been some concern to the one year time frame to start. There is a sense that a two year time frame to actually start would be more appropriate. As a result, there is a request in this case for the numbers to be changed from 1 year to 3 years to "2 years to 7 years". Staff again does not have any difficulty with that request.

In terms of Conditions 8 and 9, staff would prefer to have the University address any changes that they want in that themselves.

Mr. Evans preferred that the two questions asked by the Board be answered by Dr. Hall, to whom he referred to as the expert from the University.

Dr. Donald Hall said that he was also accompanied by Dr. McClaren, an associate director for Mauna Kea. He said that the Japanese National large telescope which is being named 'Subaru' to mean "gathering" in Japanese.

He said that the telescope is one of a new generation of optical and infrared telescopes made possible by very advanced technical technology.

Dr. Hall explained that this involves for the first time through this complex project the Japanese government, which is much more bound by restrictions, they have asked for the change in the time to start and complete work.

With regard to Condition 2, they namely request that the Board approve the right-of-entry. This has in fact been the standard practice rather than the exception for telescope projects on Mauna Kea. It avoids another go-around of review and process by the Board. They feel that it's important to be able at this stage, once the CDUA is approved to be assured the project can begin construction.

Regarding the batch plant and skier's parking lot, (Conditions 8 & 9), he said in a letter to the Chairman he had suggested two alternatives to the conditions. 1) They would prefer that Condition 8 deal only with the new batch plant site. Many comments received for this CDUA and particularly from the Natural Area Reserves System (NARS) have indicated that the batch plant operations at this traditional site are not appropriate in the area within the NARS and they have identified an alternative batch site. 2) They would like Condition 9 deal with the resolution of what's done with the existing skiers' parking lot and batch plant site. The area of the batch plant is used as a parking lot for skiers during snow play weekends.

He talked about maintaining the skiers' parking lot to prevent access out into the NARS area. They would be very happy to take any direction of the Board.

Regarding Conditions 10 & 11, Dr. Hall said that they had met with people from the Historic Sites Division personnel some time ago and had developed an approach to a plan for assuring preservation of the historic sites within the Science Reserve. They don't believe it's appropriate to tie a preservation plan into this particular telescope facility which is being built on the side where there are not any preservation impacts. They hope to draw upon the broad resources of the Smithsonian Institution during their permitting process to carryout essentially the statement of work that was suggested in these conditions. They would to have that well along before the Smithsonian comes in for a CDUA. He believes that these have been fully addressed and the Division of Historic Preservation has concurred.

Discussion followed regarding the right-of-entry needed for an area on the summit and the processing of a sub-lease.

Mr. Yuen then asked Mr. Young, Administrator of the Division of Land Management whether he would have any concerns regarding the Board approving or issuing a right-of-entry at this time.

Mr. Young said that he did not have any concerns in that regard but regarding construction they would need to review the sub-lease to see the considerations and terms and conditions that the U. H. would have with the sub-lessee.

Dr. Hall said that the Board at its meeting of February 28, 1986 authorized the issuance of the fifty-five year lease to the University, for the 28 acre site. There are two issues that are remaining now relating to issuance of the lease. 1st Issue) The site now needs to be withdrawn from the Mauna Kea Science Reserve and that needs to be formalized by the issuance of an executive order (E. O.), withdrawing the site from the Forest Reserve. Executive orders are usually issued by the DLNR which forwards the documents to the Governor for execution. The U. H. was assuming that the normal process would be followed and that the DLNR through Land Management would initiate the E. O. 2nd

Issue) Question has been raised whether this leased area is technically land locked because of the Mauna Kea Access Road from the Saddle to Hale Pohaku. This is a public road, it was constructed by the Department of Transportation and they don't understand why there's a question of public access to it. Also why is it the University's responsibility to clear this public access as it is a public road which does not in any way cross their leased land.

Mr. Yuen's next question was in reference to the skiers' parking lot. When comments were being obtained from the NARS people, the plan at that time was still to have the batching plant there.

Dr. Hall said that was correct.

Chairman Paty asked what would be the timeframe for getting the effort on the way.

Dr. Hall answered, "They hope to begin construction next July or begin site work then and if and when the Board chooses to approve this CDUA they will then go into preparation and detail plan to begin work next summer. Their fiscal year begins next April 1st and their number of budget items will not be funded until then. They would fully anticipate that they would begin construction within a year from this date."

Mr. Yuen commented that he was concerned on the archaeological protection and overflow parking of places on busy days. If there are areas on the shoulders he felt they should be in consultation with the Division of Historic Sites so that people don't park on the shoulder and wander in restricted or protected areas. He also felt that the University would have their own people using the roads and they would still have the management responsibility of how the road access is handled and the same concerns for the skiers' parking lot and eventual use of it.

Dr. Hall mentioned that areas that are actually approved for the telescope construction have all been carefully surveyed. There are no archaeological sites on the summit ridge where the telescopes are.

MOTION Motion was made by Mr. Yuen for approval with the following modifications:

Paragraphs or Conditions 10 and 11 be deleted, but that the applicant shall work with the Division of Historic Preservation to make sure that activities are not threatening archaeological features.

Paragraph or Condition 2 be modified so that by this Board action, the Board is approving the right-of-entry, if this motion is carried.

Condition 8, eliminate the second sentence. The applicant shall establish a batching plant at the alternative site location. "Once that batching plant is abandoned, it should be rehabilitated to a condition acceptable to the Department."

Condition 9, Mr. Yuen said that his understanding is that half of the skiers' parking lot is in the Natural Area Reserves System and they haven't commented about what they want to do with that if there's no batching plant there. He

would propose that the University put up a temporary barrier at the entrance to prevent unauthorized vehicles from going into the skiers' parking lot until there's been discussions with the NARS and the fate of that parking lot should be decided with consultation with the NARS. (He commented that his personal feeling is that it should be used as an overflow parking lot on heavy snow days when there are a lot of people up there and closed at other times.)

On Condition 5, move for two years to begin construction and seven years to complete.

On Condition 7 which is a standard condition, he just wanted to be clear that all the conditions in the Mauna Kea Management Master Plan apply to this project and that those are still in effect, including the condition about replanting Mamane trees and other native trees that have to be removed for construction of the construction camp on Hale Pohaku.

Motion was seconded by Mr. Yim.

DISCUSSION Mr. Evans asked for clarification of the motion concerning Conditions 8 and 9.

On Condition 8, the motion was, "The applicant shall establish a batching plant at the identified alternative site location." The second sentence is deleted and replace with, "Once that is abandoned to a condition acceptable to the Department."

Dr. Hall said that they would prefer that Condition 8 would simply say establish a new batch plant at the summit and Condition 9 say what we do with the old one.

Mr. Evans wished to clarify Condition 9 as he understood the motion made was that the University is to put up a temporary barrier at the entrance until discussion with NARS and the fate of the parking lot would be decided as a result of the discussion with NARS and then there's a preference that the parking lot be used for overflow parking.

Mr. Yuen said that his preference should not be part of the condition.

At this point, Mr. Yuen asked the Chairperson if within the Natural Areas Reserve System, they would have the final decision on that issue. Chairperson Paty said that for example, NARS would probably have to come before the Board in recommending that the Board this as a NARS site. Being that the Board would have to approve the site, they would have the final approval recommendation.

Mr. Yuen then said that perhaps, the skiers' parking lot issue should be brought back to the Board. The University should sit down with NARS and come to some kind of agreement and come back to the Board on this condition. This should not hold up the today's approval as modified.

ACTION Chairperson called for the question and motion carried unanimously.

ITEM H-2 **AFTER-THE-FACT CDUA FOR TELECOM FACILITY AT KUKUIOLONO, KAUAI; GTE MOBILNET OF HAWAII, INC.; AGENT: MS. COLETTE SAKODA, R.M. TOWILL CORP.**

As part of this application a public hearing was held in Lihue, Kauai. Mr. Evans went on to explain that staff has processed this application in two parts.

Relative to the violation of putting up the antenna without the Land Board's permission, staff is recommending a fine of \$500.00. Applicant will also conduct an audit of all of its facilities--antennas statewide and affirm that those situated within the State Land Use Conservation District have necessary Board and/or Department approval. They shall prepare and submit a report to the Department within sixty days of Board action.

Relative to the application, staff is recommending that the Board deny the subject after-the-fact application, however, upon compliance that the Board approve this after-the-fact application, including proposed appurtenant facilities, subject to the conditions in today's submittal on pages 7-9.

Mr. Apaka questioned Mr. Evans if this were the first time he was doing this type of recommendation. He also mentioned that he did not see any problems with the submittal.

Mr. Evans explained that failure of the Board to render a decision at this meeting would allow the application to automatically be approved because of the 180-day expiration date of October 16, 1991.

Legal counsel present was asked if this were an allowable process. Deputy Attorney General Nishioka commented that she thought they would issue an extension before Board approval.

Mr. Evans explained that previously he was instructed by the Attorney General's Office in writing that on an application such as this, there were only two times that an extension could be granted on a CDUA and they are 1) When there's an Environmental Impact Statement that's part of the process, and 2) when there's a contested case that is part of the process.

The Chairperson called upon the applicant present to come forward.

Ms. Colette Sakoda, of R. M. Towill, agent for GTE Mobilnet said that as far as the compliances, they would be assisting GTE Mobilnet in completing the statewide audit as requested by DLNR staff. It take them no more than 30 days to complete that study to meet the requirement.

Mr. Apaka asked Ms. Sakoda if there were any objections to the conditions listed in the submittal.

Ms. Sakoda said that they had no objections as long as staff felt that was the proper course of action.

Mr. Mike Manning of GTE Mobilnet asked if it would be possible to make the condition of their providing the statewide audit a condition of the application approval rather than a condition of the violation in which there are other

conditions they must comply with in order for the application to remain approved. There was a concern he had regarding their facility. If their application was denied today, what is the status of their facility, during the interim of the 30 days until the application is approved. He stated that they will do whatever the Board recommends and agree to meet all terms under the violation and the application on pages 7, 8 and 9.

Mr. Evans said that it would be possible to modify the submittal by taking Condition 3 of the violation section and place it as Condition 14 of the application section. Then staff would change their recommendation on the application from denial to approval subject to the following conditions. Should the applicant not comply, then Condition 12 will come into play or effect.

ACTION Mr. Yim moved for approval of the application as modified by staff. Seconded by Mr. Apaka, motion carried unanimously.

ITEM F-6 RESUBMITTAL--WITHDRAWAL OF LAND FROM GENERAL LEASE NO. S-4229 TO PIONEER MILL COMPANY, LTD. AND CONVEYANCE IN FEE SIMPLE TO HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR LAHAINA MASTER PLANNED PROJECT AT WAHIKULI, LAHAINA, MAUI, TAX MAP KEY 4-5-21:POR.3

Mr. Young made the presentation to the Board of Item F-6 citing the August 23, 1991 deferment. The reason for the deferral was to give the Housing Finance Development Corporation (HFDC) time to work with Pioneer Mill Company with respect to the tri-party agreement. The parties did get together to see what they could work out and the rationale back of the meetings was that Pioneer Mill wanted to be kept whole. The 380 acres that were being proposed for withdrawal in the eyes of Pioneer Mill would affect the operations to the extent that they may not be able to exist.

Subsequently, HFDC, with Pioneer Mill Company has submitted to DLNR a revision of their request, rather than the 380 acres, they are suggesting that only 20 acres be taken off the lease and by taking of the 20 acres they would not be interrupting substantially the operations of Pioneer Mill Company. (Mr. Young passed out copies of the revised request to the members of the Board.) Mr. Young then went over the new proposals in the handout with the members of the Board. (A copy of the letter of September 19, 1991 with the amendment of August 23, 1991 and proposals has been placed in the Departmental Board Folder.)

Mr. Young summarized that the initial 380 acres has been revised down to 20 acres. The taking will not affect the operation of Pioneer Mill Company.

They are asking for relocation of the cane haul road and right-of-entry to construct a drainage easement.

If the Board decides to approve the staff recommendation for the withdrawal of 20 acres from the site, it will be subject to the proportionate reduction of the lease rent as presently being assessed to Pioneer Mill. With respect to the cane haul road, HFDC will have to pay for the crop damage. The drainage easement will require the consent of the Pioneer Mill Company.

If the Board decides to approve the withdrawal of the 20 acres from the operation of the general lease, will also have to approve the conveyance of the 20 acres to the HFDC. For the 68 acres that the Board approved about a year ago, it was subject to the compensation to OHA and DHHL being determined by the Office of State Planning (OSP). So staff is asking the Board to amend this action whereby they only approve withdrawing the 20 acres, relocation of the cane haul road, the right-of-entry for the drainage ditch, the conveyance of the 20 acres to HFDC and the compensation for the conveyance to be worked out by OSP and HFDC.

Mr. Young added that he forgot to mention that HFDC also requires a right-of-entry from Pioneer Mill to install the waterline on the new well site that will be installed.

Mr. Neal Wu of HFDC made his presentation using a map to show the location of the 20 acres in the latest amendment above the first village because they need to provide a drainage basin to catch the storm waters before it gets to the first phase. They are also planning to put in a temporary detour road from the lower cane haul road to the upper road. The other request is to provide a right-of-entry for a waterline that they want to install above the existing reservoir tank.

Mr. Michael Burke of AMFAC said they basically don't have any objections to the proposal on the 20 acres. They just want to clarify a couple of points as the withdrawal takes place. The crop damages and other damage issues related to the previous submittal will carry forth and the alignment of the temporary road is acceptable. They did have a concern to make sure of the design criteria of the temporary road. In the previous submittal when they withdrew the 68 acres last summer, there was a condition that there would be a buffer put in between the development and the cane haul road and what they had in mind was deleting that on the existing cane haul road and moving that condition up to the new cane haul road so that you wouldn't need to build it twice.

Mr. Burke said that they would like to proceed on the three-party agreement, they did draft something up but it's not finalized. In his letter, he did say that Pioneer Mill is, as far as the 380 acres, they made the commitment last month to delay action on that area above the upper cane haul road.

Mr. Carl Christensen with the Native Hawaiian Legal Corporation said that he did represent a number of Hawaiians who are beneficiaries of the Ceded Lands Trust established under Subsection 5(f) of the Hawaiian Homes Commission Act. He said that their concern here is that as of yesterday, the compensation to the ceded lands trust etc., will be coming back from HFDC is still unresolved. They are concerned that there might not be an opportunity later to adequately protect the interests of the beneficiaries if the transaction goes through now with those conditions unresolved.

Chairperson Paty questioned the basis for their concern.

Mr. Christensen cited proposals of HFDC in the past, HFDC have taken the position that the land can be transferred to them by DLNR and that somehow that cuts off the trust obligation and some of the proposals financing this project seem to require that any increase in the value of the land and subsequent to

the transfer from DLNR would accrue only to HFDC and that the ceded land trust or DHHL would not receive the increase in value as a result of up-zoning this land from agriculture to housing/and or golf course use.

The Chairperson commented that he didn't share their concern as he didn't see how he could assume the State would try to forego its obligation for either Hawaiian Home Lands or the OHA obligation by reason of transfer.

Mr. Christensen said that they would like to reserve the option of submitting a more complete statement within 10 days.

EXECUTIVE SESSION Mr. Yuen moved for the Board to go into an Executive Session to consult with the Deputy Attorney regarding some legal questions and issues raised on request for a contested case. Motion was seconded by Mr. Apaka and carried.

10:20 am -- 10:40 am

Regular meeting was called back to order by the Chairperson.

MOTION Mr. Arisumi moved for approval of Item F-6 as amended by staff. Regarding the matter of compensation, it should be worked out between the Office of State Planning and HFDC as previously agreed upon the 68 acres that has been withdrawn. Motion was seconded by Mr. Apaka.

DISCUSSION Mr. Yuen addressed Mr. Christensen saying that he's done what he needed to do to protect his clients interest here. The Board all wants to see that there is adequate compensation to the Native Hawaiian Fund.

Mr. Yim asked the Chair if he could ask the legal counsel to make a comment on the Native Hawaiian request regarding the contested case hearing.

Deputy A. G. Nishioka said that she had reviewed the request for a contested case hearing and are in accord with some of the comments that Mr. Yuen has made. This is basically a conveyance from one State agency to another and it is definitely under the managerial powers of the Board. The issue, from her understanding of Mr. Christensen's presentation, seems to be compensation, and what is the proper compensation for the beneficiaries under the Subsection 5 (f) trust. She said she felt the matter before the board today is the actual conveyance and the Board has made provisions that the issue of compensations will not be ignored but will have to be addressed as a subject of the conveyance. At this time she said that she would advise the Board that the request is premature and there is a provision to address the compensation issue, so this is not proper subject for a contested case hearing.

ACTION The Chair called for the question and motion carried unanimously.

ITEM E-1 SELECTION OF AN ALTERNATIVE DEVELOPMENT PLAN AND PERMISSION TO PREPARE A SELECTED PLAN AND ENVIRONMENTAL IMPACT STATEMENT FOR HEEIA STATE PARK, OAHU

After his presentation of Item E-1, Mr. Nagata read staff's recommendation that the Board accept the August, 1991 draft of Heeia State Park Master

Development Plan and authorize the consultant to proceed with more detailed plans and an environmental impact statement for Scheme B.

Mr. Nagata went over the different areas in Scheme B of the Heeia State Park Master Plan pointing out the different uses and areas of the park. He also mentioned that the center will be dedicated much to the young people. There will be an interpretive center and much of the other uses will be relocated to a new building that will be constructed. There was also an area where they hope to create an open air type of interpretive area.

Mr. Bud Henry of Friends of the Park, said that this is the plan that they have worked with staff of DLNR for last two years or so and other people involved. They feel it is a workable plan in trying to keep up with the mandate with what the park was purchased, for educational and recreational purposes, mainly for an interpretive park.

Ms. Carol McLean, Executive Director said that they were very pleased with the State Parks' work for the interpretive and physical plans. They really feel they could offer their services and work with them.

Mr. Henry added that regarding the Heeia wetlands which has just come under the State's purview, they are making arrangements in making interpretations of that from the park moving into that area for interpretive purposes. They will work with whomever they should work with.

Chair Paty mentioned that the area of jurisdiction has been totally clarified yet.

ACTION Unanimously approved as submitted. (Yim/Arisumi)

ITEM F-3 **DIRECT ISSUANCE OF NON-EXCLUSIVE UTILITY EASEMENTS TO GTE HAWAIIAN TELEPHONE COMPANY, INCORPORATED FOR PAIR GAIN UNITS, CROSS CONNECT CABINETS, UNDERGROUND DUCT, HAND HOLD AND UNDERGROUND LINE, SAND ISLAND, HONOLULU, OAHU, TAX MAP KEY 1-5-41:POR. 130**

Mr. Young made the presentation of Item F-3 and recommended that the Board approve the disposition subject to the terms and conditions listed in the submittal. He mentioned that as part of the encumbrance, it is presently encumbered under the Executive Order to the State Parks Division and a portion of it will be, as a result of the Sand Island Parkway conveyed to the Department of Transportation for the roadway. They have contacted both agencies and they both have no objections to the proposed granting of the easement.

Mr. Fred Rodriguez, Agent for GTE Hawaiian Tel said that in the preparation of their Environmental Assessment and negative declaration, they have outlined and provided the drawings for the physical installation.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

**REQUEST FOR APPROVAL TO AMEND/EXTEND AN AGREEMENT
BETWEEN THE BOARD OF LAND AND NATURAL RESOURCES FOR
SEMFISH-HILO THROUGH JUNE 30, 1992**

ITEM B-1

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

**PERMISSION TO HIRE CONSULTANT FOR JOB NO. 17-OW-G, MAKAKILO
WELLS DEVELOPMENT, OAHU**

ITEM D-1

ACTION Unanimously approved as submitted. (Arisumi/Yim)

**PERMISSION TO HIRE CONSULTANT FOR JOB NO. 31-OW-J,
WAIMANALO WASTEWATER TREATMENT PLANT IMPROVEMENTS,
OAHU**

ITEM D-2

ACTION Unanimously approved as submitted. (Yim/Yuen)

**PERMISSION TO HIRE CONSULTANT FOR JOB NO. 17-MW-H, WAIHIKULI
WELL DEVELOPMENT, MAUI**

ITEM D-3

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

**PERMISSION TO HIRE CONSULTANT FOR JOB NO. 2-HW-L, UPPER
HAMAKUA IMPROVEMENTS, TUNNEL NO. 6, PUUKAPU, SOUTH KOHALA,
HAWAII**

ITEM D-4

ACTION Unanimously approved as submitted. (Yuen/Yim)

**APPOINTMENT AND CERTIFICATION OF SOIL AND WATER
CONSERVATION DISTRICT DIRECTORS**

ITEM D-5

ACTION Unanimously approved as submitted. (Yim/Apaka)

ITEM E-1 See Page 10 for Action.

**WITHDRAWAL OF STATE LAND FROM GENERAL LEASE NO. S-4544 AND
CONVEYANCE IN FEE SIMPLE TO COUNTY OF MAUI FOR KULANIHAKO
STREET WIDENING AT WAIOHULI, WAILUKU (KULA), MAUI,
TAX MAP KEY 3-9-01:POR. 12**

ITEM F-1

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

**DIRECT DISPOSITION OF RESERVED RIGHTS CONTAINED IN LAND
PATENT NO. 12,712, LOT 14, WAIMANALO FARM LOTS, WAIMANALO,
KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-24:29**

ITEM F-2

ACTION Unanimously approved as submitted. (Yim/Arisumi)

ITEM F-3 See Page 10 for Action.

ITEM F-4 AUTHORIZATION TO ASSESS FINE, ASSESS RETROACTIVE RENT, AND SELL REMNANT, KEEHI, MOANALUA, OAHU, TAX MAP KEY 1-1-03:29

Mr. Young requested to withdraw Item F-4. There being no objection, Item F-4 was allowed to be withdrawn.

Mr. Arisumi asked the reason for withdrawal. Mr. Young explained that when the Board had deferred this there was a question as to whether we could legally sell this as a remnant in light of the fact that adjoining this was a DOT remnant and if consolidated it would form an economic unit. Mr. Young said that he was not here at the time the submittal was presented and staff has not been able to confer with the DOT with the Board's concerns. Rather than act on it today, he would like to get the position of DOT and return to the Board.

ITEM F-5 COUNTY OF KAUAI'S REQUEST FOR RIGHT-OF-ENTRY TO INSTALL GROUNDWATER MONITORING WELL ADJACENT TO KEKAHA LANDFILL SITE, KEKAHA, KAUAI

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM F-6 See Page 9 for Action.

ITEM G-1 APPROVAL TO ENGAGE THE SERVICES OF THE LANGE GROUP FOR SOFTWARE MAINTENANCE AGREEMENT

ACTION Unanimously approved as submitted. (Yim/Apaka)

ITEM H-1 See Pages 4-5 for Motion and Action.

ITEM H-2 See Page 7 for Action.

ITEM H-3 EXTENSION OF TIME REQUEST ON CONSERVATION DISTRICT USE PERMIT KA-7/26/89-2319 FOR A 69/57 KV TRANSMISSION LINE AT PRINCEVILLE, KAUAI, TMK: 5-3-01:7; APPLICANT: KAUAI ELECTRIC DIVISION, CITIZENS UTILITY COMPANY

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM H-4 EXTENSION OF TIME REQUEST ON CONSERVATION DISTRICT USE PERMIT OA-2381 FOR A FIREWALL AND CARPORT AT HONOLULU, HAWAII, TMK: 3-5-24:POR.1; APPLICANT: HOLLIS HO

ACTION Unanimously approved as submitted. (Yuen/Yim)

ITEM H-5 REQUEST FOR APPROVAL TO ENTER INTO THREE RESEARCH CONTRACTS WITH THE UNIVERSITY OF HAWAII

ACTION Unanimously approved as submitted. (Yim/Yuen)

ITEM J-1 **APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 4799, KAHULUI AIRPORTY, MAUI (SMARTE CARTE, INC.)**

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-2 **RENEWAL OF REVOCABLE PERMITS 1950, ETC., AIRPORTS DIVISION**

ACTION Unanimously approved as submitted. (Yuen/Yim)

ITEM J-3 **DIRECT SALE OF LEASE OF EASEMENT AT HONOLULU HARBOR, PIERS 24-29, OAHU (SHELL OIL COMPANY)**

ACTION Unanimously approved as submitted. (Yim/Yuen)

ITEM J-4 **DIRECT SALE OF LEASE OF EASEMENT AT KAHULUI HARBOR, PIER 1, MAUI (BREWER CHEMICAL CORPORATION)**

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-5 **CONTINUANCE OF REVOCABLE PERMITS H-85-1270, HARBORS DIVISION**

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ADJOURNMENT There being no further business, meeting adjourned at 11:40 a.m.

Respectfully submitted,

Dorothy Chun
Dorothy Chun
Secretary

APPROVED:



WILLIAM W. PATY, Chairperson

dc