

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

DATE: FRIDAY, MARCH 27, 1992
TIME: 9:00 A.M.
PLACE: BOARD ROOM
KALANIMOKU BUILDING, ROOM 130
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

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. Manabu Tagomori
Mr. Carl Masaki
Mr. Maurice Matsuzaki
Ms. Dorothy Chun

OTHERS: Mr. Randall Young, Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Mr. Henry Eng (Item H-1)
Representatives David Hagino, Kenneth Hiraki and
Cynthia Thielen, Messrs. Ralph Hori, Paul Kiyabu,
Paul Kadooka, Bert Teruya, Sol Naone and Richard Ito,
Ms. Gail Sykes and Mrs. Kimura (Item F-6)
Mrs. Ruby Hargrave, Mr. Sol Naone, Mr. Tom
Duncan (Item F-7)
Ms. Barrie Morgan, Ms. Heidi Bornhorst (Item H-3)
Mr. Martin Luna (Item F-4)
Ms. Joyce Brown (Items D-1, D-3, D-4, D-5 and D-6)
Mr. Joe Green (Item F-8)
Mr. Mark Brooks (Item H-2)
Ms. Ululani Beirne, Ms. Adella Johnson, Mr. Ben
Schaefer (Item E-1)
Mr. Robert Ishida (Item F-13)

MINUTES Minutes of February 14, 1992, approved as circulated. (Arisumi/Apaka)

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

Mr. Roger Evans requested that it be reflected in the Minutes of the February 28, 1992 that Mr. Zoltan Rudolich made a statement and at the end of his statement he requested a Contested case hearing on Item H-6. Once the

request for a contested case is made, what should be done from a cautionary basis, is not to make any decision. The Board did go ahead and made a decision at the meeting of February 28, 1992, subject to the request for a contested case. He would like to reverse the situation and ask that they not send out any written confirmation of that decision. The decision be stayed, or held in abeyance until the Attorney General's Office has reviewed and issued an opinion on the requested contested case.

Chairperson suggested a hold be placed on staff's follow-up to applicant on the decision at the February 28, 1992 meeting pending the opinion of the Attorney General's Office.

**CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR A
SUBDIVISION WITH SUBSEQUENT LAND USE FOR A DRIVEWAY,
LANDSCAPING, AND FENCING AT WAIALAE, HONOLULU, OAHU,
TAX MAP KEY 3-5-24:01; APPLICANT: MR. HENRY ENG**

ITEM H-1

After staff's presentation and questions of the Board, the applicant was called forward.

Mr. Eng said he had reviewed the conditions and felt that Condition 3 and Condition 10 were covered by Condition 1. Other than that he had no objections.

Mr. Evans explained that staff wanted to be explicit in the conditions based upon explicit comments provided by the various agencies.

ACTION Unanimously approved as submitted. (Yim/Arisumi)

**ISSUANCE OF A DIRECT LEASE TO THE UNIVERSITY OF HAWAII FOR
HOUSING, EMPLOYMENT TRAINING AND PUBLIC PARK PURPOSES AT
HONOLULU, OAHU, TAX MAP KEY 2-3-09:POR. 1**

ITEM F-6

Mr. Young gave a background of the tri-party agreement reached by the University of Hawaii, Department of Education and the Hawaii Community Development Authority with respect to property at the back of McKinley High School which was formerly used by Kapiolani Community School. He related a brief history of the site and the proposed use of the land and read the recommendation A and B to the Board.

Questions by the Board followed Mr. Young's presentation.

Mr. Ralph Hori, Vice President for Finance and Operations at the University of Hawaii said that they have been in communication with DLNR and that they have reached an agreement on the subject parcel. They've formalized this through board actions at both the BOE and the University during 1991 board meetings. They have a joint development agreement with joint planning on the site and their proposed agreement provides that building 857, which is the building that is presently being used by the State Library and related parking including 50 stalls be located in the new structure and that be transferred to DOE. The Housing Finance and Development Corporation and HCDA and the UH jointly developed a twin tower mixed use project that will provide

approximately 530 rental apartments, an employment training facility for youth/adults and parking etc. The proposed development will also provide a public park along its Kapiolani Boulevard frontage and one tower of the rental units will be designated for UH faculty. The other tower will provide affordable housing for the general public. They are proposing that they be provided a lease of 65 years as a nominal renter.

Mr. Harold Edwards of HCDA said that shortly after the last legislature in 1991, they appropriated \$3.5 million for planning and designing of this project and delegated those funds to their agency. They began meeting with the UH as well as the DOE as both agencies wanted the site. Ms. Lori Hoo, legislative coordinator for HCDA said that the \$3.5 million was put into the proposal at the budget hearing and did not go through the normal public hearings.

Responding to questions of the board, Mr. Hori said that in the next three to four years, the UH will be recruiting over 1,000 faculty members. They have difficulty in recruiting and retaining their instructors. He cited a substantial difference in the cost of housing on the mainland and Hawaii. He felt this difficulty in recruiting and retaining qualified instructors will hinder the quality of education at their institution. He continued answering questions relating to number of units in the twin towers, the breakdown of types of units and proposed occupants, size of buildings, parking, and possible alternative site.

Mr. Paul Kiyabu, newly appointed facilities director as of Monday for the Department of Education was asked to sit in on this board meeting. The only commitment that he was allowed to respond to, is the fact that they do want building 857 back and related parking.

The following legislators, Representatives David Hagino, Kenneth Hiraki and Cynthia Thielen were present and all were in agreement that they would like to have this request denied or deferred. Should the Board move on this request, Representative (Rep.) Thielen and Rep. Hagino on behalf of several parties requested that there be a contested case on this matter. Several points brought up were alternative sites, legislative authorization to transfer funds to another site and there is projected for the area 20,000 additional units planned to be built in the city area but no plans for schools. Rep. Hagino referred to a letter of July 26, 1989 opinion from the Attorney General's Office which refers to lands at the University of Hawaii's mauka campus. It appears if this A.G.'s opinion is correct, in light of the prior Executive Order 101, it may not be proper for this board to simply grant a direct lease because in this memorandum it states that first there must be a declaration of surplus and that there must be a concurrent resolution from the legislature. He was not sure if this opinion would still pertain today.

Mr. Yim stated that as a general rule as a member of the Board, he has taken upon himself that whenever he sees a specific legislative mandate, he would automatically be in favor. He feels his role as a member of the Land Board is to implement any legislative mandate because he personally feels that they have no veto power, the constitution only gives that right to the Governor.

Rep. Hiraki said that in his conversation with Rep. Joe Souki was the point that they needed to provide housing and Rep. Souki was open to the idea, provided

there was another suitable site from McKinley High School the funding could be flexible. Currently there are several resolutions asking that the towers be moved to another site added Rep. Hagino.

Rep. Thielen commented that this whole issue never had a hearing before a legislative committee other than being a budget item. It never afforded the legislature a chance to address the issues and to hear from the parents and other effective community groups.

Mr. Yim said that the resolutions or concurrent resolutions have no legal impact. He suggested that the three representatives here should actually go to the finance committees and be sure to provide the proper language in the budget document and convince them to put in the proviso making certain that it will not happen at this site. Representative Hagino agreed and said that the resolutions were done to give the city, the state and other interested parties to come to the table and to see whether that is a feasible alternative.

The following people testified requesting that the Board deny or defer this request. Some concerns stated were: They were not opposed to housing, alternative site should be looked into, public hearing not held, no involvement with community or the school, feel there is a need for education:

Mr. Paul Kadooka, parent, graduate and president of McKinley PTSA.

Ms. Gail Sykes, McKinley High School teacher of 24 years, currently in special education.

Mr. Bert Teruya, parent of child who will be attending McKinley High School in 5 years.

Mrs. Kimura, parent of student at McKinley High School

Mr. Sol Naone, dropout from Class of 1947 now residing in Waianae now.

Unidentified mother of current student at McKinley High School.

Unidentified woman, Alumnus of Class of 1935.

Mr. Richard Ito, president of McKinley High School Foundation.

DEFERRED Mr. Yim said that because several legal questions have been raised, he moved that this item be deferred to the next board meeting to be held on Oahu which would be April 22, 1992, seconded by Mr. Arisumi, motion carried.

RECESS 11:00 a.m. - 11:10 a.m.

The meeting was called back to order by Chairperson Paty.

WITHDRAWAL AND RESET ASIDE OF LAND UNDER GOVERNOR'S EXECUTIVE ORDER NO. 3177 (WAIANAE REGIONAL PARK) AND DIRECT ISSUANCE OF LEASE TO HONOLULU COMMUNITY ACTION PROGRAM, INC. (HCAP) AND WAIANAE COAST COMMUNITY ALTERNATIVE DEVELOPMENT CORPORATION, INC. (WCCADC) AS CO-LESSEES FOR A MULTI-PURPOSE COMMUNITY FACILITY AT WAIANAE, OAHU, TAX MAP KEY 8-5-02:12 & 49

ITEM F-7

Mr. Young gave a short background regarding this application and that this department received numerous requests during the year from a variety of non-profit eleemosynary organizations for leases of State lands, far in excess of the

available State lands on Oahu. As a means of addressing this demand, staff began examining the feasibility of creating multi-purpose community facilities.

Currently, both HCAP and WCCADC occupy the site. Disagreements between the organizations have been the major cause of delay in re-issuing a lease. He continued to explain what was being done to try and work things out together with the City.

At the request of the Board he reviewed the background on how the differences between the two organizations came into play.

Chairperson Paty announced that Ms. Puanani Burgess called this morning to say that she didn't get her notice of this meeting until this morning and would not be able to attend.

Ms. Ruby Hargrave, executive secretary of HCAP was present and she gave a background saying that HCAP, the community was instrumental in getting the property returned from the Army and they have been utilizing that site since about 1971. She informed the Board that the Honolulu Community Action Program (HCAP) is a private non-profit agency that provides opportunities to low-income people. It was the original OEO program and all the head start programs are under them, together with employment and homeless programs.

She said the reason Opelu came in was that they went to their district council and presented their programs and asked to utilize the space. They were welcomed in to use the space but they are not the only agency there on the site. Other agencies are Legal Aid, Waianae Coast Human Development Services, Preventive Health Education Program, Mohalu Like, a project for the handicapped and Aala Youth Project. She then gave a listing of all the programs that HCAP provides for the community.

Ms. Hargrave feels there is no reason that their lease should not be renewed. They have seen the conditions and have no problems with any of them. They requested a renewal in November 1989 and never heard anything more about it. January of 1990 the lease ran out and in March the DLNR contacted them by letter asking if they were interested in renewing your lease. She felt it is a little ironic that they've been asking for a renewal and that has not been addressed and it is now 1992. She says that they are there but they cannot evict Opelu Project because they don't have a lease.

Clayton Ikei said that in a letter of January 14, 1992 they did request a contested case of the Chairperson and they would renew that request today on this matter, it's a letter signed by Mr. Moses Lum Hoy, Chairman of the Board of HCAP.

More discussion followed regarding HCAP dealings with the Opelu people. Mr. Young informed the Board that HCAP knew of the sublease and intrusion of Opelu since 1973 and the encroachment that happened before the expression of the lease. So as lessees they had the opportunity if they so wished to cease and desist and cause eviction.

Question posed by Mr. Arisumi was, "How can they operate if they don't have a

lease?"

Mr. Young explained that is why they have been trying to resolve this pending problem that's been out there before 1990 to present. Staff has come before the Board to make a recommendation and let everybody know.

Ms. Carolyn Rogers, District Council Chairman said that according to their district council investigation, right now Opele Project is not per se there. They have moved their project to Kaala Farms and Waianae Coast Alternative Development Program is operating there which is just an office, a secretary and their CEO Puanani Burgess. The rest of the space is not utilized at all.

Mr. Yim commented that two years ago there was a tilapia program started there but he did not recall where the funding came from to hire staff knowledgeable in the area of aquaculture. They were developing a tilapia program in order to promote families in the area to learn how to do a backyard project for self-support and they could sell the surplus tilapia. They helped train families that were interested.

Ms. Hargrave requested to respond on the encroachment. HCAP did not find out about the encroachment until the City came to them with the plan that they wanted to put the horseshoe pits out there. That building has been there since before the State accepted it from the Army. They didn't build the encroachment. Mr. Walter Ozawa on October 4, 1990 talks about the Governor's Executive Order 31770 and including a corner of HCAP building. She said that it's not HCAP's building and it never was. It was put up by Reliance Industries and when the State took the property back that building was there. By October they could not evict them because their lease had expired in January 1990, as far as encroachment is concerned.

Mr. Sol Naone of Waianae said he was not present to take positions but wanted to give the board some historical background on the activities on encroachment and tract record. HCAP should be respected for the work they do, not only for the people in Waianae but also in central and windward districts. When the City put the basketball court in the original park, which abuts the gym, this is when they found out that there was an encroachment. There's a horseshoe group interested in a portion of the land also. He said that the Opele project is a great need in the community. They have done the pre-preparation for the marine science, the ocean in that area is ideal. He feels that they can work it out.

Mr. Tom Duncan, president of the State Horseshoe Pitching Association, went into detail on the background of how he started by going to Senator Aki in his district 4 years ago and asked for assistance in getting land for horseshoe courts. He also spoke on how he went about getting funding for this project. There is \$50,000 appropriated but funds will lapse on June 23, if they don't get going on the project. He felt HCAP should get the sole lease because all these other agencies are working harmoniously. Presently he has four courts at the Lualuele Park. He is also looking forward to hosting the world tournament in the future.

Ms. Carolyn Rogers, Leeward District Council chairman for HCAP spoke on the purpose and programs of the organization for the people of the area. She

related that their district council has tried on numerous occasions to work out this problem with the Opelu group or this new program Waianae Development Alternative Program on the planning for this lease. She said that they too were only notified of this meeting this morning.

Mr. Yim then made a comment directed to staff and legal counsel regarding the ceded lands. His concern was for the future to staff and legal counsel. What would be the impact to this Board's decision on all lands designated as ceded Z lands should OHA be able to go to court and make its claim and wins its case and thereby OHA would be entitled to any benefits deriving from Z lands. It's not applicable in this particular case, but he was saying for future concern should ceded Z lands come before the board for decision-making. He just wanted to put it on the table.

ACTION Mr. Yim said he was prepared to make a motion with the proper amendments to be made by staff and he moved for a deferment of the direct lease issue. Mr. Young explained the amendments to be:

1. Recommend to the Governor issuance of an executive order withdrawing Parcel 4 as shown on Land Board Exhibit "D" from the operator of Executive Order 3177.
2. Recommend to the Governor issuance of an executive order placing Parcel 1 as shown on Land Board Exhibit "D" under the management and jurisdiction of the City and County of Honolulu as an addition to the Waianae Regional Park.

Actions 1 and 2 are subject to the terms and conditions under Paragraph A of the "RECOMMENDATION."

Deferred to the April 22, 1992 Oahu Board Meeting the matter of a direct lease to HCAP and WCCADC as co-lessees.

Motion was seconded by Mr. Yuen and motion carried.

CDUA FOR INTERNAL TELECOMMUNICATION FACILITY AT KANEPUU PRESERVE, LANAI, TAX MAP KEY 4-9-02:01; APPLICANT: MS. BARRIE MORGAN, THE NATURE CONSERVANCY OF HAWAII

ITEM H-3

Mr. Evans said staff's recommendation was for approval subject to the conditions in the submittal.

Ms. Barrie Morgan, stewardship planner for the Nature Conservancy of Hawaii said her only comment was on Condition No. 7 which asks that they coordinate with the Department programs. She wanted to bring to the Board's attention that they do have cooperative agreements with the Division of Forestry and Wildlife on fire prevention and it includes emergency communications. They would be happy and are able to meet any division request of cooperative use of this facility.

Responding to Mr. Apaka's inquiry, she explained with the use of a diagram

drawing, that on the island of Molokai they have a repeater on the northshore, an existing repeater very similar to the one they're proposing here. On Maui they have a repeater also. Every site has a similar set up.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

CDUA FOR PROTECTIVE FENCING AT KANEPUU PRESERVE, LANAI, TAX MAP KEY 4-9-02:01; APPLICANT: MS. BARRIE MORGAN, THE NATURE CONSERVANCY OF HAWAII

ITEM H-4

Mr. Evans said that Item H-4 was very similar to Item H-3 except there is a request for fencing. The purpose for the fencing is to exclude animals from the area so that the endangered species within the area that will be fenced will not be detrimentally harmed.

Ms. Morgan brought to the attention of the Board, Condition No. 8, that a resident be present during the construction of the fence. She said that the Nature Conservancy has worked very closely with Hui Malama Pono O Lanai, especially with Sol Kahoohalahala and Sol Kaopuiki and they will involve them with the management of this area.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

AMENDMENTS TO PRIOR BOARD ACTIONS OF MAY 24, 1991 (AGENDA ITEM F-2) AND DECEMBER 20, 1991 (AGENDA ITEM F-5) RELATIVE TO THE DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT, KAMAOLE, WAILUKU (KULA), MAUI

ITEM F-4

Mr. Martin Luna was present to represent the applicants and had no objections to the conditions.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

RECESS 12:40 pm -- 1:10 pm

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 17-MW-M1 WAHIKULI EXPLORATORY WELL NO. 5439-02, MAUI

ITEM D-1

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 62-MF-C KEANAE ABORETUM, ACCESS ROAD PAVING, MAUI

ITEM D-2

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

PERMISSION TO HIRE CONSULTANT FOR JOB NO. 1-OW-C ALTERNATIVE WATER SOURCE DEVELOPMENT, CHECKDAMS, OAHU

ITEM D-3

ACTION Unanimously approved as submitted. (Yim/Arisumi)

ITEM D-4 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 48-HW-E KAU WELL DEVELOPMENT (WELL NO. 0239-01), HAWAII

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

DISCUSSION Ms. Joyce M. Brown, staff attorney for the Native Hawaiian Advisory Council (NHAC) asked to comment on behalf of Dave Penn and NHAC on Items D-1, D-3 and specifically on D-4 they were concerned that the USGS report showed the well tapping what is essentially seawater. They also had questions on the status of the proposed project's environmental assessment and/or EIS and whether necessary permits have been granted. Regarding the Kau Well they were interested in the results of the test drilling and pumping of the well.

Mr. Tagomori said that they have results of the pumping which is a low quantity well, upwards to 200 gpm, about 115 parts per million chloride, all within drinking water standards. He was not sure about the reference to seawaters. They've tested these wells several times and initially when first tapped, the chloride in the water was quite high because the well was drilled too deep. So they worked the well backwards by filling in to make it shallow enough to obtain quality drinking water.

Mr. Yuen asked about the question regarding water to Hawaiian Homes Land.

Mr. Tagomori said this well was initially drilled to provide water to Hawaiian Homes Land and the delivery of water and the arrangements is through the county water systems. Arrangements will be made with their county to provide water to Hawaiian Home Lands.

A copy of the NHAC's testimony has been placed in the departmental file. The testimony addressed Items D, D-1 and D-3 through D-6.

Mr. Tagomori responded to the written testimony of Items D-1 and D-3.

ITEM D-5 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 1-HW-D KEAUHOU UNDERGROUND GROUT CURTAIN, HAWAII

Mr. Tagomori explained the concept of the proposed project. He then answered questions of the Board.

For the record, Ms. Joyce Brown said that she appreciated the explanations presented but, Dave Penn is trying to say, how much are we working on serving what we already have? How does the conservation budget compare to the source development budget?

Mr. Tagomori explained again that this is a CIP project and they initiate them through CIP project processes. In terms of reference to conservation programs, the commission is moving towards developing a conservation plan and there are several efforts along those lines working with the counties, all the water users.

Mr. Yim stated as a general rule for himself with rare exception, when such a request comes him as a member of the Land Board, a specific item already

made by law by the legislature, his vote would be "yes" automatically. He informed Ms. Brown that their appeal might have to be before the legislature and not before this Board on certain matters.

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM D-6 AUTHORIZATION TO ENTER INTO A PLANNING ASSISTANCE AGREEMENT WITH THE CORPS OF ENGINEERS

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-8 CITY AND COUNTY OF HONOLULU REQUESTS SET ASIDE OF STATE-OWNED LANDS AT HALEIWA, OAHU FOR ADDITION TO HALEIWA BEACH PARK, OAHU, TAX MAP KEY 6-2-03:10 AND 39

Mr. Young presented Item F-8 to the Board and discussion followed.

Mr. Joe Green, proprietor of Surf and Sea said that he was supportive of the continued preservation of the Surf and Sea building. Since Hurricane Iwa, they lost their roof at that time and they've done extensive remodeling and reconstruction. He continued to describe his building and surrounding area and possible improvements.

DEFERRED Mr. Arisumi's motion was to defer Item F-8 to the Land Board meeting of April 22, 1992 to allow staff to confirm the following:

1. Position of the Neighborhood Board with respect to the set aside.
2. Whether the Surf-n-Sea building is a historical building under Division of Historic Preservation.

Motion was seconded by Mr. Yim and carried unanimously.

ITEM H-2 CDUA FOR RESTORATION OF THE FISHPOND FOR COMMERCIAL AQUACULTURE AT HEEIA FISHPOND, HEEIA, KOOLAUPOKO, OAHU, TAX MAP KEY 4-6-05:01; APPLICANT: MR. MARK BROOKS, DBA PACIFIC AQUACULTURE CONSULTANTS

Mr. Mark Brooks, applicant said that he had seen all the conditions and they seemed fair. Regarding condition no. 8, he asked for the purpose of a business plan so that he could understand it.

Mr. Evans explained that it was a standard condition that is placed on applications for fishponds so that it will be known what they're going to sell before they start, expected income, place of sales, costs, marketing aspects, etc.

Discussion followed on whether they would need to have their business plans approved and would the department have people with the expertise to approve the plans as there is much involved in starting a business. Also if the plan were not approved, what happens, or is it for information purposes.

Mr. Evans said that a condition is being recommended which is submit a business plan. Staff will send it out to the Aquaculture Development Program office and ask them how they feel about the business plan and then staff will come back to the Board with a recommendation to approve or disapprove the business plan.

Chairman Paty was consulted on the procedure of handling business plans.

Chairman Paty said that he thinks he understands what they're saying, but felt in a sense, who are they to sit in judgement of the business plan. The Board is concerned primarily on the impact on the land and the subzone relative to the operation. They're concerned with what the individual plans do and the impact that plan or the sale or the operation might have on the land itself. It doesn't say here that the applicant shall submit a business plan and get approval. The implication may be approval but it doesn't say that it has to be approved, it just says simply submit it so we'll know what's going on, similar to submitting a progress or annual report. Chairman Paty suggested that the applicant be asked to let the department know what he's doing with respect to the product and to marketing. It might pick up during the first 6 months and then he's going to look for further retail outlets, he'll be in touch with ADP.

Mr. Yuen said that he thought there was a difference between a State lease or NELH which is on State property, in those cases the State might be very concerned that that particular operator or lessee is a sound operator making productive use of the property. In this case, the applicant is leasing a private fishpond and we're mostly concerned with the environmental effects. When you say, bring the business plan to the Board for approval, I think that's really imposing or unnecessary red tape.

Mr. Evans said that condition could be taken out and staff would be guided by that.

Mr. Brooks pointed out that there was another condition that calls for progress reports on reconstruction and on the operation of the fish development and also an annual report.

ACTION Mr. Yim moved that Item H-2 be approved as amended. Seconded by Mr. Arisumi, motion carried.

ITEM E-1 **REQUEST FOR A CHANGE IN APPROVED POLICIES FOR THE IMPLEMENTATION OF THE KAHANA STATE PARK DEVELOPMENT PLAN**

Mr. Nagata presented Item E-1 going over the submittal in great detail and explaining the proposed changes to the Kahana State Park Development Plan.

Discussion followed on relocation, funds to relocate or rebuild, health regulations, on-site visits and possibilities of the people surmounting the hurdles and building in the flood plains.

Mr. Arisumi clarified his feeling, the land where the people that don't want to relocate is not high enough for a septic tank. They would need to truck dirt in and he feels that it should not be the State's responsibility to finance that. They

had the chance to relocate like all the others, so it would be at their own expense.

Should this be approved, Mr. Arisumi felt that the tenants should not be charged a fee for the residents requesting a small subsistence garden plot, similar to the victory gardens.

Ms. Ululani Beirne, resident of Kahana Valley with two members of the Kahana Ohana Unity Council members, Ms. Adella Johnson and Mr. Ben Schaefer were present. Ms. Beirne informed the Board of what their different organizations have been doing, i.e. going to the legislature to request extension for leases. The Kahana Community Association and the Kahana Ohana Unity Council did not receive notification of this meeting but verbally they were told this was happening. The last meeting of the full Council of the Kahana Advisory Council was held on February 10, 1992 when several things happened. She then elaborated on the services of the organizations and her feelings towards several issues like long term leases, lobbying for cultural funding to perpetuate culture kinds of projects as a trade off to remain in Kahana Valley, etc.

Ms. Beirne continued to inform the Board of the farming that the residents of the valley did, i.e. banana, papaya and taro. She said, "If in fact, commercial farming is allowed, you know through the approval of the policies, then I would like to say that, I think we should stick to the development plan originally made that taro lo'is be the agriculture crop to perpetuate the Hawaiian culture."

She said that they're only asking for the ones that do not want to relocate, be given the opportunity to remain. As she understood the funding that was set aside was not only to relocate but for those that wanted to remain. She said that they do have a new development plan that they're still working on, but as long as this one is recognized, in that development plan were certain options and one was that they had the option to remain if they wish to.

Mr. Arisumi clarified the Board's position in the submittal, that only the people that are listed can remain and go through their own necessary expenses, but the rest of the people must relocate.

Mr. Nagata said that there were some families that did not need to relocate because they were not in the flood zone.

Mrs. Adella Johnson addressed the Board giving her concerns regarding plans for agriculture, gardening/farming, rehabilitation of homes, perpetuating interpretive programs, sharing of the estuary and stressing that the five families that want to participate must remain where they are. She said that the whole focus of the park is to perpetuate, preserve and share with the people of Hawaii the ahupuaa concept, which is the land that was condemned for this park does go within the whole ahupuaa, from the top of the mountain into the ocean.

Mr. Ben Schaefer of Kahana Valley said for the Board's information, the 3% mortgage rate was supposed to be for all resident's whether they relocated or not because all of the houses were condemned except for one and now two. In 1970 all the homes were condemned and they all need to be rebuilt. To answer the question of putting in the dirt, they will be spending their money to

bring in the dirt to get it up to the Department of Health standards and City Ordinance requirements as well as the State. The campsites were never approved by the advisory board. He mentioned that they were willing to do on their own with the taro, the canoe club and everything else they wanted.

Discussion followed on the rebuilding or rehabilitating of the homes and the need to build according to the building code. The way the leases are structured, the houses must meet the building code.

Chairperson Paty mentioned that the agricultural leases could probably be worked out.

Mr. Nagata commented that he wanted to make it clear that the supplemental EIS that they're doing will call for the four people to move or relocate, but basically saying if the Board feels they can keep the door open for them, they have to make sure they can surmount all the hurdles discussed. It is being limited to the four listed in the submittal and if Mrs. Johnson's property has a septic tank problem, then she could be considered along with them. There are planned infrastructures in these contained locations so that the State can make use maximize the use of public funds.

Mr. Nagata reminded that Board that there is a victory garden amendment on the table right now.

ACTION Unanimously approved as amended. (Arisumi/Yim)

ITEM F-13 **DIRECT AWARD TO CITY AND COUNTY OF HONOLULU OF PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR SEWER FORCE MAIN ADDITION, KAMEHAMEHA HIGHWAY, MOANALUA, KALIHI-KAI, OAHU, TAX MAP KEYS 1-1-03:POR. 3, 4, 7 AND 138; 1-2-21:POR. 35 AND 37**

Mr. Robert Ishida of the Division of Wastewater Management, the City & County of Honolulu commented that the statement presented by Mr. Young is accurate.

ACTION Unanimously approved as submitted. (Arisumi/Yim)

ITEM F-9 **DEPARTMENT OF TRANSPORTATION REQUESTS (1) CANCELLATION OF EXECUTIVE ORDER NO. 3432; (2) WITHDRAWAL FROM EXECUTIVE ORDER NO. 3504; (3) RESET ASIDE TO DEPARTMENT OF TRANSPORTATION AND GRANT OF CONSTRUCTION RIGHT-OF-ENTRY, STATE HOSPITAL SITE AT KEAHALA, KANEOHE, KOOLAUPOKO, OAHU, TAX MAP KEY 4-5-23:1 AND POR. 3**

ACTION Unanimously approved as submitted. (Yim/Arisumi)

ITEM C-1 **REQUEST APPROVAL TO APPLY FOR THE SMALL BUSINESS ADMINISTRATION'S NATURAL RESOURCE DEVELOPMENT PROGRAM (NRDP) GRANT**

ACTION Unanimously approved as submitted. (Yuen/Yim)

**REQUEST TO ENTER INTO A JOINT AGREEMENT WITH A&B HAWAII,
INC. THROUGH ITS DIVISION HAWAIIAN COMMERCIAL & SUGAR
COMPANY**

ITEM C-2

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEMS D-1 to D-3 See Page 8 for Action.

ITEM D-4 See Page 9 for Action.

ITEMS D-5 to D-6 See Page 10 for Action.

ITEM E-1 See Page 13 for Action.

ITEM F-1 **DOCUMENTS FOR BOARD CONSIDERATION:**

Item F-1-a Assignment of Grant of Easement (Land Office Deed No. S-27,667) At Mooloa, Honuaula, Makawao, Maui, Tax Map Key 2-1-05:Por. 77

Item F-1-b Assignment of General Lease No. S-5135 Between Basil Kuna, Assignor, and John Wallani, Jr., Husband of Mary Wallani, As his Separate Property, Assignee, Hoopuloa, So. Kona, Hawaii, Tax Map Key 8-9-14:21

Item F-1-c Assignment of General Lease No. S-5144 Between Samuel Keoni Grace, Assignor, and Lisa Ann Mahealani Hua, As Her Separate Property, Assignee, Hoopuloa, So. Kona, Hawaii, Tax Map Key 8-9-14:30

Item F-1-d Assignment of General Lease No. S-4959 Between Myra Malaea Kamaka, Assignor, and Mabel Kaleianuinui Kahele Forcum, Single, Assignee, Hoopuloa, So. Kona, Tax Map Key 8-9-14:04

Item F-1-e Assignment of General Lease No. S-4595 Between Thomas M. Okuna, Assignor, and Walter D. Andrade and Mary Jane Andrade, Husband and Wife, as Tenants by the Entirety, Assignees, Waiohinu, Kau, Hawaii, Tax Map Keys 9-5-03:19 and 9-5-05:02

Item F-1-f Issuance of Revocable Permit to Eloise Oclit, Por. of Lot 4, Blk. Q, Kapaa Town Lots, Kapaa, Kauai, Tax Map Key 4-5-11:10

Mr. Young requested to withdraw Item F-1-f.

ACTION Mr. Yuen moved to approve Items F-1-a through F-1-e; seconded by Mr. Yim, motion carried.

ITEM F-2 **SET ASIDE OF WATER TANK SITE TOGETHER WITH RELATED
EASEMENTS TO WATER COMMISSION OF THE COUNTY OF HAWAII,
KAWANUI 1, NO. KONA, HAWAII, TAX MAP KEY 7-9-03:60 AND POR. 31**

ACTION Unanimously approved as submitted. (Yuen/Yim)

**DETERMINATION OF SUCCESSOR LESSEES AND ASSIGNMENT OF
HOMESTEAD LEASE NO. 15 COVERING LOT 30-C, KAAUHUUH
HOMESTEADS, FIRST SERIES, KAAUHUUH, NO. KOHALA, HAWAII,
TAX MAP KEY 5-5-01:18**

ITEM F-3

ACTION Unanimously approved as submitted. (Yuen/Yim)

ITEM F-4 See Page 8 for Action.

**ACCEPTANCE OF LAND DONATION FOR ADDITION TO WAIALUA HIGH
AND INTERMEDIATE SCHOOL, KAMANANUI, WAIALUA, OAHU, TAX MAP
KEY 6-7-02:POR. 4**

ITEM F-5

ACTION Unanimously approved as submitted. (Yim/Apaka)

ITEM F-6 Deferred. See Page 4.

ITEM F-7 See Page 7 for Action.

ITEM F-8 Deferred. See Page 10.

ITEM F-9 See Page 13 for Action.

**DIRECT SALE OF REMNANT AT AUWAIOLIMU, HONOLULU, OAHU, TAX
MAP KEY 2-2-03:95**

ITEM F-10

WITHDRAWN Mr. Young requested that this item be withdrawn.

**RESCISSION OF PRIOR BOARD ACTION OF NOVEMBER 8, 1991
(AGENDA ITEM F-13), FOR DIRECT ISSUANCE OF UTILITY EASEMENT TO
GTE HAWAIIAN TELEPHONE COMPANY, INC., LANAKILA HEALTH
CENTER, KAPALAMA, HONOLULU, OAHU, TAX MAP
KEY 1-6-09:POR. 05**

ITEM F-11

ACTION Unanimously approved as submitted. (Yim/Yuen)

**REQUEST FOR AUTHORIZATION TO ACQUIRE LAND FOR
AGRICULTURAL PARK PURPOSES, KAHUKU, KOOLAULO, OAHU, TAX
MAP KEYS 5-6-05:9, 5-6-06:POR. 19 AND 5-6-08:POR. 2**

ITEM F-12

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM F-13 See Page 13 for Action.

**RICHARD JASPER'S REQUEST FOR EXTENSION OF CONSTRUCTION
DEADLINE, SPECIAL SALE AGREEMENT NO. S-5592, LOT 4, BLK. S,
KAPAA TOWN LOTS, 1ST SERIES, KAPAA, KAUAI, TAX MAP
KEY 4-5-08:33**

ITEM F-14

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-15 PEYTON AND ROSETTA SILIADO REQUEST FOR EXTENSION OF CONSTRUCTION DEADLINE, SPECIAL SALE AGREEMENT NO. S-5590, LOT 29, HANAPEPE HEIGHTS HOUSELOTS, HANAPEPE, WAIMEA, KAUAI

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM H-1 See Page 2 for Action.

ITEM H-2 See Page 11 for Action.

ITEM H-3 See Page 8 for Action.

ITEM H-4 See Page 8 for Action.

ITEM H-5 TIME EXTENSION REQUEST FOR CONSERVATION DISTRICT USE PERMIT HA-2422, SINGLE FAMILY RESIDENCE, PUNA, HAWAII; TAX MAP KEY 1-3-02:98; APPLICANT: PETER AND MIREILLE STAUB

ACTION Unanimously approved as submitted. (Yuen/Yim)

ITEM I-1 APPOINTMENT OF LICENSE AGENT: AL'S FISHING SUPPLIES, ISLAND OF OAHU

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM I-2 APPOINTMENT OF LICENSE AGENT: LIHUE FISHING SUPPLY, ISLAND OF KAUAI

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM J-1 RESTAURANT AND LOUNGE CONCESSION LEASE, HILO INTERNATIONAL AIRPORT, HAWAII

WITHDRAWN Mr. Garcia requested that this item be withdrawn.

ITEM J-2 RENEWAL OF REVOCABLE PERMITS 2845, ETC., AIRPORTS DIVISION - ITO, HNL, HDH, LIH, KOA, OGG, MKK

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-3 RIGHT-OF-ENTRY, HONOLULU INTERNATIONAL AIRPORT, OAHU (UNITED AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Yim/Yuen)

ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4851, 4854, 4853, ETC., AIRPORTS DIVISION - MKK, HNL, ITO

ACTION Unanimously approved as submitted. (Arisumi/Yim)

ITEM J-5 RIGHT-OF-ENTRY AND GRANT OF EASEMENT FOR WATERLINE IMPROVEMENTS AT KUHIO PIER, WAIAKEA, SOUTH HILO, HAWAII (WATER COMMISSION OF THE COUNTY OF HAWAII)

ACTION Unanimously approved as submitted. (Arisumi/Yim)

ITEM J-6 ISSUANCE OF THREE REVOCABLE PERMITS AT PUBLIC AUCTION, HONOKOHAU SMALL BOAT HARBOR, HAWAII

ACTION Unanimously approved as submitted. (Arisumi/Yim)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8 SHED, HONOLULU HARBOR, OAHU (MIKE DOYLE, LIMITED)

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ROOM 101, CHARTER BOAT BUILDING, KEWALO BASIN, HONOLULU, OAHU (NAUTILUS SUBSEA ADVENTURES, INC.)

ACTION Unanimously approved as submitted. (Yim/Arisumi)

ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOLULU HARBOR, KEWALO BASIN AND BARBERS POINT HARBOR, OAHU (ED YAMASHIRO, INC.)

ACTION Unanimously approved as submitted. (Yim/Arisumi)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAHULUI HARBOR, MAUI (JENNIFER BRITTIN DBA EMPLOYERS OVERLOAD)

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-11 CONTINUANCE OF REVOCABLE PERMITS H-90-1661, ETC., HARBORS DIVISION

ACTION Unanimously approved as submitted. (Arisumi/Yim)

ADJOURNMENT There being no further business, the meeting adjourned at 3:40 p.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED:



WILLIAM W. PATY, Chairperson