

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

DATE: FRIDAY, JULY 23, 1993
TIME: 8:30 A.M.
PLACE: STATE OFFICE BUILDING
CONFERENCE ROOMS A, B AND C
3060 EIWA STREET
LIHUE, KAUAI

**ROLL
CALL**

Chairperson Ahue called the meeting of the Board of Land and Natural Resources to order at 8:40 a.m. and the following were in attendance:

MEMBERS: Mr. Herbert Apaka
Mr. Christopher Yuen
Mr. William Kennison
Mr. Michael Nekoba
Mr. Keith Ahue

ABSENT AND EXCUSED: Ms. Sharon Himeno

STAFF: Mr. Ralston Nagata
Mr. Roger Evans
Mr. Manabu Tagomori
Mr. W. Mason Young
Mr. Michael Buck
Ms. Janet Swift
Mr. Sam Lee
Mr. Michael Laureta
Ms. Dorothy Chun

OTHERS: Mr. Johnson Wong, Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Ms. Diane Ley (Item E-1)
Mr. Tom Leuteneker, Mr. Douglass Bonar, Mr. Joe Thomson (Item H-2)
Mr. Tak Yoshihara, Mayor Stephen Yamashiro,
Mr. Steve Morris (Item H-1)
Mr. Michael Kuntz and Mrs. Myra Kuntz-Hight
(Item H-1)
Mayor Yamashiro, Ms. Donna Kiyosaki and
Mr. Richard Wurdeman (Item F-1f)

**ADDED
ITEM:**

Upon motion by Mr. Yuen and a second by Mr. Apaka, the following item was added to the Agenda:

G-1 Request for Approval to Hold Public Hearings on Proposed Amendments to

The complaints and allegations relative to historic sites are not addressed by the OCEA staff. That is to be addressed separately by the Division of Historic Preservation under Chapter 6E of the statute that governs their activities.

Mr. Apaka said that although the board had gone on a site visit yesterday, he asked Mr. Evans to explain the photos that were being passed out to the board members.

Mr. Evans explained that those photos were taken subsequent to the complaints coming in by employees from the Division of Conservation and Resource Enforcement and Division of Forestry and Wildlife. Those pictures date back to 1989. The photos basically are of clearing, grading, grubbing, stream alterations which appeared rather massive from staff's perspective.

Mr. Apaka's next question regarding the pictures was, "How much of it was permitted originally?"

Mr. Evans said that none of the work that was done, as identified in pages 10, 11 of your staff submittals was allowed for under the temporary variance. Under the temporary variance the board specifically authorized for minor clearing and grubbing of over-growth. During Mr. Brown's initial contact with staff, he represented that he wanted to do a Conservation District Use Application (CDUA) and the purpose of the CDUA was to eventually build houses on certain parts of the property. In order to properly fill out the CDUA they had to go onto the land and do some cutting to find out where everything was on the land. The purpose of the temporary variance was to develop enough information to fill out the CDUA to be processed by staff for the single family house. Subsequent to this action occurring on behalf of the people present he did discuss it with Mr. Brown, who indicated on the telephone that he was surprised that what did occur on the property went beyond what he had applied for and what he had envisioned in his earlier discussions with staff.

Responding to Mr. Apaka's inquiry, Mr. Evans said that the question on mechanical equipment never came up because this was supposed to be minor hand clearing. The board did put specific conditions relative to cutting down trees and said no trees would be cut. This was the understanding and this was the acceptance of the temporary variance by Mr. Brown and Mr. Bonar at that point in time.

Mr. Tom Leuteneker, an attorney said that he represented Douglass Bonar, who is the record owner of three of the lots as well as Boyce Brown who was not present but was the owner of the fourth lot. Mr. Joe Thomson is the owner of the fifth lot and he is representing himself.

Mr. Leuteneker again clarified with Mr. Evans that the water/stream diversion issues as well as the historical site issues are not going to be considered

enter their fairgrounds but will have a clear visual path to the trail head at Kuai Bay.

Mr. Nagata recommended that rather than the Board take action on this, it could be worked out at staff level. If the requests are reasonable, Mr. Nagata felt they would be able to accommodate them.

ACTION Mr. Yuen moved for approval as amended by Mr. Nagata for the charge of \$100.00 per day; the access problems to be worked out by staff. Motion was seconded by Mr. Apaka and carried.

LAND USE REVIEW FOR IDENTIFIED PROPERTY DEVELOPMENT ON VARIOUS PARCELS (TAX MAP KEYS 5-5-08:01, 02, 03, 04, 05 AND 54) AT WAIOLI VALLEY, KAUAI; LANDOWNERS: DOUGLAS BONAR, JOE THOMSON, BOYCE BROWN TRUST AND STATE OF HAWAII

ITEM H-2

Mr. Evans explained to the Board that this item is a case being revisited as a result of Hurricane Iniki that occurred last year. He said that this is basically a land use review.

In this particular case there was a board approval via a temporary variance that did allow certain actions to go forward, but the actions that went forward were far in excess of what the board had approved.

Mr. Evans referred to page 15 of the submittal and said that staff would like to make an amendment to their recommendation. Under B. Additional Fines, Mr. Evans said that staff would like to make a change in the second line saying, "fails to cure or correct any, or, comply with Section A." In other words, they would like them to comply with whatever the board decision is relative to Section A and basically failure to comply would then add \$2,000.00 fines there. That is one modification staff would like to make.

Mr. Evans said that this morning they received a communication from an attorney counsel for Mr. Bonar, one of the applicants. In terms of controversy, when this issue came forward, there were a number of different complaints representing a number of different areas within the DLNR. All of those complaints were taken into the Office of Conservation and Environmental Affairs (OCEA) and as they went through their analysis, they separated the complaints out, piece by piece and went through a process of combining and separating.

Mr. Evans said that what is in the submittal this morning are the conservation land use violations. The allegations and the complaints relative to water and stream alteration are not a part of this submittal and will be more appropriately handled by the Water Commission under the State Water Code.



together with the land issues this morning.

Mr. Leuteneker said that what is contained in Mr. Doug Bonar's response is based upon his personal knowledge. He tried to isolate each violation charged and explain the staff's position on those violations and the landowner's position on those violations and then tried to come to a conclusion on those that they feel are violations and those which they feel are not violations.

Mr. Leuteneker then passed copies of "Douglass Bonar's Response To The Staff Report" together with a bound copy of exhibits containing Mr. Bonar's response to the staff report to members of the Board. Basically the staff's submittal is highlighted in blue, the landowner's submittal highlighted in green. (Copy has been placed in departmental board folder.)

Mr. Leuteneker proceeded to go over Mr. Bonar's responses and made references to the various exhibits.

The responses and requests were summarized:

1. The 5 private parcels and other private parcels in the Waioli Valley, and the State of Hawaii, all need a year-round road, to access, maintain and use these lands. Some improvement is necessary in the Mamalahoa Stream for year-around access; thus the culvert improvements in that stream should remain in place until a Master Plan is developed among all parties, including the best location and kind of improvements for the road. The roadwork done on the State property should remain in place until the Master Plan determination is made about whether that is the best place for the road.
2. There is no competent evidence of any major land grubbing or land clearing and thus no violation should be assessed for that.
3. Feels there is no competent evidence of major grading on any of the 5 parcels so that those violations should be stricken. The Board does need to determine whether the enhancement of the berm justifies a fine.
4. No separate violation should be assessed for relocating the road off of the Brown parcel on to the State parcel or for major grading, improvement or fill on the State parcel, claims these are all one and the same.
5. Failure to remove the grubbed material should not be a violation because Mr. Bonar was ordered to stop all work.
6. The grubbed material was put into piles and was examined by Evangeline Funk, a doctor in botany. Dr. Funk's report of the grubbed material showed the vegetation was 80% to 90% weed species, one of which was clidemia which is a noxious weed that the National Park Service is trying to control. She concluded that major grubbing and land clearing did not occur and that

there was a benefit in terms of wildlife.

Mr. Evans responded that relative to the grubbing/grading issue that has been brought up, many times the question of major and minor is judgmental. On the question of the road, road removal and stay of the road as a part of the conditions in time frames, the matter of the road is involved in the location of the road. Staff feels having the board place a time frame and have it remain on this particular case may tend to encourage the applicants to cooperate with the State in having this matter resolved with our A. G.'s office. They could always come back to the Board for an extension.

Mr. Leuteneker said that Mr. Boyce Brown is not in the country and he has been in contact with him. He is the owner of a 4 acre parcel, the owner of the parcel where the road historically has gone through. Mr. Brown did not authorize any work that exceeded what was authorized and he does not feel that any fine should be assessed against him or his property.

Mr. Douglass Bonar asked to comment concerning the relocation of the roadway. The roadway relocation has been discussed between the A. G.'s office as well as different State planners as to where it's going to go. He claimed that he could not get assistance from State departments in planning the road. The Kauai State land agent suggested that the road should be placed where all properties would benefit. Thus he placed it where he thought best and it is on the lower end of the Brown parcel. He added that they had to wait eight months after being granted the temporary variance for a window of opportunity with the weather to do the work.

Mr. Bonar said that in the three years he had never met with any OCEA or DLNR staffers at the site. He said that he feels he's been treated unfairly in this issue. He again mentioned that DLNR staff from Historic Preservation, Forestry and OCEA have never met with him on the site.

Mr. Nekoba commented that he also visited the site yesterday and he had looked at the photos. He said that looking at the site it definitely shows clearing and there are violations. He did agree that there is no sense in removing the road until it can be determined where it should be placed. At the site visit, he noticed that the river ran through the five lots. He questioned the survey map.

Mr. Leuteneker responded that was the problem that he and Deputy Attorney General Bill Tam have had with the courts going round and round on the proper location of the kuleanas.

Mr. Yuen expressed his concern over a general problem that the Board has had with this kind of situation over and over again. That is the landowner has an idea of what he wants to do. He then goes out and does it and doesn't get the right permits. They come before the board and then they say "Geez, but

this was a good idea and wouldn't it be a shame to tear up all this nice work that I've done when I'm going to come in and ask for a permit to do it later?" There's an appeal to this kind of argument because it always feels like a waste to make somebody go and tear up what they did before. The Board listens and they hate to waste, to have people tear up what they've done. This happens over and over again. There's no question that Mr. Bonar knew that he needed permits. The work was authorized. He knew he needed a permit to look for historic sites.

Mr. Bonar responded saying that he first got involved with the area in 1972. He bought the property in full in 1978. He said that he hand cleared this property over a 10 year period, by hand, no equipment. This was so he could provide input for the CDUA permit to eventually have a home on the property. He contacted many different archaeological firms about doing work up there. Their response was that there wasn't anything there as it was former agricultural lots. He continued informing the Board of further clearing by hand and that he provided information to the OCEA office before he received his Temporary Variance to do the clearing with the dozer. His definition of major grubbing/major clearing is the scraping of the ground where everything is taken away. He acknowledged that he did take out two older mango trees on his lot and one of the trees was growing out of the ditch. His plan was to restore the ditch system and the tree had to go. He claimed that major grading is when you're grading more than 300 yards of material and he said that he did not do that.

Mr. Evans said that if Mr. Bonar represents to the Board that the grading was minor, going to the photographs there will be a difference of opinion.

Mr. Joe Thomson said that he was the landowner as of last year and he was not directly responsible for the problems but he inherited two violations. He purchased the property from Mr. Bonar. He said that he would take responsibility for the two violations with the caveat that he did not do them if it would speed the process in working with the State. He felt he could go with that.

Mr. Kennison asked Mr. Bonar if he was in agreement that Mr. Brown had no knowledge that he was trespassing on his property.

Mr. Bonar responded that Mr. Brown had no knowledge at the time he was doing it.

More discussion followed.

Mr. Evans offered to clarify some of the conditions. He referred to Condition 9, where there is concern expressed by the applicant relative to the removable of the roadway within 90 days. At the end of the paragraph there is provision that would allow that 90 days to be extended by the chairman upon good

cause. He also mentioned that clause "with good cause let the chairman extend the 90 day period," leave it there and also add it in Section B to the Additional Fines. If these folks are working, the fines will still go but there won't be any additional fines if they can demonstrate the good cause to be determined by the chairman.

Mr. Thomson expressed concern that the problem of the weather would be a factor in meeting the deadline of 90 days.

Chairperson Ahue assured the applicant and landowner that they would be able to work with staff if an extension would be needed.

ACTION Mr. Apaka moved for approval of the recommendation of the submittal by staff listing the violations, 21 violations by Mr. Bonar for a total of \$10,500.00, 2 violations by Mr. Thomson for a total of \$1,000.00 and 3 violations by Mr. Brown for a total of \$1,500.00; and including the administrative cost of \$4,624.00 to be determined on a pro rata basis; Amend Section B under Additional Fines, the Board authorizes the Chairman to waive or hold in abeyance any imposition of additional fines and authorizes the Chairman to extend the 90 to 180 days for a good cause. Motion was seconded by Mr. Yuen and carried unanimously.

RECESS 10:40 a.m. - 10:50 a.m.

ITEM D-1 **RESUBMITTAL - ROYALTY FOR GEOTHERMAL RESOURCE MINING LEASE R-2 TO PUNA GEOTHERMAL VENTURE**

Mr. Tagomori addressed the Board introducing Miss Janet Swift of his staff who was ready to make a slide presentation. He then explained that this was a resubmittal which was presented originally to the Board on June 25, 1993 in Kona. At that time the Office of Hawaiian Affairs (OHA) submitted a written request to defer this item for 30 days. Since then staff has met with OHA twice. However, his office received another request from OHA late yesterday afternoon by fax asking that this item be deferred another 30 days. In addition, this morning they received a fax copy from the Hawaii County Council also requesting deferral on this matter, making several different points.

Mr. Tagomori said that staff feels there were several mis-statements in the County's letter and staff should be given the time to respond.

Mr. Tagomori recommended that this item be deferred in total this morning because staff would be meeting with OHA and other agencies during the next 30 days.

Mr. Yuen suggested that the people that were present be allowed to testify if they wished.

Mr. Tagomori requested to make a statement up front. He said that he did have copies of written testimonies that the Board will be hearing from some of the people here and he wanted to make one point clear. He said that there are some misunderstanding on their submittal. There have been some allegations saying that the staff has been misleading the Board. He wanted to bring the point up that in their submittal they are proposing the modified netback method that is being used by the Minerals Management Service, U.S. Department of the Interior.

Chairman Ahue went over the modifications being proposed.

Mr. Tak Yoshihara, Deputy Director of the Department of Business and Economic Development and Tourism had a prepared statement to present. He was appearing on behalf of the Director, who under Chapter 196 of the Hawaii Revised Statutes is also designated as the State's Energy Resources Coordinator. They wished to encourage the Board of Land and Natural Resources to consider the adoption of a methodology which is more supportive of the development of geothermal resources in this state. A copy of his written testimony will be placed in the Department's Board Folder.

Responding to Mr. Yuen's inquiry, Mr. Stephen Yamashiro, Mayor of the County of Hawaii said that they may be putting some of the money back to help the infrastructure, but 30% is the minority part of the issue. He felt that if it were truly the policy of the State of Hawaii to encourage the development of alternate energy, then the policies that are adopted should be consistent with that goal and the royalty policy should be adopted which would be consistent with the goal of encouraging the development of alternate energy. They are looking towards the long term benefit of that policy as opposed to short term contributions at the present time. They feel that energy will be the basis of their economy on the Big Island in the future. Food processing and other energy intensive businesses will be able to be developed with the development of this energy and to stifle it with the imposition of onerous royalties at its inception is not consistent with that long term goal.

Mr. Yuen said that his concern was that the Board was obligated to establish a fair reasonable rate for the royalty. There are two problems with lowering the royalty to try to create an incentive. One problem is the entitlement to OHA. Second problem is that it may create a hidden subsidy.

More discussion followed.

Mr. Steve Morris, Vice President and General Manager of Puna Geothermal Venture said that he had extensive testimony but would prefer to hold off and give that testimony when they see what staff is ultimately going to propose. He said that their basic objection to what they've heard from staff so far, and they speak in opposition, is that there is an established netback method that's used in the industry and it is the Federal method. That method was revised in

recent years. They can comment more when they see staff's proposal.

More discussion followed on the methodology.

DEFERRED Unanimously approved for deferral for another 30 days or following meeting.
(Kennison/Yuen)

**AFTER-THE-FACT AUTHORIZATION FOR REPAIRS/
IMPROVEMENTS TO A SINGLE FAMILY RESIDENCE DAMAGED
AS A RESULT OF HURRICANE INIKI, HAENA, KAUAI, TAX MAP
KEY 5-9-2:23; APPLICANT: MICHAEL KUNTZ AND MYRA KUNTZ-
HIGHT**

ITEM H-1

Mr. Evans began his presentation by making a modification on page 3. Staff had recommended a fine of \$2,000.00. The law was changed to allow for fines of \$2,000.00 but this action occurred before the law was changed. As a result he was amending the amount to \$500.00. Besides the fine, staff was recommending that the application be approved.

Mrs. Kuntz-Hight said that everything they wanted to say was included in the letter they submitted to DLNR. They apologized for the non-compliance and were prepared to pay the fine.

ACTION Unanimously approved as amended by staff that the fine be amended to \$500.00. (Apaka/Nekoba)

Item F-1f

Landfill Construction, Operation and Closure Agreement Between County of Hawaii and Waste Management of Hawaii, Inc. For West Hawaii Sanitary Landfill Site at Puu Anahulu, North Kona, Hawaii, Tax Map Key 7-1-03:Por. 1

Mr. Young made the presentation of Item F-1f. He informed the board that staff had met with Donna Kiyosaki the Chief Engineer for the County of Hawaii at the time this was being developed and arriving at the compensation to the State. Mr. Young noted that one of the reasons why they bought into that is that Waste Management of Hawaii would provide for environmental liabilities single policy of \$10 million dollars as well as a performance bond of \$4 million dollars. This in essence put some responsibilities on Waste Management to perform.

Mr. Young said he would let the mayor explain to the Board as to his concerns as to how and why there should or should not be compensation to the State. Staff is suggesting that there are fees being paid and that in light of the fact that these are ceded lands, there should be a compensation.

Mr. Stephen Yamashiro, Mayor of the County of Hawaii said that their objection is basically that the Board is setting a policy that charge public

entities for providing public services on State owned land. One of the reasons for selecting this site was the fact that it was State land and there was no acquisition and no cost related to the land. If they were to know that they had to pay something in the neighborhood of \$5 to \$6 million dollars over the length of this agreement, administration might have pursued other private landowners that had lots of land and tried to acquire pieces from them without having to incur this type of cost.

He felt it was bad policy on the part of the State to charge the counties for facilities that are needed to provide public services. This is a health and welfare service. He informed the Board that if they were to stop the construction contract at any point right now, they would not make the October deadline for having that plant open, which would require them to truck everything from West Hawaii to East Hawaii. They would not like to look at that added expense.

Thus, Mayor Yamashiro is asking that the Board not approve the recommendation but approve the right-of-entry to allow them to construction and operation of the landfill pending the approval of the executive order by the Governor and approval or denial by the legislature.

Responding to Mr. Nekoba's inquiry, Ms. Kiyosaki added that they have the right through the contract agreement with Waste Management of Hawaii to raise the liability coverage if they feel it necessary.

ACTION

Mr. Yuen entertained a motion to approve staff's recommendation, with no rental compensation to the State of Hawaii unless the Department of the Attorney General determines whether OHA is entitled to ceded revenue from "Waste Disposal Fee." The rental, if any, shall not be more than 20%. The foregoing matter is to be brought back to the Board after the Department of the Attorney General has reviewed the matter.

Also moved to grant the County of Hawaii immediate right-of-entry to the sanitary landfill site and permission to use, develop, construct and operate said sanitary landfill site pending issuance of the set aside executive order and subject to the terms and conditions contained in the November 20, 1992, agenda Item F-3, Board action.

Motion was seconded by Mr. Kennison and carried unanimously.

ITEM C-1 ADOPTION OF REVISED SECTION OF CHAPTER 104, RULES REGULATING ACTIVITIES WITHIN FOREST RESERVES

Mr. Buck presented Item C-1 to the Board saying that it was rules concerning the forest reserves. The Board approved these rules contingent on some amendments with the rules regulating use of mountain bikers. They have amended the rules to reduce the State's liability and took the position in

agreement with the mountain bikers that they will post signs that they would not be allowed in. Mr. Buck said that these rules were approved as to form by the Attorney General and are being brought back to the Board for approval of the revisions to the various sections as provided in his submission.

Mr. Yuen said that it seems you are now allowing any motorized vehicles anywhere, except where it's posted against motorized vehicles. He asked if that was what they wanted to do.

Mr. Yuen referred to §13-104-11 (3) which says: "The following acts are prohibited within a forest reserve: ... (3) To drive, operate, or use any motorized vehicle in any area or trails that are posted against such activity;" he brought up the fact that most areas in the forest reserve did not have posted signs and the way it is written it seems that motorized vehicles will be permitted anywhere except where there are signs posted.

Mr. Buck said that was not the intent and there seems to be an error.

DEFERRED Mr. Yuen moved to defer this item without prejudice; seconded by Mr. Nekoba. There were no objections by the Board.*

*This item was revisited near the end of the agenda, see page 14 for action.

ITEM D-1 See pages 8-10 for deferral.

**PERMISSION TO HIRE ENVIRONMENTAL/ CIVIL ENGINEER FOR
JOB NO. 80-OP-L1, REMOVAL OF UNDERGROUND FUEL STORAGE
TANKS AND GASOLINE PUMPS AT DIAMOND HEAD STATE
MONUMENT, OAHU**

ACTION Approved as submitted. (Apaka/Kennison)

ITEM E-1 See Page 3 for Action.

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

ITEM F-1a Issuance of Revocable Permit to George M. Mori, Government Land at Hanapepe, Kauai, Tax Map Key 1-8-07:por. 15

Item F-1b Assignment of Grant of Non-exclusive Easement (Land Office Deed No. S-27766), Lot 1-a, Makiki Round Top Drive, Opu, Makiki, Honolulu, Oahu, Tax Map Key 2-5-05:5

Mr. Young made an amendment to the document: Consent of Assignment is subject to a "notice provision" that a bona fine resident of the State of Hawaii is to accept all "Notices" and "Service of Process" covering all matters, claims and/or lawsuits arising out of said grant of easement, Land Office Deed S-27-

766 and/or this consent/assignee shall also notify the Chairperson of the Board of Land and Natural Resources in writing of the designated individual.

Item F-1c Assignment of General Lease No. S-5071, Lot 35, Puu Ka Pele Park Lots, Waimea (Kona), Kauai, Tax Map Key 1-4-02:15

Item F-1d Assignment of General Lease No. S-5083, Lot 54, Puu Ka Pele Park Lots, Waimea (Kona), Kauai, Tax Map Key 1-4-02:54

Amendment: The assignee shall obtain general liability insurance covering the leased premises within 30 days of the effective date of this assignment, non-compliance may result in rescission of the Board's consent to the subject assignment of General Lease No. S-5083.

Item F-1e Assignment of General Lease No. S-4971, Lot 5, Kokee Camp Site, Waimea (Kona), Kauai, Tax Map Key 1-4-03:16

Amendment: The assignee shall obtain general liability insurance covering the leased premises within 30 days of the effective date of this assignment, non-compliance may result in rescission of the Board's consent to the subject assignment of General Lease No. S-4971.

Item F-1f See page 11 for action.

Item F-1g Issuance of Revocable Permit to Diamond Parking Service, former OR&L Depot and Iwilei Produce Center, Iwilei, Honolulu, Oahu, Tax Map Key 1-5-07:Por. 14

ACTION Mr. Apaka moved for approval of F-1a, F-1c and F-1g as submitted and F-1b, F-1d, F-1e as amended. Seconded by Mr. Kennison, motion carried unanimously.

RESCIND PRIOR BOARD ACTION OF AUGUST 13, 1976 (AGENDA ITEM F-9), AND DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE ACCESS EASEMENT AND IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY AT KALIAE, KOOLAU, MAUI, TAX MAP KEY 1-2-01:POR. 3

ITEM F-2

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM F-3 **REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, KAPAA HOMESTEADS, 3RD SERIES, KAWAIHAU, KAUAI, TAX MAP KEY 4-6-32:POR. 22**

Amendment: The applicant shall address all comments received in connection with the environmental assessment during the 30-day comment period to DLNR's satisfaction.

ACTION Unanimously approved as submitted. (Apaka/Yuen)

**AMENDMENT TO PRIOR BOARD ACTION OF APRIL 8, 1993
(AGENDA ITEM F-6), CONSENT TO ASSIGNMENT AND
MORTGAGE, AND GRANT EXTENSION OF GENERAL LEASE NO.
S-4654, KEKAHA, WAIMEA (KONA), KAUAI, TAX MAP KEY**

ITEM F-4 1-2-02:35

ACTION Unanimously approved as submitted. (Apaka/Kennison)

**SUNKISS SHRIMP, LTD.'S REQUEST FOR DIRECT ISSUANCE OF
LEASE FOR AQUACULTURE PURPOSES, KEKAHA, WAIMEA
(KONA), KAUAI, TAX MAP KEY 1-2-02:22**

ITEM F-5

ACTION Unanimously approved as submitted. (Apaka/Kennison)

**ADDED
ITEM G-1** **REQUEST FOR APPROVAL TO HOLD PUBLIC HEARINGS ON
PROPOSED AMENDMENTS TO HAWAII ADMINISTRATIVE RULES
AND APPOINTMENT OF MASTERS TO HOLD PUBLIC HEARINGS**

Mr. Evans presented the added item G-1 to the Board. He then asked to amend the submittal. Under the Recommendation he has asked that it be numbered 1) That the Board approve the appointment of Sandra Furukawa, Registrar, and Carl Watanabe, Deputy Registrar, of the Bureau of Conveyances as Masters, and the holding of public hearings on the draft Hawaii Administrative Rules, Chapter 13-16, Conveyances, as submitted.

He would like to add a number 2) That the Board authorize the Chairperson to appoint a master to hold all required public hearing on the draft Hawaii Administrative Rule, Chapter 13-2-23-1, Iniki Rules as proposed by the department.

ACTION Approved as amended. (Apaka/Kennison)

ITEM C-1 **ADOPTION OF REVISED SECTION OF CHAPTER 104, RULES
REGULATING ACTIVITIES WITHIN FOREST RESERVES**

Item C-1 was revisited. Mr. Buck said that §13-104-11 (3) to read, "To drive, operate, or use any motorized vehicle in any area or trails not designated for that purpose." That would separate the difference between motorized and non-motorized. He explained that while staff made changes relating to the non-motorized vehicles, they inadvertently changed the rules for the motorized vehicles incorrectly. He said that this is how the rules read before and basically there's no change from the original rules. This was strictly an error in presentation.

ACTION Unanimously approved Item C-1 as corrected. (Yuen/Apaka)

ITEM H-1 See page 10 for Action.

ITEM H-2 See page 8 for Action.

ITEM K-1 **LEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (FEDERAL AVIATION ADMINISTRATION (FAA))**

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM K-2 **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5050, 5051, 5056, AIRPORTS DIVISION, HONOLULU INTERNATIONAL AIRPORT, OAHU**

ACTION Unanimously approved as submitted. (Apaka/Nekoba)

ITEM K-3 **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5048, ETC., AIRPORTS DIVISION - LIHUE, KAPALUA, HILO, KEAHOLE, UPOLU, WAIMEA-KOHALA, KAHULUI, HANA, MOLOKAI, LANAI, KALAUPAPA**

ACTION Unanimously approved as submitted. (Apaka/Yuen)

ITEM K-4 **AMENDMENT NO. 1 TO HARBOR LEASE NO. H-90-9, HILO HARBOR, HAWAII (MATSON NAVIGATION COMPANY, INC.)**

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM K-5 **CONSENT TO AMENDMENT 1 TO SUBLEASE, HARBOR LEASE NO. H-90-9, HILO HARBOR, HAWAII (MATSON NAVIGATION, COMPANY, INC.)**

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM K-6 **GRANT OF EASEMENT, KAWAIHAE HARBOR, HAWAII (DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII)**

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM K-7 **DIRECT SALE OF LEASE OF EASEMENTS FOR PIPELINE AND CATHODIC BED PURPOSES AND CONSTRUCTION RIGHT-OF-ENTRY AT NAWILIWILI HARBOR, LIHUE, KAUAI (THE GAS COMPANY)**

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM K-8 ISSUANCE OF REVOCABLE PERMIT, PIER 21, HONOLULU HARBOR, OAHU (SEA ENGINEERING, INC.)

ACTION Unanimously approved as submitted. (Apaka/Nekoba)

ITEM K-9 CONTINUANCE OF REVOCABLE PERMITS H-82-994, ETC., HARBORS DIVISION

ACTION Unanimously approved as submitted. (Nekoba/Yuen)

ITEM K-10 ISSUANCE OF RIGHT-OF ENTRY AGREEMENT FOR STAGING AND CONSTRUCTING PIERS 5 THROUGH 11, HONOLULU HARBOR (ALOHA TOWER ASSOCIATES)

ACTION Unanimously approved as submitted. (Nekoba/Yuen)

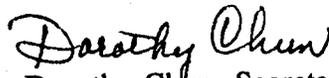
BOARD RESOLUTIONS:

The Board unanimously adopted a resolution commending Mr. Richard K. Kanayama, State Parks Assistant Administrator, Division of State Parks, Staff and Supportive Services, for his more than twenty-eight years of faithful and conscientious service to the State of Hawaii. Mr. Kanayama will retire on July 30, 1993.

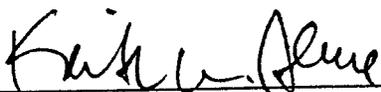
The Board unanimously adopted a resolution commending Mr. Shinzo Matsukawa, Park Caretaker II in the Division of State Parks, Resources Management Branch, for his more than twenty years of faithful and conscientious service to the State of Hawaii. Mr. Matsukawa will retire on July 30, 1993.

ADJOURNMENT There being no further business, the Chairperson adjourned the meeting at 12:17 p.m.

Respectfully submitted,


Dorothy Chun, Secretary

APPROVED:



KEITH W. AHUE, Chairperson
Board of Land and Natural Resources

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