

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

DATE: FRIDAY, SEPTEMBER 10, 1993
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
BOARD ROOM, ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

ROLL CALL Chairperson Ahue called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. and the following were in attendance:

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

STAFF: Mr. Roger Evans
Mr. W. Mason Young
Mr. Ralston Nagata
Mr. Dan Quinn
Mr. Michael Buck
Mr. Eric Onizuka
Ms. Dorothy Chun

OTHER: Deputy Attorney General Johnson Wong
Deputy Attorney General Dawn Chang
Mr. Peter Garcia, Department of Transportation
Dr. Jim Anthony, Mr. Terry Carroll, Mr. Louis Rose, Mrs. Joan Rose (Item H-6)
Mr. Ben Tsukazaki, Ms. Lynn Lee, Mr. Darell Kamuela DeSilva (Item H-2)
Mr. Philip Leas, Mr. Keith Wallace (Item F-11)
Dr. Jim Anthony, Mr. Sam George (Item F-1b)
Mr. Glenn Hara (Item H-3)
Mr. Henry Awai (Item E-3)
Mr. Nolan George, Mr. Jordan Wagner (Item F-4)
Mr. Al Jeremiah (Item E-2)

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

F-10 Department of Health Request for Approval of Lease Agreement
Covering Geothermal Monitoring Station Site at Halekamahina, Puna,

- F-11 Amendment to Prior Board Actions of October 16, 1992 (Agenda Item F-7) and July 9, 1993 (Agenda Item F-2) Relative to Direct Sale of Road Remnants to F. Newell Bohnett (dba Puu Lani Ranch Corp.) at Puu Anahulu, North Kona, Hawaii

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

ITEM H-6 **DELEGATION OF AUTHORITY (RE: CDUA TIME EXTENSION REQUESTS)**

Mr. Evans apprised the Board that this item was deferred at the August 27th meeting held on Maui due to special interest as well the representation of the Kailua Neighborhood Board. Mr. Evans said that subsequent to that meeting, for the record, on August 30, 1993, they received a letter from The Citizens for the Protection of the North Kohala Coastline. They suggest that this important task not be turned over to the automatic stamp of the administrative staff and they give their reasons. His office had also received a fax from Miss Donna Wong as a representative of Hawaii's Thousand Friends. They also received a request this morning from State Representative Jackie Young suggesting that this not occur. Similar requests made by phone were received from Miss Pat Tummons and a member of the Kailua Neighborhood Board.

Mr. Evans explained the reasons back of bringing this item to the Board. The public has been known to try to ask government to find ways and means to streamline State government and to try to find ways to cut red tape.

Considering the subsequent input from the public, staff is prepared to recommend that the Board defer this matter and the matter be referred to the recently established Conservation District Advisory Committee for review and any possible appropriate recommendation.

Chairperson Ahue added that the overall process of reviewing or expediting procedures within all of the divisions of the department are at his request. In this particular situation, they did not envision the kind of concerns that would be raised as a result of what was considered for the most part in the 90-99% of the times, strictly an administrative function. He also recommended that this matter be referred to the Conservation District Review Advisory Committee and that hopefully they will be able to give the Board some kind of guidance in terms of how to make perhaps distinction between the routine types of business that the Board must review on a regular basis versus those that must be given more attention. As a last resort, the Board would also not be opposed

to continuing the existing practice of the Board reviewing all extensions as they have done through previous years. This is just a means of cutting down the paper work and red tape.

Dr. Jim Anthony asked to submit an additional testimony to the record. He said that he would support the recommendation of referring this matter to the review committee.

Mr. Terry Carroll of the Kailua Neighborhood Board spoke in behalf of himself. He said that he fully supported Mr. Evans' recommendation of streamlining government procedures, cutting red tape and trying to do it efficiently. But he felt in that effort, the public should not be restricted from offering testimony on the matter.

Mr. Louis Rose, Professor at the University of Hawaii and resident of Lanikai had a letter from the Lanikai Association which he read to the Board. The letter was from Mr. Ron Kent, President of the Lanikai Association which represents about 700 families. The letter opposed any change in the Conservation District rules, which would allow the chairman of the Board to review and act on requests for extension of Conservation District Use Permits. (A copy of the testimony will be placed in the Departmental Board Folder.)

Mrs. Joan Rose, wife of Mr. Rose and an art critic for the Honolulu Advertiser also had written testimony to pass out to the Board members. She felt that all extensions on CDUP's should be brought before the Board and that the public be able to present testimony. As an example of her concern, she told of past experiences during heavy storms and the dangers to their home referring to several homes in Lanikai on the hillside behind her home which lies in the flood zone.

DEFERRED Chairman Ahue then announced that he would entertain a motion from the Board to accept the recommendation as amended to defer this matter and refer it to the Conservation District Review Advisory Committee for disposition. Ms. Himeno so moved, seconded by Mr. Nekoba, motion carried unanimously.

Mr. Rose addressed the Chair and asked if members of the public would be allowed to attend the meetings of the advisory committee to observe and give input.

Chairman Ahue suggested that they contact Mr. Evans or Mr. Ed Henry of the Office of Conservation and Environmental Affairs or his Deputy Dona Hanaike who is assigned to that committee.

ITEM H-2

CDUA FOR A SINGLE FAMILY RESIDENCE AND RELATED FACILITIES AT OKOE, SOUTH KONA, HAWAII, TAX MAP KEY 8-9-03:02, APPLICANT: MS. MARGOT SKILLING; CONSULTANT: MENEZES TSUKAZAKI YEH AND MOORE

Mr. Evans stated that this item was deferred from the last meeting due to concerns from the Division of Historic Preservation as well as the applicant. Based upon those concerns, staff reviewed the specific wording of the conditions which were at issue. Both concerned parties were asked to submit their revised recommendation on what they felt the conditions should be. Staff has carefully reviewed these suggestions and their recommendation this morning is for approval with modifications to conditions 9 and 10 on page 15. He said that one area that came up on the part of the department was the question of the trail running through the property. That question is now answered, "There is no trail running through the property." Staff now feels comfortable in representing this to the Board.

Mr. Yuen referred to a letter that states the trail abuts the southwest corner.

Mr. Evans said that he had just received a four page letter this morning from the Office of Hawaiian Affairs (OHA). The representation made is that there is no trail on this property. As to the distance from this property to the nearest trail, this is a statement that is made in the letter received this morning, and obviously not verified one way or the other.

Mr. Ben Tsukazaki, representing the applicant said that they were very surprised to receive the letter this morning. Although the letter mentions Na Ala Hele, a State agency had conducted an onsite inspection, there has been no request for permission to do an onsite inspection made to either his client or to Dillingham Investment which still has the fee ownership of the property. They're a bit surprised that a State Agency would go upon the land like this unknowing. Secondly, he understood that the Division of Forestry is the administrative body of Na Ala Hele. He questioned for the record, whether that division is adopting some of the statements made here.

Responding to Mr. Yuen's question, Mr. Tsukazaki said that the trail referred to here is the trail that runs laterally behind the shoreline and he believed that it's a trail that has been identified by their surveyor when they went down to the survey site. The property boundary is mauka of that trail, but the trail is not on the property. He said that the kuleana is surrounded by State land, so there are trails on State lands. Their point is that the record shows that there is not on the kuleana this kind of trail.

Mr. Tsukazaki said that they feel Condition No. 9 is an improvement because the Historic Preservation Division (HP) will now be acting in an advisory capacity instead of a final approval type of role. They still have reservations in the wording of Condition No. 10, because they question the authority of the HP to be exercising that kind of discretion in the absence of any rules, any standards and if the Board sees fit to incorporate that condition the way it is, then they would like to reserve on applicant's behalf the ability to come back to the Board if they should have a problem. His client is willing to work with HP, there's no problem with that but in the absence of clear criteria as to how they approve or disapprove a data recovery plan, there's a chance that there will be disagreement and so they would like to state on the record today, that if they need to seek some relief at a later point they can come back to the Board.

He said that there was one other clarification that he forgot to do at the last meeting on Condition No. 14. He then read the condition and said that they felt it should be clarified. The dwelling that is being proposed does not involve any excavation, it is a post and pier type of concept, building above the ground. In their application they did mention that some excavation would be needed for a septic tank. Their archaeologist recommended that before any excavation takes place, they do further data recovery work.

Mr. Evans clarified for the chairperson that the conditions requested by the Historic Preservation Division was not unusual. Because HP has become more specific in terms of their function, they have asked that the boiler plate condition not be used. They are taking a closer look at what is being proposed and what is actually on the ground. It will vary with different applications.

Ms. Lynne Lee of the Office of Hawaiian Affairs (OHA) addressed the Board saying that the OHA is opposed to this application at this time. She proceeded to give the basis for their position. This morning they received testimony from Mr. Darell DeSilva. She was unaware if he had faxed testimony to the Land Board. (Copies of his testimony was then passed out to members of the Board.) Their opposition at this time is because of their concern over the boundaries and whether this is indeed a kuleana property. Yesterday their Kona Liaison office went up to inspect the site and said that there are two trails in the area. One which appears to be what was originally the Alanui and other which is the shoreline trail. That original kuleana application puts the boundary as the Alanui and it does not say as Ala Kahakai, the shoreline boundary. Her understanding is the present area for this property is using the shoreline trail as the boundary and is being ascertained that those are the boundaries of the property that were established by the judgment. She was not sure by which quiet title action that Dillingham acquired the property. If

indeed, the boundaries were established by that judgment. Their objection at this time is simply based on boundaries of the properties and whether or not this is a piece of kuleana property.

Mr. Tsukazaki said that this is the first time they are hearing this testimony and he circulated for the Board's review a judgement which provides a metes and bounds description of this kuleana that the court award title to and as a matter of law felt that this issue was resolved already by this court action done nine years ago.

Ms. Lee said that her point would be that if this property is located within the metes and bounds that this document describes, it's no longer a piece of kuleana property.

Mr. Evans explained that there is the situation of the 180 day expiration date in which staff has to prepare and present to the Board for a decision. Failure to obtain a decision within the 180 days will mean that the application is automatically approved by law. Mr. Evans said that in April of this year, OHA was asked to comment. As a part of standard practice, a number of agencies, including OHA were asked to comment upon these kinds of concerns. The 180 days is scheduled to expire on September 19, 1993.

Mr. Nekoba said that this is obviously a sensitive area. He asked if this were not a kuleana, would this use be considered?

Mr. Evans explained, "All things being equal, the Board's practice on private land in the resource subzone, has been to allow one house per lot. ... The fact is that if we have a piece of resource privately owned land, given the past practice of the Board, we could well be sitting in front of you recommending approval." He said to his knowledge in the past, the Board has not denied a house in the resource subzone.

Ms. Lee commented that when this application was circulated for comments, it's her understanding that it was circulated with the understanding that it was a piece of kuleana property and that there are certain exemptions to kuleana property when it comes to dwellings. If this were recirculated, if it were determined that this is not kuleana property and if comments were asked again, those comments might be different and the conditions might be different.

Mr. Darell Kamuela DeSilva said that he was from Okoe, South Kona, the area being talked about today. He said that he was here today as a concerned descendant of Lohiau Kuawaa-Pupule 'ohana of Okoe and his concern was the CDUA before the board today. He said he was not contesting the applicant's right to build. He questioned the property's easement and the location and boundaries as he had seen staked out

last Wednesday, September 8, 1993. He questioned the trails and the location of the property. He also felt there was a need for data recovery. (Copy of his written testimony is being placed in the departmental board folder.)

Mr. Tsukazaki asked to respond to the jeep road as described by Mr. DeSilva. The road that goes to the kuleana property is not the jeep road that traverses laterally, there's a jeep road that goes behind this property. This road, that runs into the kuleana comes off that jeep road and goes down to the beach and basically is sand. The applicant has stated that she would take access off the existing jeep road meaning the road that's in existence over the sand and onto the jeep road which is much older and lot longer which traverses behind.

Chairman Ahue tried to clarify that the road he's referring to is the road that Mr. DeSilva says campers cleared is what you're referring to as the jeep road.

Mr. Tsukazaki was not sure of which road campers cleared. He said that the road that goes to the kuleana had obviously been there for some time.

Mr. Tsukazaki said that in conjunction with the applicant's request for an easement from the State, any portions of any road that she's planning on taking access over are being shown. It's the same one that's shown in the exhibit. As the request proceeds with survey information that has been done, the survey map will show where the road is at the time, except the easement.

Mr. DeSilva responded. He said that the road that Mr. Tsukazaki is referring to is used by campers to cut firewood. It started to develop about 1985. He claims the road was never there. The shoreline trail is there that disappears when you come from the south side and enter the beach, the shoreline trail disappears into the sand right in front what is staked out as the property and then continues north over the sand and the trail picks up again when you get on the shoreline trail but it's not the Alanui Trail.

Mr. Yuen asked if he had a translation of the original kuleana description.

Mr. DeSilva understood that it was getting done yesterday.

EXECUTIVE Mr. Yuen moved for an executive session to discuss a legal matter.
SESSION Motion was seconded by Ms. Himeno and carried.
10:15am--10:30am

Chairman Ahue called the regular meeting back to order.

Mr. Tsukazaki said that during the recess he reviewed the property information that they had submitted to the department on the issue of the kuleana and they had attached copies of the Land Commission Award Nos., the Royal Patent Nos., the translations and he pointed out that there were two properties involved. One was the farm lot which was mauka and the other was this house lot and the information they provided, the house lot is the one that is the kuleana for the CDUA. So it is possible that the descriptions that have been reviewed by OHA may have been for the farm lot. The translations here did not indicate the description on the boundary on the Alanui, so they believe the house lot is the one that is depicted and shown to you on these maps that have been attached to the application. These documents have been submitted to the department and have gone to the Division of Land Management for determination if this is a kuleana.

**1ST
MOTION**

Mr. Yuen entertained a motion to deny the application based on his feeling for the area. Question has been raised as to whether this lot really has the same boundaries as the kuleana that was originally awarded and whether it's entitled to kuleana status as well. Motion was seconded by Ms. Himeno.

Discussion

Ms. Himeno explained that she was supporting the motion because of the evidence that was raised this morning. She realizes this puts a difficult situation trying to establish something that's just come up. In light of the 180 day approaching, the Board would have no choice but to deny it and if subsequent to today if you can have documentation to establish the fact that it is a kuleana where the boundaries are, you are welcome to come back in at that time. In light of the deadline and the issues that have been raised this morning she would be in support of the motion.

Mr. Tsukazaki addressed the Chair saying that what was offered this morning was something oral and no evidence and that's very hard to deal with because you put all the written evidence on the record. He had difficulty understanding why oral representation would out weigh the formal information in the record.

Chairperson Ahue informed Mr. Tsukazaki that he has been advised by staff that they don't have that latitude and he would defer to the Deputy Attorney General's comment.

Deputy A.G. Chang said that only under the conditions for extension under a contested case or request for an EIS (Environmental Impact Statement) an extension can be granted. Her understanding is that this does not preclude the applicant from resubmitting again.

Mr. Tsukazaki again addressed the Board relating to the hardship of his applicant who has put all the documentary evidence on the record and followed the rules and now comes to a point in time where some oral representation now puts the applicant in a situation where she would need to start the process all over again and involve filing of an EA all over again. He said if the Board were inclined to grant the permit, then maybe there should be a condition that declares the permit to be null and void if this issue is not satisfied to the Board's satisfactory after say a thirty day period. Thus, this will not penalize the applicant to start from square one and waiting another 10 months for board action.

Mr. Nekoba asked that in light of this situation and in fairness to the applicant, if it were determined after this meeting that, that property in fact has kuleana status and the applicant reapplied, would it be possible for the application to be expedited?

Mr. Evans explained that should the applicant decide to resubmit an application on Monday it would be treated like a new application. The only material thing that he understands from the Board on the record, is the question of location on the ground of the kuleana. He also explained that it would take about 3 months to complete.

Ms. Himeno asked if it were possible to grant the CDUA with the condition that, if it's shown that it's not kuleana that the CDUA is null and void.

Mr. Evans said that there may be some legal aspects to that question and the board may wish to discuss this with counsel.

Mr. Tsukazaki commented, "Mr. Chairman, I don't think the applicant is willing to base its application on a kuleana if that is not borne out. We put prima facie evidence on the record. So if there was a condition, it be, which would nullify the permit, which would make it ineffective if the information turned out to be wrong, I would represent that the applicant would agree to the termination of the permit. It's not something that we would fight because we are making representation to the board that this information is correct and valid."

Mr. Yuen said that even after hearing all the discussion, he is not changing his motion, which is to deny. His own feeling about this application is not just based on whether or not it's kuleana. He is opposed to the permit being granted. He understands that if it is kuleana within the proper boundaries, there are some good issues raised for denying the application. His own opposition is based on that he does not think it's a good location to put this house there.

Ms. Himeno then asked the Board members what did they feel about

granting the permit with the condition that if it's not proven it be denied.

Mr. Apaka felt that if it were kuleana, grant them a house. If it's not kuleana then deny the application. If it is a kuleana, where is it located?

Mr. Kennison said that he felt like Ms. Himeno but also questioned the location of the kuleana, that is if the kuleana is not in the location it's supposed to be, then it would be null and void.

Chairperson Ahue clarified that what he was suggesting was, "approve the CDUA subject to verification in consultation with the Attorney General's Office."

MOTION Mr. Kennison moved to amend the motion, to recommendation that if the kuleana is not in that location, that the application will be null and void.

Mr. Yuen addressed the chair saying that he would not agree to the amendment of his motion.

Chairperson Ahue called for a second to the amended motion.

Mr. Yuen reminded the Chairperson that there was a motion on the floor and a vote should be taken on the original motion.

ACTION Ms. Himeno withdrew her second. Mr. Nekoba then seconded Mr. Yuen's motion which was to deny the application. The Chair called for the question, in favor of the motion were Mr. Yuen, Mr. Nekoba and Mr. Apaka. Lacking the majority vote, motion did not carry.

2ND MOTION Mr. Kennison moved that the application be approved, with the added condition that if the status of the property as a kuleana and the location of that kuleana are not verified by the State land surveyor, that the CDUA will be null and void. Motion was seconded by Ms. Himeno.

DISCUSSION Mr. Yuen asked for clarification as to what the State land surveyor would be verifying. The State land surveyor would determine whether the kuleana that was originally awarded is in the same location as the metes and bounds description of the property that the applicant is applying for.

Ms. Himeno commented that she felt this course of action would be in fairness to all concerned.

Mr. Apaka commented that due to the 180 day time constraints, should there not be a motion passed, there's a possibility that the application would be automatically approved. Therefore he would be voting for the

amended motion with the added condition.

Deputy A. G. Chang commented that the assumption she's hearing this morning was that there's no discretion for the Board to grant, if it's a kuleana then the Board must grant for construction. She referred to Section 183.41 in the Hawaii Revised Statutes and read from it, "Any land identified as kuleana may be put to those uses which were historically, customarily and actually found on that particular lot including if applicable, the construction of the single family residence." She said that she just want to be clear for the record that it is still the discretion of the Board, even if it is kuleana, whether to grant the residence or not.

Mr. Yuen moved to go into executive session to discuss counsel's reference. Motion was seconded by Ms. Himeno and carried.

Executive Session 10:55 a.m. - 11:10 a.m.

Chairperson Ahue called the regular meeting back to order.

Mr. Tsukazaki addressed the Chair and asked if it's possible to request a contested case on the issue of the kuleana, so as to provide a basis for the Board to extend its deadline for taking action and it will also give them a chance to investigate the allegations that have been raised this morning and perhaps resolve it and come back to the Board. He said that this would be beneficial to his client and that they would not face the risk of perhaps having to back to square one with an application."

Chairperson Ahue said that although it's unusual for an applicant to request a contested case hearing, it is permissible. He said that it would give an automatic 90-day window in trying to resolve the issues if the contested case hearing is not actually scheduled.

Rescinded Motion Mr. Kennison rescinded his motion and Ms. Himeno rescinded her second.

DEFERRED Mr. Kennison moved that this item be deferred due to the request of a contested case and extend the application deadline 90 days in order to initiate the contested case hearing request. Motion was seconded by Ms. Himeno.

Ms. Himeno added that in the interim, counsel has read the statute which says that kuleana is not necessarily granted. During the executive session it was brought up that Land Board Rules state that it is and so there is a legal issue there. She requested that staff confer with the A.G.'s office address for the Board to clarify that what is in the Land Board Rules is valid in light of the statutory language.

ACTION Chairperson Ahue called for the questioned and motion carried. Mr. Yuen voted no.

ADDED
ITEM F-11 **AMENDMENT TO PRIOR BOARD ACTIONS OF OCTOBER 16, 1992 (AGENDA ITEM F-7) AND JULY 9, 1993 (AGENDA ITEM F-2) RELATIVE TO DIRECT SALE OF ROAD REMNANTS TO F. NEWELL BOHNETT (DBA PUU LANI RANCH CORP.) AT PUU ANAHULU, NORTH KONA, HAWAII**

Ms. Himeno recused herself because of possible conflicts.

After Mr. Young's presentation, Mr. Yuen asked for clarification of the road remnants.

Mr. Philip Leas, the applicant asked to comment on one point. He said that he was going to bring up his previous concern of dirt bikes. There will be motorized vehicles by members of the subdivision but not by the general public. The other thing is that they seemed to have found themselves in a jurisdictional cross-fire language of the recommendation is that they assume responsibility to get the quit claim. They have no problem with that and taking the leadership. They do not anticipate any problems with the County as they've communicated with their attorney and have cooperated with them.

Mr. Keith Wallace, on the Board of Directors for E Na Ala Hele said that they have some concerns that they would like to bring before the Board. They are not against the general idea.

He then used a map to point out the areas he was talking about. They would like to see that the old historical roadbed with its retaining wall is used. That's the intent of using the old road coming through there as well as meeting the old road on the outside of the applicant's property. He said they have a long term interest in this particular property. They also have a legal concern about the ownership, whether Mr. Bohnett can grant this easement.

Mr. Wallace again said that he is not against what he is proposing but he wants to be sure that all procedures are done properly and in proper order.

Mr. Yuen asked Mr. Leas, "How are we going to make sure that this actually does connect with the old roadbed as it leaves the property? Are you going to be able to grant us or how do we know the State is going to be able to get this easement?"

Mr. Leas responded, "The actual survey map of the trail area shows both the existing homestead road which has been surveyed for purposes of

the land patent. We have the precise survey description which matches the precise survey description for the trail and so I'm not sure what information Mr. Wallace has or doesn't have, but there's this map and the metes and bounds descriptions match... The subdivision road itself is owned by Puulani Ranch Homeowners Association by deed from Puulani Ranch Corporation in which Puulani Ranch Corporation expressly reserve the right to grant easements like this. So Puulani Ranch Corporation has the recorded land title authority to do this."

MOTION Mr. Yuen's motion was to approve the recommendation.

Discussion Mr. Young suggested that Mr. Leas explain to the Board how this easement will be developed and made a part of the subdivision to assure that the public trail will actually happen.

Mr. Leas said that they prepared and signed a grant of easement and branched it to the Department of The Attorney General. Yesterday he talked to Deputy A.G. Chang who said that she wasn't so sure whether the State would want to assume the liability that it assumes when it accepts easements and she suggested that they do this instead by a unilateral trail reservation, declaration or designation. They are willing to go in any of the directions that's been suggested. They've already signed a grant of easement and if the State prefers reservation or a designation document, that's fine with them.

Deputy A. G. Chang suggested that they leave the documentation to the office of the Attorney General and Mr. Bohnett's counsel to work out a most appropriate document to insure public access is provided.

ACTION Mr. Nekoba seconded the motion and motion carried unanimously with Board member Himeno excused.

Item F-1b **Issuance of Revocable Permit to Mr. Samuel L. George at Kahana Valley, Koolauloa, Oahu, Tax Map Key 5-2-02:Por. 01**

Mr. Young made the presentation. He said that Mr. Samuel George was made aware of the State Parks proposal and is not in agreement. Mr. George would like to address the Board this morning.

Mr. Young informed the Board that should they approve the recommendation made by the staff he would request that Condition B. 2 be deleted. It is not consistent with the intent and was listed in error.

Dr. Jim Anthony, representing the applicant, introduced the applicant Mr. and Mrs. Sam George and their three children. He commented on the Board submittal by staff saying that it was colorless and a lifeless version of what is reality. He then proceeded to explain to the members of the

Board the situation that existed and the proposed changes. He used a drawing on the Board to make his presentation. He pointed out three structures on the lot and the area that was meticulously landscaped by this entire family. He continued to give an inventory of the various kinds of trees, shrubs and flowers that were planted and cared for by this family.

Dr. Anthony said that there were no discussions or consultation with the family, Kahana community organization or the representative of the area regarding the proposed changes by staff.

Again using the drawings on the board, he gave suggestions as to the placement and juggling of the occupied lots and vacant lots being discussed.

Dr. Anthony said that Mr. George loves this place and put a lot of time into it. He asked that the Board look beyond the confines of what staff is trying to recommend. He wanted the Board to look at the human interest and pointed to the Georges' and their children. He claimed moving one lot is not a great burden on the State and felt if there had been discussions ahead of time he felt this could have been negotiated ahead of time between the community organizations and the family.

He asked the Board to be sensitive to the issue and to approach it with the spirit of aloha.

Mr. Nekoba asked Mr. Young the reasoning for the spaces between B-3, B-4, B-5, and B-6.

Mr. Ralston Nagata, Administrator of the Division of State Parks explained using staff's drawing. He said that they tried to provide lots within the areas that would be useful for residential purposes in an area that it could be designed in. He said that Mr. George had an elongated lot. They tried to keep the other lots as far away from him as possible so that when the time came to make the decision on some agricultural leases to the residences in addition to the residential leases, that there would be as much space around his residential lot. If the others are not interested, then he would be able to get the space next to his lot. He continued to give additional information on their reasoning.

More discussion continued with questions by the Board regarding the possibility of moving property lines, use of the land and related interests.

Dr. Anthony again stated that he felt the Board should defer this item until they could make an on-site visit.

Mr. Nagata said that there has been a lot of discussion with the

community over the years.

Mr. Nagata said that his office was recording the properties right now and if they do any changes at this time it may cause undue delays. As soon as the properties are recorded the people will need to get their homes built.

Mr. Sam George said that they were informed where the boundary would be so they planted. Now they want them to move it. He was upset as to how many times they would need to move their plants.

More discussion continued on again on the size and location of the lots and recordation process.

Mr. Nagata informed the Board that there has been infrastructure put in the roadway. Some of the residences are tied into the self-help housing erection type program and are going in as a group and they are waiting for these things to be recorded.

Mr. Young added that the Land Court has been petitioned. By way of legislation there is a sunset date at the end of the year by which they not only have to petition Land Court for the subdivision and execute and record the documents with the Bureau of Conveyances. They are facilitating the Division of State Parks in doing all of this, so they haven't gotten to the Land Court aspect which will take time as well as the execution and recordation.

Mr. Young said that he had suggested to Mr. Nagata as a compromise, that the Georges' take out the plants at their cost, give Mr. George the vacant area on a revocable permit until such time that the layout for their lot could be resolved with the community as well as with the Board. That is part of the give and take of the situation.

Mr. Nekoba suggested that staff to contact members of the community to determine if Lots B-3 and B-4 can be elongated in agreement with those people.

Mr. Nagata informed him that it would have to be with the understanding that staff would have to record the lots in which it's currently drawn up. Staff would have to see if it's workable and as to the suggestion of changing two lots and recording it would be a problem as they are having a problem trying to record it as it is currently.

DEFERRED Mr. Nekoba moved to defer this item to the next Oahu meeting on September 24, 1993. Second by Mr. Himeno, motion carried.

CDUA FOR A SINGLE FAMILY RESIDENCE AND RELATED IMPROVEMENTS AT HALONA AND POPOKI, PUNA, HAWAII, TAX MAP KEY 1-5-10:29; APPLICANT: MS. SUSAN VAUGHAN, CONSULTANT: MS. SANDRA PECHTER SCHUTTE

ITEM H-3

Mr. Yuen said that he had a question for the applicant regarding a trail that's shown on E-6.

Mr. Evans said that there was a coastal trail and staff had checked with Na Ala Hele and the applicant has represented that they intend to preserve that trail. Na Ala Hele has commented that they concur with that representation that the trail be preserved.

Mr. Glenn Hara, representing the applicant, said that he was representing Ms. Sandy Schutte, the consultant for the project.

Mr. Yuen said that he understood that the trail was to be preserved but he had a question for the applicant, the map shows the trail mostly outside the private property. Referring to exhibit E-6 and E-7 it looks like the trail dips into the private property for a few feet here and there in two locations.

Ms. Susan Vaughan, applicant pointed out on the map a cliff line and other features.

Mr. Hara said that there was a part of the trail that was in disuse and overgrown and partly unusable.

ACTION Unanimously approved as submitted. (Yuen/Nekoba)

TIME EXTENSION REQUEST FOR CONSERVATION DISTRICT USE PERMIT OA-2324 FOR A GTE HAWAIIAN TELEPHONE TELECOMMUNICATION TOWER, MT. TANTALUS, OAHU, TAX MAP KEY 2-5-9:13, APPLICANT: GTE HAWTEL CO., INC.

ITEM H-5

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

REQUEST FROM THE DEPARTMENT OF HEALTH AND E OLA MAU TO REDEDICATE AND RESTORE LAPAKAHI STATE HISTORICAL PARK AS A HEALING CENTER

ITEM E-3

Mr. Nagata said that staff was recommending that the park be closed as this is not a recreational park but more like a cultural park. They are recommending that it be closed to the general public so as not to disrupt or disturb the proceedings going on at that time. This would be done by closing the gates, posting signs and through the media.

Mr. Henry Awai of Kohala addressed the Board explaining he would like to do this for educational purposes for the young people. He would like to share his knowledge of the many healing herbs. He said that people need help in using the right kind of herbs as some herbs should only be used externally and not internally.

He said that about a hundred kupunas from all over the state got together, had meetings and they elected him as po'okela, which is a person that oversees all the types of Hawaiian medication that they use. He said that he accepted the position with the understanding that all people in the state that want to work together with him, have to learn the right way of using herbs, they have to study and graduate under his guidance.

He said at the age of seven, his great-great grandmother used to bring him to Lapakahi to see what they were doing. People from other islands brought the herbs from their areas to share. Nothing is written down in books. He has knowledge of about 2,000 different herbs all in his head and this is what he would like to share and teach.

ACTION Unanimously approved as submitted. (Yuen/Kennison)

Mr. Nagata added that if all goes smoothly they may look to handling this next year administratively. If there are problems, then they will definitely come back to the Board.

**RESUBMITTAL -- STAFF REQUEST TO CAUSE FORFEITURE OF
GENERAL LEASE NO. S-3861 TO NOLAN B. GEORGE, WAIMANALO,
ITEM F-4 KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-27:16**

Mr. Young recapped the defaults and informed the Board that the accounts are still delinquent. The City and County had informed this office that the real property tax was currently delinquent in the amount of \$11,769.02 for the period July 1, 1992 through June 30, 1993. Mr. Young said that he had been informed by the City and County of Honolulu today the Mr. George has remitted an \$1,800.00 payment as the first installment for the 1993-94 taxes. Mr. George has also signed an agreement for the delinquency that is outstanding on a payment schedule basis.

With respect to the third default served on July 2, 1993, the default was for violation of the character of use provisions of the lease.

Mr. Young said questions with respect to what we do with provisions that are in violation of the character of use of the lease were raised at the August 13, 1993 meeting by the Board. Staff has described in today's submittal the different recourse of action that could be taken against the

lessee. Staff could provide a Cease and Desist Order but if the lessee does not comply legal action will have to be taken.

Upon reviewing the working documents with staff earlier this week, Mr. Young said that he noticed that they had not notified the security interest holders, in this case the Federal Land Bank. Yesterday, staff delivered to the Land Bank the Notice of Default as well as the presentation before the Board today. Mr. Young said that he has received a communique from Mr. Ted Tokunaga, president of the Federal Land Bank and he informed staff that they would like to protect their interest.

Should the Board decide to approve staff's recommendation he suggests that they terminate the leasehold rights, lessees rights, but provide to the bank as part of our consent an agreement that we have with them, the right to foreclose. There should be 60 days as provided for in the consent to in which to file a complaint or foreclosure against the lease, that's to honor the consent to mortgage. The reason for that is they want to protect their interest, turn around if at all possible, assign the lease to a new buyer, get back the money that they have outstanding and also the Federal Land Bank has indicated their willingness to cure all the defaults including the lease rents owing us and any real property taxes. Based on that, staff is recommending an amendment that should the Board go along with the recommendation of forfeiture, in light of the part of the lessee to failure of his part to cure the default and that is to keep the lease rental payments current, they'd be subject to providing to the Federal Land Bank the ability to file notice within 60 days from Board action for foreclosure.

Mr. Jordan Wagner, Esquire, representing the applicant said that Mr. George had taken care of to a certain extent, the real property tax problem and has reached an agreement with the City to pay it off in installments. With regard to the lease rent, Mr. George has the ability now to come current with this year. With regard to retroactive rent which was lump summed upon the applicant, the lease was renegotiated. The lease period was from 1984 to 1994 and he believed that it was finally decided that the new lease rent was sometime in 1989 or 1992. There's two years left on the lease term and Mr. George was loaded with the 8 years of extra lease rent that he was asked to pay in quarterly installments. With regard to the lease rent, Mr. George has come current with this year and he is asking that the retroactive rent be broken down into an installment plan that is a little easier than quarterly payments.

Mr. Wagner commented regarding the use said that most people with a horse business offered horse riding lessons. In response to the City's letter saying that sort of use is not allowed, they need to sit down with the City to discuss this issue and he said that they felt that this use had been grandfathered.

Mr. Wagner said that though the amendment to the lease states that the property is to be used for intensive ag use or special livestock use is open to debate because it is not clearly defined. As to the other uses of concern, war games are no longer being conducted on the property and will not be in the future. He said that all Mr. George is asking for right now is that he can get some approval from the Board to approach the County with regard to some of the other uses. He understood as Mr. Yuen mentioned that leases could not be changed or amended in a willy-nilly fashion. He also stated that Mr. George is using this ag land as intensely as he can. The original lease calls for the lessee to bulldoze the entire property and set up grazing.

Mr. Yuen asked, "Isn't that what he bid on to do?"

Mr. Wagner said that he acquired the lease but again stated that the board should make a site visit. He said that most of the property is gulch and would probably be inappropriate to bulldoze in 1960 and now.

Mr. Yuen asked if he were still leasing it out to tour companies.

Mr. Wagner said that he is not leasing it out but he does have an arrangement for people to come up for riding lessons and to shoot paint balls at targets. Asked if this were going to continue, he said that it's a big request that they're asking. He again brought up his concern of the land not being appropriate.

Mr. Yuen then questioned Mr. Young if this type of activity, shooting paint balls target practice was an approved use. Mr. Young said he did not think so.

Mr. Yuen commented that if the approved uses under the lease are not correct or wrong, then the Board should cancel the lease and staff work on it again and put it out to bid. That way everyone will have a fair chance of bidding for this piece of property. Whereas what's happening is someone that's bought the lease since then doesn't like what's written in the lease and they want the Board to change it for them.

Mr. Wagner agreed that this is what's happening and mentioned that there is provision in the lease for hardship.

Mr. Nolan George added that he got the lease in 1973. In 1974 he started doing riding lessons, horse training, sold a few horses and they had a lot of rain, which is seasonal. He then went to the Land Board and asked to build a covered arena for which he obtained approval. All that time he felt he was in the horse business. At this time he wants to convince the Board that the horse business is a legitimate business. In the latter part of December 1992, a Mr. Morita approached him because

he had a covered arena. He was operating exactly like him in a polo field in Waimanalo for two and one-half years. He had closed down for three weeks because of the rain and thus approached him.

Mr. George said that three years ago he approached the DLNR for an extension on his lease so that he could get financing. He said that he was currently stuck with an 18% interest loan. He said that he contacted the DLNR and they said they would look into it. In the meantime his bills were not being paid and he got desperate. He checked his lease after being approached. He said that the lease said, "intensive agriculture or special livestock use." He elected to do horses and he had a commitment there. He went into detail on possibility of training horses during the winter for people from Japan and creating a new industry with horse racing. He said he is waiting for an extension to refinance his loan and get on with his life again.

Mr. Wagner added that he feels he can convince the City and County that it's a grandfathered use. They haven't cited him yet. They would like the rent that was applied retroactively, they would like to have it amortized on a schedule that's a little less. Regarding this year's lease rent, Mr. George will pay it this Monday if that's satisfactory to the Board, \$3,000 for 1993.

Chairperson Ahue asked Mr. Young for a clarification of how the two issues are tied to each other. There's an effort to come current on some of the outstanding debts and to set up a payment plan on the others, at the same time they have the question of allowable use.

Mr. Young commented they contacted the City & County of Honolulu back in July 1993 and asked if the lessee could provide commercial horse lessons, commercial horse rides, commercial altering vehicles, and commercial war games, target shooting and the answer was emphatic "no," it's not provided for in the district. Sale of cut flowers would be allowed if they were grown on the premises and if consistent with the character of use. Anything commercial was not allowed in Ag-1 zone. He did not believe these were grandfathered in.

Responding to Mr. Yuen's questions, Mr. Young said that no monies were received from the lessee since the submittal was written. He understood that either yesterday or this morning, Mr. George did make a payment of \$1,800.00 to the City and County of Honolulu with an agreement that he would take care the remaining balance owed of \$11,000 on an installment payment plan at \$500.00 per month. No payment has been made to the lease rent. Mr. George leases 20 acres at \$3,000.00 per year.

More discussion followed on the issue of the lease and approved uses.

Mr. Young informed the Board that had the lessee applied for an extension he would have been denied immediately without having to come before the Board. What staff has brought before the Board today is a failure or violation as a result of a default that was served, it had nothing to do with an extension. The lessee is proposing an extension. He was given 90 days to cure the default which he hasn't done and the staff recommendation is for the calling of the forfeiture of the lease and respecting the mortgagee's right for the following complaint for foreclosure.

DEFERRED Unanimously approved to defer this item to the next Oahu meeting to allow the lessee to take care of the delinquency and to obtain confirmation from the City and County regarding the use and whether there is any grandfather clause. (Himeno/Nekoba)

ITEM F-6 **HAWAII HOUSING AUTHORITY REQUEST GOVERNOR' SET ASIDE OF STATE-OWNED LAND AT WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-13:23**

Ms. Elaine Sagusa informed the Board that it is a transitional homeless shelter and at such time in 5 to 10 years when this type of facility is no longer needed, then it is HHA's intent to convert them to an affordable rental project.

ACTION Unanimously approved as submitted. (Nekoba/Yuen)

ITEM E-2 **RESUBMITTAL - REQUEST TO TERMINATE CONTRACT SP-7, HAPUNA BEACH STATE RECREATION AREA, HAPUNA, HAWAII**

Mr. Dan Quinn made the presentation of Item E-2 which was deferred from the meeting of August 13th, 1993 with the recommendation that the Board grant permission to terminate Contract No. SP-7, to Hawaii Untouched Parks and Recreation, Inc.

Mr. Al Jeremiah, attorney with the corporation and counsel to the concessionaire said his client was able to contact the neighboring owner, the Prince Hotel during the one month deferred period. They were unsuccessful in getting any money from them because they said the beach is not part of their property and the hotel is not opened right now, so they don't have any concerns at this time. He continued to explain the difficulties they were encountering. The amount they budgeted for lifeguard salaries has doubled as they need to provide adequate coverage of the beach area.

The concession is quite a distance to the beach area and people tend to bring their coolers. They propose to sell stuff on the beach, but if they do that they get cited. When they take a cart down to the beach they

are able to make more sales. Their main concern is that they are the concessionaire and the level of life guard service they provide is adequate but it is costing them a lot of money.

Mr. Quinn informed the Board that the contract was written that prohibits the selling or conducting business anywhere other than where it's designated in the contract without the express permission of the lessor. It doesn't prohibit it, it just requires Board approval to amend or expand the area of the contract. Staff would not object to the selling outside the building.

The Chairperson questioned Mr. Jeremiah that should the Board grant that change, would they then come current.

Mr. Jeremiah said that they would within a specified time.

ACTION Mr. Yuen made a motion to amend the recommendation to provide for the concessionaire to be allowed to operate and sell from a push cart from the ramp or the paved area of the beach three hours a day. There will be a six months trial period to return to the Board for review and the division should keep track of public comments and reaction. There will be a three month time frame for the applicant to bring the arrears current.

Mr. Yuen said that he would go for a trial period mainly because terminating them would cause an interruption with the lifeguard service. He can understand from a business point why they are having difficulty because the lifeguard service is a very expensive service.

Motion was seconded by Ms. Himeno and carried unanimously.

REQUEST FOR APPROVAL TO AMEND/EXTEND AN AGREEMENT BETWEEN THE OCEANIC INSTITUTE AND BOARD OF LAND AND NATURAL RESOURCES FOR DAR-SEMFISH (FORMERLY SEMFISH-HILO) THROUGH JUNE 30, 1994

ITEM B-1

ACTION Unanimously approved as submitted. (Himeno/Apaka)

APPROVAL OF PROPOSED ISSUANCE OF LICENSE TO SUGI PINE GAMEBIRD FARM TO OPERATE A COMMERCIAL GAMEBIRD SHOOTING PRESERVE

ITEM C-1

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

APPROVAL OF COOPERATIVE AGREEMENT WITH THE U.S. FISH AND WILDLIFE SERVICE FOR THE PURPOSE OF SECURING AND ENHANCING POUHALA MARSH AS A WILDLIFE SANCTUARY

ITEM C-2

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

REQUEST TO HOLD COMMEMORATIVE CEREMONY TO CELEBRATE THE BEAUTIFICATION OF FATHER DAMIEN DE VUESTER

ITEM E-1

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM E-2 Deferred, see page 22.

ITEM E-3 See page 17 for action.

ITEM F-1 **TRANSMITTAL OF DOCUMENTS**

Item F-1a Assignment of General Lease No. S-3980 (Non-Exclusive Bridge/Access Easement) Over and Across Makiki Ditch at Makiki, Oahu, Tax Map Key 2-4-29:por. 37

Item F-1b Deferred, see page 15.

Item F-1c Issuance of Revocable Permit to Dwight Otani Produce, Inc., Portion of Former OR&L Depot and Iwilei Produce Center at Iwilei, Honolulu, Oahu, Tax Map Key 1-5-07:por. 14

Item F-1d Issuance of Land Patent in Confirmation of Land Commission Award No. 7877, Apana 2, to Kahe'enalu Waikoekoe, Hamakua, Hawaii, Tax Map Key 4-8-06:3

ACTION Unanimously approved as submitted, Items F-1a, F-1c and F-1d. (Nekoba/Himeno)

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS REQUEST FOR APPROVAL OF LICENSE AGREEMENT COVERING PLACEMENT OF TEMPORARY MULTI-MEDIA, TOUCH-SCREEN KIOSK AT PRINCE KUHIO PLAZA, SO. HILO, HAWAII

ITEM F-2

ACTION Unanimously approved as submitted. (Yuen/Nekoba)

**AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 20, 1991
(AGENDA ITEM F-7) REGARDING THE DIRECT SALE OF A
PERPETUAL, NON-EXCLUSIVE WATERLINE EASEMENT SITUATE
AT HAMAKUPOKO, MAKAWAO, MAUI, TAX MAP KEY**

ITEM F-3 2-4-13:POR. 78

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-4 Deferred, see page 21.

**DIRECT SALE OF RECLAIMED (FILLED) LAND AND GRANT OF
NON-EXCLUSIVE EASEMENT FOR RECREATIONAL BOAT PIER
PURPOSES, KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU, TAX
MAP KEY 4-4-07:22**

ITEM F-5

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM F-6 See page 21 for action.

**AMENDMENT TO PRIOR BOARD ACTION OF JULY 14, 1989
(AGENDA ITEM F-7), PERPETUAL, NON-EXCLUSIVE EASEMENT
FOR ACCESS AND UTILITY PURPOSES, HANAIEI, KAUAI, TAX MAP
KEY 5-4-02:26**

ITEM F-7

ACTION Unanimously approved as submitted. (Apaka/Nekoba)

**REQUEST FOR AMENDMENT TO RESTRICTIVE COVENANT
CONTAINED IN LAND PATENT GRANT NO. S-15,735, LOT 5, BLK. S,
KAPAA TOWN LOTS, FIRST SERIES, KAPAA, KAUAI, TAX MAP KEY
4-5-08:7**

ITEM F-8

ACTION Unanimously approved as submitted. (Apaka/Nekoba)

**CANCELLED, UNCOLLECTIBLE ACCOUNTS TO BE DELETED FROM
THE ACCOUNTS RECEIVABLE RECORDS**

ITEM F-9

ACTION Unanimously approved as submitted. (Himeno/Apaka)

**DEPARTMENT OF HEALTH REQUEST FOR APPROVAL OF LEASE
AGREEMENT COVERING GEOTHERMAL MONITORING STATION
SITE AT HALEKAMAHINA, PUNA, HAWAII, TAX MAP KEY
3-1-4-01:POR. OF 44**

**ADDED
ITEM F-10**

ACTION Unanimously approved as submitted. (Yuen/Nekoba)

**ADDED
ITEM F-11** See page 13 for action.

CONSERVATION DISTRICT USE APPLICATION (CDUA) TO INSTALL RAIN GAGES IN WATERSHED AREAS STATEWIDE, APPLICANT: COMMISSION ON WATER RESOURCE MANAGEMENT

ITEM H-1

Mr. Evans informed the Board that he first needed to amend the submittal under RECOMMENDATION. Recommendation A. as it is worded should be RECOMMENDATION B. and Recommendation B. as it is worded should be RECOMMENDATION A.

The Board delegated authority to the Chairperson, notwithstanding the delegation, staff felt incumbent to come to the Board. Staff feels it not appropriate for the Chairperson to unilaterally to give approval on a statewide basis without the locations. Staff is asking the Board to approve the application without the specific locations and allow the Chairperson to approve the specific locations.

ACTION Unanimously approved as amended by staff. (Himeno/Nekoba)

ITEM H-2 Deferred, see page 11-12.

ITEM H-3 See page for action.

EXTENSION OF TIME REQUEST FOR CDUA OA-265A FOR THE HAWAIIAN ELECTRIC COMPANY PROPOSED KAMOKU-PUKELE 138 KV TRANSMISSION LINE, TAX MAP KEY: VARIOUS; APPLICANT: HAWAIIAN ELECTRIC COMPANY; CONSULTANT: CH2M HILL

ITEM H-4

Ms. Himeno asked to be recused because of possible conflict.

ACTION Approved as submitted. (Apaka/Nekoba)

ITEM H-5 See page 16 for action.

ITEM H-6 See page 3 for action.

ISSUANCE OF REVOCABLE PERMIT, HONOKOHAU BOAT HARBOR, ISLAND OF HAWAII FOR PORTABLE OFFICE SITE (STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY)

ITEM J-1

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ISSUANCE OF REVOCABLE PERMIT, HALEIWA SMALL BOAT HARBOR, ISLAND OF OAHU FOR MANUFACTURE AND SALE OF ICE (ALFRED L. OGA)

ITEM J-2

ACTION Unanimously approved as submitted. (Apaka/Nekoba)

ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, LAHAINA HARBOR, ISLAND OF MAUI FOR TICKET BOOTH SITE (LUAKINI MARINE, INC.)

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM J-4 CONTINUANCE OF REVOCABLE PERMIT, WAILOA RIVER, KAILUA-KONA PIER AND KAWAIHAE SMALL BOAT HARBOR, ISLAND OF HAWAII FOR NONEXCLUSIVE ROUTE TO DISPENSE FUEL VIA TANK TRUCK (PACIFIC RESOURCES TERMINALS, INC.)

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-5 ISSUANCE OF LEASE BY PUBLIC AUCTION, ALA WAI BOAT HARBOR, ISLAND OF OAHU FOR PARKING CONCESSION LEASE

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM J-6 APPROVAL OF CONSENT TO SUBLEASE, HONOKOHAU BOAT HARBOR, ISLAND OF HAWAII (GENTRY PROPERTIES)

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM K-1 LEASE ASSIGNMENT - KAHULUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION (FAA))

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

ITEM K-2 RIGHT-OF-ENTRY - KAHULUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION (FAA))

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM K-3 AMENDED DIRECT ISSUANCE OF LEASE, SAND ISLAND CONTAINER FACILITY, HONOLULU, OAHU (SEA-LAND SERVICE, INC.)

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

ITEM K-4 ISSUANCE OF RIGHT-OF-ENTRY AGREEMENTS FOR REDEVELOPMENT OF THE ALOHA TOWER COMPLEX, PIERS 5 THROUGH 14, HONOLULU HARBOR, OAHU (ALOHA TOWER ASSOCIATES)

WITHDRAWN Mr. Garcia requested that this item be withdrawn.