

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

DATE: NOVEMBER 19, 1993
TIME: 8:30 A.M.
PLACE: MAUI MEMORIAL HOSPITAL AUDITORIUM
221 MAHALANI STREET
WAILUKU, MAUI, HAWAII

ROLL
CALL

The Chairperson called the meeting of the Board of Land and Natural Resources to order at 8:35.a. The following were in attendance:

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

STAFF: Mr. Mason Young
Ms. Charlene Unoki
Mr. Roger Evans
Mr. Dave Parsons
Ms. Geraldine M. Besse

OTHERS: Ms. Kay Yamada, Dr. John Craven, Ms. Mary Wong and Bill Fragel (Item No. F-1-b)
Mr. Charles Santore, Mr. Arthur Newell, and Mr. Michael Kenyon (Item No. F-4)
Mr. Garret Hew (Item No. F-6)
Mr. Jerry Allen (Item No. F-9)
Mr. Jim Dawson, Mr. Robert Inouye, and Mr. Michael Jones (Item No. F-15)
Mr. Roger Watson (Item No. F-17 & F-18)
Mr. Leonard Costa (Item No. H-2)
Mr. Charles Wichman (Item No. H-3)
Ms. Georgette Deemer & Ms. Robyn Black (Item No. K-8)

Items were heard in the following order to accommodate those applicants and interested parties present:

ITEM F-1c **ISSUANCE OF REVOCABLE PERMIT TO HONOKAA FARMERS COOPERATIVE, GOVERNMENT LANDS AT HAUOLA, KEMAU II MAKAI AND KAUNAMANO, HAMAKUA, HAWAII, TAX MAP KEYS 4-3-03:2,4,5,6 AND 7; 4-3-05:1; 4-4-01:1**

ACTION Unanimously approved as submitted (Yuen/Himeno).

ITEM F-6 **DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AND IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY, GOVERNMENT LAND AT KALIHI, MAKAWAO, MAUI, TAX MAP KEY 2-1-04:POR. 114**

Mr. Garrett Hew was present and available to answer any questions of the Board.

ACTION Unanimously approved as submitted (Kennison/Apaka).

ITEM F-17 **REQUEST FOR LAND BOARD CONFIRMATION FOR RELOCATION OF ACCESS AND UTILITY EASEMENTS FOR ROGER A. WATSON AND ELLEN H. WATSON, WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-10:POR. 79**

and

ITEM F-18 **RESUBMITTAL OF PROPOSED LAND EXCHANGE BETWEEN STATE OF HAWAII AND ROGER A. WATSON AND ELLEN H. WATSON, HUSBAND AND WIFE, TENANTS BY THE ENTIRETY, WAIMANALO, KOOLAUPOKO, OAHU, WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-10:POR. 62 AND POR. 79**

ACTION Mr. Nekoba moved for approval of Item Nos. F-17 and -18 with an amendment of the fine to \$500 for each item. The motion was seconded by Ms. Himeno and unanimously approved as amended.

ITEM F-15 **UNITED STATES GOVERNMENT REQUESTS FOR A LEASE OF EXCLUSIVE EASEMENT FOR THE ESTABLISHMENT OF A SAFETY ZONE DURING LAUNCHES OF STRATEGIC TARGET SYSTEM MISSILES AND NAVY VANDAL MISSILES FROM THE PACIFIC MISSILE RANGE FACILITY AT WAIMEA, KAUAI, TAX MAP KEY 1-2-02:POR. 1 AND 24**

Ms. Himeno asked whether the item could be deferred to the next meeting on Kauai. Mr. Young advised that the MOA was due to expire at the end of the year and the next meeting on Kauai would be sometime after that in 1994 and was unsure whether the MOA could be extended.

Mr. Jim Dawson from the Pacific Missile Range stated that there was an appropriation by Congress for \$60 million but lease approval was required by the BLNR. Mr. Dawson also noted that with the downsizing of the military any delay would be of concern. He also stated that the project was "viable to the economy on Kauai and the State of Hawaii." Mr. Robert Inouye, environmental engineer, agreed with his statement. He explained the reason for the easement as a way to eliminate the possibility of damage or injury in the launches. He also stated that the missiles would not overfly Niihau.

Mr. Michael Jones presented written testimony. He stated, "I have come to this meeting to ask that you postpone a decision about the restrictive easement until the serious deficiencies in the EIS can be addressed and until the Dept. of Health does a thorough review of the EIS and of the monitoring report of the first STARS launch. Furthermore, I urge that you consider shortening the time period of the easement because it is likely that the STARS program will be cut back or cancelled as a result of the Defense Dept. Bottom-Up Review, reduction in the missile defense budget, and Cong. Conyers' letter asking that STARS be canceled.

"My name is Michael Jones. I am a physicist at the University of Hawaii and am expressing my own views--I am not representing the university. I have read and submitted comments on various environmental documents dealing with STARS launches. Based upon my review of the final EIS for the restrictive easement, I believe there are serious deficiencies that should be addressed before a decision is made. I have detailed the most serious deficiencies in the comments I submitted to DLNR on October 26; I have not received a response. I also sent these comments to the Dept. of Health (DOH) as I had done with my comments on the draft EIS. It is very disappointing that DOH submitted no comments on the draft EIS and it is unclear if DOH has done any detailed review of the final EIS or of the monitoring report for the first STARS launch."

Written comments were presented from the Sierra Club, Kauai Group, Sierra Club Legal Defense Fund, Inc., and the Coalition Against Star Wars on Kauai.

Mr. Dawson stated that they have tried to answer all of Mr. Jones' questions, and Mr. Inouye stated that all his questions were addressed at the public hearing and are in the EIS.

ACTION Mr. Apaka moved to approve; however, he stated that should there be any contaminants or pollutants found within the easement area as a result of the launches which significantly threaten the public health, and which have not been previously discussed in the environmental documents for the project, the grant of easement shall be terminated.

Ms. Himeno stated that she felt it important to obtain input from all sectors and that the item should be deferred; "no" vote cast by Ms. Himeno. Mr. Yuen stated he was voting "no" for the same reason. He also commented that he had only received the submittal the morning of the meeting, which did not give him ample time to review the document. The motion was carried as amended.

ITEM F-1b ASSIGNMENT OF GENERAL LEASE NO. S-4407 AND SUBLEASE AGREEMENTS COVERING "MAKAI PIER" AT WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-14:7

Ms. Mary Wong, attorney for Pierco, asked for release of liability during the remaining period of the lease. Deputy Attorney General Johnson Wong advised that appropriate language could be incorporated in the consent document.

Dr. John Craven, Mr. Stephen Sweeney and Mr. Bill Fragel, as well as Kay Yamada from Hitech were present.

ACTION Unanimously approved as amended (Nekoba/Kennison).

ITEM F-4 DIRECT AWARD OF NON-EXCLUSIVE TERM EASEMENT FOR LANDSCAPING AND MAINTENANCE PURPOSES COVERING GOVERNMENT BEACH RESERVE, WAIOHULI-KEOKEA BEACH HOMESTEADS, MAUI, TAX MAP KEY 3-9-09:32

ACTION Unanimously approved as submitted (Kennison/Himeno).

ITEM F-9 AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 22, 1991 (AGENDA ITEM F-8) AUTHORIZING EXTENSION OF LEASE TERM, CONSENT TO ASSIGNMENT OF LEASE, MORTGAGE AND SUBLEASE COVERING GENERAL LEASE NO. S-3775, LOT 36, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-27:09

ACTION Ms. Himeno moved for approval with an amendment to Condition B, under "Recommendation" to read that the mortgagee mentioned or its successor is a "private lending institution qualified to do business in the State of Hawaii, pursuant to section 171-36(b), H.R.S." Seconded by Mr. Apaka and unanimously approved as amended.

ITEM H-3 CDUA FOR LIMAHULI VALLEY SPECIAL SUBZONE AT HAENA, KAUAI, TAX MAP KEYS 5-9-1:3 AND 5-9-6:2,3,4,5,6,8,9; APPLICANTS: NATIONAL TROPICAL BOTANICAL GARDEN, MR. CHARLES R. WICHMAN AND MR. CHARLES R. WICHMAN, JR.

ACTION Unanimously approved as submitted (Apaka/Kennison).

Mr. Wichman took the opportunity to thank the Board and staff for its assistance over a long period of time, and in particular, Ms. Cathy Tilton, OCEA planner.

ITEM H-5 AMENDMENT TO CDUA OA-1541 FOR MODIFICATIONS TO THE WAIANAE OUTFALL EXTENSION PROJECT OCEAN MONITORING REQUIREMENTS SEAWARD OF WAIANAE, OAHU, TAX MAP KEY 8-6-01:44; APPLICANT: CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM H-2 CDUA TO IMPROVE AND REPLACE EXISTING PARK FACILITIES AT D.T. FLEMING BEACH PARK, HONOKAHUA, LAHAINA, MAUI, TAX MAP KEY 4-2-04:16 & 17; APPLICANT: COUNTY OF MAUI, DEPARTMENT OF PARKS & RECREATION

ACTION Unanimously approved as submitted (Kennison/Himeno).

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, KAWAIHAE SMALL BOAT HARBOR, ISLAND OF HAWAII FOR OPEN, UNPAVED LAND FOR MOTION FILM PRODUCTION (KING KONA PRODUCTIONS, INC.)

Mr. Parsons reported that an amendment was proposed to reduce the monthly fee to \$1,000 cash balance in goods and services of commensurate value (improvements).

and

ITEM K-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (KING KONA PRODUCTIONS, INC.)

Mr. Peter Garcia advised that an amendment was proposed of \$12,000 in cash depending on the area utilized, plus other in-kind proceeds to be determined.

Ms. Georgette Deemer from the Film Office and Robyn Black were present.

ACTION Unanimously approved above items as amended (Yuen/Nekoba).

ITEM A-1 AWARDING OF HISTORIC PRESERVATION GRANT-IN-AID TO HISTORIC HAWAII FOUNDATION

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM F DOCUMENTS FOR CONSIDERATION:

Item F-1a ASSIGNMENT OF GRANT OF EASEMENT NO. S-4374 BETWEEN VIRGINIA AND MARK CUNDIFF, ASSIGNORS, TO JOHN AND CLARA ELLIS, ASSIGNEES, HONOKAA AND MOKAPAPA. HAMAKUALOA, MAKAWAO, MAUI, TAX MAP KEY 2-9-05:POR. 20

Item F-1b See page 4.

Item F-1c See page 2.

Item F-1d **ASSIGNMENT OF GENERAL LEASE NO. S-4640, LOT 9, PANAEWA FARM LOTS, 2ND SERIES, WAIAKEA, SOUTH HILO HAWAII, TAX MAP KEY 2-4-49:23**

ACTION Unanimously approved as submitted (Himeno/Kennison).

ITEM F-2 **AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 15, 1989 (AGENDA ITEM F-4), DIRECT SALE OF REMNANT (PORTION OF OLD KOHALA ROAD) AT KAWAIHAE 1ST, SOUTH KOHALA, HAWAII, TAX MAP KEY 6-1-01**

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM F-3 **RESCISSION OF PRIOR BOARD ACTION OF JULY 24, 1992, AGENDA ITEM F-4, RELATIVE TO APPROVAL IN PRINCIPAL OF PROPOSED LAND EXCHANGE INVOLVING STATE-OWNED LAND AT HONOKAIA, HAMAKUA, HAWAII AND RICHARD SMART TRUST-OWNED LAND AT WAIPUNALEI, NORTH HILO, HAWAII, TAX MAP KEYS 4-6-11 AND 12 AND 3-7-01:3, RESPECTIVELY**

ACTION Deferred (Yuen/Himeno).

ITEM F-4 See page 4.

ITEM F-5 **RIGHT-OF-ENTRY AND GRANT OF EASEMENT TO GTE HAWAIIAN TELEPHONE CO., LTD., HONOKALA AND MOKUPAPA, HAMAKUALOA, MAKAWAO, MAUI, TAX MAP KEY 2-9-05:POR.20**

ACTION Unanimously approved as submitted (Kennison/Apaka).

ITEM F-6 See page 2.

ITEM F-7 **DEPARTMENT OF HEALTH REQUESTS APPROVAL TO LEASE OFFICE SPACE AT WAIKIKI, HONOLULU, OAHU, TX MAP KEY 2-6-03:POR. 24**

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM F-8 AMENDMENT TO PRIOR BOARD ACTION OF AUGUST 27, 1993 (AGENDA ITEM F-1-B), RELATING TO THE ISSUANCE OF REVOCABLE PERMITS TO FORMER DEPARTMENT OF TRANSPORTATION PERMITTEES AT KEEHI INDUSTRIAL LOTS, KEEHI LAGOON, KALIHI-KAI, HONOLULU, OAHU, TAX MAP KEY 1-2-23

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM F-9 See page 4.

ITEM F-10 SECOND AMENDMENT TO PRIOR BOARD ACTION OF SEPTEMBER 13, 1985 (AGENDA ITEM F-12), AUTHORIZING GRANT OF EASEMENTS TO THE CITY AND COUNTY OF HONOLULU FOR SEWERLINE PURPOSES AFFECTING PORTIONS OF HALAWA ANIMAL QUARANTINE STATION, HALAWA, EWA, OAHU, TAX MAP KEY 9-9-10:PORTIONS OF 34

Condition 2 amended to read as follows:

"Should abandonment of the easement cause any nuisance, pollution, and/or public safety hazard, the Lessee agrees that it shall indemnify, defend, and hold the State of Hawaii, its officers, agents, and employees or any person acting for and on its behalf, harmless from and against all claims or demands for loss, liability, or damage, used directly or proximately by the abandonment of said easement; and this covenant shall survive the cancellation and termination of said easement."

ACTION Unanimously approved as amended (Nekoba/Himeno).

ITEM F-11 GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE CITY AND COUNTY OF HONOLULU AT WAIPAHU CIVIC CENTER, WAIPIO, EWA, OAHU, TAX MAP KEY 9-4-17:POR. 52

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM F-12 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUESTS CONSENT TO AMENDMENT NO. 1 TO A PRIOR AGREEMENT DATED MARCH 4, 1992, BETWEEN THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND ATOZ, INC., REGARDING ALAN SANFORD DAVIS PARK AT HONOLULU, OAHU, TAX MAP KEY 2-1-01:12

The following amendments were made:

(1) Three of the 10 parking stalls reserved to the State of Hawaii for use by DLNR; and

(2) Consent to the assignment of the DAGS-ATOZ contract agreement dated March 4, 1992, as amended by Amendment no. 1, from ATOZ, Inc., as Assignor, to ATOZ Venture, assignee, relative to access, use and maintenance of the park, subject to the approval of DAGS Comptroller and the Department of the Attorney General.

ACTION Unanimously approved as amended (Himeno/Nekoba).

ITEM F-13 STAFF REQUEST AUTHORIZATION TO SELL DIVERSIFIED AGRICULTURAL LEASE AT PUBLIC AUCTION, LOT 56-B, ILI OF WAIHOLE, WAIMEA VALLEY, WAIMEA, KAUAI, TAX MAP KEY 1-5-03:1

ACTION Unanimously approved as submitted (Apaka/Nekoba).

ITEM F-14 CONSENT FOR REVOCABLE PERMIT AND AUTHORIZATION TO SELL AT PUBLIC AUCTION, LOT 24, WAILUA RICE AND KULA LOTS, WAILUA, KAWAIHAU (PUNA), KAUAI, TAX MAP KEY 3-9-04:1

ACTION Unanimously approved as submitted (Apaka/Himeno).

ITEM F-15 See page 3.

ITEM F-16 ANNUAL REVIEW OF REVOCABLE PERMITS ON THE ISLAND OF HAWAII, MAUI/MOLOKAI, OAHU AND KAUAI

Mr. Young asked to include additional lots as indicated on the attachment.

ACTION Unanimously approved as amended (Himeno/Nekoba).

ITEM F-17 See page 2.

ITEM F-18 See page 2.

ITEM F-19 COUNTY OF KAUAI'S REQUEST FOR AMENDMENT TO LAND LICENSE NO. S-321, KAWAIELE, MANA, KAUAI, TAX MAP KEY 1-2-02:POR. 1

Amended to include provision of amendment subject to obtaining access from Kekaha Sugar Co., Ltd., through its lease lands.

ACTION Unanimously approved as amended (Apaka/Kennison).

ITEM H-1 CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR A KUOU EXPLORATORY WELL AT KANEOHE, HAWAII; TAX MAP KEY 4-5-4:11; APPLICANT: CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM H-2 See page 5.

ITEM H-3 See page 4.

ITEM H-4 CDUA FOR THE CONSTRUCTION OF A BEACH PARK ON SUBMERGED LAND, SEAWARD OF FORT ARMSTRONG, PIER 1, KAKAAKO, HONOLULU, HAWAII, TAX MAP KEY 2-1-15:9; APPLICANT: HAWAII COMMUNITY DEVELOPMENT AUTHORITY

ACTION Withdrawn (Himeno/Nekoba).

ITEM H-5 See page 5.

ITEM H-6 REVOCATION OF CDU PERMIT HA-2574, APPLICANTS: MESSRS. RICHARD, TREADWELL & TIMOTHY HOSBEIN; AGENT: ROY VITOUSEK, ESQ.

ACTION Withdrawn (Yuen/Himeno).

ITEM J-1 ISSUANCE OF REVOCABLE PERMIT, NAWILIWILI SMALL BOAT HARBOR, ISLAND OF KAUAI FOR CHARTER OFFICE SITE (ROBERT JORDAN DBA GENT-LEE FISHING CHARTERS)

ACTION Unanimously approved as submitted (Apaka/Himeno).

ITEM J-2 ISSUANCE OF REVOCABLE PERMIT, NAWILIWILI SMALL BOAT HARBOR, ISLAND OF KAUAI FOR CHARTER OFFICE SITE (CPT. BILL LAWRENCE DBA SEA LURE CHARTERS)

ACTION Unanimously approved as submitted (Apaka/Himeno).

ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HONOKOHAU BOAT HARBOR, ISLAND OF HAWAII FOR OPEN, UNPAVED LAND FOR SITE OF PORTABLE OFFICE BUILDING AND PARKING AREA FOR BOAT CLUB ACTIVITIES (HAWAII BIG GAME FISHING CLUB)

ACTION Unanimously approved as submitted (Yuen/Apaka).

ITEM J-4 See page 5.

ITEM J-5 APPROVAL TO ACQUIRE CONSTRUCTION RIGHT-OF-ENTRY AGREEMENT AND GRANT OF EASEMENT, MAUNALUA BAY BOAT RAMP, ISLAND OF OAHU FOR UTILITY SERVICE (CITY AND COUNTY OF HONOLULU)

- ACTION** Unanimously approved as submitted (Nekoba/Himeno).
- ITEM J-6** **CONSENT TO SUBLEASE - LEASE NO. DOT A-91-21, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (PACIFIC AVIATION SERVICES, INC. - CORPORATE AIR, INC.)**
- ACTION** Unanimously approved as submitted (Kennison/Apaka).
- ITEM J-7** **CONTINUANCE OF REVOCABLE PERMITS, VARIOUS PERMITTEES**
- ACTION** Unanimously approved as submitted (Himeno/Nekoba).
- ITEM K-1** **LEASE - FIXED BASE FACILITIES, SOUTH RAMP, HONOLULU INTERNATIONAL AIRPORT, OAHU (AIR SERVICE CORPORATION)**
- Mr. Nekoba asked to be recused.
- ACTION** Approved as submitted (Himeno/Apaka).
- ITEM K-2** **AIRPORT DIRECT TELEPHONE LINE ADVERTISING SERVICE CONCESSION, STATEWIDE**
- ACTION** Unanimously approved as submitted (Himeno/Apaka).
- ITEM K-3** **AMENDMENT NO. 6 TO LEASE NO. A-65-2, KAHULUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION (FAA))**
- ACTION** Unanimously approved as submitted (Kennison/Apaka).
- ITEM K-4** **EXTENSION AND AMENDMENT TO LEASE, 3219 UALENA STREET, OAHU (ALOHA PRODUCE CORPORATION)**
- ACTION** Unanimously approved as submitted (Himeno/Nekoba).
- ITEM K-5** **CONSENT TO ASSIGNMENT OF LEASE NO. DOT A-90-22, KAHULUI AIRPORT, MAUI (PAUL S. SAKUDA, CHAPTER 7 TRUSTEE IN BANKRUPTCY FOR THE ESTATE OF M & H HELICOPTERS, INC. - HELI-SERVICES HAWAII, INC.)**
- ACTION** Unanimously approved as submitted (Kennison/Apaka).
- ITEM K-6** **CONSENT TO SUBLEASE - LEASE NO. DOT A-91-21, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (PACIFIC AVIATION SERVICES, INC. - CORPORATE AIR, INC.)**
- ACTION** Unanimously approved as submitted (Himeno/Nekoba).

ITEM K-7 AMENDMENT NO. 2 TO LICENSE CONTRACT NO. DACA84-9-87-29, BY SUPPLEMENTAL AGREEMENT NO. 2, KAWAIHAE HARBOR, HAWAII (UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY)

ACTION Unanimously approved as submitted (Yuen/Nekoba).

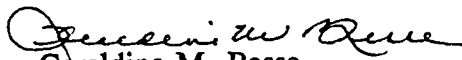
ITEM K-8 See page 5.

ITEM K-9 REQUEST FOR EXTENSION OF DELEGATION OF AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION FOR THE ISSUANCE OF REVOCABLE PERMITS AT KAPALAMA MILITARY RESERVATION FOR INCONSISTENCY PURPOSES, OAHU

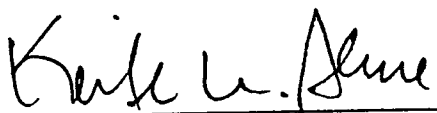
ACTION Unanimously approved as submitted (Apaka/Nekoba).

ADJOURN- There being no further business, the meeting was adjourned at 12:24 p.m.
MENT

Respectfully submitted,


Geraldine M. Besse
Secretary

APPROVED:



KEITH W. AHUE, Chairperson