

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

DATE: FRIDAY, FEBRUARY 11, 1994
TIME: 8:30 A.M.
PLACE: MAUNA KEA CONFERENCE ROOM
KONA SURF HOTEL
78-128 EHUKAI STREET
KAILUA-KONA, HAWAII

**ROLL
CALL**

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

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

ABSENT & EXCUSED: Ms. Sharon Himeno
Mr. Michael Nekoba

STAFF: Mr. W. Mason Young
Mr. Roger Evans
Mr. Charles Supe
Mr. Glenn Taguchi
Ms. Dorothy Chun

OTHER: Deputy Attorney General Johnson Wong
Mr. Peter Garcia, Department of Transportation
Messrs. Norbert Enos, Richard Wurdeman (Item F-11)
Mr. Jarvis Shiroma (Item F-16)
Mr. Martin Luna (Item H-1)
Ms. Clare Hachmuth (Item F-22)
Mr. Roy Thompson (Item H-2)
Messrs. Roger Ridgley, Ron Korman (Item F-1-a)
Mrs. Katie Pali, Ms. Melinda Pali, Ms. Fern Puli
and Mr. Henry Kekai (Item E-1)
Mr. Peter Schall (Item F-12)
Ms. Diane Quitaquit (Item F-3)

MINUTES Minutes of December 17, 1993 were approved as circulated.
(Apaka/Kennison)

ADDED Upon motion by Mr. Apaka and a second by Mr. Kennison, the following
ITEM: was added to the Agenda:

ITEM H-3 Intervention Deadline for Contested Case Hearing on HELCO'S
Conservation District Use Application for Keahole Generator Station
Expansion

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

**REQUEST BY CONVENTION CENTER AUTHORITY (CCA) TO
TERMINATE GENERAL LEASE NO. S-5109 TO VETERANS OF
FOREIGN WARS OF THE UNITED STATES AND, CONVEYANCE IN
FEE TO CCA, KALIA, PAHOA, WAIKIKI, OAHU, TAX MAP KEY**

ITEM F-11 2-3-34:27

Mr. Young made the presentation explaining the events that led to this request. He stated that in essence this submittal says the lease will be terminated, the VFW will not have any compensation except for the depreciated value of the improvements and upon the Board's approval of that condition, subsequent, convey the fee simple to the CCA for the assessed evaluation of the property.

Mr. Young informed the Board that the CCA attorney and the representatives of the VFW met this morning and he was invited to sit in on the meeting. Mr. Young stated that he was informed that the VFW is willing to take \$1.5 million in lieu of giving up the lease with the proviso that the State and the Office of State Planning would make all attempts necessary to assist them in possibly finding a site to relocate to.

Thus, Mr. Young is suggesting to the Board today to go ahead and agree to the cancellation of the lease with the proviso that part of the \$5 million dollars that the State will be getting as a consideration be used to pay the VFW for the consideration of the lease. That the Department of Land and Natural Resources as well as the Office of State Planning would assist them in whatever way possible to locate a site to relocate to. Secondly, to convey the fee simple title to the CCA. The reason that is needed to do this is because there is a time window in which the CCA needs to complete the package in order to comply with mandate and that is March 18, 1994.

Mr. Yuen asked if any entitlements to OHA were involved.

Mr. Young responded that there was. If the assessed value of 20% were taken it would be about \$1 million.

Chairperson Ahue informed Mr. Young that he had received a request to continue this item to a Honolulu meeting and asked him to elaborate on

the timetable and reason it's being held here.

Mr. Young explained that when the CCA wrote to this department as part of the Act and part of the window to put the package together, they have a March 18, 1994 deadline. Should this be placed on the agenda for the next meeting they may not have sufficient time to put the escrow to bid and close by the March 18th deadline. Part of the agreement by Mr. Sukarmto was for cash and land. The cash was to take care of the Aloha Motors site. In return to make up the difference, Mr. Sukarmto indicated he was willing to accept the VFW site as well as the Tow Masters by the Century Plaza in lieu of cash.

Mr. Young explained that the convention center is a stand alone and no correlation to the property which Sukarmto will acquire.

Mr. Ben Matsubara, attorney for the CCA stated that they concur with the synopsis given by Mr. Young and the staff's recommendation. This morning they did finalize basically a gentleman's agreement as put on the record by Mr. Young in regards to compensation and the assistance of both DLNR and OSP in finding an alternative site for the VFW. They are concurring with the recommendation and the only thing he would have to say is that Mr. Young's is correct that there is a March 18, 1994 closing date and that's the problem with the timing they have.

Chairperson Ahue again wanted to clarify with Mr. Young whether the effective date of the termination would be determined by his office and would it be today.

Mr. Young clarified that it was because they have to close escrow and they wanted to tie in the escrow with the cancellation date.

Mr. Norbert Enos, State Commander of the Veterans of Foreign Wars Hawaii said with him was Mr. Richard Wurdeman, also a member of the Board of the VFW. On behalf of the 2,000 membership which they have in the State he wished to thank the Department of Land and Natural Resources for the assistance they have been receiving since 1943. He stated that he would like to add to the gentleman's agreement reached today. He was referring to the letter he provided to the Chairperson this morning asking for a continuance and with this he deferred to Mr. Wurdeman.

Mr. Wurdeman addressed the Chair regarding the handshake agreement reached this morning. He wanted to voice his concern that although there may be the best intentions of some people, something might fall through until things are reduced to writing there may be some misunderstanding and thus asking the Board to defer final action until the requisite documentation has been completed.

Mr. Yuen asked Mr. Wurdeman if there were conditions that the Board could place on this approval to their satisfaction and could he suggest what that might be.

Mr. Wurdeman stated that the settlement amount has already been mentioned and the representative of the CCA has committed that the State will exercise good faith that pertains to seeking an alternate site. The problem up to today has been that the VFW felt that actually any amount of cash would not guarantee them a proper satisfactory alternate site. He would like to see that included in the conditions.

Chairperson Ahue asked Mr. Young if there would be a problem adding those conditions to the submittal and would he resummairize them.

Mr. Young responded that there would not be a problem and summarized the following amendments:

The cancellation of the lease would be subject to a payment of \$1.5 million to VFW;

The \$1.5 million would also have a proviso whereby the \$1.5 million would come from part of the consideration;

There will also be a condition with respect to the State of Hawaii Department of Land and Natural Resources as well as the Office of State Planning assisting the VFW in trying to find another suitable site (private or State) to relocate to; and

The conveyance of the property to the Convention Center Authority would be approved subject to conditions in the submittal except that consideration revised from \$5,435,800.00 to \$3,935,000.00.

ACTION Mr. Apaka moved for approval subject to the conditions listed and the amendments which were summarized by staff. Seconded by Mr. Kennison, motion carried unanimously.

REQUEST FOR EXTENSION OF LEASE TERM AND CONSENT TO MORTGAGE ON GENERAL LEASE NO. S-4095, OLOMANA GOLF LINKS, INC., WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY

ITEM F-16 **4-1-13:10**

After Mr. Young's presentation, Chairperson Ahue asked for clarification if this had anything to do with the issue being contested relative to the reconfiguration of the links.

Mr. Young responded, "No, the reconfiguration is with respect to additional land to be put as part of the golf club. What is before the

Board today is the request for extension of lease term."

Mr. Yuen recalled he had questioned the low rental amount couple months ago. Mr. Young responded that because it was set for a long period of time and now with this request it will give them the avenue to find out the appreciable increase.

Mr. Jarvis Shiroma representing the applicant stated that the lease payments are actually in the \$40,000.00+ plus a percentage of their gross sales and adds up to about \$120,000.00 per month.

Counsel Wong asked if staff were planning to include the premium clause under the new leases for the new extension.

Mr. Young responded that it was included under Recommendation A. 4. New lease assignment provisions be included in extension agreement.

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM H-1 CONSERVATION DISTRICT USE APPLICATION (CDUA) TO LANDSCAPE A 0.8697-ACRE PORTION OF A 3.79-ACRE PARCEL OWNED BY THE STATE OF HAWAII AT MAKENA, MAUI, TAX MAP KEY 2-1-06:10; APPLICANT: MS. JUDITH CARLSBERG

Mr. Evans informed the Board that the recommendations come in two parts, A. Violation and B. Application.

Mr. Evans then went on to explain that the analyst planner on this application was able to go on a site visit and had the opportunity to make the presentation of the public hearing on Maui. He continued that he had several discussions with the analyst expressing some possible reservations. The recommendation before the Board today relative to the violation and the application is that of the analyst. What is before this board is a proposal for landscaping.

Mr. Evans suggested to the board that they consider his comments on the recommendation on part A and part B that you also consider the possibility on his comments this morning that a modification relative to the violation section in condition 3 occur and also that the possibility exist that would be prudent and appropriate given the situation that has occurred on the property, given what the property looks like and he presented a photo to the board. That the Board consider approving this application.

Mr. Kennison clarified with Mr. Evans that his recommendation was for approval. Mr. Evans stated that staff recommendation is for denial, with concerns he expressed this morning. Mr. Evans informed that board

that through discussions with the staff of his concerns voiced here this morning, staff has continued to hold fast to denying the request.

Mr. Kennison stated that he was surprised at staff's recommendation as basically what the applicant wants to do is landscape the area and provide public access.

Chairperson Ahue clarified with Mr. Evans that his suggestion was to eliminate the recommendation A. 3, then 5. also be eliminated.

Mr. Evans stated that if he were the analyst on this case his recommendation would not have included Conditions 3 or 5 on the violation portion. His recommendation would be that there is a violation, but relative to section A, the Violation, conditions 1., 2., and 4. are relevant. On section B, his recommendation would be based upon his own field inspection on the property, based upon past practice, based upon representations from the applicant and based upon what transpired at the public hearing. He stated that the board needs to know there were people that came before the board at the public hearing to testify and it seemed that the center of concern expressed then was if the Board were to allow this, then the water to landscape the State owned parcel would come from the same water meter that the individual uses for his house. People were concerned about the water line that goes down to the property and he would be taking water from others.

Mr. Kennison said he was surprised at the recommendation of staff in the submittal as the state normally tries to encourage this sort of program where you can enhance the beauty and the area of the surrounding areas especially when the applicant has to do it. As far as the access to the beaches, he understood that the applicant has made conditions that the area will be upkept and will provide access to the fishermen.

Mr. Evans stated that his recommendation to the Board would be approval with the standard conditions. One of the standard conditions is that all representation made by the applicant are incorporated as part of the conditions. If it turns out later that they don't meet their representations, the CDUA is deemed null and void.

Chairperson Ahue asked to clarify with Mr. Evans that he had previously mentioned water to irrigate the landscape area.

Mr. Evans stated that his recollection of the irrigation of the landscaped area was the placement of the irrigation pipes whether they should be placed on the state portion of the land or private land.

Mr. Apaka then questioned Mr. Evans regarding his discussions with the analyst on this item.

Mr. Evans responded, "On two occasions through the process."

It was brought to light that the analyst was very youthful with a couple years of experience as compared to about 15 years for Mr. Evans.

Mr. Apaka stated that he felt this young analyst should take suggestions from someone with knowledge. He suggested that Mr. Evans go back and inform him that the Board is not happy the way this was submitted. There's so many things wrong with it.

Mr. Evans said that he would take the message back to the analyst and sit down and discuss it with him.

Discussion followed as to the exact area or areas that were to be landscaped. Also these landscaped areas would remain public land twenty-four hours a day. It was also brought up that it should be made clear that it is limited to the existing dirt area and not talking about bringing in more dirt and extending the area. Maui County would require signs at the start of the trail. Signs should clearly indicate where the public property begins and ends.

Mr. Martin Luna, representing the applicant said that they appreciated the modifications suggested by Mr. Evans to the submittal. He also noted that they had very little to add except make clarifications to the Board. Mr. Luna stated that they had requested a revocable permit for a right-of-entry to do the landscaping and maintenance of the area. The 3.7 acres is a pretty large area that goes beyond the frontage of the land that is owned by the applicant. Only a portion of that will be landscaped and there's a significant land area to the northside that would remain untouched based on the recommendation of the archaeologist that did the report. The second thing he wanted to emphasize was that even though the disturbance occurred, he tried to check with the contractors and the architect and he still did not know who actually pushed the dirt over the side. The important thing was that the archaeologist reported that there was no disturbance of any historic site in the area. Regarding the type of plants that would go on the site, he stated that when they originally formulated the plan they had proposed certain plants and the people from the county wanted changes. They changed them accordingly and sent the recommendations to the DLNR also. Should the DLNR wish to have other plants, they would be happy to accommodate them. If xeriscaping is desired, they will look into that.

Chairperson Ahue suggested that staff should be careful on the language used as he pointed out on the picture of the area, there really is no trail, it's an access and basically over the rocks and the portion that is being proposed for improvement is an area that is slightly hazardous. He

understood that this proposal has nothing to do with establishing a trail.

Mr. Luna injected, "Except into the private property."

Question came up about an access trail in relation to the Na Ala Hele group.

Mr. Luna stated that his understanding and he was not at the meeting, was that the course would be along the shoreline where people are walking now and then it would cross over private property where the shoreline becomes kind of steep. When it crosses over private property there was some concern about liability and under the Na Ala Hele rules, a private owner will not be held liable.

Discussion followed on Land Management's comment in the submittal regarding a long term lease in opposition to a revocable permit for this area.

Mr. Yuen said he had another question for Mr. Luna, "How much area actually do they want to landscape in front of the house? Do they want to put in additional dirt in the front beyond the fill area? So the landscaping is confined to the area that's already been filled in?"

Mr. Luna responded that their application shows the point and around to the small sandy beach, but now that the archaeologist had stated that they should leave it undisturbed, it is solely around the point. It is limited to the area already filled in. Two other comments he requested to make were: 1) If they're looking at the northside, they would have a problem with that because coming out to the public highway is very dangerous and if they're responsible to maintain that they would have difficulty; and that is why they prefer only the southside, 2) limit the planting of shrubs beside the property, there are some shrubs proposed for the State side and they would be agreeable to limiting the planting in accordance with plants approved by the Department of Land and Natural Resources.

ACTION Mr. Kennison moved for approval of the application and with the following amendments:

- 1) The landscaping be limited to the existing dirt filled area;
- 2) There be signage that would make it clear to the public that the lawn or landscaped area is open to the public up until the private property line.
- 3) There be a single public access;
- 4) Delete under Recommendation A, conditions 3 and 5;

- 5) Incorporating the Maui County conditions; and
- 6) Staff to look into the year the stonewall was built.

Seconded by Mr. Apaka, motion carried unanimously.

ITEM F-22 KAUAI RESORT HOTEL ON BEHALF OF MARUKO, INC. REQUEST FOR SIX (6) MONTHS DEFERRAL OF LEASE RENTAL PAYMENT, GENERAL LEASE NOS. S-3831, S-3840 AND S-4647, WAILUA, KAUAI, TAX MAP KEY 3-9-06:16 AND 20

Mr. Roy Thompson representing the applicant stated that he did not have anything to add but wanted to address Mr. Yuen's comments, he stated that they were quite busy and in 1993 and have been quite busy. He stated that the nature of business was mainly construction workers and not the tourism type of people that pay the higher room rates, it was mostly discounted business. Their occupancy was high but revenues were down.

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM H-2 REQUEST FOR MODIFICATION TO ORIGINAL CONDITION FOR CONSERVATION DISTRICT USE PERMIT (CDUP) #HA-1862 FOR RESEARCH AND COMMERCIAL ALTERNATIVE ENERGY AND MARICULTURE USES; ON AND OFFSHORE OF TAX MAP KEY 7-3-43:3, 5 AND 42 AT KEAHOLE POINT, HAWAII; APPLICANT: NATURAL ENERGY LABORATORY OF HAWAII (NELH)

Ms. Clare Hachmuth, Executive Director of NELH explained the reason they are making this amendment request. She stated that the systems that they currently have are varied in dimensions. The ones that are less than 40 inch are relatively inefficient pipelines and so the cost of pumping the water are greater than it needs to be. If allowed to put in their next system with proposed 54 inch diameter, it will reduced the total number of pipelines they would need to install and reduce the cost.

ACTION Unanimously approved as submitted. (Yuen/Kennison)

Item F-1-a Issuance of Revocable Permit to Roger Ridgley, Jr. dba A Tow in Paradise; Ron Korman dba Emerald Repair; Creighton Nakamura dba Nakamura Trucking; and, Larry King, Kapaa Rice and Kula Lots, Kawaihau, Kauai, Tax Map Key 4-5-15:34

Mr. Roger Ridgley presented copies of his written testimony and also had some photos which he presented to the Board. He then proceeded to read his testimony into the record. (A copy has been placed in the

departmental board folder.)

Mr. Ridgley stated that they were four small business people who are trying to get back on their feet after Hurricane Iniki. He gave a description of the property and their plans for removal of the rusted out hulks of vehicles, trucks and equipment as well as rubbish that has accumulated for the past 20 to 30 years. For their part in cleaning the area, they were asking for a discounted rent. In their testimony they proposed a monthly rental of \$270.00 per month for a one year period with a 33% increase the second year; another 33% increase in the third year and a 33% increase in the fourth year in the amount of \$537.00 per month.

Discussion followed on comparable rents and the proposed percentages of discount being asked. It was suggested that this item be withdrawn at this time to allow staff further study.

Mr. Ron Korman stated that they had used as comparison a neighboring two acre parcel, which lease was approved on July 16, 1992 and is currently being leased for \$2,600.00 per year. The parcel is improved, cleared, graveled with a steel building and rental comes up to about \$220.00 per month. He described the five-acre parcel that they want to lease as absolutely not improved and only usable certain times of the year.

Applicant quoted from a memorandum from staff appraiser Charlene in the Division of Land Management, "analysis to consider the previous revocable permit issued to the guy who has it now. The monthly rental was \$213.00. The applicants are accepting the property in "as is" condition with 400+ abandoned vehicles and the property as a responsibility. We suggest considering the monthly rental of \$213.00 as an incentive to have the applicants clean up the property for the State. We do not have the manpower or the money to take on such a task."

Mr. Yuen questioned Mr. Young on the previous rental received for this parcel. Mr. Young confirmed this amount but at the same time he suggested that this item be withdrawn until such time that he could confer with his appraiser and allow her to review the applicant's proposal.

Discussion followed whether it would pose a problem for applicant should this be deferred. Applicant stated that it would be holding them back as he had scheduled Master Works in taking some of the cars off the lot. Mr. Young stated that he would prefer that the applicant not start any clearing because of the drastic rent differential.

DEFERRED Mr. Apaka moved that this item be deferred to the first meeting in March.

Seconded by Mr. Kennison, motion carried unanimously.

RECESS 10:50 a.m. -11:00 a.m.

ITEM E-1 **REQUEST BY MS. KATIE PALI TO CONTINUE THE CONCESSION STAND AT KEALAKEKUA BAY STATE HISTORICAL PARK**

Mr. Charles Supe presented the request by Mrs. Katie Pali to continue the concession stand at Napoopoo County Park which has been since incorporated into the Kealakekua Bay State Historical Park. The applicant stated that she does not make much money but it does help in her livelihood. Staff is recommending that the board approve the application in accordance with the conditions.

Mrs. Katie Pali stated that she currently does not have any liability insurance and would probably not be able to afford it.

Mr. Yuen clarified with Mrs. Pali that she does not have a building and only a stand.

Mr. Supe stated that all commercial operators are being requested to have insurance.

Mr. Yuen stated that he had been down to the area and Mrs. Pali had only a little stand and it was not like having a commercial or industrial facility.

Ms. Melinda Pali, daughter of Mrs. Pali stated that they do not leave any merchandise at the lei stand. There is nothing of value left at the stand. They haul in the leis and things that they make and the stand came about because of the need for shade. She also mentioned that it would cost a lot of money to purchase insurance. As far as she could recall no one has gotten hurt there in all the years she's been there.

Mr. Henry Kekai stated that this is just like the swap meet. The stand has been there for many years like 20-25 years ago. Everything in the open, all ohana style.

Ms. Fern Puli stated that she was also one of the vendors down at Napoopoo having retired recently from a state job on Oahu. She stated that she runs the shop next to Mrs. Kate Pali on the weekends, very small business. She claims that they have a great impact on the people or visitors that have come to the area. Next to the shops is the hekiu heiau and to her it is a driving force to see that these things that are very dear to their people is protected, restored, preserved whatever you want to call that. She said that Katie and she have been doing that, they are in the little shop, very small. The people don't come in but stand

outside. They put their display out and people come to browse and stand in the shade of the stand. She stated that she was very grateful to Mr. Yuen expressing that she is not big business, she is not even small business. She sews the koa leis and makes shell leis.

Ms. Puli stated that she makes a few more of her handicraft things and she shares with Mrs. Pali. This is a very small operation. She stated that she and Katie police the area. They educate the people that come there to respect the heiau. Tell them "no can take rocks."

ACTION Mr. Yuen moved that the Board approve the concession agreement with all the conditions stated with the amendment to delete the insurance requirement. Seconded by Mr. Kennison, motion carried unanimously.

ITEM F-12 STAFF REQUEST AUTHORIZATION FOR ASSESSMENT OF FINE, COLLECTION OF UNLAWFUL ENRICHMENT, CANCELLATION OF REVOCABLE PERMIT NO. S-3528 AND, DIRECT AWARD OF EASEMENT FOR PIER PURPOSES, WAIKIKI, HONOLULU, OAHU

Mr. Young began by apologizing to the Board for the newspaper article that appeared in November, 1993 with respect to this particular matter. The article written by Ian Lind with the heading that the Hilton Lease to Atlantis Under Fire, the submarine concession is reaping big profits for the hotel. He hoped this article didn't cause any embarrassment to the Board members. To correct the situation he is presenting several proposals to you for your consideration.

The submittal states that we have been working with the hotel to correct this. Essentially at the beginning there was a misconception between the hotel and the staff as to what constituted a violation and what was not a violation. The agency agreement between themselves and Atlantis was strictly for the management, and the repair and the use of the catamaran to take people out either on a catamaran ride or cruise ride or to the submarine for drop-off. When the staff looked at this and viewed this, we felt that in light of the payment that was made by Atlantis to the Hilton, this is in violation of the permit. The permit has a proviso where it prohibits the assignment transfer or any conveyance of any interest in the permit. More importantly here there was a payment made. Whether there was an agency agreement or management agreement, the staff took the position that this was the violation of the permit.

In order to correct this problem, staff is recommending that there be an assessment of \$2,000.00 fine against the hotel for the violation of the permit. Staff is also recommending that there be an additional charge of rental owed to the State, a little over \$11,000.00. Staff is also recommending that the permits be canceled. Lastly staff is recommending in order to continue this endeavor, of the activities in the

area, through that the Hilton Hawaiian Village continued use of the pier, that the board grant an easement.

Mr. Young informed the Board that present today were the general manager of the Hilton Hawaiian Village Hotel, Mr. Peter Schall, the attorney for the hotel, Mr. Bruce Graham and the superintendent for the hotel's maintenance and construction, Mr. Fred Ing.

Mr. Yuen asked Mr. Young to explain again on what Atlantis does.

To summarize, Mr. Young stated that Atlantis under this "agency management agreement" shuttles the people out to the cruises as well as to the submarine; they also take care of the repair maintenance of the catamaran and the pier; and they also provide for the salesmanship of the rides that come with the pier and the catamaran.

Discussion followed on the operation of the Atlantis

Mr. Peter Schall, general manager of the Hotel explained that when they originally operated their catamaran business, they had breakfast cruises, sunrise cruises and dinner cruises. They started having bad business with some of the cruises but the submarine business increased considerably. They continued to operate but because they are not in the boating business and actually in the hotel business they asked them to take their boats and took a management contract because they were already shuttling their customers.

ACTION Unanimously approved as submitted. (Kennison/Yuen)

WITHDRAWAL OF LAND FROM OPERATION OF GOVERNOR'S EXECUTIVE ORDER NOS. 1519 AND 2134 TO DEPARTMENT OF TRANSPORTATION AND AUTHORIZATION TO ISSUE DIRECT LEASE TO COUNTY OF HAWAII FOR OPERATION OF FOREIGN TRADE ZONE WAREHOUSE FACILITY AT GENERAL LYMAN FIELD, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY (3) 2-1-12:VARIOUS PARCELS

ITEM F-3

Mr. Young made the presentation of Item F-3 which was distributed to the Board members this morning. He also asked that should the Board approve staff's recommendations of this item that the following amendments be Added to Paragraph A under Recommendation:

1. From the Department of Transportation (DOT), accept the management and control of the following:
 - a. Lease No. DOT-A-75-16, dated November 1, 1992, issued to the United States of America, National Oceanic and

Atmospheric Administration, National Weather Service,
Pacific Region.

- b. Lease No. DOT-A-86-32, dated July 14, 1986, issued to the United States of America, Federal Aviation Administration, Western-Pacific Region.
2. Authorize the Chairperson to cancel DOT/Airports Division Revocable Permit Nol 3817 to Roberts Hawaii Rent-A-Car Systems, Inc., for ground transportation baseyard purposes; and, issue a new revocable permit under the same terms and conditions to Roberts Hawaii Rent-A-Car, inc.
3. Authorize the Chairperson to cancel DOT/Airports Division Revocable Permit No. 4042 to April Romero and Ken Yamamoto, for fish processing, shipping, and supplies purposes; and, issue a new revocable permit under the same terms and conditions to April Romero and Ken Yamamoto.

Ms. Diane Quitaquit, Director of Research and Development, County of Hawaii addressed the Board to thank them for acting on this project. She understood that this project was a 19 year project and she was somewhat determined to see a building on the site. She stated that they had funds released to them by the State and there was a time line on it.

ACTION Unanimously approved as amended by staff. (Yuen/Kennison)

*** Ms. Jojo Tanimoto addressed the Chairperson stating that she had missed attending the public hearing which was held the night before regarding the small boat harbor at Kawaihae. She was allowed to read her testimony into the record.

ACTION Accepted Ms. Tanimoto's written testimony for the public hearing held on February 10, 1994. (Kennison/Yuen) (Copy of her testimony was given to Mr. Evans.)

ITEM A-1 AWARDING OF HISTORIC PRESERVATION FEDERAL GRANT-IN-AID TO MAUI COUNTY

ACTION Unanimously approved as submitted. (Apaka/Yuen)

ITEM E-1 See page 12 for Action.

ITEM F-1 TRANSMITTAL OF DOCUMENTS

Item F-1-a Deferred, see pages 10-11.

Item F-1-b Assignment of General Lease No. S-5055, Lot 7, Puu Ka Pele Park Lots, Waimea (Kona), Kauai, Tax Map Key 1-4-02:29

Item F-1-c Issuance of Revocable Permit No. 94-02 By Department of Health to Research Center of Hawaii, Building Situated on Waimano Training School and Hospital, Waimano, Pearl City, Oahu, Tax Map Key 9-7-25:1

Mr. Young stated that he needed to amend the monthly rent which was incorrectly listed as \$343.85 per month, it should be \$243.85 per month.

Item F-1-d Issuance of Land License to Kauai Sand & Gravel, Inc., Government Land at Wailua, Lihue, Kauai, Tax Map Key 3-9-02:por. 12

Mr. Young stated that an incorrect amount was listed under Recommendation B. 3. No more than 900 cubic yards ... "The amount should be 300 and not 900.

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

ITEM F-2 **AMENDMENT TO PRIOR BOARD ACTION OF MARCH 23, 1990 (AGENDA ITEM F-2) FOR A UTILITY EASEMENT AT LALAMILO, SO. KOHALA, HAWAII, TAX MAP KEY 6-6-02:POR. 31**

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM F-3 See page 14 for Action.

ITEM F-4 **CANCELLATION AND FORFEITURE OF GENERAL LEASE NO. S-3908 TO SEIYUKAI KABUSHIKI GAISHA, LOT 13, OCEAN VIEW LOTS, WAIAKEA, SO. HILO, HAWAII**

DEFERRED Deferred to February 25, 1994 meeting to allow lessee to pay delinquency in full covering G.L. No. S-3908. (Yuen/Kennison)

ITEM F-5 **CANCELLATION AND FORFEITURE OF GENERAL LEASE NO. S-3163 TO MICHAEL JAMES AND CYNTHIA KUULEI THOMAS, LOT 30, OCEAN VIEW LOTS, SECOND SERIES, SO. HILO, HAWAII, TAX MAP KEY 2-1-07:29**

Mr. Young informed the Board that the delinquency was paid in full.

WITHDRAWN Unanimously approved to withdraw. (Yuen/Kennison)

CANCELLATION AND FORFEITURE OF GENERAL LEASE NO. S-4789 TO LLEWELLYN L. BIVEN AND FRANCINE D. SAPLA, LOT 11, PAPA HOMESTEADS, PAPA 1ST, SO. KONA, HAWAII, TAX MAP KEY 8-8-04:11

ITEM F-6

Mr. Young informed the Board that the delinquency was paid in full.

WITHDRAWN Unanimously approved to withdraw. (Yuen/Kennison)

CANCELLATION AND FORFEITURE OF GENERAL LEASE NO. S-4633 TO SOONTAREE AND JULES J. GERVAIS, JR., LOTS 4 AND 5, PANAewa FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-4-49:19

ITEM F-7

ACTION Unanimously approved as submitted. (Yuen/Apaka)

APPROVAL IN PRINCIPAL TO LAND EXCHANGE BETWEEN STATE OF HAWAII AND MAUNA KEA AGRIBUSINESS CO., INC. AT SO. HILO, HAWAII, TAX MAP KEYS 2-9-03:44 AND 2-6-13:POR. 7

ITEM F-8

Mr. Yuen asked to be recused because of a conflict of interest.

DEFERRED Due to lack of quorum.

CONVEYANCE OF STATE LAND TO HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR THE VILLAGES OF LEIALII MASTER PLANNED PROJECT AT WAHIKULI, LAHAINA, MAUI, TAX MAP KEY 4-5-21:9, 17 AND PORTIONS OF 3, 4 AND 5

ITEM F-9

WITHDRAWN Approved to withdraw. (Kennison/Apaka)

REQUEST FOR CANCELLATION OF REVOCABLE PERMIT NO. S-5548 AND REISSUANCE OF A REVOCABLE PERMIT TO ELDEN K. LIU AND SONNY LIU-TAYLOR FOR STATE-OWNED LAND AT SPRECKELSVILLE BEACH LOTS, KAHULUI AIRPORT, MAUI, TAX MAP KEY 3-8-02:POR. 20

ITEM F-10

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM F-11 See page 4 for Action.

ITEM F-12 See page 13 for Action.

REQUEST AUTHORIZATION TO ISSUE A DIRECT LEASE TO HAWAII AUTHORITY (HHA) FOR SUBSEQUENT SUBLEASE TO HAWAII HABITAT FOR HUMANITY FOR AN AFFORDABLE HOUSING PROJECT AT WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY

ITEM F-13 4-1-23:8

ACTION Unanimously approved as submitted. (Apaka/Kennison)

REQUEST AUTHORIZATION TO ISSUE A DIRECT LEASE TO HAWAII HOUSING AUTHORITY (HHA) FOR SUBSEQUENT SUBLEASE TO HAWAII HABITAT FOR HUMANITY FOR AN AFFORDABLE HOUSING PROJECT NEAR MALUHIA HOSPITAL, KAPALAMA, HONOLULU, OAHU, TAX MAP KEY 1-6-13:1

ITEM F-14 OAHU, TAX MAP KEY 1-6-13:1

ACTION Unanimously approved as submitted. (Apaka/Kennison)

DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-10:POR. 79

ITEM F-15 MAP KEY 4-1-10:POR. 79

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM F-16 See page 5 for Action.

DIRECT AWARD OF SIXTY-FIVE (65) YEAR TERM NON-EXCLUSIVE ELECTRIC POLE LINE EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC. TO SERVE THE BELLOW CENTER BEACH RECREATIONAL FACILITY AT WAIMANALO, KOOLAUPOKO, OAHU TAX MAP KEY 4-1-09:282

ITEM F-17 TAX MAP KEY 4-1-09:282

ACTION Unanimously approved as submitted. (Kennison/Apaka)

CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1848, AND TRANSFERRING FEE SIMPLE TITLE TO UNIVERSITY OF HAWAII FOR WAIALEE EXPERIMENTAL FARM AT WAIALEE, OAHU, TAX MAP KEY 5-8-01:7, 13 AND 55

ITEM F-18 TAX MAP KEY 5-8-01:7, 13 AND 55

ACTION Unanimously approved as submitted. (Apaka/Kennison)

HAWAII COMMUNITY DEVELOPMENT AUTHORITY REQUEST CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1049 AND CONVEYANCE IN FEE COVERING LAND AT KAAKAUKUKUI, HONOLULU, OAHU, TAX MAP KEY 2-1-60:4

ITEM F-19 HONOLULU, OAHU, TAX MAP KEY 2-1-60:4

ACTION Unanimously approved as submitted. (Apaka/Kennison)

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, ON BEHALF OF DEPARTMENT OF PUBLIC SAFETY, REQUEST FOR EXPLORATORY AND CONSTRUCTION RIGHT-OF-ENTRY FOLLOWED BY GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR SEWER LINE PURPOSES, WAILUA, KAUAI, TAX MAP KEY 3-9-06:POR. 1

ITEM F-20

Mr. Young requested that the Board amend the submittal by deleting C under "Purpose" and B under "Recommendation."

ACTION Unanimously approved as amended. (Apaka/Kennison)

LESSEE'S REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, GENERAL LEASE NO. S-5022, LOT 50, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-4-03:11

ITEM F-21

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM F-22 See page 9 for Action.

ITEM H-1 See pages 8-9 for Action.

ITEM H-2 See page 9 for Action.

**ADDED
ITEM H-3** **INTERVENTION DEADLINE FOR CONTESTED CASE HEARING ON HELCO'S CDUA FOR KEAHOLE GENERATOR STATION EXPANSION**

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM K-1 **LEASE - LIHUE AIRPORT, KAUAI (FEDERAL AVIATION ADMINISTRATION (FAA))**

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM K-2 **CONSENT TO RE-ASSIGNMENT OF LEASE NO. DOT-A-72-26, HONOLULU INTERNATIONAL AIRPORT, OAHU (BANKOH CORPORATION)**

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM K-3 **DIRECT ISSUANCE OF LEASE, PIER 42, HONOLULU HARBOR, OAHU (ISLAND MOVERS, INC.)**

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ITEM K-4 DIRECT NEGOTIATION OF LEASE, NAWILIWILI HARBOR, KAUAI
(YOUNG BROTHERS, LTD., A SUBSIDIARY OF HAWAIIAN ELECTRIC
INDUSTRIES, INC.)

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM K-5 ISSUANCE OF REVOCABLE PERMIT, KAWAIHAE HARBOR, HAWAII
(LAUPAHOEHOE TRANSPORTATION COMPANY, INC.)

ACTION Unanimously approved as submitted. (Yuen/Kennison)

ITEM K-6 ISSUANCE OF REVOCABLE PERMIT, NEAR PIER 52 (MATSON
CONTAINER YARD), SAND ISLAND, HONOLULU, OAHU (S.W.
FOODSERVICE, INC.)

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ADJOURNMENT There being no further business, the Chairperson adjourned the meeting at 12:05 p.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED


KEITH W. AHUE, Chairperson

dcc
3/15/94