

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

DATE: MAY 27, 1994
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

**ROLL
CALL**

Chairperson Keith W. Ahue called the meeting of the Board of Land and Natural Resources to order at 9:13 a.m. The following were in attendance:

MEMBERS: Mr. Herbert Apaka
 Ms. Sharon Himeno
 Mr. Christopher Yuen
 Mr. William Kennison
 Mr. Michael Nekoba (present from 10:30 a.m.)
 Mr. Keith W. Ahue

STAFF: Ms. Dona L. Hanaike
 Mr. Henry Sakuda
 Mr. Carl Masaki
 Mr. Betsy Gagne
 Mr. Linford Chang
 Mr. Ralston Nagata
 Mr. Mason Young
 Mr. Dean Uchida
 Ms. Sandra Furukawa
 Mr. Roger Evans
 Mr. David Parsons
 Ms. Geraldine M. Besse

OTHERS: Ms. Linnell Nishioka and Mr. Johnson H. Wong, Dept. of
 the Attorney General
 Mr. Tom Toyama, Dept. of Transportation
 Mr. Alan Holt (Item No. C-3)
 Mr. Earl Matsukawa (Item No. E-1)
 Ms. Puanani Martinez, Ms. Bea Soga, Ms. Malama Vierra,
 Mr. Norman Shapiro, Mr. Ben Schaeffer, and Rep.
 Ululani Bierne (Item No. E-2)
 Ms. Ipolani Tano, Ms. Veryla Moore, Rep. Ululani Bierne
 (Item No. E-3)
 Ms. Sue Rutka (Item No. F-3)
 Mr. Chester Hunt (Item No. F-4)

Ms. Sue Rutka (Item No. F-3)
Mr. Chester Hunt (Item No. F-4)
Ms. Andrea Peters (Item No. F-7)
Mr. Robert Green (Item No. F-9)
Mr. Thomas Hayes, Mr. Everett Kaneshige, and Mr. Jerry
Allen Item No. F-10)
Ms. A'o Pohaku, Ms. Kawehi Gill, Ms. Ipolani Tano,
Mr. Matiu Kauri Tuholani Karowa (Item No. F-14)
Mr. Jan Medusky (Item No. H-2)
Mr. Lawson Cannon (Item No. H-3)
Mr. Jim Hofford (Item No. H-4)
Ms. Mary Cooke (Item H-5)

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

Item No. F-14 - Rescission of Prior Land Board Actions of September 24, 1993, (Agenda Item F-8) and December 17, 1993 (Agenda Item F-20) Relating to the Issuance of a General Lease and Revocable Permit to Save-A-Nation Foundation, Inc., Government Land at Waimanalo, Koolaupoko, Oahu, TMK 4-1-08:46, TMK 4-1-10:79 (Por. of) and TMK 4-1-10:80

Item No. J-4 - Approval to Enter into a Negotiated Agreement for Services with Sea Grant Extension Service, University of Hawaii, to Implement Phase III of the State Boating Safety Education Program

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

ADDED
ITEM F-14 RESCISSION OF PRIOR LAND BOARD ACTIONS OF SEPTEMBER 24, 1993 (AGENDA ITEM F-8) AND DECEMBER 17, 1993 (AGENDA ITEM F-20) RELATING TO THE ISSUANCE OF A GENERAL LEASE AND REVOCABLE PERMIT TO SAVE-A-NATION FOUNDATION, INC., GOVERNMENT LAND AT WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-08:46, TMK 4-1-10:79 (POR. OF) AND TMK 4-1-10:80

Ms. Hanaike stated that the construction of wooden residential structures on Makapuu Beach raised the issue of whether the relocation agreement was still valid; that with construction of the residential structures, there appears to be an intent to permanently reside on the beach and thus violate the relocation agreement. She asked that the Board delegate authority to the Chairperson to rescind the agreement and the previous actions of the Board.

tents, it was decided to provide an area for the beach occupants and allow them to "practice some of their theories that they had been advocating and so we tried to find them some good agricultural land." The connection between Makapuu Beach and the lease was "to allow this situation." She suggested further discussion to see if the Council "really wants to fulfill the agreement."

Ms. A'o Pohaku of the Nation of Ku submitted a written proposal to the Board. She said that the Nation of Ku is one of the nations repossessing the land at Makapuu because it is a spiritual nation. She said when the agreement was made with Ohana Council there were other people living at Makapuu, and the Nation of Ku was one of the groups. Her group was not part of the Ohana Council.

She further stated that there are three heiau in the area and suggested the matter should have been taken care of before dealing with Ohana Council. She claimed it was homestead land and nothing had been done over the years. She said even if the agreement is rescinded, her group will not accept the eviction. She said they support the efforts of the Ohana Council and does not support the Board recommendation.

Ms. Ipolani Tano clarified that there was a Save-A-Nation Foundation formed by her husband in 1983 in Las Vegas and that it was separate from the Hawaii foundation. She suggested that the status and validity of the Hawaii Save-A-Nation be checked. She requested that rather than rescind the agreement that the Board entertain the possibility of extending it and allow other people and resources to help them look for housing alternatives. She said she was involved in Alii Foundation and believes they could help resolve the situation. She said they have been working on a proposal and could present it in about three weeks. She said the Board should consider the whole; that they are at least three groups at Makapuu, which should be given the same consideration as the more vocal group. She also reiterated it was a "repossession" and not an "illegal occupation."

The Chairperson clarified that it was the intent to relocate all the people on Makapuu to the ag lots or as many that could be accommodated. The concern at present is that there are permanent structures at Makapuu, "which obviously goes against the intent of the agreement to relocate." As to extending the agreement, it may allow the construction to continue, he said. Mr. Ahue stated that Ohana Council publicly stated its intent to stay, and there was no option for the Board.

Ms. Kawehi Gill of the Konohiki Status stated that her family was given konohiki status in 1848 of the Koolaupoko area which includes Waimanalo and, in particular, Makapuu. She said the President signed Public Law 103-150, on November 23, 1993, which should have kicked into the system. She informed the Board she sits on the Sovereignty Elections Council, which is trying to work things out for their people on that level as well. She said she was also a member of Kahea, Inc. In 1985 a master plan was drafted for the community with the Department of Hawaiian Home Lands on the use of the lands, particularly Waimanalo and Makapuu. The Department approved the land use plan in 1987 but disposition of the land did

not follow. She said the Department hired a consultant for \$180,00 who reached the same conclusion as Kahea, Inc. She stated they are standing on the recognition of kanaka maoli rights. "We don't recognize the State of Hawaii . . . we recognize that there was an illegal overthrow and that the Kingdom of Hawaii that existed then still exists today." She said her family, along with 40 other families, have formed the Mana Maoli International Council. They are bringing the kings and queens of Polynesia to resolve the problem; that there is an illegal head of state at this time, who has to be removed, and the konohiki will take his place. It is unfair to give them a timetable when the kanaka maoli have a right to the land and that the Board would be held for the crime of genocide "if you move against our people. As konohikis, I take full responsibility and will not only talk to you but I will talk to the international area and I will talk to all the entities in this State to cease on what you are trying to do to our people. They have more rights to be there than anyone else."

Mr. Matiu Kauri Tuholani Karowa said he is kanaka maoli; that he supports all of the kanaka maoli; and that aboriginal, hereditary rights cannot be destroyed. The kanaka maoli are the first nation of Hawaii. He said he spoke on behalf of the people of Polynesia, the land of the "Long White Cloud."

ACTION Unanimously approved as submitted (Apaka/Kennison).

RECESS The Chairperson called a recess from 10:00 a.m. to 10:12 a.m.

ITEM H-5 TIME EXTENSION REQUEST TO BEGIN CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT HAENA, KAUAI, TMK: 5-9-5:23; APPLICANT: MARY COOKE

Ms. Cooke advised the Board that the bids came in double of what was budgeted. She now needs to hire an architect to design a smaller residence and go through the approval process again. She asked for an additional year to initiate construction and two years to complete construction from the date of initiation.

ACTION Mr. Apaka moved to approve as amended to reflect an additional two years to initiate construction for a total of three years and two years to complete construction from the date of initiation. Seconded by Ms. Himeno and unanimously approved.

ITEM H-2 REQUEST FOR A TIME EXTENSION ON CDU PERMIT OA-2597 FOR ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE LOCATED ON ROUND TOP DRIVE, TANTALUS, HONOLULU; TMK 2-5-16:3; APPLICANT: MR. JAN R. MEDUSKY

ACTION Ms. Himeno moved to approve with an amendment for a total of 12 months to initiate construction and until March 1997 for completion. Seconded by Mr. Kennison and unanimously approved as amended.

ITEM F-7 DIRECT SALE OF NON-EXCLUSIVE TERM EASEMENT AT WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-07:65

ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM E-3 REQUEST TO TERMINATE THE EXISTING LEASE AND ESTABLISH A LEASE TO A NEW NON-PROFIT ORGANIZATION FOR THE OPERATION OF PUBLIC CAMPING AND CABIN RENTALS AT MALAEKAHANA STATE RECREATION AREA, KAHUKU, OAHU

Mr. Nagata stated that the item was deferred from the last meeting to allow two interested organizations to see whether an accommodation could be made between them; that management personnel from the two organizations met to discuss how they might be able to work together. It was felt that Kamaaina Care, Inc., would be interested under the Koolauloa Hawaiian Civic Club. Mr. Nagata stated Kamaaina Care would monitor the potential of the area for a 9-12 month period regarding the feasibility of constructing an approximate 40x40 foot pavilion with a kitchen building that could accommodate large day-use groups of up to 200 people for a rental fee. Thereafter, a proposal would be submitted to the lessee and the Department for consideration. The Koolauloa Hawaiian Civic Club does not yet have bona fide nonprofit status and has revised its proposal to have Alii Affordable Housing Foundation include them under its umbrella. Once the Koolauloa Hawaiian Civic Club achieves its nonprofit designation, a lessee transfer would be proposed to the department. The Foundation assisted by the Koolauloa Hawaiian Civic Club would provide the same level of recreational services available through Network and is able to effectuate a smooth transition, assuming the responsibilities as of June 1st. During the first year a proposal would be submitted on detailed recreational enhancements and, as appropriate, submitted to the National Park Service for consideration.

Ms. Ipolani Tano stated that shelter under 501-C3 has been offered by three different groups. Ms. Veryla Moore stated that a question never answered was: the Koolauloa Hawaiian Civic Club has been a bona fide nonprofit organization for seven years--what necessitates 501-C3? Ms. Himeno stated that at the last meeting the Attorney General was asked for an opinion. Mr. Nagata commented he was advised to put the request in writing; however, in his discussion with the group it was not going to be a question because they had the opportunity to use another organization's 501-C3 status. Ms. Moore asked for a direct lease to the Koolauloa Hawaiian Civic Club. Mr. Nagata suggested that the lease issue to Alii with the understanding that if during the course of entering into the lease documents the Attorney General's Office decides the 501-C3 question and if the Attorney General's Office rules that it is not necessary then the lease could be to Koolauloa Hawaiian Civic Club.

Mr. Ahue confirmed that once a determination has been made by the Attorney General's Office on whether it was necessary to have the 501-C3 status or the club receives its 501-C3 status, the lease could be made directly to the Civic Club.

Mr. Ahue stated that Deputy Attorney General Johnson Wong called his attention to section 171-43.1, which basically requires certification by the Director of Tax that the organization is tax exempt under section 235-9A.

ACTION Mr. Ahue moved to approve with the amendment that if the Koolauloa Hawaiian Civic Club is deemed to have bona fide nonprofit status as required the lease be issued directly to them or if the Attorney General's Office indicates that they do not need bona fide nonprofit status. Seconded by Ms. Himeno and unanimously approved as amended.

(Mr. Apaka excused at 10:45 a.m.)

ITEM E-1 SELECTION OF A MASTER PLAN FROM ALTERNATIVE PROPOSALS AND PERMISSION TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT OF THE SELECTED PLAN FOR KA IWI STATE PARK, OAHU

ACTION Unanimously approved as submitted (Himeno/Kennison).

ITEM E-2 RESUBMITTAL--REQUEST FOR CHANGES ON APPROVED POLICIES FOR THE IMPLEMENTATION OF THE KAHANA VALLEY STATE PARK DEVELOPMENT PLAN, OAHU

Mr. Nagata stated that in June 1988 policies were developed for the implementation of the development plan for Kahana Valley. The policies were reviewed and amended in March 1992. Now, he said, as the infrastructure is being completed for the housing areas and the residents work with their contractors, two further amendments were proposed.

(1) The \$50,000 maximum low-cost State mortgage loan authorized to the residents is limiting the residents' choice of homes they will be able to build. They requested that the required individual septic tank and leech field sewage system be included as part of the infrastructure cost the State will provide; this would reduce the cost to residents by approximately \$5,000 and allow a contractor, such as Oahu Self-Help, to offer three different models, rather than a single model. Staff reviewed the requests and is doing cost estimates, hoping to use the remaining funds assigned to the infrastructure construction project. The following conditions were recommended:

(a) the State would provide individual sewage systems as required by health regulations up to an amount available with remaining funds;

(b) any costs above the amount available with State funds would be borne by the individual lessee; and

(c) in order to be eligible, each lessee must designate one sewage system location by July 30 with sufficient information for the State contractor to install the unit. The State funds would only be used for lessees' who are required to build new sewage systems. Mr. Nagata advised there were four or five lessees whose homes have been inspected by the City and County of Honolulu, who would not need to put in a new system.

(2) On March 9, 1992, an amendment to the policies authorized five households to remain in their existing locations, providing they overcome existing regulatory requirements on a timely basis and pay added costs. A sixth household was added on October 8, 1993. Some of the families have requested that the State provide the houselot surveys needed for the residential lease lots. He said others in the same group have paid to have this work done. One of the authorized families, Mrs. Adela Johnson, wishes to remain in the existing house, which they have since found meets the building code requirements. State Parks had not identified her existing house area as a primary public use area but had been of the opinion that it would not meet "requirements" and, therefore, the State had proposed to do the survey work to reconfigure her lot to include the existing house. This would also require a resurvey of the adjoining lot belonging to Ronald Johnson, whose boundary line would be adjusted accordingly. The remaining five households had been assigned new lease lots on registered lots located some distance from their existing houselots. At the time the families requested to remain in their existing locations, they were informed that they would have to overcome regulatory problems regarding flooding, sewage disposal and pay any of their costs, which were expected to include the cost of establishing the boundaries of the new lots. Registration of the lots can be done by the State only after regulatory requirements have been met.

The recommendation is for the Board to authorize the Department to provide individual sewage systems required for each lessee building a new home, subject to the conditions indicated above. Also to authorize the State to resurvey the two adjoining residential lots assigned to Mrs. Adela Johnson and Ronald Johnson and to maintain the original March 27, 1992, Board action denying the request for State assistance in surveying new house lots for those making a special request to remain in their existing houselots, rather than relocating to their assigned houselots, the exception being the Johnson lot.

Rep. Ululani Bierne testified in support of the proposed changes. She noted House Concurrent Resolution 164, H.D. 1, S.D. 1, and cited the 11th and 12th "whereas clauses" of the resolution. She stated that if additional funds were required that funds be used from the HFDC administration budget funds, \$160,000, considering that the Bank of Hawaii will be administering all loan funds and they have done minimum work. She requested State assistance from DAGS as costs of surveying were astronomical.

In response to a question from Mr. Nekoba, Mr. Nagata stated that the remaining residents would be allowed to remain where they were if they met building code requirements and would have to bear the costs of the surveys or the Board could pay for it having a consultant do it or requesting DAGS to do it. DAGS indicated to Rep. Bierne that they were willing to do this but it may not be as timely as they would want.

Mr. Ahue stated that it appeared that as part of the survey it included an application for floodway. Mr. Nagata stated that his understanding was correct but not in all cases and that was an additional cost. Mr. Nagata indicated that in the Johnsons' case, they had no problem with them staying in place but it had been assumed they would have problems with the building code. He said making the floodway applications went beyond the survey. Mr. Nagata stated they did not anticipate paying the additional costs of the survey but the Johnsons' existing house was certified, whereas the others would be constructing new houses.

Mr. Ahue clarified that Mr. Nekoba's definition of a survey is that when the household has all of the permits completed and it's determined that the family is able to remain there, then it would be appropriate for the State to pay for the survey costs of metes and bounds. He stated that Rep. Bierne's survey request went well beyond that--that she is asking for a survey to apply for flood variance to deal with many other issues that ultimately lead to her ability to remain where she is. Rep. Bierne agreed. He said that in reading DAGS letter, clarification is required, because it states that because the Board took a position that those who wished to remain on their existing lots would do so at no cost to the State the Board needs to know what that means because if DAGS is saying they will do it and even though it would cost \$10,000-15,000 and DAGS is saying that it could be interpreted as no cost then the Board needs to know. She said Act 5 spells out that the residents are really exempt from the building codes.

Mr. Norman Shapiro stated his main concern was the septic tanks and asked that the State pay for the septic tanks and leech fields.

Mrs. Bea Soga commented her situation is that she had to see OEQC, and was told to go back to the Land Board for approval and not OEQC. She said she also went to DLU and was told the same thing.

Mrs. Malama Vierra said she has called seven surveyors and they have all advised her that the jurisdiction is DLNR's and that is holding her up.

Mr. Nagata stated that he requested the Soga's ask OEQC for a letter indicating that they were "out of the picture"; that it had to do with the State EIS laws and DLNR wanted to be sure OEQC did not come back saying there was no compliance. Mr. Ahue commented that OEQC has the authority and they are telling the Soga's that DLNR has the authority but will not release a letter to that effect.

Mr. Ben Schaeffer stated he concurred with Rep. Bierne's requests.

Mr. Ahue commented that the priority is to let people start building. Mr. Nagata stated that all infrastructure was to be completed before the lots were turned over and his understanding was that the electrical work and water system needs to be completed. He said if the Board goes along with providing the septic tank and leech fields to a certain amount it would be provided with the understanding that it was also considered infrastructure; otherwise, the State shouldn't be building; it would be the individual's responsibility. He stated that if it were done as part of the infrastructure in order to turn over the lots and build the houses there has to be some "slack" in that not all the infrastructure work would be completed; the State would have to let them get started.

Mr. Ahue stated that the five lots as he understood the Board decision, those five residents would be required to obtain permits and the interpretation is that the permits rest with all the agencies that always had the authority to issue the permits. If those agencies are now referring them back to the Land Board and if the agencies have relinquished their authority, he said, the Land Board has not been so advised.

Mr. Yuen stated he was on the Board at the time; he said the decision was that all families would move; then five came to the Board requesting to remain on their present houselots. The Department did not want them to stay, partly because there were a lot of problems, one being the septic tanks. As a compromise, the Board approved the five families staying, but the burden would be on the families to overcome the problems.

ACTION Mr. Nekoba moved to approve with the amendment of the date from June 30 to July 31, 1994, as the date to designate one sewage system location. If the existing homeowners do comply with the building code, the State will ask DAGS for the metes and bounds survey. Seconded by Mr. Kennison. Unanimously approved as amended.

RECESS The Chairperson called a recess from 12:00 noon to 12:30 p.m.

ITEM F-10 AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 1, 1991 (AGENDA ITEM F-8) RELATING TO GENERAL LEASE NO. S-3775 AT WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-27:09

Mr. Mason Young stated that the bankruptcy trustee advised that all the conditions of the buy-out were not satisfied, and on April 13, 1994, the trustee informed Land Management the purchaser could not be reinstated, and the trustee has withdrawn the sale of the leasehold. The Board is being asked to rescind actions taken by the Board; that should the Board rescind its action, the trustee has asked for consent to a sublease between the trustee and the State of California.

Mr. Jerry Allen read a prepared statement regarding the alleged default and failure to complete the acquisition actions.

Mr. Everett Kaneshige, attorney for the trustee, stated that eight extensions had been granted to Mr. Allen, and the trustees are operating under a series of court orders dictating the terms of the disposition of the property. He said they plan to obtain a court hearing within the next two weeks.

ACTION Mr. Nekoba moved for approval with the amendment of Condition No. C-1 stating that the commencement date of the sublease would be determined by the Chairperson. Seconded by Mr. Kennison and unanimously approved as amended.

ITEM H-1 REQUEST FOR A TIME EXTENSION ON CDU PERMIT OA-2304 FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT ROUND TOP DRIVE, TANTALUS, HONOLULU; TMK 2-5-16:1, APPLICANT: MR. JAMES C. GAGE

Mr. Evans stated that the landowner and immediate adjacent landowner requested deferral to the next Oahu meeting.

ACTION Deferred upon motion by Mr. Nekoba and second by Ms. Himeno and unanimously carried.

ITEM F-9 RESUBMITTAL AND AMENDMENT -- CITY AND COUNTY OF HONOLULU REQUEST SET ASIDE OF STATE LANDS AT HALEIWA, OAHU, FOR ADDITION TO HALEIWA BEACH PARK, TMK 6-2-03:10 & 39

Mr. Young informed the Board that the Division of Historic Preservation, the Neighborhood Board and Haleiwa Main Street Association concurred that the Surf and Sea building was an important landmark building that should be preserved and continued in its present use and should not be part of the set-aside.

Mr. Robert Joe Green apprised the Board of some of the problems he has encountered with the building.

ACTION Mr. Nekoba moved for approval with an amendment to Condition No. 22, which would allow the lessee 4-1/2 years to complete renovation of the building. Seconded by Ms. Himeno and unanimously approved as amended.

ITEM F-4 REQUEST FOR LEASE TERM EXTENSION OF GENERAL LEASE NO. S-4649 AND CONSENT TO REFINANCE OF MORTGAGE, KEKAHA, WAIMEA (KONA), KAUAI, TMK 1-3-03:41

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM F-3 COUNTY OF HAWAII REQUEST FOR A TEMPORARY NON-EXCLUSIVE ACCESS AND UTILITIES EASEMENT ACROSS STATE LANDS IDENTIFIED AS "EASEMENT A" SITUATE AT KEAHUOLU AND LANIHAU-NUI, NO. KONA, HAWAII, TMK 7-5-05:POR. 7

Mr. Young asked to amend Recommendation No. B.8: Second sentence revised to read after the word "shall": "if deemed necessary by the county."

ACTION Unanimously approved as amended (Yuen/Kennison).

ITEM H-7 PRELIMINARY APPROVAL ON AN EXCHANGE OF LAND BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF HAWAIIAN HOME LANDS AT LALAMILO AND HUMUULA, HAWAII

Mr. Uchida made the presentation and asked for preliminary approval in order to proceed with the appraisal process. Mr. Yuen expressed his concern that the highway corridor needs to be protected and that the State should retain at least several hundred acres for general public uses.

ACTION Moved for approval by Mr. Yuen with the understanding that it is not a directive to exchange all the land and approval was for the purpose of the appraisals. Seconded by Mr. Kennison and unanimously approved.

ITEM H-3 TIME EXTENSION REQUEST FOR CDU PERMIT OA-2179: SINGLE FAMILY RESIDENCE AT NIU VALLEY, HONOLULU; TMK: 3-7-15:63; APPLICANT: MR. LAWSON CANNON

ACTION Unanimously approved as submitted (Himeno/Kennison).

ITEM H-4 AMENDMENT TO CDUA FOR THE HAWAII LOA COLLEGE SPECIAL SUBZONE, KANEOHE, OAHU: REQUEST FOR FIVE (5)-YEAR TIME EXTENSION; TMK: 4-5-25:10; APPLICANT: HAWAII PACIFIC UNIVERSITY

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM H-6 PERMISSION TO HIRE A CONSULTANT TO CONDUCT A RESOURCE AND MANAGEMENT ELEMENT INVENTORY AND TO REVIEW THE EXISTING SUBZONE CLASSIFICATION SYSTEM WITHIN THE STATE CONSERVATION DISTRICT

Mr. Ahue stated the contract amount was \$40,000 for an approximate five-month project, but \$235,000 was appropriated by the Legislature for the larger project and that the present request was a continuation of the existing contract. Mr. Nekoba stated that the submittal was not clear on whether the item on the agenda was for \$40,000 or the entire amount of \$370,000. The vote was deferred pending further information from Deputy Dona Hanaike, who was working on the project.

ITEM C-3 WAIKAMOI PRESERVE/NATURAL AREA PARTNERSHIP

Mr. Alan Holt from the Nature Conservancy was present and available to answer any questions.

ACTION Unanimously approved as submitted (Kennison/Yuen).

ITEM B-1 REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS ON AMENDMENT TO HAWAII ADMINISTRATIVE RULES, CHAPTER 52, KAILUA BAY, HAWAII

ACTION Unanimously approved as submitted (Yuen/Nekoba).

ITEM B-2 REQUEST FOR APPROVAL TO AMEND AN AGREEMENT WITH THE UNIVERSITY OF HAWAII, HAWAII COOPERATIVE FISHERY RESEARCH UNIT TO CONDUCT BASELINE STUDIES ON HABITAT RESOURCES AND RECREATIONAL FISH POPULATIONS AT HANAIEI BAY, KAUAI

and

ITEM B-3 REQUEST FOR APPROVAL TO AMEND AN AGREEMENT FOR CONSULTANT SERVICES WITH THE UNIVERSITY OF HAWAII, SCHOOL OF OCEAN AND EARTH SCIENCE AND TECHNOLOGY, DEPARTMENT OF GEOLOGY AND GEOPHYSICS, FOR SEDIMENTOLOGY AND SEDIMENT DYNAMICS AT HANAIEI BAY, KAUAI

and

ITEM B-4 REQUEST FOR APPROVAL TO AMEND AN AGREEMENT FOR CONSULTANT SERVICES WITH THE UNIVERSITY OF HAWAII, HAWAII INSTITUTE OF MARINE BIOLOGY FOR A STUDY OF GROWTH RATES AND LONG-TERM DISPERSAL PATTERNS OF IMPORTANT HAWAIIAN FOOD AND GAME FISH SPECIES OF KANEOHE BAY, OAHU

ACTION Item Nos. B-2, -3, and -4 unanimously approved as submitted (Himeno/Nekoba).

ITEM C-1 REQUEST APPROVAL OF CONTRACT WITH MR. STEPHAN OLDFATHER TO PARTICIPATE IN THE STATE FOREST STEWARDSHIP PROGRAM

ACTION Mr. Yuen suggested that the division check on whether the individual qualified for a U.S. Soil Service grant. Unanimously approved as submitted (Yuen/Nekoba).

ITEM H-6 Ms. Hanaike explained that the total amount appropriated by the Legislature was **CONT'D.** \$370,00; \$135,000 was approved by the Governor several months ago; and \$235,000 approved by the past legislative session. She stated that the \$40,000 would get the project through the administrative rules and the balance of the funds would go to the overall review. That a request for proposal concept would be set up. Ms. Hanaike stated that the remaining project would go out to bid. Under the present system the \$40,000 was a sole source contract. Mr. Nekoba stated that the Board would like to see the contract and the bid results.

Mr. Nekoba suggested that today's action be to approve a \$40,000 contract to Gail Atwater and to authorize proceeding with Phase 3 of the contract.

ACTION Ms. Himeno moved to approve a \$40,000 contract to Ms. Atwater and authorization to proceed with Phase 3 of the contract, the contracts subject to review by the Board. Seconded by Mr. Nekoba and unanimously approved as amended.

ITEM C-2 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO UNDERTAKE ENDANGERED SPECIES RESEARCH

ACTION Unanimously approved as submitted (Yuen/Himeno).

ITEM C-3 See page 12.

ITEM D-1 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT JOB NO. BOR 2306 REPLACE FENDER SYSTEM AT HEEIA-KEA BOAT HARBOR, OAHU

ACTION Unanimously approved as submitted (Himeno/Yuen).

Mr. Yuen excused at this time (2:25 p.m.)

ITEM D-2 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT NO. 50-HE-A DOCARE ADMINISTRATIVE BUILDING, MAUNA KEA, HAWAII

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM D-3 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 49-KH-A, RESTORATION OF CARETAKER'S COTTAGE AT KE'E BEACH HULA PLATFORM, KAUAI

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM D-4 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT- JOB NO. 31 -OL-M2, MAINTENANCE OF KAHAWAI STREAM, OAHU

ACTION Unanimously approved a submitted (Himeno/Nekoba).

ITEM D-5 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 80-OP-L4, WATERLINE AND ROADWAY IMPROVEMENTS, KEAIWA HEIAU STATE RECREATION AREA, OAHU

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM E-1 See page 6.

ITEM E-2 See page 9.

ITEM E-3 See page 6.

ITEM E-4 PERMISSION TO NEGOTIATE WITH THE FRIENDS OF IOLANI PALACE, INC., AND EXECUTE DOCUMENT FOR A MANAGEMENT CONTRACT FOR IOLANI PALACE, BARRACKS, CORONATION PAVILION AND OLD ARCHIVES (KANAINA) BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted (Nekoba/Himeno).

**GENERAL LEASE NO. S-5060, LOT 15, PUU KA PELE PARK LOTS,
WAIMEA (KONA), KAUAI, TMK: 1-4-02:23**

Mr. Young asked to amend his submittal by adding that if the assignee cannot obtain the necessary liability insurance that the consent of the Board be null and void.

ACTION Unanimously approved as amended (Himeno/Kennison).

ITEM F-2 **DIRECT ISSUANCE TO WATER COMMISSION OF THE COUNTY OF HAWAII FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR WATER METER BOX PURPOSES AT KEONOPOKO IKI, PUNA, HAWAII TMK:1-5-09:POR. 59**

ACTION Unanimously approved as submitted (Nekoba/Kennison).

ITEM F-3 See page 11.

ITEM F-4 See page 10.

ITEM F-5 **AGREEMENT FOR OPERATING, RIGHT OF ENTRY AND LEASE OF PROPERTY FOR THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS WITH RICHARD SMART TRUST, DBA PARKER RANCH, WAIKIKI SITE, AALII PASTURE, WAIKOLOA, SO. KOHALA, HAWAII, TMK 6-7-01:POR. 25**

ACTION Unanimously approved as submitted (Kennison/Himeno).

ITEM F-6 **LEASE OF STORAGE SPACE FOR THE DEPARTMENT OF HEALTH AT KAHULUI, MAUI, TMK 3-7-05:14**

Mr. Young asked that an amendment be made to approve the department's request for lease of storage space.

ACTION Unanimously approved as amended (Kennison/Himeno).

ITEM F-7 See page 5.

ITEM F-8 **STAFF REQUEST TO AMEND PRIOR BOARD ACTION OF AUGUST 27, 1993 (AGENDA ITEM F-1-B), REVOCABLE PERMIT TO STANAIRE SHEETMETAL AND A/C CO., INC., KEEHI INDUSTRIAL LOTS, KEEHI LAGOON, KALIHI-KAI, HONOLULU, OAHU, TMK 1-2-23:POR. 57**

ACTION Unanimously approved as submitted (Kennison/Himeno).

ITEM-F-9 See page 10.

ITEM F-10 See page 10.

ITEM F-11 **STAFF REQUEST FOR APPROVAL OF MASTER PLAN CONCEPT, AND AUTHORIZATION TO PROCEED WITH OBTAINING CONSOLIDATION AND RESUBDIVISION APPROVAL OF GOVERNMENT LOT AT HANAPEPE, WAIMEA, KAUAI, TMKS 1-8-08:32-35, 38, 49 & 52, AND 1-9-11:7**

ACTION Unanimously approved as submitted (Nekoba/Kennison).

ITEM F-12 **AUTHORIZATION TO SELL AT PUBLIC AUCTION RESIDENTIAL LOTS, HANAPEPE TOWN LOTS, FIRST SERIES, HANAPEPE, WAIMEA (KONA), KAUAI, TMK 1-9-09:6, 7, 8 & 9**

ACTION Unanimously approved as submitted (Kennison/Himeno).

ITEM F-13 **DEPARTMENT OF AGRICULTURE REQUIRES RIGHT-OF-ENTRY ONTO STATE LAND FOR THE PURPOSE OF TAKING SOIL, KEKAHA, KAUAI, TMK 1-2-02:1**

ACTION Unanimously approved as submitted (Kennison/Himeno).

ITEM G-1 **ADOPTION OF AMENDMENTS TO ADMINISTRATIVE RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, CHAPTER 13-16, CONVEYANCES**

ACTION Unanimously approved as submitted (Kennison/Nekoba).

ITEM H-1 See page 10.

ITEM H-2 See page 5.

ITEM H-3 See page 11.

ITEM H-4 See page 11.

ITEM H-5 See page 4.

ITEM H-6 See page 12.

ITEM H-7 See page 11.

ITEM J-1 REQUEST FOR AUTHORIZATION TO ACQUIRE LAND BY LEASE FOR MAALAEA BOAT HARBOR EXPANSION, WAIKAPU, WAILUKU, ISLAND OF MAUI

Mr. Parsons distributed an amended submittal containing additional information and background detail.

ACTION Unanimously approved as amended (Kennison/Himeno).

ITEM J-2 SALE OF LAND LICENSE AT PUBLIC AUCTION FOR DISPOSITION OF AGGREGATE ROCK, HONOKOHAU BOAT HARBOR, NORTH KONA, ISLAND OF HAWAII

Mr. Parsons asked to amend the recommendation to include the establishment of a rock crusher operation on the premises for the term of the license with appropriate consideration given to potential noise and dust impacts and to authorize the department to negotiate an appropriate site for the lease occupied by the rock crusher.

ACTION Unanimously approved as amended (Kennison/Himeno).

ITEM J-3 CONTINUANCE OF REVOCABLE PERMITS

Item J-3a ISLAND ADVENTURE, INC., NAWILIWILI BOAT HARBOR, ISLAND OF KAUAI

Item J-3b AKANA PETROLEUM, INC., KAILUA-KONA PIER AND KEAUHOU BOAT HARBOR, ISLAND OF HAWAII

Item J-3c HAWAII PETROLEUM DISTRIBUTORS, INC., KAILUA-KONA PIER, ISLAND OF HAWAII

Item J-3d MDR, INC., HONOKOHAU BOAT HARBOR, ISLAND OF HAWAII

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM J-4 APPROVAL TO ENTER INTO A NEGOTOATED AGREEMENT FOR SERVICES WITH SEA GRANT EXTENSION SERVICE, UNIVERSITY OF HAWAII TO IMPLEMENT PHASE iii OF THE STATE BOATING SAFETY EDUCATIONAL PROGRAM

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM K-1 LEASE - BASE FACILITIES, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (AMERICAN INTERNATIONAL AIRWAYS, INC.)

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM K-2 AUTOMOBILE PARKING FACILITIES CONCESSION, KAHULUI AND KAPALUA-WEST MAUI AIRPORTS, MAUI

ACTION Mr. Toyama stated that the Attorney General's office requested that page 2 of the submittal be amended wherein any reference to "rental" be deleted and substituted with the word "fee."

ACTION Unanimously approved as amended (Kennison/Nekoba).

ITEM K-3 CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-81-14, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (INTER-ISLAND AIR, INC. - GARY O. GALIHER)

ACTION Unanimously approved as submitted (Himeno/Nekoba).

ITEM K-4 RIGHT-OF-ENTRY, LIHUE AIRPORT, KAUAI (CITIZENS UTILITIES, KAUAI ELECTRIC DIVISION)

ACTION Unanimously approved as submitted (Nekoba/Himeno).

ITEM K-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5128 AND 5131 (NONCONFORMING), AIRPORTS DIVISION, KAUAI

ACTION Unanimously approved as submitted (Himeno/kennison).

ITEM K-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 23, HONOLULU HARBOR, OAHU (KERR PACIFIC CORPORATION, DBA HFM)


ACTION Unanimously approved as submitted (Himeno/Kennison).

ITEM K-7 REQUEST FOR DELEGATION OF AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION FOR THE ISSUANCE OF REVOCABLE PERMITS AT KAPALAMA MILITARY RESERVATION FOR INCONSISTENT PURPOSES

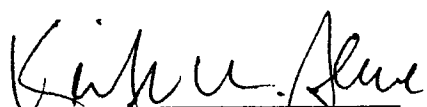
ACTION Unanimously approved with an amendment to extend the delegation for an additional 30 days (Nekoba/Kennison).

ADJOURN- There being no further business, the meeting was adjourned at 2:45 p.m.
MENT

Respectfully submitted,


Geraldine M. Besse
Secretary

APPROVED:


KEITH W. AHUE, Chairperson

6/20/94