

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

DATE: FRIDAY, JUNE 24, 1994
TIME: 9:00 A.M.
PLACE: BOARD ROOM
KALANIMOKU BUILDING, RM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

**ROLL
CALL**

Chairperson Ahue called the meeting of the Board of Land and Natural Resources to order at 9:15 a.m. and the following were in attendance:

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

ABSENT & EXCUSED Mr. Christopher Yuen

STAFF Mr. Roger Evans
Mr. W. Mason Young
Mr. Henry Sakuda
Mr. Michael Buck
Mr. John Corbin
Mr. Linford Chang
Ms. Rose Chismar
Ms. Dorothy Chun

OTHERS Mr. Johnson Wong, Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Ms. Leslie S. Lendra (Item H-3)
Mr. Rick Rainalter, Adm. W.P. Kozlovsky (Item K-3)
Ms. Yvonne Izu, Ms. Angela Fong, Ms. Donna Wong,
Ms. Sheryl Nicholson (Item H-6)
Mr. John Borders (Item D-7)
Mr. Brian Nishida, Mr. Gary Anderson (Item F-7)
Mr. Elia Long, Ms. Betty Lou Stroup (Item E-3)

**ADDED
ITEMS:**

By motion of Mr. Apaka and second by Mr. Kennison, the following items were added to the agenda:

- A-1 Approval to Award Grants for the Administration and Operation of the Main Street Programs
- A-2 Awarding of Historic Preservation Grants-in-Aid

- E-3 Request to Use the Iolani Palace Grounds for a 100th Anniversary Observance of the Inauguration of the Republic of Hawaii
- F-13 Cancellation and Forfeiture of General Lease No. S-3718 to Hilo Auto Electric and Carburetor Service, Ltd., Lot 12, Kanoelehua Industrial Lots, Waiakea, South Hilo, Hawaii, Tax Map Key 3rd/Div./2-22-50:80

Items on the agenda were considered in the following order to accommodate the applicants and interested parties who were present:

ITEM H-3 CDUA TO CONSTRUCT A SINGLE FAMILY RESIDENCE, SUBSISTENCE FARM, AND RELATED ACCESSORY USES AT PUNA, HAWAII; TAX MAP KEY 1-5-10:7, APPLICANTS: MS. LESLIE LENDRA AND DR. ROBERT D. SCOREN

Mr. Evans testified that the County of Hawaii informed staff that the applicant needed a Special Management Area (SMA) permit. Applicant was informed if the SMA permit was not obtained within 30 days prior to the 180-day expiration date, then negative action would be taken by the Board. To date an SMA permit has not been obtained and staff is recommending that the Board defer this item.

Ms. Leslie Lendra, applicant stated that the County of Hawaii has said that they are in the process of issuing the SMA permit. The County informed them because they have the small subsistence farm, they will probably require a minor permit and that's why it's taking a little longer. She has received indication from the County that this will probably be done before the next Board meeting of July 8, 1994. She understood why this would need to be deferred.

Ms. Lendra informed that Board that due to a prior scheduled business trip she would be on the mainland on July 8 and if there are any questions by the Board she would try to answer them today.

Mr. Evans also pointed out that the subsistence farming would be strictly for the family's use. If there were to be commercial resale, then the CDUA would be required to go to a public hearing.

DEFERRED Ms. Himeno moved to defer, seconded by Mr. Kennison motion carried unanimously.

ITEM K-3 CONSENT TO AFFILIATION AGREEMENT AFFECTING HARBOR LEASE HO. H-87-30, PIER 7, HONOLULU, HARBOR, OAHU (ATL, INC. AND HAWAII MARITIME CENTER)

Mr. Garcia made the presentation of Item K-3. He asked that a condition

9 be added to read, "This consent is for the berthing of the Abner T. Longley within submerged areas covered by Harbor Lease No. H-87-30 to Hawaii Maritime Center at Pier 7. The loading and unloading of passengers at Pier 7 shall require the prior written approval of the Director of Transportation and the oral approval of the Board of Land and Natural Resources."

Chairperson Ahue asked for an explanation of the request for an oral approval.

Mr. Garcia explained that they would accept the oral motion and action at today's meeting as the "oral approval."

Mr. Rick Rainalter, one of the Hawaiian partners of the Aloha Tower Associates said that he was present to inform the Board about fireboats. He used enlarged photos of the area and of the two fireboats. He said that the boats will be used in educating the children, visitors and the community about the history of the harbor.

Mr. Rainalter said that an agreement has been put together with the Hawaii Maritime Center who is represented by Admiral Kozlovsky, their executive director, to use the vessel for this purpose.

Admiral Kozlovsky did not have anything else to add.

ACTION Unanimously approved as amended. (Himeno/Nekoba)

ITEM C-1 REQUEST APPROVAL TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE CREATION OF AN ADOPT-A-TRAIL PROGRAM WITH THE HAWAII EQUESTRIAN TRAIL ASSOCIATION IN THE MAINTENANCE OF THE MAUNAWILI DITCH TRAIL

Before his presentation, Mr. Buck on behalf of the Division of Forestry and Wildlife thanked Ms. Sharon Himeno for all her support during her tenure as a board member and wished her well.

Mr. Buck informed the Board that this program was a pleasure when a community group can participate and go into partnership with government to help manage public resources. He said that this was a two year agreement with the Hawaii Equestrian Trail Association (HETA) where the equestrian association will help maintain the trail three times a year, help restore portions of the trail and police and inform the community about appropriate uses of the trail. The department will provide assistance. The agreement does not provide for exclusive use of the trail as it's a multi use trail. There is a wide range of community interest in using the trail and because equestrian use is really advancing in Waimanalo, staff feels it appropriate to bring it forward for Board

approval.

Mr. Tony Ornellas, President of HETA said that they are looking forward to working on this trail. They appreciate the opportunity and feel that their community should be part of its own restoration and caretaking.

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

REQUEST TO INTERVENE IN THE CONTESTED CASE HEARING FOR CDUA OA-2670 TO CONSTRUCT A MARINA ENTRANCE CHANNEL USING STATE-OWNED SUBMERGED LANDS AT HONOULIULI, EWA, OAHU, TAX MAP KEY 9-1-12:6 (OFFSHORE), APPLICANT: HASEKO (EWA), INC.; AGENT: WILSON OKAMOTO & ASSOCIATES, INC.

ITEM H-6

Mr. Evans began his presentation by saying that two weeks ago on Kauai, the Board came to a decision and because of the time frame this item is back on the agenda. There were several persons who had an important interest in the judgement and what the recommendations would be. The interested parties were contacted by staff yesterday and this morning prior to the board meeting, notwithstanding the nature of this matter to be distributed, he felt in fairness, at least to the Hawaii's Thousand Friends and Office of Hawaiian Affairs (OHA) be given a copy of the submittal so that they could prepare their testimony. A copy was also given to Haseko.

Mr. Evans then presented a background of what had transpired at the Board meeting held on Kauai on June 9, 1994.

Staff is before the Board this morning on behalf of two requests for intervention status. At the Kauai Board meeting the Deputy Attorney General at that time said the standard that would be applied would be the same standard that was applied relative to the State's Administrative Procedures Act. As a result and in keeping with that standard, once the department received those requests, there were three elements. Basically one of the elements was, those written materials submitted by the two parties individually, one Hawaii's Thousand Friends and OHA. The second element was a staff review and third element was a review by the Department of the Attorney General. Considering these elements, staff's recommendation is that the Board deny both Hawaii's Thousand Friends, intervenor status, as a party and OHA as a party. Relative to OHA, there is one caveat that he wanted to make clear and that is notwithstanding their recommendation, any action that the Board takes today relative to the question of OHA, not be considered precedent. In terms of the staff recommendation or the board's action for future actions or requests by OHA. He clearly wanted to make it known that the recommendation today is based on strictly a conservative approach

to the process, this particular issue, their particular written material relative to this particular issue and nothing one way or the other in any form relative to any future issues.

Ms. Yvonne Izu, legal counsel to Haseko testified that yesterday they filed a brief statement in opposition to OHA's petition to intervene. They did not file a subsequent statement in opposition to Hawaii's Thousand Friends because the Friends submitted the same petition that they did the first time around and they filed a statement of opposition to that and asked that the Board consider their prior statement because they didn't add anything new. One thing that she would like to comment on and it was brought up at the last meeting on June 9th, that Hawaii's Thousand Friends had indicated a TMK of one of their members which would give them standing. They checked the TMK and realized that it was Haseko's TMK. She assured the Board that Haseko is not a member of Hawaii's Thousand Friends.

Ms. Donna Wong of Hawaii's Thousand Friends declined to testify.

Ms. Sheryl Nicholson testified on behalf of OHA. She stated that Mr. Evans was correct that OHA had previously petitioned this Board for status as a party for the contested case hearing on Haseko's CDUA. It was denied by this Board because 1) the Board concluded that OHA had not timely requested a contested case hearing and 2) because OHA lacked standing. There were no reasons that were given for the Board's conclusion that OHA lacked standing under the Hawaii Administrative Rules to be a party to the contested case hearing. OHA is now bringing in a petition to intervene in the contested case hearing that the Board has decided to hold on the CDUA and as Mr. Evans in his staff recommendation has acknowledged that OHA's petition is different in several significant respects from its previous petition to become a party in the contested case. She stated that she just wanted to focus on one aspect of the petition and that is that OHA, under Section 13-1-31, A3 under the Hawaii Administrative Rules must be made a party to this contested case proceedings because it is a party that has an interest that will be directly and immediately affected by the proposed change. That OHA's interest is distinguishable from the general public at large.

Ms. Nicholson testified that OHA's interest in enforcing Section 5F of the Hawaii's Admission Act, which limits the uses to which ceded lands, which are part of the public land trust, may be used. Section 5F says that these lands may only be used for certain enumerated purposes, among which the betterment of conditions of native Hawaiians. Sec. 5F also says that any other use, not enumerated in the section will constitute a breach of trust for which action may be brought. OHA's position based on what is ceded in the CDUA is that this application proposes a use of ceded lands which is subject to Sec. 5F and is a breach of that

trust. OHA is statutorily charged as being the advocate on behalf of Hawaiians and native Hawaiians. Specifically and in instances such as this, where proposed governmental action will affect, impact the rights of Hawaiians and native Hawaiians, as an entity under the Pele Defense Fund case, it has the right to advance the interest of the Hawaiians and native Hawaiians in insuring that breach of the land trust and Sec. 5F does not occur. It is for this reason that OHA has standing and has specific interest and distinguishable from the public at large which will be impacted by the proposal of the CDUA. It's on this basis that OHA suggests and argues that is a mandatory party under the Hawaii Administrative Rules, Subsection 18.

She said that she did have a chance to take a look at the staff recommendation that OHA's petition for intervention be denied. She noticed that it refers that OHA lacks standing but there are no reasons given.

Mr. Evans responded relative to three things Ms. Nicholson brought up. Firstly she brought up Section 13-1-31, secondly Section 5F, thirdly the Pele Defense Fund. Mr. Evans stated that he could represent to the Board that these three elements among others were reviewed prior to the formulation of staff's recommendation which is before the Board this morning. On the question of intervention as opposed to party, OHA's petition was timely.

Executive Session Upon motion by Ms. Himeno and a second by Mr. Kennison, the Board went into an executive session to consult with legal counsel.

Chairperson Ahue called the regular meeting back to order.

MOTION Mr. Nekoba made a motion to amend staff's recommendation to allow OHA to participate as an intervenor in the contested case hearing based on the new information provided since the Kauai meeting and because OHA would be able to contribute information and resources that would assist the Board in making a decision on this contested case. However, this decision is not based on OHA's claim on Section 5F and he recommended that the Board deny the Hawaii's Thousand Friends petition because of no new information provided since the Kauai meeting. Motion was seconded by Mr. Kennison.

DISCUSSION Mr. Evans offered clarification as he understood that the action by the Board today will not or is not intended to alter the time frame that staff has set up relative to hearing the scheduled contested case hearing. This would mean that staff will meet with representatives from OHA to explain the schedule for the contested case hearing and staff's expectation is that they will fall into line along with the previous parties that the Board has admitted.

Deputy Attorney General Wong recommended that OHA through its representative be required to make a statement that they agree to comply with the proposed schedule so that they won't request extension and delays.

Ms. Nicholson stated that she was not familiar with the time deadline but her understanding is that they would not have a problem complying with that. She would welcome the opportunity to work with the department's staff to make sure that they will have enough time. To be candid, she stated that she's not familiar with the time constraints.

Mr. Evans explained that they would meet with the OHA representative (in terms of staff, they are in ex parte situation) for the public record they would be meeting with the OHA representative to explain the process, where they are in the process and to answer any procedural questions only on this issue.

Ms. Himeno stated that she thought that this was a major consideration of the Board as far as being able to keep the existing schedule and not create a delay allowing OHA their intervention. She believed that OHA had something to contribute but it has to be weighed against the fairest to the existing parties.

Ms. Nicholson asked for clarification, "I understand the basis of permitting to intervene under this motion is not 5F. Now does that preclude OHA at the contested case hearing from offering testimony or raising any issues that are based on Section 5F?"

Deputy Attorney General Wong stated that it was a separate legal issue.

Chairperson Ahue stated that he supposed they could raise questions that could relate to the application but he felt the Board's point is that we are not agreeing to standing based on Section 5F.

Mr. Evans stated that he could go over those kinds of questions, procedural issues with the OHA representative.

ACTION Chairperson Ahue called for the question and motion carried unanimously.

ITEM D-7 PERMISSION TO ENTER INTO KULANI CORRECTIONAL FACILITY GROUNDWATER SOURCE INVESTIGATION AGREEMENT

ACTION Unanimously approved as submitted. (Kennison/Apaka)

REQUEST FOR EXTENSION OF LEASE TERM AND CONSENT TO MORTGAGE ON GENERAL LEASE NO. S-4612, DEL MONTE CORPORATION, POUHALA, MAUKA, WAIKELE, EWA, OAHU TAX MAP KEY 9-4-12:1, 2 & 3

ITEM F-7

Mr. Brian Nishida of Del Monte did not have anything to add.

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

**ADDED
ITEM A-1 APPROVAL TO AWARD GRANTS FOR THE ADMINISTRATION AND OPERATION OF THE MAIN STREET PROGRAMS**

Ms. Rose Chismar made the presentation for the Division of Historic Preservation.

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

**ADDED
ITEM A-2 AWARDING OF HISTORIC PRESERVATION GRANTS-IN-AID**

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM B-1 REQUEST FOR APPROVAL TO SELL FRESHWATER PRAWN SEED TO HAWAII'S PRAWN FARMERS IN 1994

ACTION Unanimously approved as submitted. (Kennison/Himeno)

ITEM B-2 REDESIGNATION OF AUTHORITY TO SIGN FEDERAL AID IN FISH AND WILDLIFE GRANT DOCUMENTS FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

ITEM C-1 See Page 4 for Action.

ITEM D-1 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACTS, VARIOUS WATER AND LAND DEVELOPMENT PROJECTS STATEWIDE

Mr. Chang announced the low bidders for the various contracts .

ACTION Motion was made/seconded and unanimously approved as follows:

1. Job No. 17-OW-G to Kaikor Construction Assoc. Inc. \$607,794.00 reduced negotiated bid. (Himeno/Nekoba)
2. Job No. 17-MW-H to Goodfellow Bros., Inc. \$928,677.00 (Kennison/Himeno)

3. Job No. 48-HW-E to Keauhou Kona Resort Company
\$735,619.00 (Nekoba/Himeno)
4. Job No. 5-OW-A2 to Goodfellow Bros., Inc. \$940,000.00
(Nekoba/Kennison)
5. Job No. 9-OF-R to Haitzuka Brothers, Ltd. \$114,600.00
(Kennison/Apaka)

**ITEM D-2 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACTS,
VARIOUS FORESTRY AND WILDLIFE PROJECTS STATEWIDE**

ACTION Motion was made/seconded and unanimously approved as follows:

1. Job No. 61-OF-A1 to Allied Construction, Inc. \$359,377.00
Negotiated bid. (Nekoba/Himeno)
2. Job No. 61-OF-E to Stan's Contracting, Inc. \$193,700.00
(Himeno/Nekoba)
3. Job No. 63-HF-E1 to N. Rego Contracting, Inc. \$649,000.00
(Himeno/Nekoba)
4. Job No. 64-KF-A2 to Site Engineering, Inc. \$146,800.00
(Kennison/Apaka)

**ITEM D-3 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACTS,
STATE PARKS PROJECTS STATEWIDE**

ACTION Motion was made/seconded and approved unanimously as follows:

1. Job No. 80-KP-L2 to Kauai Builders, Ltd. \$39,300.00
(Apaka/Kennison)
2. Job No. 89-KP-C1 to Goodfellow Bros., Inc. \$67,500.00
(Apaka/Nekoba)
3. Job No. 80-OP-L6 to Trans Pacific Construction \$88,248.00
(Himeno/Nekoba)
4. Job No. 80-HP-L2 to Isemoto Contracting Co., Ltd. \$73,997.00
(Kennison/Apaka)
5. Job No. 80-OP-L1 to The Fuel Oil Polishing Co. of Hawaii
\$129,900.00 (Himeno/Nekoba)
6. Job No. 80-OP-L5 to Standard Electric, Inc. \$56,267.00
(Himeno/Nekoba)
7. Job No. 80-OP-L8 to Walter Y. Arakaki, Gen. Contr., Inc.
\$126,144.00 (Himeno/Apaka)
8. Job No. 88-OP-J to Site Engineering, Inc. \$379,500.00
(Nekoba/Himeno)
9. Job No. 89-HP-A1 to N. Rego Contracting, Inc. \$333,900.00
(Kennison/Apaka)
10. Job No. 89-HP-A2 to Site Engineering, Inc. \$174,400.00
(Nekoba/Himeno)
11. Job No. 93-RM-KO1 to Niu Construction, Inc. \$154,500.00

- (Apaka/Kennison)
12. Job No. 98-MP-L to Site Engineering, Inc. \$219,000.00
(Kennison/Apaka)

**APPROVAL FOR AWARD OF CONSTRUCTION CONTRACTS,
VARIOUS BOATING AND OCEAN RECREATION PROJECTS
STATEWIDE**

ITEM D-4

ACTION Motion was made/seconded and unanimously approved as follows:

1. Job No. 40-MB-1 to Walter Y. Arakaki, Gen. Contractor, Inc.
\$118,211.00 (Kennison/Apaka)
2. Job No. 40-OB-2 to Site Engineering, Inc. \$27,900.00
(Himeno/Nekoba)
3. Job No. 40-KB-1 to North Pacific Construction, Inc. \$96,000.00
(Apaka/Kennison)
4. Job No. BOR 2309 to Global Specialty Contractors, Inc.
\$233,825.00 (Himeno/Apaka)
5. Job No. BOR 6161 to Healy Tibbitts Builders, Inc. \$99,998.00
(Kennison/Nekoba)
6. Job No. 40-MB-A to Tower Construction, Inc. \$276,000.00
(Kennison/Apaka)
7. Job No. 40-OB-A to Walter Y. Arakaki, Gen. Contractor, Inc.
\$327,027.00 (Nekoba/Himeno)
8. Job No. HC 2298 to Walter Y. Arakaki, Gen. Contractor, Inc.
\$306,587.00 (Nekoba/Apaka)

**APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT -JOB NO.
ITEM D-5 31-OL-M3, FOOTPATH IMPROVEMENTS, OAHU**

ACTION The Board approved awarding the contract to A. C. Construction, Inc. for Job No. 31-OL-M3 with the low bid of \$37,433.50. (Nekoba/Himeno)

**APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT JOB NO.
ITEM D-6 49-OH-A2, RESTORATION OF WAIALUA COURTHOUSE, OAHU**

Mr. Chang requested that this item be withdrawn at this time as there is no commitment of funds at this time. No word has been received from the Department of Budget and Finance at this time.

WITHDRAWN Unanimously approved to withdraw. (Kennison/Apaka)

ITEM D-7 See Page 7 for Action.

ITEM D-8 PERMISSION TO ENTER INTERGOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY REGARDING WATER SOURCE DEVELOPMENTS FOR STATE PROJECTS

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM D-9 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION Unanimously approved as submitted. (Kennison/Apaka)

ADDED ITEM E-3 REQUEST TO USE THE IOLANI PALACE GROUNDS FOR A 100TH THE ANNIVERSARY OBSERVANCE OF THE INAUGURATION OF REPUBLIC OF HAWAII

Mr. Nagata presented the request by the Friends of Iolani Place to use the palace grounds on July 4, 1994 to conduct a program to mark the 100th anniversary of the inauguration of the Republic of Hawaii. The Friends tentatively include the erection of a stage in front of the Iolani Palace Steps. Speeches, historical readings, re-enactments and other commemorative activities are envisioned on the stage or elsewhere on the palace grounds. The Hawaiian flag will be flown at half mast in recognition of the prior actions having a devastating effect on the Hawaiian people. Other Hawaiian organizations, while not requesting a permit, have expressed an interest in utilizing the palace grounds or the Iolani Palace steps to conduct related activities.

Mr. Nagata stated that the Friends are willing to erect the platform to avoid the use of the security monitored steps and have further indicated they are willing to work with the groups who have indicated interest to present a meaningful program. Staff is recommending that the Board approve the Friends of Iolani Palace request subject to various conditions listed in the submittal. He informed the Board that Ms. Betty Lou Stroup and Mr. Elia Long from the executive committee of the Friends were in the audience today.

Mr. Long testified that they would like two changes to their application. 1) They would like to have the permit limited from 6 a.m. to 10 a.m. that morning. That would be approximately the length of their presentation. The permit not to cover the entire day at the palace. 2) They decided not to erect a platform but would give their presentation at the base of the steps of Iolani Palace.

ACTION Unanimously approved as amended. (Nekoba/Himeno)

ITEM E-1 APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO DESIGN, PRODUCE AND INSTALL INTERPRETIVE DEVICES AT HE'EIA STATE PARK, OAHU

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM E-2 REQUEST TO HOLD A HEALTHY DAY OBSERVANCE AT KAHANA VALLEY STATE PARK, OAHU

Mr. Nagata made a correction in the fourth paragraph of the submittal. The date for set up was listed as August 14, 1994 and it should have been listed as August 26, 1994.

ACTION Unanimously approved as corrected. (Nekoba/Himeno)

ITEM E-3 See Page 11 for Action.

ITEM F-1 TRANSMITTAL OF DOCUMENTS

Item F-1-a Issuance of Revocable Permit to Hawaiian Dredging Construction Co., former OR&L Depot, Iwilei Produce Center, Iwilei, Honolulu, Oahu, Tax Map Key 1-5-07:14

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

Item F-1-c Issuance of Land License to Elima Engineering, Government Land Situate at Wakiu and Kawaipapa, Hana, Maui, Tax Map Key 1-3-06:Por. 12

Mr. Young asked that Item F-1-c be withdrawn.

ACTION Ms. Himeno moved for approval of Items F-1-a and F-1-b and withdrawal of Item F-1-c. Seconded by Mr. Apaka, motion carried unanimously.

ITEM F-2 DIRECT ISSUANCE TO THE WATER COMMISSION OF THE COUNTY OF HAWAII FOR PERPETUAL, NON-EXCLUSIVE WATER METER BOX EASEMENT AT HONOKAA HIGH SCHOOL, PAALAEA, HONOKAA, HAMAKUA, HAWAII, TAX MAP KEY 4-5-10:POR. 76

ACTION Unanimously approved as submitted. (Kennison/Nekoba)

ITEM F-3 DIRECT ISSUANCE OF LEASE TO HAWAII COUNTY OF ECONOMIC OPPORTUNITY COUNCIL (HCEOC) COVERING GOVERNMENT LANDS OF PIIHONUA, SO. HILO, HAWAII TAX MAP KEY 2-3-32:04

ACTION Unanimously approved as submitted. (Kennison/Nekoba)

ITEM F-4 CANCELLATION AND FORFEITURE OF GENERAL LEASE NOS. S-4954 AND S-4955 TO PACIFIC PARADISE, INC., PARCEL 1 (PARTS A AND B OF THE KAIMU-MAKENA HOMESTEADS), AND PARCEL 2 (LOTS 18 AND 19 OF THE KAIMU-MAKENA HOMESTEADS), KAIMU, PUNA, HAWAII, TAX MAP KEY 1-2-06:7, 15, 16, 18 AND 19

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM F-5 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS REQUEST FOR APPROVAL OF LICENSE AGREEMENT COVERING PLACEMENT OF TEMPORARY MULTI-MEDIA, TOUCH-SCREEN KIOSK AT KAHALA MALL SHOPPING CENTER, WAIALAE-IKI, OAHU

ACTION Unanimously approved as submitted. (Himeno/Kennison)

ITEM F-6 DIVISION OF WATER AND LAND DEVELOPMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES REQUESTS RIGHT-OF-ENTRY FOR STREAM MAINTENANCE WORK ON MAAKUA STREAM, HAUULA, KOOLAULO, OAHU, TAX MAP KEYS 5-4-01:25 AND 5-4-02:2

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM F-7 See Page 8 for Action.

ITEM F-8 STAFF REQUESTS AUTHORIZATION TO ENTER INTO LEASE AGREEMENT WITH CITY AND COUNTY OF HONOLULU, KAWAINUI MARSH, KAILUA, KOOLAUPOKO, OAHU, TAX MAP KEYS 4-2-16:1; 4-2-13:22

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM F-9 REQUEST FOR AUTHORIZATION FOR APPRAISAL OF LAND PARCELS SITUATED AT LAIE POINT, OAHU, TAX MAP KEYS 5-5-10:1; 5-5-11:41 (LOT 54, EASEMENT); AND 5-5-11:42 (LOT A-3, EASEMENT)

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

ITEM F-10 STAFF REQUESTS AUTHORIZATION TO ADJUST ANNUAL LEASE RENT OF GENERAL LEASE NO. S-5214, WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-08:40

Ms. Himeno asked to be recused because of a conflict of interest.

ACTION Unanimously approved as submitted. (Kennison/Nekoba)

ITEM F-11 L. REGO DUMP TRUCK AND HEAVY EQUIPMENT REQUEST FOR EXTENSION OF LAND LICENSE NO. S-319, KAWAIELE, MANA, KAUAI, TAX MAP KEY 1-2-02:POR. 1

ACTION Unanimously approved as submitted. (Apaka/Kennison)

ITEM F-12 KAUAI RACING ASSOCIATION REQUEST FOR AMENDMENT TO 1994 RACE SCHEDULE, KAUAI AND STAFF REQUEST FOR AUTHORIZATION TO APPROVE CHANGES IN THE BOARD APPROVED ANNUAL RACE SCHEDULE, MANA, KAUAI, TAX MAP KEY 1-2-02:POR. 1

ACTION Unanimously approved as submitted. (Apaka/Kennison)

**ADDED
ITEM F-13** CANCELLATION AND FORFEITURE OF GENERAL LEASE NO. S-3718 TO HILO AUTO ELECTRIC AND CARBURETOR SERVICE, LTD., LOT 12, KANOELEHUA INDUSTRIAL LOTS, WAIAKEA, SOUTH HILO, HAWAII, TAX MAP KEY;3RD DIV./2-2-50:80

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

Mr. Young on behalf of the Division of Land Management thanked Ms. Himeno for her courtesy and help.

ITEM H-1 REQUEST FOR APPROVAL TO ENTER INTO THIRTEEN AQUACULTURE RESEARCH CONTRACTS

Mr. Corbin informed the Board that aquaculture has grown in the State and the State sponsored research is very important in that growth and diversification. He then briefly went over the thirteen projects.

ACTION Unanimously approved as submitted. (Himeno/Kennison)

ITEM H-2 CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR IMPROVEMENTS TO THE KOKO HEAD RIFLE RANGE, EAST HONOLULU, OAHU; TAX MAP KEY 3-9-012:001; APPLICANT: DEPARTMENT OF PARKS AND RECREATION, CITY AND COUNTY OF HONOLULU

ACTION Unanimously approved as submitted. (Himeno/Kennison)

ITEM H-3 See Page 2 for Deferral action.

ITEM H-4 EXTENSION OF TIME REQUEST FOR CDUP OA-1017A FOR A SINGLE FAMILY RESIDENCE AT NUUANU VALLEY, HONOLULU, OAHU, TAX MAP KEY 2-2-42:86, APPLICANTS: MR. FRANK CARLOS, JR. AND MS. NOREEN K. MOKUAU

Mr. Evans informed the Board that staff had recommended initially a one year time extension and no further extensions to complete construction. Subsequent to sending this out staff received a call from the applicant who asked if they could be given a two year time extension as they indicated that their problem is financing.

Ms. Himeno questioned the condition of no further extensions. Should there be a hardship condition and the Board wants to reconsider that issue, would they be able to with that condition in there. She agreed that the applicant needs to be told to get serious but not knowing what's going to happen in the future might pose a problem.

Mr. Evans stated that basically their concern is people selling a permit. He gave an example of a person coming in to get a permit, build a house and selling that house at double the price. Now a person has a vacant piece of property, he comes in and gets a permit. Now he sells the piece of vacant property, but guarantees that the new owner can put a house on it at double or more on the basis of that permit. Staff's difficulty and concern is speculation in the conservation district.

Ms. Himeno stated that her only concern is whether condition no. 1 should be included. The Board could approve the extension for one year and if they don't do that, then automatically the permit is null and void.

ACTION Ms. Himeno moved for approval of a two year extension and the deletion of condition no. 1. Seconded by Mr. Nekoba, motion carried unanimously.

ITEM H-5 **REQUEST FOR A TIME EXTENSION ON CDUP OA-2304 FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON ROUND TOP DRIVE, HONOLULU, OAHU, TAX MAP KEY 2-5-16:1, APPLICANT: MR. JAMES C. GAGE**

Mr. Evans told the Board that he need to make one clarification/representation. He stated that the original letter asking for the contested case was signed by Ms. Sherry Broder who has her own professional concerns. The letter that came in that asked for the deferral indicated that Mr. Jon Van Dyke had agreed. Mr. Jon Van Dyke is not Ms. Sherry Broder and as a result he talked to the attorney representing the land owner and indicated to them that it did not mean anything to him that Mr. Van Dyke agreed or disagreed as Ms. Broder is the requestor. As a result there has been a written clarification that Ms. Broder does not object.

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM H-6 See Pages 6-7 for Motion and Action.

**ITEM K-1 LEASE-HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP,
OAHU (JOHN HUTTON CORPORATION)**

ACTION Unanimously approved as submitted. (Himeno/Nekoba)

**ITEM K-2 SUPPLEMENTAL LEASE AGREEMENT TO LEASE NO. DOT-A-89-6,
HONOLULU INTERNATIONAL AIRPORT, OAHU (U.S. DRUG
ENFORCEMENT ADMINISTRATION)**

ACTION Unanimously approved as submitted. (Nekoba/Himeno)

ITEM K-3 See Page 3 for Action.

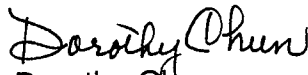
**ITEM K-4 DIRECT SALE OF LEASE, OFFICE SPACE AT KEWALO BASIN,
HONOLULU, OAHU (NAUTILUS CORPORATION)**

ACTION Unanimously approved as submitted. (Himeno/Apaka)

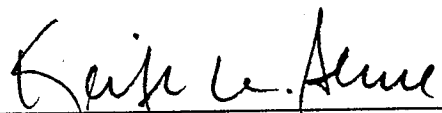
RESOLUTION The Board passed a resolution honoring Ms. Genevieve Harrington, Abstractor VI with the Bureau of Conveyances who has served the State faithfully and conscientiously for over twenty one years. They extended their sincere congratulations and best wishes on her well-earned retirement, and good health and happiness in her future endeavors.

ADJOURNMENT The meeting adjourned at 11:45 a.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED:



KEITH W. AHUE, Chairperson

dc

7/12/94