

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

DATE: FRIDAY, OCTOBER 14, 1994  
TIME: 9:00 A.M.  
PLACE: KOMOHANA AGRICULTURAL COMPLEX  
875 KOMOHANA STREET  
HILO, HAWAII

**ROLL  
CALL**

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

**MEMBERS:** Mr. Herbert Apaka  
Mr. Christopher Yuen  
Mr. William Kennison  
Mr. Michael Nekoba  
Mr. Libert Landgraf  
Mr. Keith Ahue

**STAFF:** Mr. Roger Evans  
Mr. W. Mason Young  
Mr. Dean Uchida  
Mr. Dan Quinn  
Mr. David Parsons  
Mr. Glenn Taguchi  
Mr. Larry Okazaki  
Mr. Charles Supe  
Ms. Dorothy Chun

**OTHERS:** Deputy Attorney General Johnson Wong  
Deputy A. G. Linnel Nishioka (Item E-4)  
Mr. Peter Garcia, Department of Transportation  
Mr. Steven Lim (Item H-2)  
Ms. (Item H-3)  
Ms. Bonnie Goodell (Item F-4)  
Mr. Alan Sanborn (Item F-11)  
Mr. Martin Rabbett (Item H-5)  
Mr. Glenn Oshiro, Mr. Alex Franco, Mr.  
(Item F-1-d and Item F-3)  
Ms. Sandra P. Schutte (Item F-5)  
Mr. Donald Pascual (Item E-2)  
Ms. Ellen Kraftsow (Item H-6)  
Mr. Marvin Awaya (Item F-6)

**MINUTES** The minutes of August 26, 1994 were approved as submitted.  
(Apaka/Kennison)

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

**REQUEST FOR APPROVAL ON A LAND EXCHANGE BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE HOUSING FINANCE DEVELOPMENT CORPORATION (HFDC) INVOLVING LANDS AT KAPOLEI AND WAIAHOLE, OAHU**

**ITEM H-1**

Mr. Dean Uchida stated that Item H-1 is a follow-up of prior actions by the Board in 1986. This was a land exchange between DLNR and HFDC. He then proceeded to give the background of the acquisition cost and proposals.

He explained that DLNR will give the Villages of Kapolei to HFDC and in exchange HFDC will pass title to the 590 acres of the Waiahole Ag Park and residential lot. He said that they were not prepared at this time to come to the Board with a set aside of the ag park to the Department of Agriculture (DOA) as that is in the works presently.

In addition, some of the vacant lots in the ag park are being considered as a part of the 16,000 acre transfer to Hawaiian Home Lands.

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**DECISION AND ORDER OF THE BOARD OF LAND AND NATURAL RESOURCES IN THE MATTER OF THE REQUEST FOR A ONE-YEAR EXTENSION FOR THREE SPECIAL USE PERMITS TO MAKE COMMERCIAL TOUR BOAT LANDINGS AT THE NA PALI COAST STATE PARK AND/OR HAENA POINT, KAUAI**

**ITEM E-4**

Mr. Dan Quinn informed the Board that Item E-4 was a Decision and Order of the Board of Land and Natural Resources in the Matter of the Request for a one-year extension for three Special Use Permits to make commercial tour boat landings at the Na Pali Coast State Park and/or Haena Point, Kauai. He stated that this was in regard to a contested case and this is the decision being made by the Board. He also said that he did not have a submittal for this request.

Deputy Attorney General Linnel Nishioka stated, "I think this is pursuant to the contested case hearing, Chapter 91, as such, the Board, my understanding would be issuing a written decision and order at a later date. This is just to announce the decision and also if the Board so chooses to take a vote on it."

Chairperson Ahue read a statement concerning this case hearing, "In the matter of the request for a one-year extension for three special use permits to make commercial tour boat landings at the Na Pali Coast

State Park and/or Haena Point, we are to vote and announce our decision on the contested case hearing. This is the proceeding under Chapter 91 and we've already had oral arguments from the parties so we will not take any testimony on this item.

"The Board will issue its own findings of fact, conclusions of law and decision and order. Furthermore, the Board adopts in part, rejects in part and modifies in part the proposed decision and order of the hearing officer in this case. The Board adopts the hearing officer's findings of fact, conclusions of law and recommend the order in sections I, II, III.B.1, III.C and IV in part. The Board rejects the hearing officer's findings of fact, conclusions of law and recommend the order in sections III.A., III.B.2 and IV in part and has drafted its own sections, III.A, III.B.2. and IV in its final decision and order.

"Or if there is any sense to these to DLNR's motion for summary judgement in total and have overruled the hearing officer to the extent that the hearing officer's proposed decision and order was not consistent with our ruling. We find that a CDUA permit is not required for intervenor Greff's activities at Makua Beach. We also find that compliance with chapter 343 is either not required or has been satisfied. Finally we find that an SMA permit is not required because the activity is outside of the SMA area is also not subject to the SMA requirements in Hanalei."

"With that I'll ask the Board whether or not we'd like to entertain a motion concerning findings of fact, conclusions of law and a decision and order to be issued at a later date."

Ms. Pat Tummons addressed the chairperson and asked if there had been a vote taken by the Board. If a vote had been taken, she would like to know if this was in an executive session and was that executive session announced, or at a meeting of the Board at a public meeting pursuant to Chapter 92.

Chairperson Ahue responded, "The Board has not voted on this issue. It's my understanding that this is a recommendation from the Attorney General's Office based on the contested case hearing process."

Ms. Tummons asked for a clarification that the statement read was simply a proposed finding by the Attorney General.

Chairperson Ahue responded that was correct.

**MOTION**

Mr. Apaka addressed the Chair, "I'd like to make a motion. That the Board adopt the findings of fact, the conclusions of law as read and that the order to be issued when fully executed by the Board." Motion seconded by Mr. Kennison.

**Executive Session**

Mr. Yuen then made a motion to go into executive session to discuss the question with their attorney. Motion was seconded by Mr. Kennison. There being no objections, the Board went into executive session.

Chairperson Ahue called the regular meeting back to order and called upon the Deputy Attorney General to describe the process that the Board was going through with regards to the contested case hearing.

Deputy A. G. Nishioka stated that she felt some explanation of the process may be helpful. "This is under a contested case hearing, under Chapter 91. The Office of the Attorney General does represent the Board in contested case hearings under Chapter 91 and has advised the Board. I have been the Deputy Attorney General assigned to this case to advise the Board. Our office, in conjunction with the Department has worked with the staff to the Board, which is Dan Quinn, has worked on a proposed decision and order, findings of fact and conclusions of law that has been submitted to the Board and was distributed to the Board a couple of weeks ago for their review. I think that everyone should be clear that this was a recommendation from our office. It is definitely the discretion and the decision of this Board whether to adopt this recommendation or not. It's on the table for the Board to vote on today, it's my understanding. I'd also like to say, that the decision and order, in reviewing it this morning, it has come to my attention that there are a few technical problems with the decision and order that was drafted, that was given to the Board for their review from myself and because those sentences are not part of the proposed recommendation from our office we are recommending to the Board, although it is the Board's decision to defer this item to the October 25th Board meeting."

**DISCUSSION**

Ms. Tummons commented that she was glad to hear the recommendation for deferral. She called attention to Chapter 91-11 which does relate to contested case hearings where they're to be decided by agencies or other than those that have heard all of the evidence. Any decision adverse to parties, other than the agency itself, that this would be adverse to the party, shall not be made until the decision has been served upon the party and those parties have had an opportunity to respond, so she didn't believe that legally under Chapter 91-11 that the board could make a decision today.

Deputy A. G. Nishioka asked to respond. She stated, "There was a proposed decision and order. This hearing was in front of a hearing officer. The hearing officer issued a proposed findings of fact, conclusions of law and decision and order that was required under 91-11, for oral argument at the June meeting. At that meeting, the parties were given the opportunity and if the Board may recall, did present oral arguments. They also submitted their objections and concurrences to the findings of fact. This decision is the final decision that they're

recommending that the Board issue. The proposed findings of fact, conclusions of law that has already been issued, that was issued by the hearing officer. So 91-11 has been complied with in this case."

Ms. Tummons said, "I don't think so."

**Withdrawal of Motion** Mr. Apaka addressed the Chairperson. He stated that in the process of hearing the deputy attorney general presenting the items that were missing, he felt that he needed to withdraw his motion to adopt the findings of fact, conclusions of law as presented.

**DEFERRED** Mr. Apaka then entertained another motion to defer this item to the next Board meeting on October 28, 1994 which would be held on Oahu. Seconded by Mr. Kennison, motion carried unanimously.

**ITEM H-2** **CDUA HA-2714 FOR A SINGLE FAMILY RESIDENCE AT KEEI, SOUTH KONA, HAWAII, TAX MAP KEY 8-3-06:09; APPLICANT: JAMES MILES HUGH WILSON**

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Mr. Evans stated that staff's recommendation is for approval, subject to the conditions listed in the submittal. Incorporated into staff's conditions relative to the approval are some concerns that were raised by the Division of Historic Preservation. Upon questioning by the Board, Mr. Evans corrected himself that staff was going to include conditions but upon review and further meetings with Historic Preservation regarding OHA's concerns, Historic Preservation is satisfied that there is not going to be any adverse effect.

Agent for the applicant, Stephen Lim stated that they had reviewed staff's submittal and they agree to the recommendation and conditions.

**ACTION** Unanimously approved as submitted. (Yuen/Kennison)

**ITEM H-3** **CDUA OA-2712 FOR A FOOD AND BEVERAGE STAND AT SANDY BEACH PARK ON OAHU; TAX MAP KEY 3-9-12:2, APPLICANT: SRI RAM SOCIETY**

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Mr. Evans informed the Board that staff feels that this is a legitimate First Amendment activity. He had handed out this morning to the Board an opinion from the Attorney General relative to First Amendment Activities. Based upon the Attorney General's opinion and in the absence of any administrative rules by the department for first amendment activities that this permit be granted.

Applicant representative was present and did not have any comments to add.

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**CANCELLATION OF EXECUTIVE ORDER NO. 3056 (VOLCANO COMMUNITY CENTER/COUNTY OF HAWAII) AND SET ASIDE TO THE COUNTY OF HAWAII FOR THE VOLCANO COMMUNITY PARK AND CIVIC CENTER, OLAA, PUNA, HAWAII**

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**ITEM F-4**

Mr. Young stated that staff is recommending at the request of the county that the Executive Order (E.O.) No. 3056 be canceled and upon the cancellation of the E. O., turn around and recommend to the Governor issuance of an E. O. setting aside the subject site back to the County for the Volcano Community Park and Civic Center site.

Ms. Bonnie Goodell, government liaison for the Cooper Center Council stated that they have a long term cooperative use agreement with the County of Hawaii to operate and maintain the Cooper Center, activity center. Currently they are in negotiation with the County to enlarge their cooperative use agreement to the whole park.

**ACTION** Unanimously approved as submitted. (Yuen/Nekoba)

**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUESTS APPROVAL OF THE LETTER AGREEMENT COVERING THE STATE OFFICE BUILDING NO. 1, KAPOLEI CIVIC CENTER, KAPOLEI, OAHU, TAX MAP KEY 9-1-16:POR. 1**

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**ITEM F-11**

Mr. Young made the presentation with staff's recommendation for approval.

Mr. Alan Sanborn of the Department of Accounting and General Services stated that he was present to answer any questions of the Board. Two representatives from Campbell Estate were present also.

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**AMENDMENT TO CDUA OA-2214A TO ESTABLISH A HOME OCCUPATION AND TO REPAIR A NONCONFORMING SHED AT TANTALUS, OAHU, TAX MAP KEY 2-5-18:17; APPLICANT: MARTIN RABBETT, AGENT: MATTHEW LUM, DESIGNS ML**

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**ITEM H-5**

Mr. Evans made his presentation of Item H-5 with staff's recommendation for approval subject to conditions listed.

Mr. Nekoba questioned conditions No. 4 and No. 5 and asked if this item were granted and the applicant were to sell the property, would these conditions be recorded somewhere?

Mr. Evans responded that based upon the concerns that were expressed regarding Conditions 4, 5 and 6, he referred to Condition No. 15 which requires the owner to record the conditions as part of the deed instrument, thus a new buyer would be aware of the conditions.

Chairperson Ahue clarified with Mr. Evans that there were two actions to consider, one is to construct an accessory structure and the other is to repair an existing structure.

Applicant, Mr. Martin Rabbett did not have anything to add.

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**Item F-1-d Issuance of Revocable Permit to Hamakua-North Hilo Agricultural Cooperative at Lauka-Kulihai and Honokaia, Hamakua, Hawaii, Tax Map Keys 4-6-01:7, 8 and 18; 4-6-03:1, 2 and 4-6-03:1, 2, and 20; 4-6-04:1, 2, 3, 5 and 6**

Mr. Young informed the chairperson that he would take up Item F-3 right after Item F-1-d as it pertains to the same thing.

Mr. Young briefly described the background of the request. Staff is recommending that the Board approve and authorize the issuance of a revocable permit to the applicant covering the subject State-owned properties. He stated that should the Board approve the permit, staff is requiring the Co-op to submit a Conservation Management Plan and a Business Plan acceptable to the Chairperson of the Board and Land and Natural Resources within six months from the issuance of the revocable permit.

Representatives from the Hawaii Meat Packers, The Co-op and the Dracena Group were present.

Mr. Bob Shioji, Acting President of the Co-op said with him today were Alex Franco with Hawaii Beef Packing, also a member of the Co-op, and Glenn Oshiro, Acting Manager of the Co-op.

Mr. Shioji responded to the Board that they are in the process of complying with the conditions that the Board has designated. He did mention that the conditions were kind of steep but they would try their best.

Mr. Yuen asked if he could explain, since the Co-op is going to sublease to various other entities, how is that decision going to be made by the co-op? He wanted to be sure that there was some fair way for people to get access to this kind of property.

Mr. Shioji said that they would try to get back into production as soon as possible and get the dislocated workers, the sugar workers on that land as much as possible, those who want to try farming. Presently the way it's organized, the co-op will apply for the master lease of those lands and in turn subdivide it and sublease it back to the members. They haven't discussed the fees yet because it depends on what the Board will be charging them. They are very receptive to any waiver, since most of their members are displaced workers who are now unemployed.

Discussion followed relating to assistance that will be received and planned classes for learning basic farming practices.

Mr. Glenn Oshiro said that he was acting as the staff person, manager and most of their members are displaced sugar workers. He stated that the business plan that was being required would be an extra hindrance.

Mr. Yuen asked Mr. Young what was staff looking for in a business plan. Mr. Young stated that they were asking for what they were going to grow, how were they going to market it, how they were going to make a business out of it, the economic units they want to see. They have been asking this of co-ops in the last two years. They've always questioned the viability of the farmers to make it because it is a soft market.

Mr. Young stated that they would need to do a business plan to get \$25,000 from DBEDT for the Dracena group.

More discussion followed on the need of a business plan at this time, the concept of the business plan and difficulty of doing a plan.

After much discussion, Mr. Young made a suggestion. He said that DBEDT is requiring them to come in with a business plan and suggested that they present him with a copy of that business plan to satisfy the condition of a business plan requirement and disregard the conservation management plan if that would be acceptable to the Board.

**ACTION** Motion was made by Mr. Yuen to approve Item F-1-d as recommended with the deletion of the business plan from condition No. 6 and insert that the co-op shall submit the information that they have prepared for DBEDT in lieu of the business plan. Seconded by Mr. Nekoba, motion carried.

**AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 19, 1993  
(AGENDA ITEM F-1-c), DIRECT ISSUANCE OF REVOCABLE PERMIT  
AT HALA, KEMAU II, KAUNAMANO, HAMAKUA, HAWAII, TAX MAP  
KEYS 4-3-03:2, 3, 4, 5, 6 AND 7; 4-3-05:1; 4-4-01:1**

**ITEM F-3**

Mr. Young informed the Board that this item was to amend prior Board



action. He recommended the approval with the deletion of the business plan in Condition No. 2.

**ACTION** Unanimously approved as amended. (Yuen/Nekoba)

Amendment: Delete the business plan in Condition No. 2.

**ITEM F-5** SECOND AMENDMENT TO PRIOR BOARD ACTION OF MARCH 23, 1990 (AGENDA ITEM F-2) AND FEBRUARY 4, 1994 (AGENDA ITEM F-7) FOR UTILITY EASEMENT AT LALAMILO, SO. KOHALA, HAWAII, TAX MAP KEY 6-6-02:POR. 31

Sandra Schutte representing the applicant did not have any comments or objections.

**ACTION** Unanimously approved as submitted. (Yuen/Nekoba)

**ITEM E-2** HAWAII EXPLOSIVES AND PYROTECHNICS, INC. REQUEST, ON BEHALF OF ALOHA TOWER MARKETPLACE, TO CONDUCT MULTIPLE FIREWORKS DISPLAYS AT SAND ISLAND STATE RECREATION AREA, OAHU

Mr. Quinn made the presentation of the request by Hawaii Explosives and Pyrotechnics, Inc. with staff recommendation that the Board approve the proposal in concept and the final permit requirements be as approved by the Chairperson.

Mr. Donald Pascual added that the day time fireworks has been eliminated and in regards to the First Nite event vying for the same area for their display, they are working with First Nite looking for an alternative site because of a conflict with Aloha Tower having to do a fireworks show there.

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

Discussion Ms. Patricia Tummons stated that she would like to see some condition imposed regarding liability. Mr. Quinn clarified that there is reference to the conditions in the earlier submittal which does cover liability and insurance.

**ITEM H-6** AFTER-THE-FACT CDUA FOR THE KANAHA INTAKE REPAIR/REPLACEMENT AT LAHAINA, MAUI, TAX MAP KEY 4-6-18:POR. 7 (INTAKE), TAX MAP KEYS 4-6-17:1, 2, 4-10, AND 14; 4-6-18:20, (ACCESS ROAD), APPLICANT: BOARD OF WATER SUPPLY, COUNTY OF MAUI

Mr. Evans began his presentation with a background of the area and

project. This is an after-the-fact application due to the emergency nature of the permit. Staff is recommending approval subject to the conditions listed.

Ms. Ellen Kraftsow of the Board of Water Supply, County of Maui addressed the Board stated that there were several minor concerns in the submittal. She pointed to page 2 which refers to an 8 inch pipe. She stated that in fact was true, there was an 8 inch pipe originally but the pipe before the last line was 10 inches and that has been in as long as anyone in the Water Supply remembers. On page 5, the Aquatics Division states that they like the sluice gate, they're referring to Option 3 but the Water Commission stated a preference for Option 1 so they will be pursuing Option 1 first.

Ms. Kraftsow continued that on page 6, the Historic Preservation Division mentioned in their letter that they failed to include their comments in the permit; she said that their comments were included. On page 9, reference to an emergency authorization which was granted them which required the filing of this CDUA by March 18, 1994. Her question was, when it was signed and returned by their director on February 22, 1994 and they did submit a letter by March 24th explaining the delays due to negotiations with one of the landowners and thus asked for an extension.

Her only real concern was on page 9 where it mentions that they need to get a new right-of-entry from the Land Management Division. The letter that they received did not have any deadline and the construction as they indicated should take about one month. The Land Management Division gave them permission for a period of one month without a commencement or completion date. They had taken that to mean that they had a right of entry upon receiving all of their approvals and notifying them that they were starting next week or next month.

Mr. Evans stated that relative to the question of clarification, only two really impact relative to the Board. On the question of Option 1 or Option 3, if this is approved, applicant will be required to comply with everybody else's rules and requirements. On the question of the length or term of the right-of-entry, Condition 8 is a standard condition used whereby the applicant must get some form of disposition from the Division of Land Management. They may already have it.

**ACTION** Unanimously approved as submitted. (Kennison/Apaka)

**STEADFAST HOUSING DEVELOPMENT CORPORATION ON BEHALF  
OF SHDC NO. 2, INC. REQUEST FOR DIRECT LEASE OF  
GOVERNMENT LANDS SITUATE AT WAIAKEA, SO. HILO, HAWAII,  
ITEM F-6 TAX MAP KEY 2-4-28:34**

Mr. Young stated that this was presented to the Board previously and adopted in principle. The group has secured the financing and now they need the direct lease for an adult group housing for the severely disabled.

Mr. Marvin Awaya, acting executive director for Steadfast Housing Development Corporation presented testimony requesting that the Board approve the lease.

**ACTION** Unanimously approved as submitted. (Yuen/Nekoba)

**ITEM F-2** SET ASIDE TO THE DIVISION OF STATE PARKS PORTIONS OF THE GOVERNMENT LANDS AT KUKIO 2ND, MANINIOWALI, AWAKEE, MAHAIULA AND KAULANA, NO. KONA, HAWAII, TAX MAP KEYS 7-2-04:3, 8, 9, 10, 11, 12, 17 AND 19; 7-2-05:2 AND 3

After Mr. Young's presentation, board member Landgraf commented, that these lands do not include the lands of Makalawena. Mr. Young said that his presentation said that staff was dealing with State lands from the set aside.

Mr. James Leonard of Hui Hui Ranch wanted to clarify that the piece of disputed land not be included in the set aside as of now.

It was clarified by the Board that it was not included as of now.

Mr. Young apologized to the Board that page 4 was inadvertently not included in the submittal that was distributed. He thus asked for the following amendment:

1. Delete page 5 of the submittal.
2. Add pages 4 and 5 as follows:

Page 4

Efforts to make the Kona Coast State Park a reality began in 1989 when Governor John Waihee dedicated the State Administration to the preservation of this beautiful and fragile North Kona coastline. During the past five years, the Board of Land and Natural Resources has granted the department authorization to acquire, through purchase or land exchange, various parcels along the North Kona coast, bringing the total of State-owned and the acquired lands to 1,745.521 acres, more or less. The acquisitions insure that these lands shall be protected from urban encroachment and shall retain their scenic, park, wildlife sanctuary and recreational resource value for the people of Hawaii.

Planning for the park is now underway, with the hiring of planning firm, Group 70 International, Inc. in June 1994. Currently, Group 70 International, Inc. is actively performing surveys and gathering background information for the plan. The initial community meeting was held on September 27, 1994.

Staff is requesting that the Board approve of and recommend to the Governor of Hawaii, that an Executive Order be issued setting aside the recent acquisitions and the surrounding State lands to be under the control and management of the Department of Land and Natural Resources, State Parks Division for the Kona Coast State Park.

RECOMMENDATION: That the Board:

- A. Upon appropriate notification, withdraw Tax Map Key:3rd/7-2-04:17 and 19 from Revocable Permit No. S-5930 which is currently encumbered to Huehue Ranch with an appropriate reduction in the present monthly rental;
- B. Approve of and recommend to the Governor of Hawaii, the issuance of an Executive Order setting aside the subject parcels to be under the control and management of the Department of Land and Natural Resources, State Parks Division for the Kona Coast State Park site, subject to the following terms and conditions:
  - 1. Disapproval by the Legislature by two-thirds vote of either the Senate or the House of Representatives, or by majority vote of both, in any regular or special session next following the date of the executive order;
  - 2. Such other terms and conditions as may be prescribed by the Chairperson.

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- C. Authorize the issuance of a right-of-entry to the State Parks Division for maintenance and control purposes, subject to the following terms and conditions:
  - 1. The construction, development, operation and/or land uses of the subject parcels may be governed by Title 13, Chapter 2, Hawaii Administrative Rules dealing with the Conservation District;
  - 2. Such other terms and conditions as may be prescribed by the Chairperson.

**ACTION** Unanimously approved as amended. (Yuen/Nekoba)

**WITHDRAWAL OF LANDS FROM THE PANAWEA AND WAIAKEA FOREST RESERVES UNDER GOVERNOR'S PROCLAMATIONS DATED APRIL 11, 1917 AND JANUARY 3, 1923, RESPECTIVELY; CONVEYANCE IN FEE SIMPLE TO THE COUNTY OF HAWAII; AND SET ASIDE OF A PERPETUAL, NON-EXCLUSIVE ACCESS/UTILITY EASEMENT TO THE DEPARTMENT OF PUBLIC SAFETY AT WAIAKEA, SO. HILO AND OLAA, PUNA, HAWAII, TAX MAP KEY 2-4-49; 2-4-08 AND 1-8-12**

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**ITEM F-7**

Mr. Young began with a background of the lands in question. He said that in the first part A and B of the Recommendation, they are asking to withdraw the 4 acres and 7 acres from the Panaewa and Waiakea Forest Reserves; then under C, convey it to the county in fee simple and D approve the issuance of an executive order to the Department of Public Safety for the approximate 149 acres and the first condition they are asking that the Department of Public Safety permit public access on, over, and across, the subject easement.

Should the Board approve the proposal by the staff, he is asking that the Board delete the word "perpetual" from subject heading, Paragraph D on page 1 and Paragraph D, page 3 under Recommendation.

Ms. Lisa Naito, as a community member, expressed to the board that she was very much in favor of public access up to north Kulani Road.

**ACTION** Unanimously approved as amended. (Yuen/Landgraf)

Amendment: Delete the word "perpetual" from Recommendation D.

**REQUEST TO EXTEND THE GENERAL LEASE FOR THE HAWAII NATURE CENTER, INC. FOR THEIR MAKIKI VALLEY FACILITY, OAHU**

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**ITEM E-1**

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM E-2** See page 9 for Action.

**PERMISSION TO ADVERTISE FOR BIDS FOR OPERATION OF A FOOD AND BEVERAGE FACILITY AND BEACH SERVICES CONCESSION AT HAPUNA BEACH STATE RECREATION AREA, HAWAII**

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**ITEM E-3**

**ACTION** Unanimously approved as submitted. (Yuen/Nekoba)

**RECESS** 11:10 A.M.

**ITEM E-4** See page 5 for deferral motion.

**ITEM F-1     TRANSMITTAL OF DOCUMENTS**

**Item F-1-a**     Assignment of General Lease No. S-3603, Lot 41, Kanoelehua Industrial Lots, Waiakea, So. Hilo, Hawaii, Tax Map Key 2-2-49:15 and 16

After his presentation, Mr. Young asked that should the Board consent to the assignment of the lease, that it be amended as such: Tenancy for Arthur K. K. and Cynthia L. Wong, husband and wife, assignees, is Tenancy by the Entirety.

**Item F-1-b**     Sublease by and Between Pearl Kai Corporation dba Westridge Shopping Center, Sublessor and Herbert K. Horita Realty, Inc., Sublessee, Kalauao, Ewa, Oahu, Tax Map Key 9-8-13:14

**Item F-1-c**     Issuance of Revocable Permit to Julio Resurreccion, Keopu 2, Government Remainder at Keopu 2, No. Kona, Hawaii, Tax Map Key 7-5-01:22

**Item F-1-d**     See page 8 for Action.

**Item F-1-e**     Issuance of Revocable Permit to John R. Souza, Government Lands at Niupea and Manowaialee, Hamakua, Hawaii, Tax Map Key 4-1-06:2 and 4

**ACTION**     Mr. Kennison moved for approval of Item F-1-a as amended, Item F-1-b, F-1-c, and F-1-e. Seconded by Mr. Nekoba, motion carried unanimously.

**ITEM F-2**     See page 12 for Action.

**ITEM F-3**     See page 9 for Action.

**ITEM F-4**     See page 6 for Action.

**ITEM F-5**     See page 9 for Action.

**ITEM F-6**     See page 11 for Action.

**ITEM F-7**     See page 13 for Action.

**ITEM F-8**     **AMENDMENT TO PRIOR BOARD ACTION OF JULY 8, 1994 (AGENDA ITEM F-1-a) REGARDING ISSUANCE OF A LAND LICENSE TO ELIMA ENGINEERING FOR REMOVAL OF CINDERS FROM GOVERNMENT LAND SITUATE AT WAKIU AND KAWAIPAPA, HANA, MAUI, TAX MAP KEY 1-3-04:POR. 12**

**ACTION**     Unanimously approved as submitted. (Kennison/Apaka)

**ITEM F-9**

**APPROVAL OF SETTLEMENT AGREEMENT BETWEEN STATE OF HAWAII AND ASAHI KANKO U.S.A. INC. AT MOUNT OLOMANA, KAILUA, KOOLAUPOKO, OAHU, TAX MAP KEY 4-2-05:1**

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Mr. Young informed that Board that they were coming before the Board because of a settlement of a lawsuit. Mr. Young went over the Remarks which stated the agreement provisions regarding Lots A, B and C.

One of the reasons for the settlement, there was some concern by the Attorney General's Office with respect to the lawsuit that was filed by Asahi Kanko.

Should the Board approve this item, Mr. Young is asking that the Board amend this submittal whereby staff would add on to the submittal the set aside to the State's Division of Forestry and Wildlife in addition to the Waimanalo Forest Reserve for the purpose of establishing the monument.

Mr. Yuen asked if they get county approval and zoning, can they build a golf course?

Mr. Young stated that he did not know but did not think so. He did not believe that was their intent. He mentioned that there were stipulations as to what the restrictions for the easement will be.

**ACTION** Unanimously approved as amended. (Nekoba/Landgraf)

Amendment: Add the following:

1. Chapter 343: This action is exempt under the provisions of Section 343-5-(1) inasmuch as the funds are being "used for the acquisition of unimproved real property".
2. Set Aside: Approve of and recommend to the Governor of Hawaii the issuance of an executive order setting aside Lot "A" as described in Agenda Item F-9 to be under the control and management of the Department of Land and Natural Resources, Division of Forestry and Wildlife, as an addition to the Waimanalo Forest Reserve and, for the Mount Olomana State Monument, subject to disapproval by the State Legislature in any regular or special session next following the date of the executive order.

**ITEM F-10**

**REQUEST FOR AUTHORIZATION TO AMEND REVOCABLE PERMIT NO. S-6652 TO DICK H. OKAJI COVERING LAND LOCATED AT MAKIKI, HONOLULU, OAHU, TAX MAP KEY 2-5-03:ADJ. 44**

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**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM F-11** See page 6 for Action.

**GRANT OF NON-EXCLUSIVE TERM EASEMENTS FOR  
RECREATIONAL PIERS COVERING GOVERNMENTAL TIDAL AND  
SUBMERGED LAND AT KANEOHE BAY, KANEOHE, OAHU, TAX  
MAP KEY 4-4-21:SEAWARD OF 12**

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**ITEM F-12**

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 3575  
FOR LAND SITUATED AT KAHUKU, KOOLAULOA, OAHU, TAX MAP  
KEYS 5-6-05:9; 5-6-06:POR. 19 AND 5-6-08:POR. 2 AND RESET  
ASIDE TO DEPARTMENT OF AGRICULTURE**

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**ITEM F-13**

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**REQUEST FOR EXTENSION OF LEASE TERM AND CONSENT TO  
MORTGAGE ON GENERAL LEASE NO. S-4095, OLOMANA GOLF  
LINKS, INC., WAIMANALO, OAHU, TAX MAP KEY 4-1-13:10**

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**ITEM F-14**

With the permission of the Board, Mr. Young requested that this item be withdrawn from the agenda and to be taken up on the October 28th agenda.

Mr. Young clarified that this item was to have been distributed at this meeting but some elements were not provided by the applicant in time for this meeting.

**WITHDRAWN** There were no objections by the Board.

**DECLARATION OF INTENT TO DISPOSE OF A DIRECT 15-YEAR  
LEASE TO THE HONPA HONGWANJI MISSION OF HAWAII, KAPAA,  
KAUAI, TAX MAP KEY 4-5-06:8**

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**ITEM F-15**

**ACTION** Unanimously approved as submitted. (Apaka/Kennison)

**DECLARATION OF INTENT TO DISPOSE OF A 15-YEAR GENERAL  
AGRICULTURE LEASE AT PUBLIC AUCTION, LOT 173, KAPAA  
HOMESTEADS, 3RD SERIES, KAPAA KAWAIHAU (PUNA), KAUAI,  
TAX MAP KEY 4-6-08:1**

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**ITEM F-16**

**ACTION** Unanimously approved as submitted. (Apaka/Kennison)



**ITEM F-17 CANCELLATION OF REVOCABLE PERMIT NO. S-6589 TO CHRIS MELLEIN DBA CM SALVAGE COMPANY, KAPAA RICE AND KULA LOTS, KAPAA, KAUAI, TAX MAP KEY 4-5-15:34 AND POR. 3**

**ACTION** Unanimously approved as submitted. (Apaka/Landgraf)

**ITEM F-18 SALE OF AN INTENSIVE AGRICULTURAL LEASE AT PUBLIC AUCTION AND ISSUANCE OF REVOCABLE PERMIT, LOTS 32-A, 33-A, 34-A, 35-A, 38 AND 40, KAPAA HOMESTEADS 1ST SERIES, KAPAA, KAWAIHAU (PUNA), KAUAI, TAX MAP KEY 4-6-05:7**

**ACTION** Unanimously approved as submitted. (Apaka/Kennison)

**ITEM F-19 AMENDMENT TO PRIOR BOARD ACTION OF APRIL 12, 1991 (AGENDA ITEM F-9), HALE OPIO KAUAI, INC., LOTS 6, 7 AND 8 (COMBINED), KAPAA TOWN LOTS, 1ST SERIES, KAPAA, KAUAI, TAX MAP KEY 4-5-08:4**

**ACTION** Unanimously approved as submitted. (Apaka/Kennison)

**ITEM F-20 EXTENSION OF LEASE TERM, GENERAL LEASE NO. S-4259, U.S.A., MICROWAVE RELAY STATION, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-2-01:POR. 3**

Mr. Young stated that staff was recommending in light of all uses by state, county and federal, that the board authorize the issuance of a five year lease extension.

Mr. Young made a correction that the parcel should be 9 instead of 3.

**ACTION** Unanimously approved as amended. (Apaka/Kennison)

Amendment: Under Subject Heading, Tax Map Key delete "por. 3" and replace it with "9".

**ITEM F-21 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 28, 1991 (AGENDA ITEMS F-7 AND F-8) FOR DIRECT LEASE TO QUALIFIED PERMITTEES UNDER ACT 237, SLH 1988, STATEWIDE**

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM H-1** See page 2 for Action.

**ITEM H-2** See page 5 for Action.

**ITEM H-3** See page 6 for Action.

**TIME EXTENSION REQUEST TO EXPAND THE OLOMANA GOLF COURSE ONTO APPROXIMATELY 12.2 ACRES OF STATE LAND AT WAIMANALO, OAHU; TAX MAP KEY 4-1-13:POR. OF 11; APPLICANT: OLOMANA GOLF LINKS, INC.; AGENT: WILSON OKAMOTO AND ASSOCIATES, INC.**

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**ITEM H-4**

**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM H-5** See page 7 for Action.

**ITEM H-6** See page 10 for Action.

**CDUA MA-2681 FOR THE SUBDIVISION OF SUBMERGES LANDS FOR MAALAEA SMALL BOAT HARBOR, MAALAEA, WAILUKU, MAUI, TAX MAP KEY 3-6-01 (SEAWARD), APPLICANT: DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF BOATING AND OCEAN RECREATION**

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**ITEM H-7**

Mr. Evans informed the board that Item H-7 was supposed to have been distributed at this meeting, but staff was not prepared for the distribution of the submittal at this time. He asked with the board's permission that it be deferred to the next meeting.

**DEFERRED** Approved to defer Item H-7 to the next meeting. (Nekoba/Landgraf)

**ITEM J-1** **ISSUANCE OF REVOCABLE PERMIT, MAALAEA BOAT HARBOR, ISLAND OF MAUI (MAUI OIL COMPANY, INC.)**

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**ACTION** Unanimously approved as submitted. (Kennison/Apaka)

**ITEM J-2** **ISSUANCE OF REVOCABLE PERMIT, WAIANAE BOAT HARBOR, ISLAND OF OAHU (VICTOR RAPOZA AND MALCOLM AHLO)**

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**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM J-3** **ISSUANCE OF REVOCABLE PERMIT, KEEHI BOAT HARBOR, ISLAND OF OAHU (MARK D. NOVAK)**

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**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM J-4** **ISSUANCE OF SUBLEASE, MAALAEA BOAT HARBOR, ISLAND OF MAUI (FRESH ISLAND FISH CO., INC.)**

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With the permission of the Board, Mr. Parsons requested that this item be deferred to the next Board meeting on Oahu.

**DEFERRED** Approved for deferral to next board meeting. (Kennison/Landgraf)

**ITEM J-5     CONTINUANCE OF REVOCABLE PERMITS**

Mr. Parsons presented the list of revocable permits up for continuance:

- a.     Rose Marine, Inc., Lahaina Boat Harbor, Island of Maui
- b.     Ala Wai Marine, Inc., Ala Wai Boat Harbor, Island of Oahu
- c.     The Deli Corporation, Heeia-Kea Boat Harbor, Island of Oahu
- d.     Hula Dog, Ala Wai Boat Harbor, Island of Oahu
- e.     Oahu Water Ski Club, Keehi Lagoon, Island of Oahu
- f.     Maalaea Charters, Inc., Maalaea Boat Harbor, Island of Maui
- g.     Pineapple Hill Resort, Ltd., Maalaea Boat Harbor, Island of Maui
- h.     State of Hawaii, Dept. of Public Safety, Honokohau Boat Harbor, Island of Hawaii
- i.     Alfred L. Oga, Haleiwa Boat Harbor, Island of Oahu
- j.     Luakini Marine, Inc., Lahaina Boat Harbor, Island of Maui
- k.     Hawaii Water Ski Association, Keehi Lagoon, Island of Oahu
- l.     Pacific Resources Terminals, Kawaihae Boat Harbor, Kailua-Kona Wharf and Wailoa River Basin, Island of Hawaii

**ACTION**     Unanimously approved as submitted. (Nekoba/Landgraf)

**ITEM K-1     AMENDMENT NO. 3 TO LEASE NO. DOT-A-78-31, AIRPORT-AIRLINE LEASE, LANAI AIRPORT, LANAI (HAWAIIAN AIRLINES, INC.)**

**ACTION**     Unanimously approved as submitted. (Kennison/Apaka)

**ITEM K-2     AMENDMENT NO. 4 TO LEASE NO. DOT-A-78-31, AIRPORT-AIRLINE LEASE, LANAI AIRPORT, LANAI (HAWAIIAN AIRLINES, INC.)**

**ACTION**     Unanimously approved as submitted. (Kennison/Apaka)

**ITEM K-3     CONSTRUCTION RIGHT-OF-ENTRY, NEW TERMINAL BUILDING, LANAI AIRPORT, LANAI (LANAI COMPANY, INC. (LCI))**

**ACTION**     Unanimously approved as submitted. (Kennison/Landgraf)

**ITEM K-4     AMENDMENT TO A PREVIOUS SUBMITTAL AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF A PORTION OF LAND AT THE HONOLULU INTERNATIONAL AIRPORT, OAHU**

**ACTION**     Unanimously approved as submitted. (Nekoba/Landgraf)

DEPARTMENT OF TRANSPORTATION REQUEST FOR GRANT OF  
RIGHT-OF-ENTRY, PIER<sup>3</sup> NAWILIWILI HARBOR, KAUAI (YOUNG  
BROTHER, LIMITED) ^

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**ITEM K-5**

**ACTION** Unanimously approved as submitted. (Apaka/Landgraf)

APPROVAL OF ONE YEAR HOLDOVER OF HARBOR LEASE NO.  
H-83-3, PIER 42, HONOLULU HARBOR, OAHU (ISLAND MOVERS,  
INC.)

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**ITEM K-6**

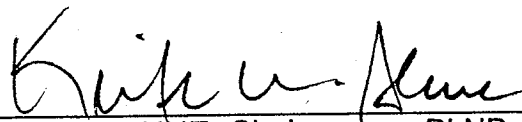
**ACTION** Unanimously approved as submitted. (Nekoba/Landgraf)

ADJOURNMENT The meeting adjourned at 12:40 p.m.

Respectfully submitted,

  
Dorothy Chun  
Secretary

APPROVED

  
KEITH W. AHUE, Chairperson, BLNR

11/07/94