

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

DATE: FRIDAY, FEBRUARY 10, 1995
TIME: 9:00 A.M.
PLACE: HAWAII GOVERNMENT EMPLOYEES ASSOCIATION BUILDING
3213 AKAHI STREET
LIHUE, KAUAI

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at approximately 9:07 a.m. The following individuals were present:

MEMBERS:	Michael D. Wilson Herbert K. Apaka Michael Nekoba	Christopher J. Yuen William Kennison Colbert M. Matsumoto
STAFF:	Mason Young Dr. John Corbin Michelle K. Bradley	Roger Evans Sam Lee Mike Laureta
OTHERS:	Linnel Nishioka, Deputy Attorney General Rory Frampton, Maui Ocean Center Gerald Park, Kauai County Benjamin Kahn, Maui Ocean Center	

For your reference and more detailed information, a true and correct copy of the Agenda is attached hereto as Exhibit "A". All written testimonies submitted are available for review at the Chairperson's Office of the State Department of Land and Natural Resources.

ADDED ITEM: Unanimously approved to add **Item F-16** to the Agenda (Yuen/Kennison).

ITEM H-5: Roger Evans, Administrator of the Office of Conservation and Environmental Affairs, presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Kennison).

ITEM H-1: Roger Evans presented the staff recommendation to the Board with one amendment -- under Recommendation No. 24: Any work to be done on the land shall be initiated within two (2) years of the approval of such use, . . .

Rory Frampton, Representative of Maui Ocean Center, testified before the Board.

ACTION: Unanimously approved, as amended (Kennison/Yuen).

ITEMS F-1-a - F-1-d: Mason Young presented the Consent Calendar to the Board with one amendment to **Item F-1-d**. In the event we consent to the assignment, there be the following added conditions:

1. **Subject to review and approval of the Attorney General's office with respect to interpretation of the joint ownership;**
2. **The Department be given the right to use Blair Road to cross through the property for official business; and**
3. **The Department reserves the right to public access at a future date through the property through the mauka public forest of the natural area reserves at a location to be jointly determined by the lessee and the Division of Forestry and Wildlife.**

ACTION: Unanimously approved as to Items F-1-a - F-1-c (Yuen/Nekoba).

Unanimously approved, as amended, as to Item F-1-d (Yuen/Nekoba).

ITEM F-2: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM F-3: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM F-4: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM F-5: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Kennison/Apaka).

ITEM F-6: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Kennison/Apaka).

ITEM F-7: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Kennison/Apaka).

ITEM F-8: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Kennison).

ITEM F-9: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Kennison).

ITEM F-10: Mason Young requested for a withdrawal of Item F-10 since the lease rental delinquency was cured by lessee.

ACTION: Withdrawn (Apaka/Yuen).

ITEM F-11: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Nekoba).

ITEM F-12: Mason Young presented the staff recommendation to the Board with one amendment -- first page of submittal, under STATUTE: Chapter 171-53 Hawaii Revised Statutes, and other applicable sections, as amended.

Linnel Nishioka, Deputy Attorney General, added another amendment that one of the conditions be **subject to review by the Attorney General's office**. There is some intersection between 171-13 and 171-53 having to do with these positions with regard to submerged lands that our office has been looking at. The Board can approve it today so long as it could be subject to review by our office.

ACTION: Unanimously approved, as amended (Nekoba/Apaka).

ITEM F-13: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Kennison).

ITEM F-14: Mason Young presented the staff recommendation to the Board with one amendment -- under Condition No. 1: **To allow for structuring of quarterly payments or monthly payments on thirty- (30-) year amortization schedule with balloon payment at the end of five (5) years. This will make it easier for the buyer to provide quarterly or monthly payments.**

Sam Lee, Kauai District Land Agent of the Division of Land Management, elaborated on reasons for the amendment.

ACTION: Unanimously approved, as amended (Apaka/Kennison).

ITEM F-15: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Kennison/Yuen).

ITEM F-16: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

ITEM H-2: Roger Evans presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM H-3: Roger Evans presented the staff recommendation to the Board with one amendment -- under Condition No. 17: . . . , appropriate measures recommended by the University of Hawaii's Environmental Center and approved . . .

Dr. John Corbin, Manager of DLNR's Aquaculture Development Program, testified before the Board and suggested an amendment to Condition No. 16: **Only native species of fish commonly found in Hawaii** along the shoreline of Molokai shall be raised in the fishponds.

ACTION: Unanimously approved, as amended (Kennison/Apaka).

ITEM H-4: Roger Evans presented the staff recommendation to the Board.

Oahu Land Board Member Michael Nekoba moved to defer Item H-4 until questions can be answered and to see the impact of the proposed reservoir affecting the residents living below it and what kind of capacity and type of rainfall it can handle in the event of a big rain.

ACTION: Deferred (Nekoba/Yuen).

There being no further business, the Chairperson adjourned the meeting at approximately 11:20 a.m.

Respectfully submitted,

Michelle K. Bradley

MICHELLE K. BRADLEY
Secretary

APPROVED AS SUBMITTED:

Michael D. Wilson

MICHAEL D. WILSON
Chairperson