

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

**DATE: AUGUST 11, 1995
TIME: 9:00 A.M.
PLACE: 1151 PUNCHBOWL STREET
132 KALANIMOKU BUILDING
HONOLULU, HAWAII 96813**

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at approximately 9:10 a.m. The following individuals were in attendance:

MEMBERS: Chairperson Michael D. Wilson (excused from meeting at approximately 2:20 p.m.); Kauai Land Board Member Herbert K. Apaka (presided over land board meeting after Chairperson's departure); Hawaii Land Board Member Christopher Yuen; Member-At-Large Colbert Matsumoto; and Maui Land Board Member William Kennison.

STAFF: Don Hibbard; Michael Buck; Mason Young; Roger Evans; Dave Parsons; and Michelle K. Bradley.

OTHERS: Jordan Wagner, Deputy Attorney General; Peter Garcia, State Department of Transportation Representative; Douglas Ing, Esq.; Tom Nance; Marjorie Ziegler, Esq.; Tom Leutteneker, Esq.; Pat Tummons; Darcie Yoshinaga, Esq.; Andrew Winer, Esq.; Bill Lee; Jean Orque-Lee; Kyle Dong; Nani Lee, Esq.; Tim Lui-Kwan, Esq.; and Margaret Hisano.

MISCELLANEOUS:

The Department of Land and Natural Resources' Youth Conservation Corps, under the leadership of Maile Sakamoto from our Division of Forestry and Wildlife, were introduced to the land board members. Exhibits were displayed highlighting their activities and accomplishments over the summer.

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The Chairperson presented departmental awards to Employee of the Year Nominee Ma Lucia Pascual, Account Clerk IV, Division of Boating and Ocean Recreation and Employee of the Year Runners-Up Nelson L. Ayers, Service Forester, Division of Forestry and Wildlife, and Stephen L. Thompson, Oahu Small Boat Harbors Manager, Division of Boating and Ocean Recreation.

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A Resolution was executed by all land board members honoring Fay M. Kido, Clerk II at the Bureau of Conveyances of the Department of Land and Natural Resources, for serving the State for over 29 years.

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For more detailed information regarding the instant land board submittals, please refer to the Agenda, which is attached hereto as Exhibit "A". All testimonies and documentation submitted pertaining to the instant agenda items are available for inspection and review at the Chairperson's Office of the Department of Land and Natural Resources.

MINUTES: July 14, 1995 Minutes

Amendment: Pat Tummons testified on Item H-2 rather than Item H-1.

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

June 9, 1995 Minutes

Amendment: Member-At-Large Colbert Matsumoto was in attendance.

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

January 27, 1995 Minutes

ACTION: Withdrawn (Kennison/Apaka).

ADDED ITEM: Mason Young requested that **Item F-19** be added to the instant Agenda.

ACTION: Unanimously approved (Kennison/Apaka).

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

ACTION: Unanimously approved, as amended. Amendment: The acronym used in the submittal for Hawaii Army National Guard should be changed from HANG to HIARNG (Kennison/Matsumoto).

ITEM F-4: Mason Young presented the staff recommendation to the Board. J. Douglas Ing, attorney for Mauna Kea Properties, and Tom Nance, engineer for Mauna Kea Properties, testified before the Board.

ACTION: Unanimously approved, as amended. Amendments: 1) Under Heading ANNUAL RENTAL, Condition 1, lines 6 and 9, add ",if any," after the word "benefit"; and 2) Under RECOMMENDATION, Subparagraph A.10, revise to read: "Mauna Kea Properties, its successors and/or permitted assigns, shall indemnify the State of Hawaii and the Department of Land and Natural Resources from and against any loss or damage to land or improvements belonging to the State of Hawaii caused by or arising out of the drainage

improvements constructed and/or installed by Mauna Kea Properties pursuant to this easement. (Yuen/Kennison).

ITEM F-1-i: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

ITEM F-12: Mason Young presented the staff recommendation to the Board. The following individuals testified before the Board: Michael Buck; Tom Leutteneker, attorney for the Applicant Kyle Dong; Kyle Dong, Applicant; Marjorie Ziegler, Esq.; and Pat Tummons.

ACTION: Unanimously approved, as amended. Amendment: RECOMMENDATION was revised in its entirety. Please refer to a copy of the revised RECOMMENDATION, which is attached hereto as Exhibit "B". Moreover, on Page 3 of Exhibit "B", Requirement q. is further amended to read: q. ". . . 3,600 and 4,200-foot elevations - . . ." instead of ". . . 3,400 and 6,000-foot elevations - . . ." (Yuen/ Matsumoto).

The Chairperson called a recess at approximately 11:15 a.m.; the meeting resumed at approximately 11:35 a.m.

ITEM H-2: Roger Evans presented the staff recommendation to the Board. The following individuals testified before the Board: Darcie Yoshinaga, attorney for landowner Margaret Hisano; Andrew Winer, neighborhood resident; Bill Lee, neighborhood resident; and Jean Orque-Lee, neighborhood resident.

ACTION: Unanimously approved, as amended. Amendments: 1) Landowners are ordered to construct adequate fencing of their property within the next thirty (30) days; 2) The penalty be reduced from \$2,000.00 a day to \$1,000.00 a day; 3) The landowners work with Department of Land and Natural Resources' staff on monitoring clean-up effort; and 4) Revoke permit (Matsumoto/ Kennison).

ITEM H-1: Roger Evans presented the staff recommendation to the Board.

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

ITEM F-1-f: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

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

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

The Chairperson called a recess at approximately 12:17 p.m.; the meeting resumed at approximately 1:45 p.m.

ITEM A-1: Don Hibbard presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Apaka/Matsumoto).

ITEM A-2: Don Hibbard presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

ITEM C-1: Michael Buck presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended. Amendment: Revise

RECOMMENDATION: That the Board grant a right-of-entry to our Division of Forestry and Wildlife to establish two parking areas with appropriate access to the Old Lahaina Pali Trail, as well as insure that these improvements to the appropriate trail corridor be preserved in any future land disposition of the subject area (Kennison/Apaka).

ITEM C-2: Michael Buck presented the staff recommendation to the Board.

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

ITEMS F-1-a through e, g, h, j, and k: Mason Young presented the remainder of the consent calendar to the Board.

ACTION: Unanimously approved as submitted as to Items F-1-a through e, h, and k, and unanimously approved, as amended, as to the following:

Item F-1-g: Amendment: Paragraph A under RECOMMENDATION is amended as follows: Cancel authorization for sale of lease at public auction and terminate R.P. No. S-4465 as of July 31, 1995.

Item F-1-j: Amendment: Add condition that the subject state land shall not be used for ingress, egress, or parking purposes, and \$90.00 monthly rental recommended by staff appraiser reduced to \$18.00 (20% x \$90.00) with said rent going to the Office of Hawaiian Affairs.

(Matsumoto/Apaka).

ITEM F-2: Mason Young requested the withdrawal of Item F-2 from the instant Agenda.

ACTION: Withdrawn (Yuen/Matsumoto).

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

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

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

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

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

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

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

ACTION: Unanimously approved, as amended. Amendment: RECOMMENDATION revised as follows: That the Board authorize the abandonment of the undefined access interests in the parcels and the joining with QEF in the consolidation petition, subject to the following conditions: 1) An independent appraiser be retained to determine the value of the property encumbered by the State's access rights and the value of the unencumbered property. The cost of the appraisal shall be borne by QEF. The difference in value, if any, shall be paid to the State by QEF; 2) Other conditions as may be prescribed by the Chairperson; and 3) Subject to review and approval by the Department of the Attorney General. (Kennison/Apaka).

ITEM F-10: Mason Young presented the staff recommendation to the Board.

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

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

ACTION: Unanimously approved, as amended. Amendment: Add condition that the Board's action does not imply that approval will be granted for additional dwellings (employee or domicile) if Lot 13-A is subdivided (Yuen/Apaka).

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

ACTION: Unanimously approved, as amended. Amendment: Condition D, Subparagraph 15, Restoration (a), after the word "Grantee", add "its successors or assigns". (Yuen/Matsumoto).

ITEM F-14: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

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

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

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

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

ITEMS F-17 and 18: Mason Young requested withdrawal of Items F-17 and 18 from the instant Agenda.

ACTION: Withdrawn (Apaka/Kennison).

ITEM F-19: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously deferred until August 25, 1995 land board meeting (Apaka/Yuen).

(Due to scheduling conflicts, the Chairperson excused himself from the meeting at approximately 2:20 p.m.. Kauai land board member Herbert Apaka then presided over the meeting.)

ITEM J-1: Dave Parsons presented the staff recommendation to the Board.

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

ITEM J-2: Dave Parsons presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Matsumoto/Kennison).

ITEMS J-3-A through J: Dave Parsons presented the Continuance of Revocable Permits to the Board.

ACTION: Unanimously approved as submitted (Matsumoto/Kennison).

ITEM K-1: Peter Garcia presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Matsumoto/Kennison).

ITEM K-2: Peter Garcia presented the staff recommendation to the Board.

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

ITEM K-3: Peter Garcia presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Yuen/Matsumoto).

ITEM K-4: Peter Garcia presented a Report on Revocable Permits issued by the Department of Transportation for Consistent Uses. No action was required from the Board.

There being no further business Kauai Land Board Member Herbert Apaka adjourned the meeting at approximately 2:35 p.m.

Respectfully submitted,

Michelle K. Bradley
MICHELLE K. BRADLEY
Land Board Secretary

APPROVED FOR SUBMITTAL:

Michael D. Wilson
MICHAEL D. WILSON
Chairperson