

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

DATE: August 25, 1995
TIME: 9:00 A.M.
PLACE: 1151 Punchbowl Street
Board Room
Honolulu, Hawaii

**ROLL
CALL**

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

MEMBERS: Mr. Herbert K. Apaka; Mr. Christopher Yuen; Mr. Michael H. Nekoba; Mr. Colbert Matsumoto; and Chairperson Michael D. Wilson. Mr. William Kennison was excused.

STAFF: Mr. Ronald Cannarella; Mr. Nelson Ayers; Mr. Dean Uchida; Mr. Roger Evans; Mr. John Corbin; Mr. David Parsons; Mr. William Devick; Dr. Kimberly Lowe; Mr. Jeff Bearman; and Geraldine M. Besse.

OTHERS: Mr. Jordan Wagner, Dept. of the Attorney General; Ms. Pat Tummons (Item Nos. F-14, F-16, F-17 and J-1); Dr. Paul Jokiel; Dr. Kim Holland, Dr. Rose Pfund (also Item No. B-1) and Dr. John Stimson (Item No. H-1); Mr. Wil Chee (Item No. H-2); Mr. Lawson Cannon (Item No. H-3); and Mr. Michael Yoshida (Item No. J-4)

MINUTES: Unanimously approved the minutes of January 27, 1995, as submitted (Matsumoto/Yuen).

All written testimony and tapes of the meeting are filed in the Chairperson's office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested persons present.

A copy of the agenda is attached for reference.

ITEM H-2 Mr. Evans presented the item to the Board. Mr. Wil Chee, agent for applicant, requested a change to Condition No. 1 to a two-story residence. He enumerated site conditions to justify his request: the residence is about 100 yards from shoreline; however, the distance from the highway is approximately 1/2 mile and would not be visible from the highway; the coconut trees are taller than the proposed two-story structure and is heavily wooded. He presented photographs of the site.

Mr. Chee said there is no comparison to the Bakken residence--the proposed beach residence would not be his client's primary residence and is modest compared to the Bakken residence. He stated that in 1990 the Board did approve the Bali house, which was an "ambitious" concept but Mr. Paul Mitchell is now deceased.

ACTION Mr. Yuen moved to approve with an amendment to a two-story structure; that the height be not higher than represented in the application; no water supply intake from the pond; and when the generator is installed the sound impacts to surrounding State land be minimized. Motion seconded by Mr. Nekoba and unanimously approved as submitted.

ITEM H-3 Mr. Evans presented the item recommending denial of the extension. Under a new application applicant would be subject to the new administrative rules, he said.

Mr. Nekoba noted that the request for extension was timely made and in fact applicant has downsized the residence.

Mr. Evans stated extensions are considered on case-by-case basis and staff considered the reasonableness of those requests.

Mr. Lawson Cannon, applicant, explained that the reasons for the delays are chronicled in staff's summary. One delay was personal hardship. He stated that the contractor's estimate was 50% higher than verbal quote; therefore, he had his architect downsize the project. For six years he negotiated with the Board of Water Supply to use its road and that has been finally resolved with no need for second road.

ACTION Mr. Nekoba moved to grant an extension of one year to start construction and two years to complete it; seconded by Mr. Apaka and unanimously carried.

ITEM J-4 Mr. Michael Yoshida representing the applicant appeared to answer any questions.

ACTION Unanimously approved as submitted (Nekoba/Apaka).

ADDED

ITEM: B-1 DIVISION OF AQUATIC RESOURCES

It was unanimously approved to add Item No. B-1 to the agenda; said item was unanimously approved as submitted (Yuen/Nekoba).

ITEM C-1 DIVISION OF FORESTRY AND WILDLIFE

Mr. Ronald Canarella made the Board presentation; said item was unanimously approved as submitted (Matsumoto/Yuen).

ITEM C-2 Item presented by Nelson Ayers; said item was unanimously approved as submitted (Yuen/Apaka).

ITEM F-1 DIVISION OF LAND MANAGEMENT

Item F-1a Mr. Uchida requested an amendment to Condition No. 9, page 3, second to last line, to read as follows: ". . . and if necessary, the permittee shall conduct a complete clean-up and abatement of the entire area." Unanimously approved as amended (Yuen/Nekoba).

Item F-1b Mr. Uchida asked to correct the tax key to: 9-7-19:35 and 9-7-19; unanimously approved as amended (Yuen/Nekoba).

Item F-1c Unanimously approved as submitted (Yuen/Nekoba).

Item F-1d Mr. Uchida asked to amend the recommendation in its entirety to read as follows:

That the Board consent to the Second Addendum to Sublease of General Lease Nos. S-4331 and S-4332 from James Wm. McCully, Trustee of the Ainako Realty Trust dated May 5, 1987, as to an undivided 55% interest, and James Wm. McCully and Francine M. McCully, also known as Francine Morales McCully, husband and wife, as to an undivided 45% interest, Sublessors, to Loveland Industries, Inc., a Colorado corporation, doing business as UAP Hawaii, Sublessee, subject to the following terms and conditions:

1. Review and approval of the consent form and Second Addendum to Sublease documents by the Department of the Attorney General.

2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

ACTION Unanimously approved as amended (Yuen/Nekoba).

Item F-1e Unanimously approved as submitted (Yuen/Nekoba).

Item F-1f Mr. Uchida asked for deferral to resolve the delinquency issue with Parker Ranch (Yuen/Nekoba). Item unanimously deferred (Yuen/Nekoba).

ITEM F-2 and ITEM F-3 Mr. Uchida asked to defer these two items because of the short notification to the lessees concerning their items; said items unanimously deferred (Yuen/Nekoba).

ITEM F-4 This item was amended by deleting Recommendations A & B and to issue revocable permits in order to allow the division staff to work on policy recommendations on pasture leases and percentage rentals; said item was unanimously approved as amended (Yuen/Nekoba).

ITEM F-5 This item was amended by deleting Recommendations A and B and to issue revocable permits in order to allow the division staff to work on policy recommendations on pasture leases and percentages; unanimously approved as amended (Yuen/Nekoba).

ITEM F-6 This item was amended by deleting Recommendations A and B and to issue a revocable permit to allow the division staff to work on policy recommendations on pasture leases and percentage rentals; Mr. Yuen also asked to correct the name of the highway to Belt Highway. Unanimously approved as amended (Yuen/Nekoba).

ITEM F-7 Mr. Uchida asked to withdraw the submittal to allow the division to prepare an analysis of the 4% automatic bump in rent for PUC regulated and/or easements. Withdrawn (Yuen/Nekoba).

ITEM F-8 Unanimously approved as submitted (Yuen/Nekoba).

ITEM F-9 Mr. Uchida asked to withdraw because of the "bump" in rent and which the staff would prepare an analysis of whether it was appropriate for access and utility easements. Withdrawn (Yuen/Nekoba).

Mr. Matsumoto recused.

- ITEM F-10** Amended to issuance of revocable permit in order that staff can reassess the bump in diversified ag uses as well as the percentage rent for diversified ag. Unanimously approved as amended (Yuen/Nekoba).
- ITEM F-11** Withdrawn (Yuen/Nekoba) as information received that the Water Commission did a walk-thru survey of the area; if a right-of-entry was required in the future, it would be processed at that time.
- ITEM F-12** Unanimously approved as submitted (Yuen/Nekoba).
- ITEM F-13** Unanimously approved as submitted (Nekoba/Apaka).
- ITEM F-14** Unanimously approved as submitted (Matsumoto/Nekoba)
- ITEM F-15** Withdrawn for analysis of bump in rental (Apaka/Nekoba).
- ITEM F-16** Amendment to the request to include the amount the County of Kauai owed for advertising costs in the approximate amount of \$400.00. Mr. Apaka asked that the item be withdrawn to obtain status of Rego Trucking's deposit on the boulders being given to the County. Ms. Tummons asked the Board to look into the issue of hardening the shoreline.

ACTION Withdrawn (Apaka/Nekoba).

- ITEM F-17** Mr. Parsons distributed copies of the management right-of-entry agreement between Boating and Ocean Recreation and State Parks. It was clarified that today's Board action is for approval of the management right of entry only.

Jeff Bearman presented a summary of the draft Wailua River Navigable Waters & State Park Management Plan and explained it would provide for better enforcement of the rules.

ACTION Unanimously approved with the above clarification (Apaka/Nekoba).

- ITEM H-1** Mr. Corbin briefed the Board of SeaGrant program and circulated a brochure from SeaGrant. Dr. Rose Pfund from the program spoke in support of the extension and the individual under the contract. Mr. Corbin also discussed the role of aquaculture.

ACTION Unanimously approved as submitted (Matsumoto/Nekoba).

ITEM H-4 Unanimously approved as submitted (Yuen/Nekoba).

ITEM H-5 Unanimously approved as submitted (Matsumoto/Nekoba).

ITEM H-6 Mr. Evans asked for deferral until the second meeting in September because of the possibility that an agreement can still be worked out with all parties. Would like to get the parties into mediation. A copy of a letter from Mr. Ed Johnston was submitted stating he agreed with the deferral.

ACTION Unanimously deferred (Yuen/Nekoba).

ITEM B-1 DIVISION OF AQUATIC RESOURCES

Item presented by Mr. Devick. Dr. Kimberly Lowe explained the identification of their project priorities.

Dr. Paul Jokiel, Dr. Kim Holland and Dr. John Stimson briefly explained the projects they would be working on under the agreements.

ACTION Unanimously approved as submitted (Yuen/Nekoba).

ITEM J-1 DIVISION OF BOATING AND OCEAN RECREATION

Mr. Matsumoto suggested the State revisit the issue of improvement to the Ala Wai Yacht Harbor now that the convention center had broken ground and other improvements made in the general area. He suggested that because of that the Board may not want to issue long-term leases.

Mr. Parsons stated many years ago the State looked into a parking structure but because of opposition the idea was dropped by Department of Transportation; however, the situation has since improved with new landowners in the area. The Chairperson suggested discussion with Convention Center Authority, DBED, OHA.

Ms. Tummons asked whether the fuel companies are audited for environmental damage. The Chairperson stated an inspection could be included as a condition of the lease.

ACTION Unanimously deferred (Matsumoto/Nekoba).

ITEM J-2 Unanimously approved as submitted (Yuen/Nekoba).

ITEM J-3 Unanimously approved as submitted (Yuen/Nekoba).

ITEM J-4 See page 2.

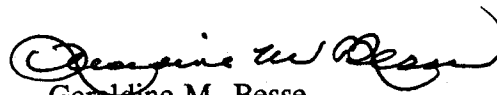
ITEM J-5 Unanimously approved as submitted (Nekoba/Yuen).

ITEM J-6 Unanimously approved as submitted (Yuen/Nekoba).

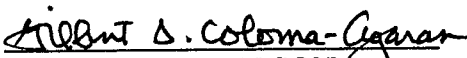
BOARD RESOLUTION The Board unanimously adopted a resolution congratulating Thomas Otaguro on his retirement after more than 10 years of service as a Groundskeeper I, Division of State Parks.

ADJOURNMENT The meeting was adjourned at 12:45 p.m.

Respectfully submitted,


Geraldine M. Besse
Secretary

APPROVED FOR SUBMITTAL:


for MICHAEL D. WILSON
Chairperson
Board of Land and Natural Resources