

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

**DATE: FRIDAY, SEPTEMBER 29, 1995  
TIME: 9:00 A.M.  
PLACE: 132 KALANIMOKU BUILDING  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813**

Presiding Chairperson/Kauai Land Board Member Herbert K. Apaka called the meeting of the Board of Land and Natural Resources to order at approximately 9:11 a.m. The following individuals were in attendance:

**MEMBERS:** Presiding Chairperson/Kauai Land Board Member Herbert Apaka; Maui Land Board Member William Kennison; Hawaii Land Board Member Christopher Yuen; Oahu Land Board Member Michael Nekoba; and Member-At-Large Colbert Matsumoto.

**STAFF:** Dean Uchida; Roger Evans; T. Aulani Wilhelm; Sam Lemmo; Catharine Tilton; Charlene Unoki; Steven Tagawa; Dave Parsons; and Michelle K. Bradley.

**OTHERS:** Linnel Nishioka, Deputy Attorney General; Juliet Begley; Peter Garcia, State Department of Transportation Representative; Owen Miyamoto, Airports Administrator, State Department of Transportation; Frank Nalbach, President of Oahu Taxi Owners Association; Charles H. Morita, Vice President-General Manager of OTM, Inc.; Dale Evans, former President of OTM and Charlie's Taxi Representative; Denby Fawcett, KITV Channel 4 News; Barry Usagawa, Board of Water Supply; Chuck Pearson, Malama O Manoa; Mary Cook, President of Malama O Manoa; Patty Diego; Carol Franco; David Creekmore; Alan Grodzinsky; Roy A. Vitousek, III, Attorney for Applicant Earl E. Bakken; Earl E. Bakken; and Henry Curtis, Life of the Land.

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 State Department of Land and Natural Resources.

**ITEM K-3:** Peter Garcia presented the staff recommendation to the Board. Owen Miyamoto, Frank Nalbach, Charles H. Morita, and Dale Evans testified before the Board.

**ACTION:** Approved as submitted (4-1 vote; Colbert Matsumoto opposing approval) (Nekoba/Kennison).

**ITEM K-1:** Peter Garcia presented the staff recommendation to the Board. Owen Miyamoto testified before the Board.

**ACTION:** Approved as submitted (4-1 vote; Colbert Matsumoto opposing approval) (Kennison/Nekoba).

**ITEM K-2:** Peter Garcia presented to the Board a Report on Revocable Permits issued by the State Department of Transportation for Consistent Uses. No action by the Board was required.

**ITEM F-12:** Dean Uchida presented the staff recommendation to the Board.

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

**ITEM F-3:** Dean Uchida presented the staff recommendation to the Board. Chuck Pearson testified before the Board.

**ACTION:** Unanimously approved as submitted (Nekoba/Matsumoto).

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

**ACTION:** Unanimously approved as submitted (Nekoba/Matsumoto).

**ITEM H-4:** Roger Evans presented the staff recommendation to the Board. Roy A. Vitousek, III, Esq., testified on behalf of Earl E. Bakken, Applicant.

A motion was made to go into an executive session to discuss legal matters regarding the interpretation of the rules and regulations (Yuen/Kennison).

The presiding Chairperson called a recess at approximately 11:10 a.m. The meeting recommenced at approximately 11:30 a.m. resuming with Item H-4.

Henry Curtis testified before the Board.

**ACTION:** Unanimously approved, as amended. Amendment: Under RECOMMENDATION, Part A., delete reference to the Board denying Amendment 1. Two Accessory Shade Houses (Yuen/Nekoba).

**ITEM H-3:** Roger Evans presented the staff recommendation to the Board.

**ACTION:** Unanimously approved, as amended. Amendment: That the time extension be a period of no more than 12 months as opposed to 9 months in which to initiate construction of the subject single family residence (Matsumoto/Nekoba).

**ITEMS F-1-a through c:** Dean Uchida presented the Consent Calendar to the Board.

**ACTION:** Unanimously approved as submitted as to Items F-1-a and b (Nekoba/Kennison); and

Unanimously approved, as amended, as to Item F-1-c. Amendment: Page 3, second line from the top of the page, change August 15, 1995 to August 15, 1991 (Nekoba/Kennison).

**ITEM F-2:** Dean Uchida presented the staff recommendation to the Board.

**ACTION:** Unanimously approved, as amended. Amendment: Add conditions "f" and "g" to read as follows:

f. Prior to any final disposition on the site, the County of Hawaii address any water credits for the State with our Water and Land Development Branch; and

g. The County of Hawaii resolve the outstanding fees owed the State before the right-of-entry is issued (Yuen/Nekoba).

**ITEM F-4:** Dean Uchida presented the staff recommendation to the Board.

**ACTION:** Unanimously approved as submitted (Nekoba/Kennison).

**ITEM F-5:** Dean Uchida presented the staff recommendation to the Board.

**ACTION:** Unanimously approved, as amended. Amendment: Add condition 3 to read as follows:

3. The Board amend its prior action of August 25, 1995 and restore the permit to allow for 2,000 square feet for the parking area (Nekoba/Yuen).

**ITEM F-6:** Dean Uchida presented the staff recommendation to the Board.

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

**ITEM F-7:** Dean Uchida presented the staff recommendation to the Board.

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

**ITEM F-8:** Dean Uchida presented the staff recommendation to the Board.

**ACTION:** Unanimously approved, as amended. Amendment: Add TMK 1-5-41:327 [portion] and a condition to read as follows:

7. GTE Hawaiian Telephone resolve the outstanding fees owed the State before the right-of-entry is issued (Nekoba/Yuen).

**ITEM F-9:** Dean Uchida presented the staff recommendation to the Board.

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

**ITEM F-10:** Dean Uchida presented the staff recommendation to the Board.

**ACTION:** Unanimously approved, as amended. Amendment: Add a condition to read as follows:

1. GTE Hawaiian Telephone resolve the outstanding fees owed the State before the final documents are issued (Nekoba/Kennison).

**ITEM F-11:** Dean Uchida presented the staff recommendation to the Board.

**ACTION:** Unanimously approved, as amended. Amendment: Add a condition to read as follows:

7. The County of Hawaii resolve the outstanding fees owed the State before the right-of-entry is issued (Yuen/Nekoba).

**ITEM F-13:** Dean Uchida presented the staff recommendation to the Board. Dave Parsons testified before the Board.

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

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

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

**ITEM Z-1:** Dean Uchida provided the Board the report of the results of the August 31, 1995 public auction of government leases on the island of Kauai. No action from the Board was required.

**ITEM Z-2:** Dean Uchida provided the Board the report of the results of the August 24, 1995 Oahu Land District public auction. No action from the Board was required.

There being no further business, the presiding Chairperson adjourned the meeting at approximately 12:30 p.m.

Respectfully submitted,

*Michelle K. Bradley*

MICHELLE K. BRADLEY  
Land Board Secretary

APPROVED FOR SUBMITTAL:

*Michael D. Wilson*

MICHAEL D. WILSON  
Chairperson