

17

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

DATE: December 15, 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 Wilson; Member-At-Large Colbert Matsumoto; Hawaii Land Board Member Christopher Yuen; Maui Land Board Member William Kennison; Oahu Land Board Member Michael Nekoba; and Kauai Land Board Member Herbert Apaka.

STAFF: Dean Uchida; Ralston Nagata; T. Aulani Wilhelm; Bill Gorst; Al Rogers; William Devick; Roger Evans; Peri Manthos; Dave Parsons; Mike Buck; Andrew Monden; and Michelle K. Bradley.

OTHERS: Randy Young, Deputy Attorney General; Department of Transportation Representative Peter Garcia; Erich Bohne, Applicant in Item K-12; Dr. Jim Anthony; Department of Health Representative Paula Ayers; Storybook Theater Program Director Mark Jeffers; Construction Estimator Wil Welsh; Dr. Bob Stauffer; Pat Tummons, Editor of *Environment Hawai'i*; Marjorie Ziegler, Esq.; Ululani Beirne, Kahana Valley State Park Lessee; Ben Schafer, Kahana Valley State Park resident; Kauai Paging Communications Representative Ray Paler; Dawn Wasson; Puanani Martinez, Kahana Valley State Park Lessee; Rex Kim; Trilogy Corporation Representative Rory Frampton; Lee Sichter, Belt Collins; Reverend Michael and Fern Jones, Owners of Island Weddings; Pua Delacerna, Kahana Valley State Park resident; Tamar Chotzen, Executive Director of The Nature Center, Inc.; Carl Christensen, Esq.; and Roger Harris, Belt Collins.

For more detailed information regarding the instant land board submittals, please refer to a copy of the Agenda, which is attached hereto as Exhibit "A". All written 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.

ITEM K-12: Peter Garcia presented the staff recommendation to the Board. Applicant Erich Bohne testified before the Board.

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

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

ITEM F-10: Dean Uchida presented the staff recommendation to the Board. Dr. Bob Stauffer and Dr. Jim Anthony testified before the Board.

ACTION: Unanimously approved, as amended (Nekoba/Kennison). Amendment: Page 2, Paragraph 3, to read as follows: "Effective Rental: Minimum rent will be 25% of the fair market annual lease rent . . .":

ITEM F-17: Dean Uchida presented the staff recommendation to the Board. Kauai Paging Communications Representative Ray Paler testified before the Board.

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

ITEM F-1-e: Dean Uchida presented the staff recommendation to the Board. Mark Jeffers and Wil Welsh testified before the Board.

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

The Board further requested immediate handling of the negotiations with the Story Book Theater of Hawaii to issue a direct lease for the site.

ITEM E-2: Ralston Nagata presented the staff recommendation to the Board. Tamar Chotzen, Dr. Jim Anthony, and Pat Tummons testified before the Board.

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

ITEM E-3: Ralston Nagata presented the staff recommendation to the Board. The following individuals testified before the Board: Ululani Beirne; Puanani Martinez; Ben Schafer; Dr. Jim Anthony; Pua Delacerna; and Dawn Wasson.

Chairperson Wilson called a recess at approximately 11:25 a.m.; the meeting reconvened at approximately 11:45 a.m., resuming with Item E-3.

Oahu Land Board Member Michael Nekoba made a motion to approve a one-year extension for Kahana lessees Ululani Beirne and Puanani Martinez to secure the necessary regulatory permits to remain within their existing revocable permit areas rather than relocate to their designated lease lots, with the understanding that this is the final extension request the Board will approve even if extenuating circumstances may cause any future extension requests.

ACTION: Denied Member Nekoba's motion (5-1 vote).

Member-At-Large Colbert Matsumoto made a motion to approve the staff recommendation.

ACTION: Approved Member Matsumoto's motion (5-1 vote) (Matsumoto/Yuen).

Chairperson Wilson called a lunch recess at approximately 12:15 p.m.; the meeting resumed at approximately 1:05 p.m.

ITEM F-13: Dean Uchida presented the staff recommendation to the Board. Ululani Beirne testified before the Board.

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

ITEM F-7: Dean Uchida presented the staff recommendation to the Board. Rory Frampton testified before the Board.

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

ITEM J-6: Dave Parsons presented the staff recommendation to the Board. Rory Frampton, Pat Tummons, and Roger Evans testified before the Board.

ACTION: Unanimously deferred (Kennison/Matsumoto).

ITEM K-14: Peter Garcia presented the staff recommendation to the Board.

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

ITEM F-3: Dean Uchida presented the staff recommendation to the Board. Paula Ayers testified before the Board.

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

ITEM B-1: William Devick presented the staff recommendation to the Board.

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

ITEM B-2: William Devick presented the staff recommendation to the Board.

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

ITEM F-1-c: Dean Uchida presented the staff recommendation to the Board.

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

ITEM E-4: Ralston Nagata presented the staff recommendation to the Board. Permittee Fern Jones testified before the Board.

ACTION: Unanimously approved, as amended (Apaka/Kennison). Amendment: Condition 2) of RECOMMENDATION revised to read as follows:

- 2) "That each approximate hour-long ceremony shall occur from 5:00 p.m. to sunset between the months of May through September and from 4:00 p.m. to sunset between the months of October through April. Only one ceremony will be conducted . . ."

ITEM E-1: Ralston Nagata presented the staff recommendation to the Board with an amendment to increase the monthly rental by \$50.00.

ACTION: Unanimously approved, as amended (Kennison/Apaka). Amendment: Revise Condition B. under RECOMMENDATION to read: "Pay a monthly rental of \$800.00 per month, . . .".

ITEM H-2: Roger Evans presented the staff recommendation to the Board. Carl Christensen, Esq. testified before the Board.

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

ITEM H-3: Roger Evans requested withdrawal of Item H-3.

ACTION: Withdrawn (Yuen/Matsumoto).

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

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

ITEM F-23: Dean Uchida presented the staff recommendation to the Board. Roger Harris testified before the Board.

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

ITEM C-1: Mike Buck presented the staff recommendation to the Board. Marjorie Ziegler, Esq. testified and provided materials to the Board.

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

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

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

ITEM C-3: Mike Buck presented the staff recommendation to the Board.

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

ITEM D-1: Andrew Monden presented the staff recommendation to the Board. Pat Tummons testified before the Board.

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

ITEM D-2: Peri Manthos presented the staff recommendation to the Board.

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

ITEMS J-2-A through G: Dave Parsons presented the Consent Calendar to the Board.

ACTION: Unanimously approved as submitted as to Items J-2-A, B and D through G (Kennison/Apaka).

Withdrawn as to Item J-2-C (Kennison/Apaka).

ITEM F-1-i: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended (Yuen/Nekoba). Amendment: Add Part B. to RECOMMENDATION to read as follows:

- B. Authorize the sale of a lease at public auction for the subject property subject to all of the standard conditions for pasture leases. In addition, the area above the 3,200 foot elevation shall be kept out of the pasture lease unless the lessee is agreeable to manage the area above the 3,200 foot elevation as a forest reserve.

ITEM E-5: Ralston Nagata presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended (Yuen/Kennison). Amendment: A-frame shelter fee of \$20.00 instead of recommended \$25.00.

ITEMS F-1-a, b, d, and f through h: Dean Uchida presented the remainder of the Consent Calendar to the Board.

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

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

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

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

ACTION: Unanimously approved, as amended (Kennison/Nekoba). Amendment: Delete Condition B. of RECOMMENDATION in its entirety because records show that the previous permit was already cancelled and change Condition C. to Condition B.

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

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

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

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

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

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

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

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

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

ACTION: Unanimously approved, as amended (Kennison/Nekoba). Amendment: Page 2, "Monthly Rent:" heading, to read as follows:

Monthly Rent: 50% of the fair market monthly lease rent (discounted for month to month permit use) [50% rent is based on: 20% to OHA -- Ceded lands and 30% tp DHHL former Cane lands].

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

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

ITEM F-14: Dean Uchida presented the staff recommendation to the Board.

The Chairperson requested withdrawal of Item F-14 in order to have more time to review the staff recommendation on seawalls.

ACTION: Withdrawn (Kennison/Nekoba).

ITEM F-15: Dean Uchida presented the staff recommendation to the Board.

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

ITEM F-16: Dean Uchida presented the staff recommendation to the Board.

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

ITEM F-18: Dean Uchida presented the staff recommendation to the Board.

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

ITEM F-19: Dean Uchida presented the staff recommendation to the Board.

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

ITEM F-20: Dean Uchida requested withdrawal of Item F-20 because the lessee paid the back rent.

ACTION: Withdrawn (Apaka/Nekoba).

ITEM F-21: Dean Uchida presented the staff recommendation to the Board.

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

ITEM F-22: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended (Apaka/Kennison). Amendment: Add Condition 4. to read as follows:

4. Conduct an appraisal to determine if any change in rent would be required.

ITEM F-24: Dean Uchida presented the staff recommendation to the Board.

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

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

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

ITEM J-3: Dave Parsons presented the staff recommendation to the Board.

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

ITEM J-4: Dave Parsons presented the staff recommendation to the Board.

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

ITEM J-5: Dave Parsons presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended (Kennison/Nekoba). Amendment: Include option to renew the lease for one additional 10-year period under the same terms and conditions as the original 10-year term.

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

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

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

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

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

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

ITEMS K-4 and 5: Peter Garcia presented the staff recommendations to the Board.

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

ITEM K-6: Peter Garcia presented the staff recommendation to the Board.

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

ITEM K-7: Peter Garcia presented the staff recommendation to the Board.

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

ITEM K-8: Peter Garcia presented the Board with a Report on Revocable Permits Issued By the Department of Transportation for Consistent Uses (Month of September). No Board action was required.

ITEM K-9: Peter Garcia presented the staff recommendation to the Board.

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

ITEM K-10: Peter Garcia presented a Report On Revocable Permits Issued By the Department of Transportation for Consistent Uses (Months of October and November). No Board action was required.

ITEM K-11: Peter Garcia presented the staff recommendation to the Board.

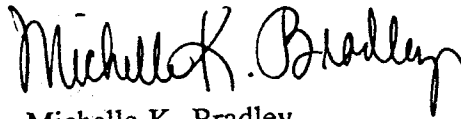
ACTION: Unanimously approved as submitted (Nekoba/Kennison).

ITEM K-13: Peter Garcia presented the staff recommendation to the Board.

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


There being no further business, the Chairperson adjourned the meeting at approximately 4:12 p.m.

Respectfully submitted,



Michelle K. Bradley
Land Board Secretary

APPROVED FOR SUBMITTAL:


MICHAEL D. WILSON
Chairperson