

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

DATE: FRIDAY, MARCH 22, 1996
TIME: 9:00 A.M.
PLACE: 132 KALANIMOKU BUILDING
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Presiding Chairperson Herbert K. Apaka, Jr., called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following individuals were present:

MEMBERS: Herbert K. Apaka, Jr. Mike Nekoba
Christopher Yuen William Kennison
Colbert Matsumoto

STAFF: Dean Uchida
Michelle K. Bradley

OTHERS: Linnel Nishioka, Deputy Attorney General
Juliet Begley
Peter Garcia, Representative, State Department of Transportation
Calvert Chun, Item D-18
Gordon Trimble, Item D-20
Sidney Fuke, Item D-21
Athena Peanut, Friends of the Red Road, Item D-5
Colette Sakoda, Corporation Planning Project Manager, R.M. Towill
Corporation, Agent for HELCO, Item D-5
Emily Naeole, Item D-5
Douglas Knowlton, Item D-1
Ron Sarder, Item D-22
Peter Purvis, Item D-6
Lionel Aguiar, Item D-6
Greg Bitner, Item D-5
Laura Peshier, Item D-5
Henry Curtis, Life of the Land, Item D-5

All written testimonies and other pertinent documentation submitted herein are available for public inspection and/or review at the Chairperson's Office of the State Department of Land and Natural Resources. In addition, cassette tape recordings of the

instant meeting are available for public inspection and/or review and upon request, may be duplicated.

MINUTES: February 23, 1996

ACTION: Approved as amended (Yuen/Nekoba). Amendments:

1. Page 4, Item D-1, 4th paragraph, 3rd line: change "primate" to "private";
2. Page 5, Item D-1, last paragraph, 2nd line: change "decimal" to "decibel";
3. Page 8, Item D-1, 4th paragraph, 5th line: after "In the EIS," insert "on Pages C-5 and C-7 of Volume I, Appendix C,"; and
4. Page 10, Item C-1: after action, add "Mike Buck should check if the mauka road needs to be fenced."

March 8, 1996

ACTION: Approved as submitted (Yuen/Nekoba).

ADDED ITEM: Item K-7

ACTION: Approved as requested (Yuen/Kennison).

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ITEM D-5: DIRECT GRANT OF EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC. FOR ELECTRICAL TRANSMISSION LINE PURPOSES, KEHENA AND KEEKEE, PUNA, HAWAII, TMK: 1-2-09:POR.3

Mr. Yuen disclosed for the record that this proposal would bring electricity to, among other areas, the Kehena Estate Subdivision in which his uncle was one of the two original co-developers about 30 or 40 years ago of which his immediate family doesn't have an interest in. Second, Mr. Yuen has been legal counsel for the Kalapana Seaview Estates Community Association ("KSECA") for about four (4) years, and this proposal would also bring electricity to that subdivision. To the best his knowledge, information, and belief, KSECA hasn't taken an official position for or against this proposal. These disclosures were discussed with the attorney general's office and with that being the extent of Mr. Yuen's involvement with HELCO, it was determined there isn't any conflict-of-interest.

Mr. Matsumoto stated for the record that due to his law firm's affiliation with HELCO, he recuses himself from voting on any action.

Dean Uchida presented the staff recommendation to the board. The following individuals testified:

Colette Sakoda provided the board with technical information on the proposal.

Athena Peanut, on behalf of Friends of the Red Road, voiced objection to the proposal and feels the board would be basing its decision on a faulty and inadequate final environmental impact statement which is currently being challenged in Third Circuit Court. She requested that this issue be evaluated in its entirety, and that any future public hearings be held on the Big Island in order to prevent financial hardship for residents who would like to testify on the matter.

Emily Naeole, as a native Hawaiian, testified against approval of this project.

Carlyle Knutson, retired property owner, expressed his desire and right to have power in his subdivision and stated that in the last five (5) years he's been there, he has never seen any of the endangered birds referred to earlier.

Elizabeth Olsen, property owner, testified in support of HELCO's project.

Property owner Greg Bitner, on behalf of fifteen (15) lot owners, testified in support of HELCO's project.

Henry Curtis, Life of the Land, testified that a public hearing on this matter should be held on the Big Island so the residents can voice their concerns before any decision is made on the matter.

Janet Leshner (sic) testified in support of the HELCO project.

ACTION: Approved as amended (Yuen/Nekoba). The Board amended the staff recommendation as follows:

RECOMMENDATION:

That the Board:

- A.2. HELCO, its successors, permitted assigns, or permitted devisees, shall maintain and repair all structures and other improvements constructed, built, and/or erected thereon at no cost or expense to the State of Hawaii, nor to the County of Hawaii, including periods of emergency.

A.10. HELCO, its successors, permitted assigns, or permitted devisees, shall submit construction plans for approval by the Chairperson prior to the commencement of any construction work activity.

B.4. HELCO, its consultants and/or its contractors, shall submit construction plans for approval by the Chairperson prior to the commencement of any construction work activity.

Subsequent to board action, Steven Lee Montgomery, Ph.D., submitted written testimony requesting that an EIS be completed before any action is taken; however, the board already rendered its decision.

ITEM D-20: RESCISSION OF PRIOR BOARD ACTION (FEBRUARY 11, 1994, ITEM F-3) RE: AUTHORIZATION TO ISSUE DIRECT LEASE TO COUNTY OF HAWAII FOR OPERATION OF FOREIGN TRADE ZONE FACILITY; AND SET ASIDE OF FOREIGN TRADE ZONE SITE & IMPROVEMENTS TO DBED&T, WAIAKEA, SO. HILO, HAWAII, TMK: 2-1-12:PORS. OF 9 & 70

Dean Uchida presented the staff recommendation to the board.

Gordon Trimble was available to answer any questions from the board.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-18: AMENDMENT REQUEST, CONSERVATION DISTRICT USE PERMIT OA-1855, ANTENNAE ATTACHMENT TO A TELECOMMUNICATION TOWER AT WAIMANALO RIDGE, OAHU, TMK: 3-9-9:01

Dean Uchida presented the staff recommendation to the board.

Calvert Chun provided technical information on PCS Primeco's project.

ACTION: Approved as submitted (Nekoba/Matsumoto).

ITEM D-21: CONSERVATION DISTRICT USE APPLICATION FOR A SINGLE FAMILY RESIDENCE, HONOMALINO, SO. KONA, HAWAII, TMK: 8-9-05:4

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Kennison).

ITEM D-1: DIRECT SALE OF EASEMENT FOR ACCESS AND UTILITY PURPOSES, OLAA SUMMER LOTS, PUNA, HAWAII, TMK: 1-9-03:KALANINAULI ROAD (PAPER ROAD)

Dean Uchida presented the staff recommendation to the board.

Mr. Matsumoto recused himself from voting on any action.

ACTION: Approved as amended (Yuen/Nekoba). Amendment: Page 1 ANNUAL RENTAL to read as follows:

To be determined by independent appraisal, subject to review and approval by the Chairperson or in-house appraisal as determined by law.

ITEM D-22: UNAUTHORIZED CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT FOREST RIDGE WAY, TANTALUS, OAHU, TMK: 2-5-15:11

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-6: REQUEST FOR AUTHORIZATION TO CANCEL REVOCABLE PERMIT NO. S-6584 AND REISSUANCE OF A NEW REVOCABLE PERMIT TO TCI OF HAWAII, INC., HANA AIRPORT, HANA, MAUI, TMK: 1-3-03:33

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Kennison/Nekoba).

ITEM D-7: REQUEST FOR AUTHORIZATION TO ACQUIRE PRIVATELY-OWNED LAND AND SUBSEQUENT SET ASIDE TO DOE FOR A PEDESTRIAN ACCESS TO KAAAWA ELEMENTARY SCHOOL, KAAAWA BEACH LOTS, KAAAWA, KOOLAULOA, OAHU, TMK: 5-1-02:31(POR.)

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Matsumoto).

ITEM D-19: REQUEST TO AMEND, CONSERVATION DISTRICT USE PERMIT OA-1947A, GOLF COURSE, KOOLAUPOKO, OAHU, TMK: 4-5-42:1 & 6

Dean Uchida presented the staff recommendation to the Board.

A motion was made to go into executive session in order to consult with legal counsel (Yuen/Kennison).

A recess was taken at approximately 11:35 a.m. The meeting reconvened at approximately 12:15 p.m., resuming with Item D-19.

ACTION: Deferred in order to allow the Department of Attorney General to look into the "Stipulation for Conditional Settlement of Claims Against Defendant The Minami Community Foundation" (Nekoba/Kennison).

ITEM D-2: FORFEITURE OF GENERAL LEASE NO. S-4636 AND CANCELLATION OF SPECIAL INSTALLMENT AGREEMENT NO, S-4636, LOT 8, PANAEWA FARM LOTS, 2ND SER., WAIAKEA, SO. HILO, HAWAII, TMK: 2-4-49:22

Dean Uchida requested withdrawal of the instant submittal due to the Lessee's submission of the performance bond and back rent.

ACTION: Withdrawn (Kennison/Matsumoto).

ITEM D-3: REQUEST TO DELETE CONDITION NO. 2 FROM LAND PATENT GRANT NO. S-15,242, ABANDONED RAILROAD RIGHT-OF-WAY, WAIAKEA HOMESTEADS, 1ST SER., SO. HILO, HAWAII, TMK: 2-4-16:46

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-4: CONSENT TO SUBLEASE BETWEEN YOUTH WITH A MISSION, INC., INTERNATIONAL CHRISTIAN SCHOOLS, HAWAII AND MAKUA LANI CHRISTIAN SCHOOL, GENERAL LEASE NO. S-4566, FORMER HONOKOHAU SCHOOL LOT, NO. KONA, HAWAII, TMK: 7-4-06:1

ACTION: Deferred (Matsumoto/Nekoba). The board requested deferral of the instant submittal because they were contacted by some of the Hawaiian Immersion Language providers in the South Kona area about using the school site. In addition, Member Yuen stated that the original Lessee, Youth With A Mission, Inc., hasn't been using the site for some time, and the proposed sublessee, Makua Lani, has been occupying the school without the proper board consent and sublease agreement.

ITEM D-8: REQUEST TO APPROVE SUPPLEMENTAL AGREEMENT NO. 6
EXTENDING DEPARTMENT OF THE AIR FORCE LEASE CONTRACT
NO. DA-94-626-ENG-117, HICKAM ELEMENTARY SCHOOL, HICKAM
AIR FORCE BASE, HALAWA, EWA, OAHU

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-9: REQUEST AN ISSUANCE OF A REVOCABLE PERMIT TO KAPAHULU
BUSINESS ASSOCIATION FOR PARKING LOT PURPOSES, WAIKIKI,
HONOLULU, OAHU, TMK: 2-7-36:4

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-10: REQUEST BOARD APPROVAL FOR CONSTRUCTION RIGHT-OF-
ENTRY TO DOT, PUPUKEA-PAUMALU, KOOLAULO, OAHU, TMK:
5-9-01-37(POR.)

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-11: REQUEST AN ISSUANCE OF A REVOCABLE PERMIT TO HAWAIIAN
DREDGING AND CONSTRUCTION COMPANY FOR PARKING LOT
PURPOSES, WAIKIKI, HONOLULU, OAHU, TMK: 2-7-36:4

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-12: DIRECT AWARD OF EASEMENT TO THE BOARD OF WATER
SUPPLY, CITY AND COUNTY OF HONOLULU, FOR WATERLINE AND
WATER FACILITY PURPOSES, PAUOA, OAHU, TMK: 2-2-41:01(POR.)

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-13: REQUEST FOR CANCELLATION OF PRIOR BOARD ACTION (APRIL 12, 1990, AGENDA ITEM F-10), GENERAL LEASE NO. S-4890 AND CONSENT TO ASSIGNMENT, LOT 7, MAUNALAHA HOMESITES, MAUNALAHA, HONOLULU, OAHU, TMK: 2-5-24:07

ACTION: Withdrawn (Nekoba/Matsumoto). The board requested withdrawal of the instant submittal in order for staff to conduct more analysis on the matter.

ITEM D-14: AMENDMENT TO PREVIOUS BOARD ACTION, STANLEY VASQUES' REQUEST FOR WITHDRAWAL OF LAND FROM GENERAL LEASE NO. S-4947 AND COMMENSURATE REDUCTION OF LEASE RENT, KAPAA HOMESTEADS, 1ST SER., KAPAA, KAUAI, TMK: 4-6-05:5

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as amended (Kennison/Nekoba). Amendment: Item F-7 dated January 12, 1996, to allow the rent reduction to take effect in February 1994. All other conditions to Item F-7 to remain the same.

ITEM D-15: ASSIGNMENT OF GENERAL LEASE NOS. S-4650, S-4873, S-5346, S-5349, WAILUA AND KAPAA, KAUAI, TMKS: 3-9-02:3; 4-3-04:1, 14 & 17; 3-9-05:19 & 20; 4-1-09:17, RESPECTIVELY

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Kennison/Nekoba).

ITEM D-16: REQUEST FOR CONSTRUCTION RIGHT-OF-ENTRY AND GRANT OF EASEMENT FOR ELECTRIC POWERLINE, THOMAS & PATRICIA KAIKAPU ON BEHALF OF CITIZENS UTILITIES CO., HANAPEPE, KAUAI, TMK: 1-9-10:3

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Kennison/Nekoba).

ITEM D-17: AMENDMENT TO CONSERVATION DISTRICT USE PERMIT OA-4/11/83-1541A FOR MODIFICATIONS TO THE WAIANAE OUTFALL EXTENSION PROJECT OCEAN MONITORING REQUIREMENTS, WAIANAE, OAHU, SEAWARD OF TMK: 8-6-01:44

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Matsumoto).

ITEM K-1: CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-94-4, HAWAII NEWSUB, INC., LANAI AIRPORT

Peter Garcia, DOT Representative, presented the staff recommendation to the board.

ACTION: Approved as submitted (Kennison/Nekoba).

ITEM K-2: CONSENT TO PARTIAL ASSIGNMENT OF LEASE NO. DOT-A-73-32, CONTINENTAL MICRONESIA, INC., HONOLULU INTERNATIONAL AIRPORT

Peter Garcia presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM K-3: CONSENT TO SUBLEASE, JAPAN AIR LINES COMPANY, LTD.

Peter Garcia presented the staff recommendation to the board.

ACTION: Approved as submitted (Kennison/Nekoba).

ITEM K-4: RIGHT-OF-ENTRY, UNIVERSAL ENTERPRISES, INC. DBA AIR SERVICE HAWAII, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP

Peter Garcia presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Yuen).

ITEM K-5: AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY THE REAL PROPERTY INTEREST OF HILO BAYFRONT HIGHWAY BEACH PARK ADDITION, STATE HIGHWAY SYSTEM AGREEMENT SUPPLEMENT NO. 12

Peter Garcia presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Yuen).

ITEM K-6: AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT, INTERSTATE HIGHWAY FAP NO. 1-H1-1(2), WAIAKA ROAD TO KING STREET

Peter Garcia presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Nekoba).

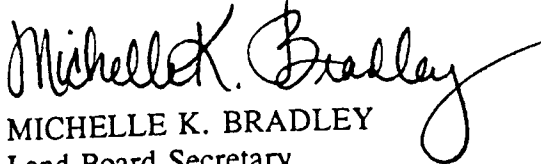
ITEM K-7: LEASE FOR AUTOMATIC TELLER MACHINE, INTER-ISLAND
TERMINAL, HONOLULU INTERNATIONAL AIRPORT (BANK OF
AMERICA)

Peter Garcia presented the staff recommendation to the board.

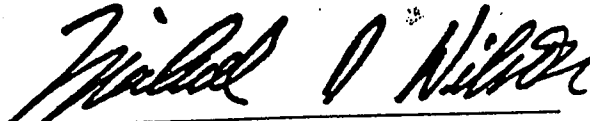
ACTION: Approved as submitted (Nekoba/Matsumoto).

There being no further business, Mr. Apaka adjourned the meeting at 1:00 p.m.

Respectfully submitted,


MICHELLE K. BRADLEY
Land Board Secretary

APPROVED FOR SUBMITTAL:



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