

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

DATE: FRIDAY, APRIL 12, 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 approximately 9:45 a.m. The following individuals were present:

MEMBERS: Herbert K. Apaka, Jr. Christopher Yuen
William Kennison Michael Nekoba
Michael D. Wilson

STAFF: Dean Uchida Michelle K. Bradley
Glenn Abe Michael Buck
Dave Parsons Ralston Nagata

OTHERS: Linnel Nishioka, Deputy Attorney General
Juliet Begley
Peter Nottage, Adjacent Landowner, Item D-16
Andrew Beaman, Esq., Attorney for LTCB, Item D-20
Albert H. Silva, Permittee, Item D-9
Allan Nishimura, Design Engineer, DOT, Item D-21
Karen Ing, Project Engineer, DOT, Item D-21
Peri Manthos, Oahu District Engineer, Highways Division, DOT, Items
D-1 and 2
Deborah West, Item D-16
Steven Serikaku, BWS, Item D-18

MINUTES: December 15, 1995

ACTION: Deferred to next regularly scheduled board meeting in order to provide additional review time for board members (Yuen/Kennison).

All written testimonies and other relevant documentation submitted herein are available for public inspection and/or review at the Chairperson's Office of the Department of Land and Natural Resources. Cassette tape recordings of the instant proceedings are available for review and/or may be duplicated upon request.

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ITEM D-20: REQUEST TO AMEND CDUP OA-1947A, GOLF COURSE AT
KOOLAUPOKO, OAHU, TMK: 4-5-42:1 AND 6

Dean Uchida presented the staff recommendation to the board.

A motion was made to go into executive session in order to consult with counsel on the legal issues raised at the prior board meeting (Yuen/Nekoba). Mr. Apaka called a recess at approximately 9:50 a.m. Chairperson Michael D. Wilson reconvened the meeting at approximately 10:30 a.m.

Deputy Attorney General Linnel Nishioka stated for the record:

"Counsel for Long Term Credit Bank ("LTCB") has confirmed orally and in writing that LTCB acknowledges that the Board of Land and Natural Resources played no role in the negotiation in the Stipulation for Conditional Settlement of Claims Against Defendant The Minami Community Foundation, and that the Board's approval of the Stipulation shall in no way be construed as a concession of admission by the Board or the State of Hawaii that the CDUP, or any of the conditions thereto, including the conditions challenged by LTCB in its foreclosure action, LTCB v. Minami, et al., Civil No. 94-4508-11 (First Circuit), are invalid or unconstitutional. In reliance upon these representations and the representations made in the letter dated April 11, 1996, from counsel for LTCB to myself, I recommend that the Board approve Item D-20, as amended, which in essence is requesting approval of the Staff's recommendation as set forth on Page 4 of the March 22, 1996, board submittal Item D-19."

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

1. Condition 3 shall be rescinded.
2. Condition 4 shall be modified as agreed to by Item 6 of the Stipulation for Conditional Settlement of Claims Against Defendant The Minami Community Foundation.
3. Conditions 5, 9, and 11 shall be rescinded.
4. Conditions 12, 13, and 14 shall remain in effect as stipulated by the Stipulation for Conditional Settlement of Claims Against Defendant The Minami Community Foundation.

Subsequently, a second motion was made to direct staff to check whether the area in the resource subzone on this property should be downzoned into the protective or limited subzones based on its resource value; and that as a part of its on-going Conservation District Review Project, staff should assess whether the area in resource subzone is appropriate for a higher level of protection through the rezoning process (Yuen/Apaka).

ITEM D-16: DIRECT AWARD TO THE CITY & COUNTY OF HONOLULU, DEPT. OF PUBLIC WORKS OF A PERPETUAL, NON-EXCLUSIVE EASEMENT, KEAALAU, KANEOHE, OAHU, SEAWARD OF TMK: 4-4-37:21 AND 20

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM D-18: REQUEST BOARD APPROVAL FOR ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE BOARD OF WATER SUPPLY, CITY & COUNTY OF HONOLULU, FOR FIRE HYDRANT CONNECTING WATERLINES AND RELATED WATER FACILITIES PURPOSES, MAILI, WAIANAE, OAHU, TMK: 8-6-02:POR 5

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-9: REQUEST TO AMEND PRIOR BOARD ACTION (AUGUST 26, 1994, ITEM F-1-b), ALBERT SILVA, KEAWAULA, KAHAAHAIKI, WAIANAE, OAHU, TMK: 8-1-01:POR 96

Dean Uchida presented the staff recommendation to the board.

The board expressed concern about potential problems the goats may cause should they escape.

Albert H. Silva, Permittee, appeared before the board and testified that domesticated goats aren't likely to run away from the herd and tend to stay near food which he would provide in an identified area. In addition, he didn't want the goats to be running all over the hillside since it would be difficult for him to get at. Moreover, if the area is used for goats, it would probably be the lower part of the property where there's sufficient vegetation to support the herd, and the area would probably be kept small and enclosed to keep the goats in a defined area.

ACTION: Approved as amended (Nekoba/Yuen). Amendments: Delete Conditions No. 3 and 6 and add Condition No. 12 to read as follows:

12. Prior to any use of the property by the Permittee, the Permittee is required to work with DOFAW on developing a "Management Plan" for the grazing use of the area. This plan must be approved by DOFAW and would include, but not be limited to, the following: number and type(s) of animals, fencing, water requirements, location of animals on the property, length of grazing time, etc.

ITEM D-21: CONSERVATION DISTRICT USE APPLICATION (KA-2798) FOR EROSION CONTROL REVETMENT AT KEKAHA, KAUAI, TMK: 1-3-05:1

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Apaka/Nekoba).

ITEM D-7: REQUEST BY COUNTY OF MAUI, DEPT. OF PUBLIC WORKS ON BEHALF OF MAUI ELECTRIC COMPANY, LTD. FOR DIRECT ISSUANCE OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR UTILITY PURPOSES, AND IMMEDIATE R-O-E FOR SITE CONTROL PURPOSES, LAHAINA, MAUI, TMKS: 4-6-01:POR. 9 AND 4-6-07:POR. 2

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Kennison/Nekoba).

ITEM D-1: PERMISSION TO HIRE A CONSULTANT FOR DLNR PROJECTS

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM D-2: PERMISSION TO HIRE CONSULTANT TO CONDUCT DAM SAFETY INSPECTIONS

Dean Uchida presented the staff recommendation to the Board.

ACTION: Approved as submitted (Nekoba/Apaka). At this time, Chairperson Wilson excused himself from the remainder of the meeting.

ITEM C-1: APPROVAL OF BANANA POKA CONTROL PLAN AND COOPERATIVE AGREEMENT FORMAT FOR PUUWAAWAA WILDLIFE SANCTUARY, ISLAND OF HAWAII

Michael Buck presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-3: FORFEITURE OF GENERAL LEASE NO. S-4308, HILO SHEET METAL, INC., WAIAKEA, SO. HILO, HAWAII, TMK: 2-2-58:2

Dean Uchida requested withdrawal of Item D-3 because the Lessee has entered into a Special Installment Agreement to pay off the back rent owed the state.

ACTION: Withdrawn (Kennison/Nekoba).

ITEM D-4: AMENDMENT OF PRIOR BOARD ACTION (SEPTEMBER 29, 1995, ITEM F-6), LOT 1, PANAEWA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII, TMK: 2-4-49:21

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Kennison).

ITEM D-5: HILO BAPTIST CHURCH REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, GENERAL LEASE NO. S-5335, COVERING POR OF THE GOVERNMENT (CROWN) AND OF WAIAKEA, WAIAKEA, SO. HILO, HAWAII, TMK: 2-4-56:POR 14

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-6: AMENDMENT TO PRIOR BOARD ACTION (JANUARY 24, 1986, ITEM F-2), DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT COMPANY, INC., 138 KV TRANSMISSION LINE CONNECTING KAUMANA & KEAMUKU SUBSTATIONS, SO. HILO & HAMAKUA, HAWAII, TMKS: 2-5-01:2, 6 & 8; 2-5-02:1 & 14; 2-5-05:80 & 86; 2-6-18:1 & 4; 4-4-16:3 & 5

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-8: CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-5282, LOT A-8, PHASE II SUBDIVISION, KAHANA VALLEY STATE PARK, KAHANA, KOOLAULOA, OAHU, TMK: 5-2-02:27

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-10: CANCELLATION OF PRIOR BOARD ACTION (JULY 22, 1994, ITEM F-9, AS AMENDED) AND ISSUANCE OF NON-EXCLUSIVE TERM EASEMENT FOR FUEL LINE AND MAINTENANCE PURPOSES, MOANALUA, HONOLULU, OAHU, TMKS: 1-1-03:POR 5 AND 1-2-23:POR

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-11: REQUEST FOR CONSENT TO MICROWAVE FACILITY AND TOWER STRUCTURE LICENSE, SUPPLEMENTAL AGREEMENT NO. 3, CONTRACT NO. DACA84-3-84-28 FOR THE DEPT. OF BUDGET AND FINANCE, KAALA AIR FORCE STATION, MOKULEIA, OAHU, TMK: 6-7-03:23

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-12: CONSENT TO SUBLEASE BETWEEN HIGH TECHNOLOGY DEVELOPMENT CORP., AS SUBLESSOR AND MAKAI OCEAN ENGINEERING, INC., AND SEA ENGINEERING, INC., AS SUBLESSEES FOR GOVERNMENT LAND AT WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-14:6

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-13: CONSENT TO REVOCABLE PERMIT NO. 96-01 BETWEEN THE DEPT. OF HEALTH AND THE SPECIAL EDUCATION CENTER OF HAWAII, A HAWAII NON-PROFIT CORPORATION, WAIMANO TRAINING SCHOOL AND HOSPITAL, PEARL CITY, EWA, OAHU, TMK: 9-7-25:POR 1

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-14: REQUEST LAND BOARD APPROVAL FOR REDUCTION IN AREA AND MONTHLY RENTAL, REVOCABLE PERMIT NO. S-6859, HAITSUKA BROTHERS, LIMITED, KEEHI INDUSTRIAL LOTS, KALIHI-KAI, OAHU, TMK: 1-2-23:63

Dean Uchida presented the staff recommendation to the board.

Since he couldn't attend today's meeting and had questions regarding this matter, Member-At-Large Colbert Matsumoto deferral of Item D-14 to the next regularly scheduled meeting.

ACTION: Deferred (Nekoba/Kennison).

ITEM D-15: REQUEST BOARD APPROVAL FOR THE ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE BOARD OF WATER SUPPLY, CITY & COUNTY OF HONOLULU, FOR INSTALLATION OF WATER METER, WAIAWA ARMY NATIONAL GUARD ARMORY SITE, WAIAWA, EWA, OAHU, TMK: 9-6-04:POR 20

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-17: SET ASIDE TO CITY & COUNTY OF HONOLULU, BOARD OF WATER SUPPLY, FOR A WATER TUNNEL AND PROTECTIVE ZONE TOGETHER WITH A WATERLINE EASEMENT, WAIOMAO, PALOLO VALLEY, HONOLULU, OAHU, TMK: 3-4-22:POR 1

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM D-19: APPROVAL ON LAND EXCHANGE CONCEPT BETWEEN THE STATE OF HAWAII AND GE CAPITAL HAWAII, INC., AT WAILUA RIVER, KAUAI, AND SUBSEQUENT SET ASIDE TO DLNR, DIVISION OF STATE PARKS, FOR ADDITION TO WAILUA RIVER STATE PARK, KAUAI, TMKS: 4-1-04:9 AND 19; 4-1-11:16, 18 AND 20; 4-5-08:4; AND 4-5-11:7

Dean Uchida represented to the board that OHA Trustee Kina'u Kamali'i requested deferral of Item D-19 since she couldn't attend today's meeting to address the board.

ACTION: Deferred (Nekoba/Kennison).

ITEM D-22: CANCELED, UNCOLLECTIBLE ACCOUNTS TO BE DELETED FROM THE ACCOUNTS RECEIVABLE RECORDS

Dean Uchida presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM E-1: REQUEST FOR WAIVER OF THE PERFORMANCE BOND PROVISION
IN THE THIRTY-ONE GENERAL RESIDENTIAL LEASES FOR KAHANA
VALLEY STATE PARK, OAHU

Ralston Nagata presented the staff recommendation to the board.

ACTION: Approved as submitted (Nekoba/Kennison).

ITEM J-1.A.-C.: CONTINUANCE OF REVOCABLE PERMITS (DIVISION OF
BOATING AND OCEAN RECREATION)

-
- A. MAALAEA BOAT AND FISHING CLUB, MAALAEA BOAT
HARBOR, ISLAND OF MAUI
 - B. HONOLULU COMMITTEE TRANSPACIFIC YACHT RACE,
ALA WAI BOAT HARBOR, ISLAND OF OAHU
 - C. ROYAL HAWAIIAN OCEAN RACING, ALA WAI BOAT
HARBOR, ISLAND OF OAHU

Dave Parsons presented the staff recommendations to the board.

ACTION: Approved as submitted (Yuen/Kennison).

ITEM J-2: APPROVAL OF CONSENT TO SUBLEASE, HONOKOHAU BOAT
HARBOR, ISLAND OF HAWAII (GENTRY PROPERTIES)

Dave Parsons presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Kennison).

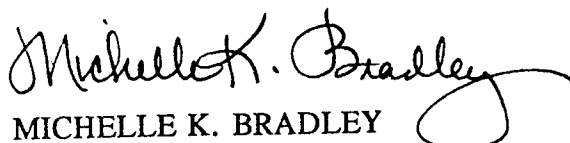
ITEM J-3: REQUEST FOR AUTHORIZATION TO ENTER INTO A MEMORANDUM
OF AGREEMENT BETWEEN THE U.S. NAVY AND THE STATE OF
HAWAII, DLNR, DIVISION OF BOATING AND OCEAN RECREATION,
FOR THE REMOVAL AND DISPOSITION OF ABANDONED AND
DERELICT VESSELS, KEEHI LAGOON, ISLAND OF OAHU

Dave Parsons presented the staff recommendation to the board.

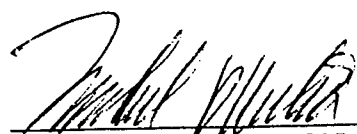
ACTION: Approved as submitted (Nekoba/Kennison).

There being no further business, Mr. Apaka adjourned the meeting at approximately 12:25 p.m.

Respectfully submitted,


MICHELLE K. BRADLEY
Land Board Secretary

APPROVED FOR SUBMITTAL:



MICHAEL D. WILSON
Chairperson