Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at 9:15 a.m. The following individuals were present:

MEMBERS: Michael D. Wilson Herbert K. Apaka, Jr.
Christopher Yuen Michael Nekoba
Colbert Matsumoto

STAFF: Michelle K. Bradley Dean Uchida
Ralston Nagata William Devick
Dr. John Corbin Dan Quinn
Pearlyn Lee Fukuba Paul Conry

GUESTS: Dawn Chang, Deputy Attorney General
Peter Garcia, State Department of Transportation Representative
Juliet Begley
Henry Curtis, Life of the Land, ITEM H-1
Robert Wenkam
Robert Schleser, Executive Director of HELHA, ITEM D-14

For your reference, all written testimonies and related documents 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 tapes of the recorded meeting may be duplicated upon request.

MINUTES: December 15, 1995

ACTION: Approved as submitted (Yuen/Nekoba).

Ms. Juliet Begley and Mr. Henry Curtis (Life of the Land) stated for the record that more substantive information should be incorporated into board minutes. In addition, they requested that submittal titles be typed in full and followed by its respective discussion/action instead of referring to an attached exhibit copy of the agenda.
ADDED ITEMS: Items B-2 and C-i

ACTION: Approved as requested (Matsumoto/Nekoba).

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Mr. William Devick, Acting Administrator, Division of Aquatic Resources, presented the staff recommendations to the board for all Division of Aquatic Resources submittals.

Mr. Dean Uchida, Land Division Administrator, presented the staff recommendations to the board for all Land Division submittals.

Mr. Peter Garcia, State Department of Transportation Representative, presented the staff recommendations to the board for all Department of Transportation submittals.

ITEM H-1: REQUEST FOR PERMISSION TO ADOPT CHAPTER 13-7, HAWAII ADMINISTRATIVE RULES, ENTITLED "ASSEMBLIES, MEETINGS, AND DISTRIBUTION OF LITERATURE ON DEPARTMENT OF LAND AND NATURAL RESOURCES LANDS"

Mr. Ralston Nagata, Division of State Parks Administrator, presented the staff recommendation to the board.

Mr. Henry Curtis, Life of the Land, testified in support of our staff recommendation.

ACTION: Approved as submitted (Matsumoto/Nekoba).

ITEM D-14: CANCELLATION OF SUBLEASE K-2 AND FACILITIES RENTAL AGREEMENT AND CONSENT TO SUBLEASE K-4, GENERAL LEASE NO. S-4717, KALAOA 1ST-4TH AND OOMA 1ST, NO. KONA, HAWAII, TMK: 7-3-43:POR. 42

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-4: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR PAIR GAIN CABINET AND CROSS CONNECT CABINET PURPOSES, KUKUAU 2ND, SO. HILO, HAWAII, TMK: 2-5-06:POR. 141

ACTION: Approved as submitted (Yuen/Nekoba).
ITEM D-10: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED (GTE) AND
HAWAII ELECTRIC LIGHT COMPANY, INC. (HELCO) REQUEST FOR
PERPETUAL, NON-EXCLUSIVE EASEMENT TO ATTACH FIBER OPTIC
CABLE TO AN EXISTING HELCO POWER TRANSMISSION POLE LINE,
KUKUAU 2ND, SO. HILO, HAWAII, TMK: 2-5-06:POR. 142

Due to Mr. Matsumoto’s law firm’s affiliation with HELCO, he recuses
himself from voting on any action involving HELCO.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-11: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED (GTE)
REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT TO
ATTACH A FIBER OPTIC TELECOMMUNICATIONS SYSTEM TO AN
EXISTING HELCO OVERHEAD POLE LINE WITH ONE NEW LINE
EXTENSION, WAIAKEA, SO. HILO, HAWAII, TMK: 2-4-01:PORS. OF
12, 40, AND 122

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-12: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED REQUEST
FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR POWER AND
COMMUNICATION CORRIDOR, KAOHE AND KAOHE 4TH,
HAMAKUA, HAWAII, TMKS: 4-4-15:1 AND 4-4-16:3 & 5

ACTION: Approved as submitted (Matsumoto/Nekoba).

ITEM D-14: CANCELLATION OF SUBLEASE K-2 AND FACILITIES RENTAL
AGREEMENT AND CONSENT TO SUBLEASE K-4, GENERAL LEASE
NO. S-4717, KALAOA 1ST-4TH AND OOMA 1ST, NO. KONA,
HAWAII, TMK: 7-3-43:POR. 42

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-4: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED REQUEST
FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PAIR GAIN
CABINET AND CROSS CONNECT CABINET PURPOSES, KUKUAU
2ND, SO. HILO, HAWAII, TMK: 2-5-06:POR. 141

ACTION: Approved as submitted (Yuen/Nekoba).
ITEM D-10: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED (GTE) AND HAWAII ELECTRIC LIGHT COMPANY, INC. (HELCO) REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT TO ATTACH FIBER OPTIC CABLE TO AN EXISTING HELCO POWER TRANSMISSION POLE LINE, KUKUAU 2ND, SO. HILO, HAWAII, TMK: 2-5-06:POR. 142

Mr. Matsumoto recused himself from voting on the action.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-11: GTE HAWAIIAN TELEPHONE INCORPORATED (GTE) REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT TO ATTACH A FIBER OPTIC TELECOMMUNICATIONS SYSTEM TO AN EXISTING HELCO OVERHEAD POLE LINE WITH ONE NEW LINE EXTENSION, WAIAKEA, SO. HILO, HAWAII, TMK: 2-4-01:PORs. OF 12, 40, AND 122

Mr. Matsumoto recused himself from voting on the action.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-12: GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR POWER AND COMMUNICATION CORRIDOR, KAOHE AND KAOHE 4TH, HAMAKUA, HAWAII, TMKS: 4-4-15:1 AND 4-4-16:3 & 5

Mr. Matsumoto recused himself from voting on the action.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-20: DIRECT ISSUANCE TO GTE HAWAIIAN TELEPHONE OF A 65-YEAR LEASE OF A NON-EXCLUSIVE EASEMENT FOR A CROSS-CONNECT INSTALLATION, NANAKULI, WAIANAE, OAHU, TMK: 8-9-06:POR. 1

Dean Uchida requested that the term be amended from a "65-year easement" to a "perpetual non-exclusive easement" since it’s now Land Division policy to do perpetual non-exclusive easements for utility companies.

ACTION: Approved as amended (Nekoba/Apaka). Amendment: Term in submittal changed from a "65-year easement" to a "perpetual non-exclusive easement".

Because Chairperson Wilson excused himself from the meeting causing a lack of quorum, the board agreed to defer voting on the action until his return to the meeting. Presiding Chairperson Apaka, therefore, proceeded with Item K-8.

**ITEM K-8:** ISSUANCE OF LEASE BY DIRECT NEGOTIATION, PIER 23, HONOLULU HARBOR, OAHU (KERR PACIFIC CORPORATION DBA HFM)

**ACTION:** Approved as amended (Nekoba/Yuen). Amendment: Replacement paragraph for submittal - HFM to read as follows:

The property covered by this lease was purchased via General Obligation Reimbursable Bonds in 1967. The Harbors Division has long ago reimbursed the General Fund with its Harbors revenue so, in effect, this property was purchased with Harbors Division funds. The DOT considers the present use of the property, namely a bulk grain storage facility in support of HFM's flour mill, to be agricultural processing. The property was being used as a bulk grain storage facility at the time it was acquired by the Harbors Division and under the new lease will continue to be used for the same purpose, as well as for a feed mill. DOT believes the continued use to be in the public interest due to the flexibility, efficiency, and service that a local flour mill operator can provide. The property is an integral part of Honolulu Harbor, and the DOT wishes to continue management over it.

**ITEM D-26:** REQUEST BY STATE DEPARTMENT OF DEFENSE FOR APPROVAL OF LICENSE AGREEMENT WITH KEKAHA SUGAR CO., LTD. FOR MILITARY TRAINING PURPOSES, KEKAHA, KAUA'I

**ACTION:** Approved as submitted (Matsumoto/Nekoba).

**ITEM B-1:** REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAII, DEPARTMENT OF GEOLOGY AND GEOPHYSICS, SCHOOL OF OCEAN AND EARTH SCIENCE AND TECHNOLOGY, FOR A STUDY OF "WEST MAUI SHOREFACE SEDIMENT DYNAMICS" UNDER THE MAIN HAWAIIAN ISLANDS MARINE RESOURCES INVESTIGATION

**ACTION:** Approved as submitted (Yuen/Nekoba).
ITEM B-2: REQUEST FOR APPROVAL TO CONDUCT PUBLIC HEARINGS TO PROMULGATE ADMINISTRATIVE RULES RELATING TO THE MANAGEMENT OF ONAGA AND EHU, AND ESTABLISHMENT OF A MARINE FISHERIES MANAGEMENT AREA AT KIHOLO BAY, HAWAII, AND TO AMEND ADMINISTRATIVE RULES TO IMPLEMENT CATCH-AND-RELEASE PROVISIONS FOR LARGEMOUTH BASS AND TUCUNARE IN THE WAHIAWA PUBLIC FISHING AREA, OAHU

ACTION: Approved as submitted (Yuen/Nekoba). Mr. Yuen suggested to Mr. Devick that in the future when the submittals regarding public hearings contain multiple issues, make a separate submittal for each issue.

ITEM C-1: REQUEST FOR APPROVAL OF A CONTRACT WITH THE PEREGRINE FUND TO PROVIDE SERVICES TO OPERATE AND MAINTAIN THE CAPTIVE PROPAGATION FACILITIES AT OLINDA, MAUI

Paul Conry presented the staff recommendation to the board.

ACTION: Approved as submitted (Yuen/Matsumoto).

ITEM D-28: AUTHORIZATION TO ISSUE DIRECT LEAST TO DLNR, AQUACULTURE DEVELOPMENT PROGRAM, FOR RESTORATION, MAINTENANCE, AND OPERATION OF THE HONOULIWAI FISHTRAP, NON-EXCLUSIVE TERM EASEMENT FOR ACCESS PURPOSES, AND RIGHT OF ENTRY FOR CONSTRUCTION PURPOSES, HONOULIWAI BAY, MOLOKAI, TMK: 5-8-02:5 & 68

Dr. John Corbin testified that the consensus is, in talking with the community, that they're very enthusiastic about this project. It took three years to get these permits which required a tremendous amount of paperwork so this submittal, in a sense, will help DLNR streamline the process for future requests.

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-1: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT, JOB NO. 80-HP-L4, LANDSCAPE IMPROVEMENTS, OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM D-2: TIME EXTENSION REQUEST, CDUP MA-2542 FOR WATER SYSTEM IMPROVEMENTS AND SUBDIVISION 0 THE PROJECT AREA, WAIKAPU, MAUI, TMK: 3-6-02:2
Mr. Kennison requested withdrawal of this item as he was unable to attend today’s meeting.

**ACTION:** Withdrawn (Yuen/Nekoba).

**ITEM D-3:** LEASE - PUBLIC ACTION, LOT 11, PAPA HOMESTEADS, PAPA 1ST, SO. KONA, HAWAII, TMK: 8-8-04:11

Discussion by the board necessitated withdrawal of this item in order to revise the terms of the lease and reopening dates, make CPI adjustments, and evaluate the Land Division’s ability to conduct rental reopenings on a timely basis.

**ACTION:** Withdrawn (Yuen/Nekoba).

**ITEM D-5:** CONSENT TO ASSIGNMENT OF LEASE BETWEEN MASATSU KAWAMOTO, ASSIGNOR TO MASATSU KAWAMOTO, EUNICE M. KAWAMOTO AND MAVERICK MASATSU LAWA, PTP. ASSIGNEES, GENERAL LEASE NO. S-5330, PORS. OF THE GOV’T LANDS OF KAHEI & HUALUA, NO. KOHALA, HAWAII, TMK: 5-5-03:13 & 19

**ACTION:** Approved as submitted (Yuen/Nekoba).

**ITEM D-6:** FORFEITURE OF GENERAL LEASE NO. S-4642 AND CANCELLATION OF SPECIAL INSTALLMENT AGREEMENT NO. SA-4642, LOT 225, OLAA NEW TRACT LOTS, OLAA, PUNA, HAWAII, TMK: 1-8-06:103

Discussion by the board necessitated withdrawal of this item in order to look into the possibility of assessing lessees/permittees penalties, above and beyond the 1% interest on their delinquent accounts, to cover the administrative costs incurred in cases where reminder letters/notices were sent out and when we come before the board for cancellation of the leases/permits. Mr. Uchida further stated that he’ll follow-up with the Attorney General to see if this is possible.

**ACTION:** Withdrawn (Yuen/Nekoba).

**ITEM D-7:** CONSENT TO ASSIGNMENT OF LEASE AND MORTGAGE FOR GENERAL LEASE NO. S-3653, LOT 13, KANOELEHUA INDUSTRIAL LOTS, WAIKEA, SO. HILO, HAWAII, TMK: 2-2-50:81

Our Fiscal Office reported that the Lessee owes $2,114.00.

**ACTION:** Approved as amended (Yuen/Matsumoto). Amendment: Add Condition C. to RECOMMENDATION to read as follows:
C. That the Lessee pay off all delinquent lease rent owed the State before the issuance of the final, executed documents.

ITEM D-8: AMEND PRIOR BOARD ACTION (MARCH 27, 1992, Item F-2), SET ASIDE OF WATER TANK SITE, TOGETHER WITH RELATED EASEMENTS, TO COUNTY OF HAWAII, WATER COMMISSION, KAWAINUI 1, NO. KONA, HAWAII, TMK: 7-9-03:60 & POR. 31

ACTION: Approved as amended (Yuen/Nekoba). Amendment: Delete RECOMMENDATION and insert the following Condition:

That the Board amend its prior condition of the set aside to state: "That the County’s Water Commission waive all water facilities charges which may be assessed to State projects serviced by the Kona water system; however, this waiver will be limited to the fair market value of the tank site and easements approved in the set aside.

ITEM D-15: REQUEST LAND BOARD APPROVAL FOR CONSTRUCTION RIGHT-OF-ENTRY TO THE BOARD OF WATER SUPPLY, CITY & COUNTY OF HONOLULU FOR THE INSTALLATION OF A WATERLINE AND A WATER FACILITY, PAUOA, OAHU, TMK: 2-2-41:POR. 1

ACTION: Approved as submitted (Nekoba/Matsumoto).

ITEM D-16: RESUBMITTAL--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: 1-2-23:6

The board requested additional information on the KIPA development and suggested the resubmittal should include the following:

1) Determination of fee value of the property and formula used to arrive at $.21/square foot rent for the Revocable Permits at KIPA; and

2) Report of any businesses on waiting list that are willing to use a large lot like the one that Haistuka Brothers has right now [58,615 square feet]; and if so, consider relocating Haistuka Brothers to a smaller lot and giving the larger lot to businesses willing to take the larger area.

ACTION: Deferred (Nekoba/Matsumoto).
Upon the Chairperson’s return to the meeting, the board resumed discussion regarding Item D-13.


Since questions were raised earlier as to the trust responsibilities of the board and regarding indemnification, Mr. Yuen entertained a motion to go into executive session. Mr. Apaka second the motion.

The Chairperson called a recess at 11:55 a.m. and reconvened at 12:30 p.m. resuming with Item D-13.

ACTION: Approved as amended (Yuen/Matsumoto). Amendments: The board added the following conditions to Section B. of RECOMMENDATION:

9. Authorize the withdrawal of the area from the Olaa Forest Reserve;

10. Allow the Chairperson to negotiate for space within the facilities constructed on the state lands for an information/education counter for the Department of Land and Natural Resources; and

11. The applicant is responsible for obtaining the necessary land-use approvals from the County; however, there is to be no reclassification of the state-owned lands from urban to agriculture until the Land Division Administrator contacts the County of Hawaii’s Planning Director on the possibility of allowing the project to proceed under the "urban" state land-use designation.

ITEM D-9: HAWAII ELECTRIC LIGHT COMPANY, INC. (HELCO) REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR THE POHAKULOA ELECTRIC SUBSTATION SITE & ACCESS ROAD PURPOSES, KAOHE, HAMAKUA, HAWAII, TMK: 4-4-16:10

Mr. Matsumoto recused himself from voting on this action.

ACTION: Approved as submitted (Yuen/Nekoba).
ITEM D-17: REQUEST LAND BOARD APPROVAL FOR THE DIRECT CONVEYANCE IN FEE TO THE CITY & COUNTY OF HONOLULU, DEPT. OF PUBLIC WORKS, POR. OF WAIKUPANAHA STREET, WAIMANALO, OAHU, TMK: 4-1-35

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM D-18: CONSENT TO THE ASSIGNMENT OF GENERAL LEASE NO. S-5165 FROM SUNSET BEACH GARDEN INCORPORATED, ASSIGNOR, TO PUPUKEA LYCHEE FARM INCORPORATED, ASSIGNEE, GOV'T LAND AT PUPUKEA, KOOLAULOA, OAHU, TMK: 5-9-05:80

ACTION: Approved as submitted (Nekoba/Matsumoto).

ITEM D-19: CITY & COUNTY OF HONOLULU, BOARD OF WATER SUPPLY REQUEST FOR SET ASIDE OF STATE LAND FOR ADDITION TO THE WAIANEA CORPORATION YARD, LUALUALEI, WAIANEA, OAHU, TMK: 8-7-06:POR. 2

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM D-21: REQUEST AUTHORIZATION TO WITHDRAW LANDS FROM GOV.'S EXECUTIVE ORDER NOS. 150 AND 406 AND CONVEYANCE IN FEE TO THE CITY & COUNTY OF HONOLULU, DEPT. OF PUBLIC WORKS, KAIMUKI, HONOLULU, OAHU, TMK: 3-2-36:POR. 7

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM D-22: AUTHORIZATION TO AMEND REVOCABLE PERMIT NO. S-6957, J'S MACHINERY SERVICE, REDUCTION IN AREA, KALIHI-KAI, HONOLULU, OAHU, TMK: 1-2-23:47 & 48

As in Item D-16 above, the board requested additional information in the submittal, which should include the following:

1) Determination of fee value of the property and formula used to arrive at amount determined per square foot for rent for the Revocable Permits; and

2) Report of businesses on waiting list that are willing to use a large lots; and if so, consider relocating said businesses to the larger lots.

ACTION: Deferred (Apaka/Matsumoto).
ITEM D-23: CONSENT TO SUBLEASE, HIROSHI AND PATSY AZEKA AND NORMAN AND KAREN THOMPSON, SUBLESSORS TO DEREK YODER DBA ISLAND LIQUIDATORS, SUBLESSEE, GENERAL LEASE NO, S-4575, PARCEL 1, GOV'T REMAINDER, NAWILIWILI, LIHUE, KAUAI, TMK: 3-2-04:14

Mr. Uchida requested withdrawal of this item due to the omission of the Staff Appraisers worksheet from the submittal, as well as allowing the Land Division Staff the opportunity to closely examine the sublease.

ACTION: Withdrawn (Apaka/Yuen).

ITEM D-24: ASSIGNMENT OF GENERAL LEASE NOS., S-5122, HANALEI HOMESTEADS TRACT, HANALEI, HALELEA, KAUAI, TMK: 5-4-02:34 AND S-5246, POR. OF HOOPAU SWAMP, HANALEI, LIHUE, KAUAI, TMK: 5-4-02:33 & 42

ACTION: Approved as amended (Apaka/Nekoba). Amendment: Include Condition 5. to read as follows:

5. That the Lessee pay off delinquent lease rent owed the State before the issuance of the final, executed documents.

ITEM D-25: ASSIGNMENT OF GENERAL LEASE NO. S-4945, LOTS 8-A AND 8-B, WAILUA RICE AND KULA LOTS, WAILUA, KAUAI, TMK: 4-1-02:12 & 18

ACTION: Approved as amended (Apaka/Matsumoto). Amendment: Include Condition 5. to read as follows:

5. That the Lessee pay off delinquent lease rent owed the State before the issuance of the final, executed documents.

ITEM D-27: ASSIGNMENT OF GENERAL LEASE NO. S-5034, LOT 71, KOKEE CAMP SITE LOTS, WAIMEA, KAUAI, TMK: 1-4-04:62

ACTION: Approved as amended (Apaka/Nekoba). Amendment: Include Condition 5. to read as follows:

5. That the Lessee pay off delinquent lease rent owed the State before the issuance of the final, executed documents.
ITEM K-1: AMENDMENT NO. 7 TO LEASE NO. A-65-2, KAHUDUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION)

ACTION: Approved as submitted (Yuen/Apaka).

ITEM K-2: ISSUANCE OF GRANT OF EASEMENT PIERS 7 AND 8, HONOLULU HARBOR, OAHU (U.S. COAST GUARD)

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM K-3: CONSTRUCTION OF RIGHT-OF-ENTRY AGREEMENT, VICINITY OF PIER 40, HONOLULU HARBOR, OAHU (YOUNG BROTHERS, LIMITED)

ACTION: Approved as submitted (Nekoba/Apaka).

ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, PIER 35, HONOLULU HARBOR, OAHU (HAWAII METAL RECYCLING COMPANY)

ACTION: Approved as submitted (Nekoba/Yuen).

ITEM K-5: ISSUANCE OF REVOCABLE PERMITS, KAWAIHAE HARBOR, HAWAII (THE ISLAND OF HAWAII YMCA)

ACTION: Approved as submitted (Yuen/Nekoba).

ITEM K-6: REPORT OF REVOCABLE PERMITS, RENEWALS FOR CONSISTENT USES, AIRPORTS DIVISION

No action required by the board.
ITEM K-7: REPORT OF REVOCABLE PERMITS, RENEWALS FOR CONSISTENT USES, HARBORS DIVISION

No action required by the board.

There being no further business, the Chairperson adjourned the meeting at 12:55 p.m.

Respectfully submitted,

Michelle K. Bradley
Land Board Secretary

APPROVED FOR SUBMITTAL:

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