

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

DATE: August 9, 1996
TIME: 9:00 a.m.
PLACE: Board Room
Kalanimoku Building, Room 132
1151 Punchbowl Street
Honolulu, Hawaii 96813

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at 9:07 a.m. The following were in attendance:

MEMBERS:

Mr. William Kennison	Ms. Lynn McCrory
Mr. Michael Nekoba	Mr. Christopher Yuen
Mr. Michael D. Wilson	

STAFF:

Mr. Dean Uchida	Mr. Ralston Nagata
Mr. David Parsons	

OTHERS:

Ms. Dawn Chang, Esq. Deputy Attorney General	Mr. Peter Garcia, State Department of Transportation
Ms. Collette Sakoda, R.M. Towill	Mr. Milton Arakawa, GTE HawTel
Mr. David Frankel, Sierra Club	Ms. Collette Machado, Item D-34
Ms. Wilma Grambusch, Item D-34	Mr. H.K. Aki, Item D-34
Mr. DeGray Vanderbilt, Item D-34	

Business:

Motion was made to add Item B-3 to the agenda. Motion unanimously approved (Kennison/Nekoba).

D-33 REQUEST TO APPROVE SETTLEMENT AGREEMENT BETWEEN THE STATE OF HAWAII AND HAWAII MEAT COMPANY LTD., ET AL, (STATE V. W.H. MCVAY, ET AL., CIVIL NO. 91-4097-12, FIRST CIRCUIT) REGARDING THE ACQUISITION OF THE FEEDLOT PROPERTY IN THE JAMES CAMPBELL INDUSTRIAL PARK, HONOULIULI, EWA, OAHU, HAWAII, TMK: 9-1-31:26, ET AL (TO BE DISTRIBUTED)

Item D-33 was distributed to Board members.

Member Nekoba moved to resolve into executive session to discuss Item D-33 with legal counsel; motion was seconded by Member Kennison. The board resolved into executive session at 9:13 a.m.

Chairperson Wilson reconvened the meeting at 10:00 a.m.

Mr. Uchida recommended an amendment to a portion of the submittal relating to the description of the proposed settlement agreement: add a sum certain settlement payment of 1.5 million dollars to be paid over three years. No public testimony was presented.

By a unanimous vote of the five members present, Item D-33 was approved as amended (Nekoba/Kennison).

E-1 ESTABLISHMENT OF TWO (2) CURATOR AGREEMENTS FOR STATE PARKS ON MAUI HALEKI'I-PIHANA HEIAU AND THE BOTANICAL GARDEN AT IAO VALLEY STATE PARK

No public testimony was presented.

By a unanimous vote of the five members present, Item E-1 was approved as submitted (Kennison/Nekoba).

J-6 PETITION FOR DECLARATORY RULING ON DEPARTMENT'S DETERMINATION THAT THE ZODIAC PRO-JET WATERCRAFT IS CLASSIFIED AS A 'THRILL CRAFT' AS DEFINED IN SECTION 200-23, HAWAII REVISED STATUTES (TO BE DISTRIBUTED)

Item J-6 was distributed to Board members. No public testimony was presented.

By a unanimous vote of the five members present, Item J-6 was approved as submitted (Kennison/Nekoba).

E-4 REQUEST TO PLACE THE KAMEHAMEHA STATUE IN THE WAILOA RIVER STATE RECREATION AREA, HILO, HAWAII

Letters from Stephen K. Yamashiro, Mayor, Hawaii County, and various Hawaiian organizations supporting the placement of the Kamehameha statue in the Wailoa State Recreation Area were distributed to Board members.

No public testimony was presented.

ITEM E-4 (CONT.)

By a unanimous vote of the five members present, Item E-4 was approved as submitted (Yuen/Nekoba).

E-2 REQUEST FOR APPROVAL TO CONDUCT PUBLIC HEARINGS ON AMENDMENTS TO HAWAII ADMINISTRATIVE RULES, TITLE 13, CHAPTER 146, HAWAII STATE PARKS SYSTEM, FOR THE PURPOSE OF INITIATING NEW USER FEES

Member Yuen stated that it was standard practice for Board members to review the text of the rules before moving them out to public hearing. He commented that waiting for the rules to be "in hand" would not delay the process, and that because the rules may be controversial, it would best serve the board to defer action on the item until board members can review the actual proposal. Mr. Yuen also noted his concern regarding the possible charging of fees for park use. No public testimony was presented.

By a unanimous vote of the five members present, Item E-2 was deferred (Yuen/McCrory).

D-17 AUTHORIZATION TO CANCEL GENERAL LEASE NO. S-5353 TO DALE HARDINGER, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-08:76

Mr. Uchida requested that Item D-17 be withdrawn as the applicant had paid off the delinquencies. No public testimony was presented.

By a unanimous vote of the five members present, Item D-17 was withdrawn (Nekoba/Kennison).

D-13 REQUEST FOR A DIRECT ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES BY MR. JONATHAN A. STARR, OVER, UNDER, ACROSS AND ON GOVERNMENT LAND, TMK: 1-7-01:POR. 6 OF KALEPA-MAALO, KAUPU, HANA, MAUI

No public testimony was presented.

By a unanimous vote of the five members present, Item D-13 was approved as submitted (Kennison/McCrory).

J-1 LEASE OF NON-EXCLUSIVE EASEMENT, MAALAEA BOAT HARBOR, ISLAND OF MAUI (MAALAEA TRIANGLE PARTNERSHIP AND/OR OAHU CONSTRUCTION COMPANY, LTD.)

No public testimony was presented.

By a unanimous vote of the five members present, Item J-1 was approved as submitted (Kennison/McCrory).

D-1 REQUEST TO EXTEND THE PROCESSING PERIOD FOR AN ADDITIONAL 180-DAYS FOR CONSERVATION DISTRICT USE APPLICATION OA-2801 FOR A 138KV TRANSMISSION LINE AT WAAHILA RIDGE, HONOLULU, OAHU, HAWAII

No public testimony was presented.

By a unanimous vote of the five members present, Item D-1 was approved as submitted (Nekoba/McCrory).

D-3 CONSERVATION DISTRICT USE APPLICATION FOR SAFETY IMPROVEMENTS TO INCLUDE THE INSTALLATION OF A TRAFFIC MANAGEMENT SYSTEM, NEW GUARD RAIL, AND THE CONSTRUCTION OF AN ADDITIONAL TURN OUT FOR THE WAIPIO VALLEY ACCESS ROAD

No public testimony was presented.

By a unanimous vote of the five members present, Item D-3 was approved as submitted (Yuen/Nekoba).

D-5 CONSERVATION DISTRICT USE APPLICATION FOR ADDITION OF A FIBER OPTIC CABLE ON ELECTRICAL UTILITY POLES ALONG SADDLE ROAD BETWEEN KAUMANA AND WAIKII

Mr. Uchida stated that the applicant had requested amendments to the submittal which:

1. grants the applicant an immediate right-of-entry for construction purposes over state lands, and
2. allows for the use of one of three existing staging areas that had been used in the past.

In response to a question by Member Yuen, Ms. Collette Sakoda, representing GTE Hawaiian Tel, affirmed that the staging areas were situated in the conservation district, and were part of the application (and thus, reviewed as part of the environmental assessment). She testified that the staging areas were inadvertently omitted from the submittal.

By a unanimous vote of the five members present, Item D-5 was approved as amended (Yuen/Nekoba).

D-8 CONSERVATION DISTRICT USE APPLICATION FOR AN UNDERGROUND FIBER OPTIC CABLE SYSTEM AT KULA, MAUI

Chairperson Wilson questioned whether the surveys (for endangered or threatened species of flora and fauna other than the dark-rumped petrel) recommended by the U.S. Fish and Wildlife Service (USFWS) were, in fact, completed. He noted that the submittal did not state that the recommendation was addressed. He further requested that, if Fish & Wildlife's concerns were not met, a condition be placed in the Board's action letter.

ITEM D-8 (CONT.)

In response to Member Yuen's question regarding the possible effects of trenching on petrel nesting sites, Milton Arakawa, representing GTE Hawaiian Tel, stated that the U.S. Park Service would be doing a detailed survey of the construction corridor from the summit (9700-ft elevation) to the 8500-ft elevation, and that petrel nests found in the corridor would be avoided (by a distance to be worked out by the applicant and the Park Service).

Mr. Arakawa requested changes to two conditions:

1. Condition #5: Mr. Arakawa requested that archeological monitoring not be required for Site 4134, because construction activity would avoid the site. He distributed a letter by the Historic Preservation Division.
2. Condition #6: Mr. Arakawa also requested that revegetation only be required for "no less than 100 yards and no more than 125 yards to the north and south sides of Waipole Road." He testified that the applicant had verbal concurrence from Maui DOFAW that a complete revegetation of the entire corridor was not necessary.

Mr. Uchida stated that there were conflicting comments from the Forestry Division, and that, because revegetation was a standard condition, he would not recommend changing the condition without definitive word from DOFAW.

Chairperson Wilson requested that the Land Division check with the Historic Preservation Division regarding archeological monitoring for Site 4134 and modify Condition #5 appropriately in the Board action letter.

In response to Member Yuen's question as to whether the applicant would object to a provisional condition regarding revegetation based on the Forestry Division's "final word," Mr. Arakawa answered in the negative.

Mr. David Frankel, representing the Sierra Club, testified that the CDUA should be "rejected" due to "numerous and serious concerns raised in the environmental assessment (EA)" that were not addressed. Mr. Frankel noted that the applicant has failed to address the Office of Environmental Quality Control's (OEQC) request that the final EA "include a final discussion of the impacts of moving equipment in and out of the project site corridor and any related mitigation measures." He also stated that surveys of petrel nesting sites should be done prior to, not after, the granting of the CDUP.

ITEM D-34 (CONT.)

Mr. Harold Edwards, representing Molokai Ranch, attested that the project had started out as an administratively approve "renovation" of the ranch house. He stated that, because the Ranch had not been "sensitive to the regulations," it "stepped over the line with regards to what could be done [administratively]." Mr. Edwards testified that, when the Ranch went through the [special management area] process, it was made to look at public access, and thus, the current submittal included a 12-ft. wide pedestrian access from the public right-of-way down to the beach next to Kaupoa House.

Ms. Collette Machado, a Molokai resident, testified that the applicant, Molokai Ranch, has not allowed much public input at the community level. She asserted that the current submittal was only part of the Ranch's plans for "eco-tourism projects" that would eventually take up two-thirds of the coastline and further deny the public access to Molokai's beaches. Ms. Machado testified that she had only recently, for the first time, visited the site, and hoped that more Molokai residents could enjoy the area. She wondered whether the purported walking distance (2,500 ft. - 3,000 ft.) from the parking to the beach would allow the handicapped, elderly and/or families with young children access to the beach, and stressed the need for vehicular access to the beach.

Ms. Wilma Grambusch testified that Molokai residents have always been denied access to the area. She questioned how accessible the walkway would be, noting that "locked gates" have been used to keep the public from the area. Ms. Grambusch also questioned the determination of the length of the walkway.

Mr. DeGray Vanderbilt testified to the importance of access to the coastline to the residents of Molokai. He commented that Molokai Ranch has been allowed to build most of its projects administratively, without State-wide or County-wide oversight, and thus, without providing public access. Written testimony submitted.

Mr. H.K. Aki testified in support of the Ranch's access plans.


Discussion between Board members and Mr. Edwards regarding the possibility of providing vehicular access to Kaupoa House followed.

By a unanimous vote of the four members present (Chairperson Wilson had exited the meeting), Item D-34 was approved as submitted (Kennison/Nekoba).

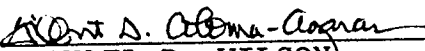
Acting Chair Yuen noted that, due to the departure of Chairperson Wilson, and the impending departure of Member McCrory, the Board would soon lose its quorum, and, therefore, all remaining items were deferred. There being no further business, Acting Chair Yuen adjourned the meeting at 11:52 a.m.

Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,


Gail Y. Murayama
Secretary

Approved for submittal:


MICHAEL D. WILSON
Chairperson
Board of Land and Natural Resources