

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

DATE: September 13, 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 9:11 a.m. The following were in attendance:

MEMBERS:

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

STAFF:

Mr. David Parsons, DOBOR	Ms. Kimberly Lowe, Aquatic Resources
Mr. Dean Uchida, Land	Mr. Dan Quinn, State Parks
Mr. Don Hibbard, SHPD	
Mr. Edward Ayau, SHPD	

OTHERS:

Ms. Linnel Nishioka, Esq. Deputy Attorney General	Mr. Peter Garcia, Dept. of Transportation
Mr. Harold Edwards, Molokai Ranch, J-2	Mr. Arnold Lum, Native Hawaiian Legal Corp., J-2
Mr. Walter Ritte, Molokai Resident, J-2	Mr. William Kalipi, Sr., Molokai Resident, J-2
Mr. Joseph Kalipi, Molokai Ranch, J-2	Ms. April Kealoha, Molokai Resident, J-2
Ms. Collette Machado, Molokai Resident, J-2	Mr. Harry Aki, Molokai Resident, J-2
Ms. Malia Akutagawa, Molokai Resident, J-2	Mr. Shane Pali, Molokai Resident, J-2
Mr. Halona Kaopuiki, Molokai Resident, J-2	Mr. David Patterson, Molokai Business Association, J-2
Ms. Sandy Schutte, Esq., J-2, D-36	Mr. Clifford Murakami, Pacific Architects, D-21
Mr. Carl Puhii, Molokai Resident, J-2	Mr. John Lucey, Honolulu Cellular, D-35
Ms. Laura Manuel, A-1	
Mr. Baldwin Au, Palama Ventures, D-38	
Mr. Mike Greve, Hilton Hawaiian Village, D-24	
Ms. Winona Matsuzaki, OHA, D-26	
Mr. Robert Malandra, J-7	

Business:

Approval of the minutes of August 9, 1996 and August 26, 1996:

The minutes of the meetings of August 9, 1996 and August 26, 1996 were unanimously approved as submitted (Yuen/McCrory).

ITEM J-2 CONSENT TO ASSIGNMENT OF LICENSE, LONO HARBOR, ISLAND OF MOLOKA'I

Mr. Harold Edwards, representing Molokai Ranch, testified that the Ranch has been operating as the manager and caretaker of Lono Harbor since Ameron's departure. He stated that the submittal was an attempt to recognize and formalize that position. He testified that, because access was an important issue on Molokai, the submittal attempted to balance the Ranch's liability concerns with the public's right to access.

Mr. Arnold Lum, representing the Office of Hawaiian Affairs (subject to ratification by the Board of Trustees), and several Molokai residents, introduced the Molokai residents present to testify:

Mr. Walter Ritte gave Board members a history of the Hale O Lono area (excerpts from Molokai: A Site Survey and the Governor's Subsistence Task Force Final Report were distributed), and the community's fight for public access. He recounted that, with the help of then-Maui County Mayor Elmer Carvalho, unlimited public access to Lono Harbor was allowed for a period of ten years; after the ten year period, access was once again closed off by the Ranch. Mr. Ritte testified that the Subsistence Task Force recommended vehicular access to Lono Harbor from two points: a north/south access from Maunaloa town to the harbor, and an east/west shoreline access. He stated that the community did not need or want a paved road to the harbor and was opposed the State's paying for any such road.

Mr. Joseph Kalipi testified that Molokai Ranch has "gotten away" with not providing access for 38 years as was required by the license agreement. He recounted his experiences with a) being denied access (only a limited number of passes per weekend), b) being limited to five persons per pass, and c) being charged one dollar per person and five dollars for the use of the gate key.

ITEM J-2 (cont.)

In response to Member Matsumoto's question, Mr. Kalipi stated that there was no other area on the south shore where Native Hawaiians could drive to the shoreline to fish. He also stressed that a pedestrian access was not realistic (too far).

Board members and Mr. Lum then discussed the original license agreement, specifically, paragraph 9:

"The Ranch and HC&D will dedicate for public use such land designated by the Board as is reasonably necessary to insure the general public ingress to and egress from the harbor, harbor frontage site and wharf, and they will upon request deed to the Territory of Hawaii, free of charge, a right-of-way to be mutually agreed upon by the Board, the Ranch, HC&D, and Libby, McNeill and Libby of Honolulu, Limited, over land belonging to the Ranch, for a public road at least fifty (50) feet wide from the harbor frontage site to the nearest of the public roads on the Island of Molokai."

Mr. Lum stressed that, if the Board exercised its discretion under paragraph 9 of the current license, public access would not be a problem.

Member Yuen stated that the license agreement was not specific about identifying the right-of-way. He expressed the thought that the right-of-way that the Ranch chooses to dedicate may not be the existing dirt roadway.

Mr. Lum stated that paragraph 9 of the license agreement essentially included two distinctly separate provisions: 1) that the Ranch is required to dedicate lands to insure public ingress and egress, and 2) that, should that [State] decide to construct a public road, the Ranch is required to deed the lands for the road.

Chairperson Wilson recessed the meeting at 10:05 a.m. The meeting was reconvened at 10:23 a.m.

Mr. William Kalipi, Sr. testified that the public access should not be "limited." He stressed that Native Hawaiians have a basic right to gather food, and that the Ranch should not limit these rights. Mr. Kalipi reiterated the opinions of Mr. Ritte and Joseph Kalipi that the community did not need a paved road down to the harbor, and if an improved road was provided, the taxpayers should not have to pay for it.

ITEM J-2 (cont.)

In response to a question by Member McCrory, Mr. Kalipi testified that, should unlimited access be allowed, he estimated that approximated 20 people a day may use the harbor for fishing or recreation.

Ms. Collette Machado testified that, if the Ranch were to work with the community in good faith, a solution could be worked out; she related other instances, in other areas where win-win solutions have occurred when everyone worked together.

In response to Member McCrory's question, Ms. Machado stated that the community would be more than willing to help the Ranch regarding maintenance of the access, etc.

Ms. April Kealoha testified in opposition to the consent of assignment. She stated that the Ranch had ignored the requirements of the license for 38 years, and should not be granted more control until the issue has been thoroughly discussed by the community (written testimony submitted).

Ms. Malia Akutagawa testified that the Ranch has been going around the law for years -- construction without proper permits, altering land without following the proper process, always doing things after-the-fact. She stated that a high degree of frustration exists within the community and that the community no longer trusts anything the Ranch says. Ms. Akutagawa stressed that the Board has a legal obligation (due to the Kuleana, PASH, and Pele Acts) to protect Native Hawaiian rights.

Mr. Harry Aki testified in support of the Ranch's proposal for access. He stated that a "doorway" has been opened and that the community should no longer fight the Ranch, but instead work with the Ranch regarding further access.

Mr. Halona Kaopuiki testified against granting the consent to Molokai Ranch. He stated that the Ranch should be fined for violating the requirements of the license agreement.

Mr. Shane Pali testified against granting the consent to Molokai Ranch. He stated that the Ranch's behavior to the community has been "shameful," and showed a total disregard for the Native people.

ITEM J-2 (cont.)

Ms. Sandy Schutte testified to the history of the 10 year access agreement. She recounted that, twenty years ago, the community formed a group that was, at that time prepared to file suit against the Ranch. She stated that the 10 year access agreement was a compromise worked out between the community and then-Mayor Carvalho. Ms. Schutte further stated that a permanent solution was to have been worked out during the ten year period.

Mr. David Patterson, representing the Molokai Business Association testified in support of Molokai Ranch. He stated that his support was based on economic reasons, and that a large part of the community was in full support of everything the Ranch has been doing.

Mr. Carl Puhi stated that many of the accesses that had been discussed must go through land owned by others. He questioned what would happen to the access negotiation if the assignment of the license was not granted. Mr. Puhi testified in support of granting the consent to assignment.

Mr. Edward Ayau gave a brief history of the importance of the Hale O Lono area to the Native Hawaiian people.

Mr. Lum reiterated the requests of OHA and the Molokai residents: that the Board exercise its power and authority and enforce paragraph 9 of the existing license agreement, and defer any action on the current proposal. He listed OHA's concerns regarding the \$350,000 in roadway improvements and the pro-rated payback requirement, and concerns that the Ranch would have a "leg up" when the current license expires.

Mr. Lum stated that OHA and the Molokai residents were prepared to file a contested case hearing request should the Board decide to approve the Ranch's current proposal.

Following discussion with the Ranch's representative, Member Nekoba expressed his opinion that the Ranch has not lived up to the requirements of the existing license agreement. Member Yuen and the representative then discussed the existing dirt road and the Ranch's proposed access.

Chairperson Wilson notified the public that the Board would be going into executive session in order to discuss matters with legal counsel. He stated that following executive session, the Board would recess for lunch. Member Kennison moved to resolve the meeting into executive session; the motion was seconded by Member Yuen. The meeting resolved into executive session at 12:30 p.m.

ITEM J-2 (cont.)

Chairperson Wilson reconvened the meeting at 2:00 p.m.

Member Kennison moved to accept the staff's recommendation with amendments:

Staff recommendations Nos. 1,2,3,4, & 5 were deleted.

The Board directed that the Board action reflect the Board's decision to exercise its right under paragraph 9 of the license and identify the existing dirt roadway ("the roadway currently used during special events such as the Molokai canoe race") as the designated unlimited public access to Lono Harbor.

The Board further directed that the access be worked out within thirty days.

Member Yuen seconded the motion.

By a unanimous vote of the six members present, Item J-2 was approved as amended (Kennison/Yuen).

Chairperson Wilson requested that Ms. Machado and Mr. William Kalipi work with the Department and Molokai Ranch in working out the access agreement.

In response to Mr. Edwards concern with the difficulty in transferring property within thirty days, Member Kennison clarified that the thirty day period referred to the public access and not the deeding of a public roadway. Mr. Edwards subsequently requested that the matter be handled by the Department's Land Division.

Mr. Lum stated his belief that the Board's decision as amended met the requirements put forth by OHA, and withdrew the request for a contested case hearing.

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 ENTITLED "SEDIMENTOLOGICAL HISTORY OF HANAIEI BAY AND COASTAL PLAIN" UNDER THE MAIN HAWAIIAN ISLANDS - MARINE RESOURCES INVESTIGATION

Member McCrory expressed her appreciation with the fact that the study would provide a baseline for all future developments along the Hanalei Coast. In response to a question by Chairperson Wilson, Mr. Chip Fletcher responded that lines of communication between the county planning commission and the University would be kept open. Chairperson Wilson directed the Division of Aquatic Resources to alert the Kauai County Planning Commission to the proposed project.

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

ITEM D-36 PETITIONERS' STANDING TO REQUEST A CONTESTED CASE HEARING (PURSUANT TO CHAPTER 91, HRS) ON AN AMENDMENT TO CONSERVATION DISTRICT USE PERMIT HA-1447 TO CONSTRUCT A NEW ENTRANCE, TRAILS, PARKING, RAIN SHELTERS, AFTER-THE-FACT DIVERSION DAMS, UTILITY POLES, RELATED IMPROVEMENTS, MASTER TROPICAL BOTANICAL GARDEN, SO. HILO, HAWAII, TMKS: 2-7-09:2, 6 AND 10 AND 2-7-10:22

Ms. Sandy Schutte stated support for the staff's recommendation.

By a unanimous vote of the six members present, Item D-36 was approved as submitted (Yuen/Kennison).

ITEM D-11 REQUEST FOR CONSENT TO ASSIGN A NON-EXCLUSIVE GRANT OF EASEMENT NO. S-5270 FOR AN EXISTING STAIRCASE ON THE SEAWARD BOUNDARY OF PARCEL TMK: 4-3-07:21, ALAELOA AND HONOKEANA, LAHAINA, MAUI

Mr. Uchida stated that Items D-9 and D-11 were related items which were deferred from a prior meeting; he stated that Item D-11 should be acted upon first.

By a unanimous vote of the six members present, Items D-11 and D-9 were approved as submitted (Kennison/Matsumoto).

ITEM D-9 REQUEST FOR CONSENT TO ASSIGN A NON-EXCLUSIVE GRANT OF EASEMENT NO. S-5270 FOR AN EXISTING STAIRCASE ON THE SEAWARD BOUNDARY OF PARCEL TMK: 4-3-07:21, ALAELOA AND HONOKEANA, LAHAINA, MAUI

See Item D-11.

ITEM A-1 ADOPTION OF TITLE 13, CHAPTER 300, HAWAII ADMINISTRATIVE RULES OF PRACTICE AND PROCEDURE RELATING TO BURIAL SITES AND HUMAN REMAINS

Member Yuen and Messrs. Hibbard and Ayau discussed the definition and constitution of "physical examination." Mr. Ayau testified that the burial rules are set up with a "three-tier" approach to evaluating ethnicity: ethnographic review, archeological inquiry, and physical examination. He stated that each succeeding level of inquiry is invoked if reasonable belief standards are not met at a lower level. The discussion clarified that the subject standards are set for professionals; amateurs (Member Yuen's concern) are regulated by the State statute prohibiting the disturbance of a burial site.

Ms. Laura Manual expressed her appreciation to the department's Historic Preservation Division for working on a compromise and voiced her support for the adoption of the rules.

By a unanimous vote of the six members present, Item A-1 was approved as submitted (Nekoba, Matsumoto).

ITEM D-38 REQUEST BOARD APPROVAL FOR WAIVER OF RENT, DUE TO FLOODING, REVOCABLE PERMIT (RP) NO. S-6950, PALAMA VENTURES, A HAWAII PARTNERSHIP, KIPA LOTS, KALIHI-KAI, OAHU, TMK: 1-2-23:65

Mr. Uchida stated that recommendation No. 2 on the board submittal should reflect a waiver of two months instead of three months.

Mr. Baldwin Au, the former permittee, requested that the Board approve the waiver of the entire outstanding balance owed, and return his deposit. He testified that the two months rent determined by staff did not reflect expenses such as equipment damages, union benefits, improvements made and various surcharges; Mr. Au determined his losses to be in the neighborhood of \$145,500.

Questioning by Board members revealed that flooding was a chronic problem in certain KIPA lots. Mr. Uchida stated that the Land Division had originally thought that the flooding was due to poor drainage, but that further investigation revealed that the problem was tied to tides. He testified that the Land Division would no longer be issuing permits for certain lots, and that affected tenants would be relocated to other lots as vacancies occur. He further stated that the division was currently requesting that the Department of Transportation (DOT) remove the bond commitment on the KIPA lots. Should DOT refuse to release the Department from the bond commitment, Mr. Uchida recommended that the property be returned to DOT.

ITEM D-38 (cont.)

Mr. Nekoba moved to accept staff's amended recommendation to waive two months rent from the account balance in the amount of \$10,876.00.

By a unanimous vote of the six members present, Item D-38 was approved as amended (Nekoba/Matsumoto).

ITEM D-41 SET ASIDE TO THE CITY & COUNTY OF HONOLULU, BOARD OF WATER SUPPLY BY GOVERNOR'S EXECUTIVE ORDER FOR WELL PURPOSES, TOGETHER WITH WATERLINE EASEMENT AT MAAKUA, HAUULA, KOOLAULO, OAHU, TMK: 1ST/5-4-05:01 AND 02

No public testimony was presented.

By a unanimous vote of the four members present (Members Kennison and McCrory had temporarily exited the meeting), Item D-41 was approved as submitted (Nekoba/Matsumoto).

ITEM D-21 RESUBMITTAL--AUTHORIZE DEPT. OF HEALTH (DOH) AND DEPT. OF ACCOUNTING AND GENERAL SERVICES (DAGS) TO CONSOLIDATE AND RESUBDIVIDE STATE LAND AND SET ASIDE TO DOH FOR COMMUNITY MENTAL HEALTH FACILITY; AND ISSUANCE OF R-O-E FOR PLANNING & CONSTRUCTION PURPOSES TO DOH AND DAGS, POR. OF KAPAA HOMESTEADS, SERIES 4, KAPAA, KAUAI, TMK: 4-6-14:POR. 26

Mr. Clifford Murakami of Pacific Architects, the consultant for DAGS and DOH was available for questions. No public testimony was presented.

By a unanimous vote of the six members present, Item D-21 was approved as submitted (McCrory/Nekoba).

ITEM D-24 TIME EXTENSION REQUEST FOR CONSERVATION DISTRICT USE APPLICATION #OA-2794 FOR THE HILTON LAGOON PROJECT: A PRIVATE AQUATIC RECREATION FACILITY INCLUDING AN UNDERWATER TROPICAL MARINE ENVIRONMENT AND SEAWATER INTAKE PIPE, WAIKIKI, HONOLULU, OAHU, TMK: 2-3-37:21 AND SUBMERGED LANDS

In response to Chairperson Wilson's and Member Matsumoto's questions as to whether a decision to hold a contested case hearing had been made and a hearings officer appointed, Mr. Mike Greve, representing the Hilton Hawaiian Village, stated that they were awaiting a recommendation from the Attorney General's Office.

ITEM D-24 (cont.)

Ms. Nishioka stated that a recommendation had not been issued by the Attorney General's Office as of this date.

By a unanimous vote of the six members present, Item D-24 was approved as submitted (Nekoba/Matsumoto).

ITEM D-35 CONSERVATION DISTRICT USE PERMIT OA-2809 FOR CELLULAR TELECOMMUNICATIONS RELAY SITE AT NUUANU, OAHU, TMK: 2-2-54:1

~~Mr. John Lucey, representing Honolulu Cellular, stated his support for the staff recommendation.~~

By a unanimous vote of the six members present, Item D-35 was approved as submitted (Nekoba/Matsumoto).

ITEM D-26 SALE OF ABANDONED DITCH RIGHT-OF-WAY REMNANT, KANEOHE, OAHU, TMK: 4-5-39:26

In response to Member Matsumoto's question as to whether the principle of the revenue generated from the sales of remnant parcels could be used to acquire land, Mr. Uchida stated that the Department was currently exploring a concept whereby the revenue from the sales of ceded remnant parcels would be deposited into a special fund. The funds would be invested, then be used for land-banking purposes to purchase income-producing ceded lands (so as to not diminish the ceded lands trust). Mr. Uchida testified that the Land Division was currently in the process of drafting legislation that would incorporate this concept, and that the legislation would be introduced at the next legislative session. He stated that, until OHA's opposition to the sale of ceded lands was resolved, a "cloud" would remain over all sales of such land.

Winona Matsuzaki, representing the Office of Hawaiian Affairs, testified that OHA would be interested in looking at the Land Division's proposal. She reiterated, however, that, until an agreement could be reached, OHA remained opposed to sales of all ceded land, remnant parcels included. (Written testimony submitted).

Mr. Uchida clarified that the Division has not been consummating any of the Board's prior approvals of sale; the sales were, in fact, being held in abeyance until the matter with OHA was resolved.

By a unanimous vote of the six members present, Item D-26 was approved as submitted (Nekoba/McCrory).

**ITEM D-1 EXTENSION OF TIME REQUEST FOR CONSERVATION DISTRICT USE
PERMIT OA-1017, SINGLE FAMILY RESIDENCE AT NUUANU, OAHU,
TMK: 2-2-42:86**

No public testimony was presented.

By a unanimous vote of the six members present, Item D-1 was approved as submitted (Matsumoto/Kennison).

**ITEM J-7 VEHICULAR PARKING CONTROL CONTRACT, ALA WAI BOAT HARBOR,
ISLAND OF OAHU**

Member Nekoba expressed his disappointment with the fact that the Boating Division still had not addressed the Board members' earlier concerns regarding the parking charges for boat owners. He reiterated his concern that private parking operators would find it necessary to charge the general public a higher fee in order to make up the losses in revenue caused by the mandated \$5.50 per quarter charge to boat owners. Member Nekoba felt that, while boat owners should have parking set aside for them, they should pay at the same rate as the general public. He further emphasized that, because slip rentals were 50% below market rates, this was more of a reason to charge boat owners the "going rate" for parking. If fees were up to market rates, Member Nekoba felt the marina would have ample revenue for maintenance, improvements, security, etc.

Mr. Parsons testified that the Boating Division was currently in the process of raising slip rents by 25% - 30%. He explained to Board members the feeling of most boaters that, because slip rents pay for all maintenance and improvements at the marina (including the parking lot), parking should be included without charge.

Mr. Robert Malandra, marina resident and member of the Ala Wai Advisory Committee reiterated Mr. Parsons' statements that boating fees, fuel fees and lease rents pay for everything within the marina, including the parking. He disagreed with the statement that slip rents were 50% under value; he stated that, while mainland marinas often lease for more, these marinas were "state-of-the-art", and not comparable to the Ala Wai. He testified that the marina lacked adequate security (even though charges for security are included in boaters' fees), and that others take unfair advantage. Mr. Malandra stated that there should be no "free lunches" -- that people are charged to park in other state facilities, and should be at the marina. He asserted that if everyone was charged to use the parking, 50% of the security problems would be eliminated. Mr. Malandra also agreed that most boaters would be willing to pay more for parking.

ITEM J-7 (cont.)

Discussion by Board members then focussed on whether bidders on the Request for Proposals (RFP) could realistically determine a bid proposal without the knowledge of how many stalls would be set aside for boaters and at what rate. Board members and Mr. Parsons agreed that a private parking operator would be forced to charge boat owners the \$5.50/quarter parking fee until the Administrative Rules could be changed.

Board members then discussed whether an interim parking measure could be set up. Members Yuen, Matsumoto and Nekoba asserted that a four-year RFP should not go out at this juncture; members felt that the entire boating fee structure should be looked at before a long-term solution could be implemented. Mr. Parsons stated that something could be devised on a revocable permit, year-to-year basis that may possibly draw interested operators.

Member Nekoba moved to amend recommendation No. 1 of staff's submittal to authorize a request for proposal for an interim period not to exceed one year.

By a unanimous vote of the six members present, Item J-7 was approved as amended (Nekoba/Yuen).

ITEM K-1 RIGHT-OF-ENTRY, KEAHOLE-KONA INTERNATIONAL AIRPORT, HAWAII (FEDERAL AVIATION ADMINISTRATION)

No public testimony was presented.

By a unanimous vote of the six members present, Item K-1 was approved as submitted (Yuen/Matsumoto).

ITEM K-2 LEASE-VENDING MACHINE AGREEMENT, LIHUE AIRPORT, KAUAI (BANK OF HAWAII)

No public testimony was presented.

By a unanimous vote of the six members present, Item K-2 was approved as submitted (McCrorry/Nekoba).

ITEM K-3 CONSENT TO SUBLEASE, LEASE NO. DOT-A-96-4, LIHUE AIRPORT, KAUAI (W.H. SMITH INC./TIARE ENTERPRISES, INC.)

No public testimony was presented.

By a unanimous vote of the six members present, Item K-3 was approved as submitted (McCrorry/Yuen).

**ITEM K-4 CONSTRUCTION RIGHT-OF-ENTRY FOR CONSTRUCTION OF BIKEWAY,
KAHULUI AIRPORT, MAUI (COUNTY OF MAUI)**

No public testimony was presented.

By a unanimous vote of the six members present, Item K-4 was approved as submitted (Kennison/Nekoba).

**ITEM K-5 LEASE OF EASEMENT FOR UNDERGROUND ELECTRICAL CONDUITS OF
BARBERS POINT HARBOR, HONOULIULI, EWA, OAHU, HARBORS
DIVISION (BHP HAWAII, INC.)**

No public testimony was presented.

By a unanimous vote of the six members present, Item K-5 was approved as submitted (Nekoba/McCrory).

ITEM K-6 SNACK BAR AND RETAIL CONCESSION KAPALUA-WEST MAUI AIRPORT

No public testimony was presented.

By a unanimous vote of the six members present, Item K-6 was approved as submitted (Kennison/Matsumoto).

**ITEM K-7 ISSUANCE OF REVOCABLE PERMIT, PIER 2, HONOLULU HARBOR,
OAHU (A'S TRUCKING & EQUIPMENT, INC.)**

No public testimony was presented.

By a unanimous vote of the six members present, Item K-7 was approved as submitted (Nekoba/Matsumoto).

**ITEM K-8 ISSUANCE OF REVOCABLE PERMIT, KAWAIHAE HARBOR, HAWAII
(DILLINGHAM CONSTRUCTION PACIFIC, LTD.)**

In response to a question by Member Yuen, Mr. Peter Garcia, State Department of Transportation, stated that the asphalt concrete hot plant would be taken down after the completion of the one project.

No public testimony was presented.

By a unanimous vote of the six members present, Item K-8 was approved as submitted (Yuen/Nekoba).

ITEM D-2 RESUBMITTAL--ASSIGNMENT OF GENERAL LEASE NO. S-5356 BETWEEN KENNETH L. MURPHY, ASSIGNOR TO ALVIN H. KAWAMOTO, ASSIGNEE, HUALUA GOVERNMENT TRACT, SECTION B, HUALUA, NO. KOHALA, HAWAII, TMK: 5-5-03:12

No public testimony was presented.

By a unanimous vote of the six members present, Item D-2 was approved as submitted (Yuen/Nekoba).

ITEM D-3 RESUBMITTAL--ASSIGNMENT OF GENERAL LEASE NO. S-3168, LOT 35, OCEAN VIEW LEASE LOTS, WAIAKEA, SO. HILO, HAWAII, TMK: 2-1-07:34

No public testimony was presented.

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

ITEM D-4 CANCELLATION OF GRANT OF EASEMENT NO. S-4483, PARCELS 1 & 2, LALAMILO, WAIMEA, SO. KOHALA, HAWAII, TMK: 6-6-02:2 AND 31

No public testimony was presented.

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

ITEM D-5 SALE OF LEASE AT PUBLIC AUCTION, LOT 11, PAPA HOMESTEADS, PAPA 1ST, SO. KONA, HAWAII, TMK: 8-8-04:11

No public testimony was presented.

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

ITEM D-6 RESUBMITTAL--AMENDMENT TO PRIOR BOARD ACTION OF JULY 12, 1996 (AGENDA ITEM D-10), ASSIGNMENT OF GENERAL LEASE NO. S-3170, LOT 37, OCEAN VIEW LEASE LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII, TMK: 2-1-07:36

No public testimony was presented.

By a unanimous vote of the six members present, Item D-6 was approved as submitted (Yuen/Nekoba).

ITEM D-7 CONSENT TO SUBLEASE COVERING THE PREMISES DEMISED UNDER GENERAL LEASE NO. S-5186, LOT 2, BLOCK 40, WAIAKEA, SO. HILO, HAWAII, TMK: 2-2-37:96

Mr. Uchida requested that Item D-7 be withdrawn.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-7 was withdrawn (Yuen/Nekoba).

ITEM D-8 RESUBMITTAL--ASSIGNMENT OF GENERAL LEASE NOS. S-4331, S-4332 AND S-5370, LOTS 6, 7 AND VEHICLE ACCESS EASEMENT, RESPECTIVELY, HILO INDUSTRIAL DEVELOPMENT, WAIAKEA, SO. HILO, HAWAII, TMK: 2-2-37:144 AND 145

No public testimony was presented.

By a unanimous vote of the six members present, Item D-8 was approved as submitted (Yuen/Nekoba).

ITEM D-10 REQUEST FOR CANCELLATION OF REVOCABLE PERMIT NO. S-6241 AND REISSUANCE OF A REVOCABLE PERMIT TO MS. MARGOT DIPPERT FOR PASTURE USE, WAIHONU-KAKIO, HANA, MAUI, TMK: 1-4-12:03

No public testimony was presented.

By a unanimous vote of the six members present, Item D-10 was approved as submitted (Kennison/Nekoba).

ITEM D-12 REQUEST FOR A DIRECT ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES, AND AN IMMEDIATE R-O-E FOR SITE CONTROL PURPOSES, KAUNAKAKAI, MOLOKAI, TMKS: 5-3-02:72 AND 5-3-09:7

No public testimony was presented.

By a unanimous vote of the six members present, Item D-12 was approved as submitted (Kennison/Nekoba).

ITEM D-13 REQUEST FOR CANCELLATION OF REVOCABLE PERMIT NO. S-6916 AND REISSUANCE OF A REVOCABLE PERMIT TO JULIA KAIWI AND DEJA KAIWI, FOR GENERAL AGRICULTURE USE, KAHAKULOA HOMESTEADS, KAHAKULOA, MAUI, TMKS: 3-1-04:46, 56, 59, 61, 66, 69, 72 AND 3-1-02:18

No public testimony was presented.

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

ITEM D-14 RESUBMITTAL-- REQUEST AN ISSUANCE OF A REVOCABLE PERMIT BY BETTY AND STEPHEN DORRIS FOR GENERAL AGRICULTURE PURPOSES AND AN IMMEDIATE R-O-E FOR SITE CONTROL PURPOSES, POR. OF HONOPOU-HOOLAWA, HAMAKUALOA, MAKAWAO, MAUI, TMK: 2-9-03:8

No public testimony was presented.

By a unanimous vote of the six members present, Item D-14 was approved as submitted (Kennison/Matsumoto).

ITEM D-15 REQUEST THE CANCELLATION OF REVOCABLE PERMIT NO. S-4047 TO JAMES H. LOVE AND THE ISSUANCE OF A REVOCABLE PERMIT TO KINGO GUSHIKUMA FOR PASTURE PURPOSES, KAWAILOA, KAILUA, KOOLAUPOKO, OAHU, TMK: 4-2-03:25

Mr. Uchida stated that Items D-15 and D-16 were related items. No public testimony was presented.

By a unanimous vote of the six members present, Items D-15 and D-16 were approved as submitted (Nekoba/McCrory).

ITEM D-16 REQUEST THE CANCELLATION OF REVOCABLE PERMIT NO. S-3916 TO JAMES H. LOVE AND THE ISSUANCE OF A REVOCABLE PERMIT TO KINGO GUSHIKUMA FOR PASTURE PURPOSES, KAWAILOA, KAILUA, KOOLAUPOKO, OAHU, TMK: 4-2-03:24

See Item D-15.

ITEM D-17 RESUBMITTAL--REQUEST TO CANCEL GOVERNOR'S EXECUTIVE ORDER NO. 3575 AND TO ISSUE A NEW GOVERNOR'S EXECUTIVE ORDER FOR AGRICULTURAL PARK PURPOSES, TO BE UNDER THE CONTROL AND MANAGEMENT OF THE STATE DEPT. OF AGRICULTURE, KAHUKU, KOOLAULO, OAHU, TMKS: 5-6-05:9; 5-6-06:POR. OF 19 AND 5-6-08:POR 2

No public testimony was presented.

By a unanimous vote of the six members present, Item D-17 was approved as submitted (Nekoba/Matsumoto).

ITEM D-18 RESUBMITTAL--STAFF REQUESTS AUTHORIZATION TO SELL AT PUBLIC AUCTION INDUSTRIAL LEASES CONVERTING GOVERNMENT LAND AT MOANALUA, HONOLULU, OAHU, TMK: 1-1-64

Member Matsumoto requested that Item D-18 be deferred due to a lack of time to discuss the subject item.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-18 was deferred (Matsumoto/Nekoba).

ITEM D-19 REQUEST BOARD APPROVAL FOR THE DIRECT ISSUANCE OF A PERPETUAL NON-EXCLUSIVE EASEMENT TO THE BOARD OF WATER SUPPLY, CITY & COUNTY OF HONOLULU FOR WATER METER PURPOSES IN CONJUNCTION WITH THE DEPT. OF ACCOUNTING AND GENERAL SERVICES JOB NO. 12-31-6180 AT THE WINDWARD COMMUNITY COLLEGE CAMPUS, KEAAHALA, KANEOHE, KOOLAUPOKO, OAHU, TMK: 4-5-23:2 (POR)

No public testimony was presented.

By a unanimous vote of the six members present, Item D-19 was approved as submitted (Nekoba/Matsumoto).

ITEM D-20 REQUEST FOR WAIVER OF PERFORMANCE BOND, WAIMANALO HEALTH CENTER, GENERAL LEASE NO. S-5400, WAIMANALO, OAHU, TMK: 4-1-09:279

No public testimony was presented.

By a unanimous vote of the six members present, Item D-20 was approved as submitted (Nekoba/ Matsumoto).

ITEM D-22 ASSIGNMENT OF GENERAL LEASE NO. S-5479, LOT 56-B, GOVERNMENT REMNANTS, ILI OF WAIHAOLE, WAIMEA VALLEY, KAUAI, TMK: 1-5-03:1

No public testimony was presented.

By a unanimous vote of the six members present, Item D-22 was approved as submitted (McCrory/Matsumoto).

**ITEM D-23 SALE OF A GENERAL AGRICULTURE LEASE AT PUBLIC AUCTION,
POR. OF LOT 173, KAPAA HOMESTEADS, 3RD SERIES, KAPAA,
KAWAIHAU (PUNA), KAUAI, TMK: 4-6-08:1**

No public testimony was presented.

By a unanimous vote of the six members present, Item D-23 was approved as submitted (McCrory/Nekoba).

**ITEM D-25 REQUEST AUTHORIZATION TO WAIVE PERFORMANCE BONDS
REQUIREMENT IN GENERAL LEASE NOS. S-5214, S-5328 AND S-
5168, WAIMANALO, KOOLAUPOKO, OAHU, TMKS 4-1-18:40, 47 AND
4-1-27:18**

Member Matsumoto requested that Item D-25 be deferred due to a lack of time to discuss the subject item.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-25 was deferred (Matsumoto/Kennison).

**ITEM D-27 DIRECT ISSUANCE OF A TERM LEASE OF NON-EXCLUSIVE EASEMENT
FOR ROADWAY PURPOSES TO KFC NATIONAL MANAGEMENT COMPANY,
KALAUAO, EWA, OAHU, TMK: 9-8-13:15**

Mr. Uchida requested that Item D-27 be withdrawn.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-27 was withdrawn (Nekoba/Matsumoto).

**ITEM D-28 REQUEST AN ISSUANCE OF A REVOCABLE PERMIT TO KAPOLEI GOLF
COURSE FOR PARKING LOT PURPOSES, HONOULIULI, EWA, OAHU,
TMK: 9-1-16:25 (POR)**

Member Matsumoto requested that Item D-28 be deferred due to a lack of time to discuss the subject matter.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-28 was deferred (Matsumoto/Kennison).

ITEM D-29 CONSENT TO ASSIGNMENT, CONSENT TO MORTGAGE AND EXTENSION OF TERM, GENERAL LEASE NO. S-4093, LOT 44, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-27:2

Mr. Uchida requested that Item D-29 be withdrawn.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-29 was withdrawn (Nekoba/Matsumoto).

ITEM D-30 AUTHORIZATION OF SURRENDER AGREEMENT OF GENERAL LEASE NO. S-5364 TO HAWAII HOUSING AUTHORITY, KAPALAMA, HONOLULU, OAHU, TMK: 1-6-13:1

No public testimony was presented.

By a unanimous vote of the six members present, Item D-30 was approved as submitted (Nekoba/Matsumoto).

ITEM D-31 ASSIGNMENT OF GENERAL LEASE NO. S-5062, LOT 18, PUU KA PELE PARK LOTS, WAIMEA, KAUAI, TMK: 1-4-02:25

No public testimony was presented.

By a unanimous vote of the six members present, Item D-31 was approved as submitted (McCroory/Nekoba).

ITEM D-32 AMENDMENT TO PRIOR ACTION OF JUNE 9, 1995 (AGENDA ITEM F-1-G), ISSUANCE OF A REVOCABLE PERMIT TO THE HAWAII ALCOHOLISM FOUNDATION FOR ALCOHOLISM TREATMENT FACILITY, SAND ISLAND, OAHU, TMK: 1-5-41:5

No public testimony was presented.

By a unanimous vote of the six members present, Item D-32 was approved as submitted (Nekoba/Kennison).

ITEM D-33 SET ASIDE TO THE DEPT. OF EDUCATION, STATE OF HAWAII, BY GOVERNOR'S EXECUTIVE ORDER FOR EDUCATIONAL PURPOSES AND ALL EDUCATIONAL SUPPORT AND RELATED SERVICES UNDER THE DEPT. OF EDUCATION, KAAKAUKUKUI, KAKAAKO, HONOLULU, OAHU, TMK: 2-1-51: 09

Mr. Uchida requested that Item D-33 be withdrawn.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-33 was withdrawn (Nekoba/Matsumoto).

ITEM D-34 AMENDMENT TO PRIOR BOARD ACTION OF OCTOBER 22, 1993, ITEM F-1-D, FOR ISSUANCE OF A REVOCABLE PERMIT AT THE FORMER PA'AUHAU SCHOOL SITE, PA'AUHAU, HAMAKUA, HAWAII, TMK: 4-4-05:2

No public testimony was presented.

By a unanimous vote of the six members present, Item D-34 was approved as submitted (Yuen/Nekoba).

ITEM D-37 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 28, 1996 (AGENDA ITEM D-2), ASSIGNMENT OF GENERAL LEASE NO. S-3837, LOT 18, BLOCK 601, WAIAKEA HOMESTEADS, 1ST SERIES, WAIAKEA, SO. HILO, HAWAII, TMK: 2-2-44:4

No public testimony was presented.

By a unanimous vote of the six members present, Item D-37 was approved as submitted (Kennison/Nekoba).

ITEM D-39 REQUEST BOARD APPROVAL FOR CANCELLATION OF GENERAL LEASE NO. S-3763, WILLIAM K. FULLER, AND CHARLOTTE K. FULLER, WAIMANALO, OAHU, TMK: 4-1-10:48

Mr. Uchida requested that Item D-39 be withdrawn.
No public testimony was presented.

By a unanimous vote of the six members present, Item D-39 was withdrawn (Nekoba/McCrory).

ITEM D-40 REQUEST FOR CONSENT TO ASSIGNMENT AND CONSENT TO MORTGAGE AND CONSENT TO SECOND MORTGAGE OF LEASE OF NON-EXCLUSIVE EASEMENT NO. S-5329, AS AMENDED, JEFFREY T. LONG AND STEVEN P. GOLDEN, KAWAILOA, KAILUA, KOOLAUPOKO, OAHU, TMK: 1ST/4-3-10:83 (PORTION)

No public testimony was presented.

By a unanimous vote of the six members present, Item D-40 was approved as submitted (Nekoba/McCrory).

ITEM E-1 REQUEST TO USE PORTION OF THE OLD KONA AIRPORT STATE RECREATION AREA FOR THE PATCH PROGRAM

No public testimony was presented.

By a unanimous vote of the six members present, Item E-1 was approved as submitted (Yuen/Matsumoto).

ITEM J-1 ISSUANCE OF REVOCABLE PERMIT, MAALAEA BOAT HARBOR, ISLAND OF MAUI

No public testimony was presented.

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

ITEM J-3 AUTHORIZATION TO ENTER INTO RIGHT-OF-ENTRY AGREEMENT, KAHULUI BOAT RAMP, ISLAND OF MAUI

No public testimony was presented.

By a unanimous vote of the six members present, Item J-3 was approved as submitted (Kennison/Nekoba).

ITEM J-4 ISSUANCE OF LEASE BY DIRECT NEGOTIATION, MANELE BOAT HARBOR, ISLAND OF LANAI

No public testimony was presented.

By a unanimous vote of the six members present, Item J-4 was approved as submitted (Matsumoto/Yuen).

ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HALEIWA BOAT HARBOR, ISLAND OF OAHU

No public testimony was presented.

By a unanimous vote of the six members present, Item J-5 was approved as submitted (Nekoba/McCrory).

ITEM J-6 CONTINUANCE OF REVOCABLE PERMITS, DIVISION OF BOATING AND OCEAN RECREATION

Mr. Parsons requested that the submittal be amended to withdraw the first of the subject revocable permits (B-93-46) because the permittee was not current on payments.


No public testimony was presented.

By a unanimous vote of the six members present, Item J-6 was approved as amended (Nekoba/McCrory).


There being no further business, Chairperson Wilson adjourned the meeting at 4:33 p.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