

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

DATE: Friday, November 22, 1996
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

Chairman Michael Wilson called the meeting of the Board of Land and Natural Resources to order at 9:10 A.M., the following people were in attendance:

Members:

Mr. William Kennison
Ms. Lynn McCrory
Mr. Christopher Yuen

Mr. Colbert Matsumoto
Mr. Michael Nekoba
Mr. Michael Wilson

Staff:

Gil Agaran
Dean Uchida
Linnel Nishioka
Cliff Inn
Francis Oishi
Bill Devick
Don Horiuchi

Carl Watanabe
Larry Cobb, DOT
Peter Garcia, DOT
Ivan Nishiki, DAGS

Others:

Juliet Begley
Pearl Imada-Iboshi
Daryl Huff
Brian Takeda D18
Brad Myers H1
Peter Schall D11
Desmond Byrne G1
Greg Mooers D17

Presley Pang H1
Henry Curtis D18
LaVonne Whert D11
Ron Valken D18
Robert Strand H1
Richard Heaton D11
Sandy Padaken D6

Dean Uchida explained to the Board that today's meeting was to explain to the Board the process of evaluating bidders for state lands, prior to the December 1996 state wide auctions. These were to take place on December 3rd, 4th and 5th. Therefore it was an added item to accommodate those deadlines.

There was no public testimony.

By a unanimous vote of the Board, Item D-19 was added to the agenda. (Kennison/Nekoba)

Minutes of October 25, 1996.

By a unanimous vote of the Board, the minutes were approved with amendment that Board action on D-5, condition #15; "That approval of the permits is conditioned on the receipt of letters of support (or no objections) from area representatives."
(Matsumoto/Nekoba)

Boardmember Matsumoto clarified that this condition was to confirm the testimony given to the Board by the applicant during that meeting.

D-18 CDUA (SH-2823A) FOR FIBER OPTIC CABLE LINKAGE AT MANELE BAY, LANAI. (TO BE DISTRIBUTED)

Staff testified that the majority of the concerns are due to the fact that the Division has never faced the question of allowing commercial construction within an established Marine Life Conservation District (MLCD) and that this should be treated as a one time only situation.

Member Chris Yuen discussed generally requiring mitigation when some environmental harm is expected from a project and the possibility of enhancing or replacing the resource elsewhere.

Chairperson Wilson said this recommendation had been designed to make it clear that this is an extraordinary circumstance and it is not meant to set a precedence for the Board of other proposed incursions into the MLCD for a public purpose beyond taking of the resources for scientific purpose, that this is a one time basis only, and only one cable will be allowed.

Member Matsumoto said looking at Exhibit 4, what we are doing today will basically give them a right of entry to (lay) the cable in Manele Bay and also gives them a right of entry onto the land area under harbors? Uchida said no, it is separate.

Francis Oishi, Aquatics Biologist, presented at the Chairman's request a slide show and an overview about MLCDs, that began in

1965. There are 10 MLCDs in Hawaii, and their total acreage is approximately 1,600 acres. An MLCD law is that you are prohibited to take or alter any geologic feature, coral rocks or sand (except for scientific purposes).

Staff indicated to the Board that the cable, laid on top of the coral, will be subject to lateral movement due to wave and current conditions.

The Chairman asked staff how much coral would be impacted. Staff said about 20 square feet and that coral colonies will come back to the area, but it would be dependent on what type of construction materials used and if the coral would attach itself to it.

Chairman Wilson and Member Lynn McCrory each expressed interest in gauging from staff information on the welfare of the coral, and finding out potential strategies to mitigate coral colony destruction.

Member Michael Nekoba said it didn't make sense to grow coral on the cable that is not anchored, that the wave action would move the cable which may be more damaging. Oishi said he thinks that the applicant is looking at bolting the cable down. The Chairperson talked about the nature of cable and its location in a restricted area and suggested that annual inspections be performed. He asked whether there has ever been a taking of coral resources in MLCD other than for scientific purposes? Oishi said no.

Brian Takeda and Ron Valken, Vice President of GST Telecom Hawaii presented testimony to the Board. (Their testimony was inaudible on the tape and a large section of tape was blank).

Henry Curtis, Director of Life of the Land said this looks like a very complex issue and noted that the paperwork was to be distributed at the meeting. He thought that the public should have the right to review that paperwork before the Board makes a decision.

Chairperson said he had a letter from Charles Toguchi's office in support of the project, depicting it as the final link of a "fully developed statewide network", and that "developing the use of telecommunications will have enormous public benefits."

Chairperson Wilson was concerned that Hawaii doesn't have many designations that protect resources of significance and that MLCD's need a high level of protection. He said there are close to 1,600 acres, protected marine areas and historically nothing has been taken from them unless it was for scientific purposes. So given the fact that there isn't enough MCLDs, this small area has been identified as one of the most important areas.

Chairperson said he hopes that any action that the Board takes would not be used as a precedent setting event. He clarified that this is the only cable that will go in there, that it is a one time activity.

Member Yuen felt that a condition should be added in case of some destruction of underwater habitat. The applicant be required to participate in or do what will result in no net loss of habitat. He suggested that future projects should have a mitigation plan as a condition for approval in sensitive areas. Member Kennison concurred with Member Yuen's suggestion that future projects in sensitive areas include a mitigation plan.

By a unanimous vote of the Board, the item was approved with amendments to add, anchoring of the cable at points agreed upon with the Aquatics Resources Division and annual monitoring for the life of the project by the Aquatics Resources Division, payment for this service to be paid by GST. (Kennison/Matsumoto)

H-1 AMENDMENT TO PRIOR BOARD ACTION OF SEPTEMBER 9, 1994 (AGENDA ITEM F-12) RELATING TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUEST FOR VARIOUS APPROVALS COVERING THE KAPOLEI CIVIC CENTER, KAPOLEI, OAHU, TMK: 9-1-16: 1(POR). (TO BE DISTRIBUTED)

Gil Agaran presented to the Board the Administration submittal regarding the conveyance of Campbell Estate lands to the State of Hawaii.

Presley Pang of the Attorney General's office testified before the Board. (The tape is at times inaudible.) Pang explained that the terms of the limited warranty deed define its scope and that the property will be subject to declarations and protective covenants.

(Members McCrory and Nekoba asked questions but the tape is inaudible.)

Pang said he recalled the original land use order was quite simple, one or two sentences, outlining the draft, among a whole bunch of conditions; "48 acres shall be ceded to the State for government or public purposes". He didn't think that it got into sufficient detail on how the land (was to be used) and that they were looking for these (details to be worked out later).

Member Nekoba voiced concerns about the changes to the warranty lease agreement and mentioned the environmental access problems as being "just one item".

A discussion over the "as is" issue of the lease agreement commenced. Member Yuen questioned the need to return the Board

in light of the Board's December 1994 decision and asked what was so different as to require further Board action. Staff noted that the AG's office were the ones that commented, "We'll come back to the Board". Member Matsumoto's concern was that since the paperwork arrived late, is the Board expected to take the AG's opinion that this is in the public's best interest? Member Yuen said he had no problem in authorizing the AG to negotiate the exact terms of the deal, but asked whether the Board is being asked to look at the terms and give our stamp of approval. Chairperson Wilson pointed out that the recommendation before the Board today, is to request to approve the content - definitely the declaration of the protective covenants, including approval of limited warranty deed, subject to approval of the Chairperson.

Pang said from directions of the last action of the Board, he thought it prudent from a legal point of view, to show the status of the project. He said if the Board feels that two years ago they gave broad authority to the AG to consummate the deal and negotiate in the best interest of the State, then that was fine with him but that he wanted to hear that from the Board. (Members McCrory and Nekoba responded, but are inaudible on the tape.)

Member Yuen asked for clarification on #4 of page 3 - "Revise some of the conditions under which Campbell Estate would convey their lands to the State of Hawaii ...rather than "as is" there's a negotiation going on about environmental remediation. Pang said there is some operating language of the grantor, which acknowledges that the grantee does not release the grantor from any environmental remediation process, or other costs and damages which resulted from the contamination of the property prior to the date of the deed.

By a unanimous vote of the Board, the Board agreed to go into executive session. (Matsumoto/Yuen)

The Board went into executive session from 11 a.m., and returned and resumed the Board meeting at 11:35 a.m.

(Member Yuen spoke to Pang, but the content of the conversation was inaudible on the tape.)

Member Matsumoto talked about changes with respect to the parking requirement and asked what Campbell Estate requires of its commercial properties in Kapolei. Discussion ensued about underground parking. Brad Myers of Campbell Estate came forward to testify.

Member Matsumoto asked Myers specific questions regarding Campbell's standard lease agreement language. Myers referred to his legal counsel, Robert Strand (tape is almost inaudible).

There was discussion over tenant provisions.

There was no public testimony on this item.

By a unanimous vote of the Board, the item was approved.
(Nekoba/Matsumoto)

*D-11 PETITIONERS STANDING TO REQUEST A CONTESTED CASE HEARING
(PURSUANT TO CHAPTER 91, HRS) ON A Cдуа (OA-2794) FOR THE
HILTON LAGOON PROJECT: A PRIVATE AQUATIC RECREATION FACILITY
INCLUDING AN UNDERWATER TROPICAL MARINE ENVIRONMENT AND
SEAWATER INTAKE PIPE AT WAIKIKI, HONOLULU, OAHU, TMK: 2-3-
37: 21 & SUBMERGED LANDS*

Dean Uchida presented the Board submittal. (Chairman Wilson spoke but it was inaudible on the tape.)

Deputy Attorney General Linnell Nishioka clarified the Board action today is in line with what the Board has done, which is to allow people to provide whatever evidence to show they do have standing for a contested case hearing.

The Chairman asked LaVonne Whert to testify. She was one of the parties that had requested a contested case hearing at the last meeting on this item. Ms. Whert commented on the increased commercialization of the beach area by the Hilton and said, "The beach area is for the public". She doubted the Hilton's position that they are improving the quality of the water in the lagoon, and wondered if the hotel had deliberately allowed it to become so bad, to assist them in getting the project through.

The Chairman asked her if parking would become a problem for her. She said that she had assigned parking (tape is almost inaudible). Ms. Whert stated that she lives in the Diamond Head wing of the Ilikai, and can see the lagoon.

Member Yuen asked Whert why she was asking for a contested case hearing, when she could present testimony in opposition to the project.

Whert said she was dismayed and felt this was a way to voice her opinion. She said she was doing it for herself and that there are many residents in the building who shared the same views.

Peter Schall, Manager of the Hilton Hawaiian Hotel, stated that the project will improve the view, though he was unsure as to where Ms. Whert's apartment was located. He stressed the unsightliness of the lagoon now, and how people do not wish to swim in it. He spoke of all the avenues made available to the public to express their concerns about the project and how Hilton has been a good neighbor.

Richard Heaton, of Interocean testified regarding the past history of the lagoon and the quality of the water. He said that the problem with the quality of the water was a design flaw of the lagoon that was built by Henry Kaiser and was not the fault of Hilton.

By a unanimous vote of the Board, the Board went into executive session. (Yuen/Kennison)

The Board left at 12:05 p.m. and returned to resume the meeting at 12:15 p.m.

Member Nekoba stated that he would like to defer D-11 to the next meeting, December 13, 1996.

There was no further discussion.

By a unanimous vote of the Board, the item was deferred.
(Nekoba/Yuen)

Chairperson Wilson said for the next two weeks, Sam Lemmo, a member of the staff, who has been working on this will be available to discuss issues. Member Yuen suggested that the applicant discuss Whert's concerns, perhaps without a contested case hearing.

(tape is almost inaudible)

There was discussion regarding time tables between the audience and the Board.

*D-17 CDUA (HA-2822) FOR A SINGLE FAMILY RESIDENCE AT KONA
PARADISE SUBDIVISION, KAOHE 4TH, SOUTH KONA, HAWAII, TMK: 8-
7-19: 33*

Dean Uchida presented the staff recommendation, which was to deny the CDUA, since it did not conform to Title 13, Chapter 5, HAR. Greg Mooers gave testimony on behalf of the applicant's request for a single family dwelling. He showed photographs with regards to the location and other dwellings in the subdivision. Mooers said their application did not request for a determination for a non-conforming use but that the request was for a determination for an identified use in the subzone. He said in the definition of the limited subzone, it identifies five areas. The shoreline in the conservation district is 300 feet (inland), it is clear that the State wanted to put this area in the limited subzone, because of the inundation area. In identifying uses, a single family residence in a flood plain or coastal high hazard area. A single family residence would be allowed provided that they comply with county regulations regarding National Flood Insurance program. Given the fact that the objective of the limited

subzone is to limit where conditions suggest a constraint on human activities (tape is almost inaudible)...and you are trying to preserve public safety and welfare, it seems to me that the rule is saying, you can build a single family home on two of the five situations, flood plain or tsunami, providing that you comply with these rules to insure public safety and welfare. The interpretation that the Department is making here I disagree with.

Member Yuen asked specific questions of Mr. Mooers regarding surf on the area and tsunami inundation lines that are known of in the property. He said as a matter of discussion, the rules say that in a limited subzone you can build a house in a flood zone or a coastal high hazard area that conforms to applicable county regulations. The Board has the discretion on whether to allow that house in the limited subzone.

There was no public testimony.

By a unanimous vote of the Board, the application was approved.
(Yuen/Kennison)

*D-16 DISPOSITION OF GENERAL LEASE BY NEGOTIATION FOR DAIRY
PURPOSES, AT KAU, HAWAII, TMK: 9-5-15: 3*

Member Yuen requested a map of the area, from the applicant, Alfred Galimba. Galimba said about 3,000 acres being leased from the plantation adjoins a forest reserve.
(much of the conversation was inaudible on the tape)

There was discussion regarding water sources. Member Yuen asked what the closest source (for refilling water for the dairy cows), Galimba said there's a source (inaudible) catchment water.

Member Matsumoto asked about financing of the operation and when will it begin. Galimba said he hopes to have it in two years, but being optimistic, he thinks it's a 4 year development.

There was no public testimony.

By a unanimous vote of the Board, the item was approved with amendment to add the condition that the lessee secure financing within 2 years of the issuance of this lease, that the Board may grant extensions to this time period if requested by the lessee.
(Yuen/Nekoba)

Chairman Wilson recessed the meeting at 12:45 p.m. and resumed the meeting at 1:30 p.m.

G-1 ADOPTION OF AMENDMENTS TO ADMINISTRATIVE RULES OF THE
DEPARTMENT OF LAND AND NATURAL RESOURCES, CHAPTER 13-16,
CONVEYANCES

Carl Watanabe presented to the Board the submittal of a 25% increase to the filing fees at the Bureau of Conveyances, with the promise of automating the Bureau. Staff noted that the increase will bring in an additional \$1.5 million, some of which would go toward automation. Watanabe stated that it was "unfortunate" that with the State economy, that past increases had failed to net a change in the equipment of the Bureau, as equipment budget being restricted by Budget and Finance, during this time.

Desmond Byrne said he doesn't pay \$20 to \$25 out of his pocket, he passes on to the title companies and eventually it gets paid by the public. He said the Bureau takes in \$6 to \$7 million and spends about \$1.8 million, with a \$4.5 million surplus. He asked why should fees be raised again when there is enough money generated to cover automation, fees are raised in excess of reasonable user fees. Byrne said if this is a tax, call it a tax, there is just no reasonable explanation for (this). He asked the Board to say no because this is no way to fund automation. The money is already there. He said some of the Board members have been here 5-6 years and can recollect the (prior increases in fees), the promise was that the money would go to automation, it was broken by the past administration, and now the current administration is not honoring it either.

There was some discussion by Board. Chairperson asked how the fees compared to other states. Watanabe said the fees were consistent with other states and that the increased fees would allow other islands to have access to records electronically.

Member Nekoba commented about the fact that title companies in Honolulu have their own record system for property transactions. By a unanimous vote of the Board, the item was approved.
(Nekoba/McCrory)

Member Matsumoto left the meeting at 2:06 p.m.

D-5 CONSENT TO SUBLEASE COVERING THE PREMISES DEMISED UNDER
GENERAL LEASE NO. S-4919, CROWN LANDS OF WAIAKEA, SOUTH
HILO, HAWAII, TMK: 2-4-01: 07

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/Kennison)

D-2 DIRECT SALE OF UTILITY EASEMENT TO GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED AND HAWAIIAN ELECTRIC LIGHT COMPANY, INC, OVER, UNDER AND ACROSS A PORTION OF LOT 31, KAUNAMANO HOMESTEADS, KAU, HAWAII, TMK: 3RD/9-5-12: 18 (PORTION)

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/Nekoba)

D-6 RESUBMITTAL - GTE HAWAIIAN TELEPHONE COMPANY INC. REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PAIR GAIN AND CROSS CABINETS PURPOSES, FERN FOREST, KEAAU, PUNA, HAWAII, TMK: 1-1-20: 169

Sandy Padakan, Consultant for GTE, gave testimony regarding the nature of the poles and multiple line capabilities in response to Member Yuen's question.

The was no public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/Kennison)

D-8 RESUBMITTAL- GET HAWAIIAN TELEPHONE COMPANY INC. REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR PAIR GAIN AND CROSS CABINETS PURPOSES, PAAUILO HOMESTEADS, HAMAKUA, HAWAII, TMK: 4-3-14: 1

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/Nekoba)

D-13 GTE HAWAIIAN TELEPHONE COMPANY INC. REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PAIR GAIN AND CROSS CONNECT CABINETS PURPOSES, KUKUIHAELE, HAMAKUA, HAWAII, TMK: 4-8-06: 10

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/Nekoba)

D-7 GTE TELEPHONE COMPANY INC. REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PAIR GAIN AND CROSS CONNECT CABINET PURPOSES, LAIOPUA, KEALAKEHE, NORTH KONA, HAWAII, TMK: 7-4-21: 5

Staff requested that the item be withdrawn.

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was withdrawn.
(Yuen/Nekoba)

E-1 SPECIAL USE EXTENSION FOR MICHAEL A. MEIERDIERCKS FOR RESIDENTIAL PURPOSES, KALIHI, OAHU

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Nekoba/Kennison)

D-12 REQUEST FOR CONSENT TO MORTGAGE, LEASE EXTENSION, GENERAL LEASE NO. S-4011, MATSUKO MATSUMOTO, WAIMANALO, OAHU, TMK: 4-1-27: 04

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Nekoba/McCrory)

B-1 REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS ON AMENDMENT TO HAWAII ADMINISTRATIVE RULES, CHAPTER 13-74, LICENSE AND PERMIT PROVISIONS AND FEES FOR FISHING, FISH AND FISH PRODUCTS

Staff requested that the item be withdrawn in order for staff to gather more information for the Board.

There was no public testimony or discussion.

By a unanimous vote of the Board, the item was withdrawn.
(Nekoba/Kennison)

B-2 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAII, HAWAII INSTITUTE OF MARINE BIOLOGY

William Devick submitted to the Board a proposal to assess Environmental Endocrine Disruptors (EED) present in Kaneohe and Kailua Bays. The project will identify EED and characterize the

effects of EED on the reproductive tracts of fish, in near shore waters as well as bays.

There was some Board discussion with the staff. (The quality of the recording makes it impossible to transcribe).

Member Yuen asked how do you know the effects of a certain chemical on a fish (if a number of chemicals are present)? The response from staff is inaudible on the tape.

There was no public testimony.

By a unanimous vote of the Board, the item was approved.
(Nekoba/Yuen)

D-14 RESUBMITTAL - CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 3558 AND RESET ASIDE TO THE DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION OF THE KEEHI INDUSTRIAL LOTS AT KEEHI, KALIHI-KAI, HONOLULU, OAHU, TMK: 1ST/1-2-33 (VARIOUS)

Dean Uchida presented a proposal to return real estate back to the Department of Transportation, since the property represents an \$800,000 drain to the department's budget.

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Nekoba/McCrory)

member Mike Nekoba left the Board meeting (no time given on notes)

J-1 REQUEST FOR PERMISSION TO CONDUCT COMPETITIVE SEALED PROPOSALS (RFP) TO CODIFY AND SIMPLIFY TITLE 13, SUBTITLE 11, HAWAII ADMINISTRATIVE RULES (HAR)

Dave Parsons presented to the Board the request to conduct an RFP to simplify Title 13, Subtitle 11, of the Hawaii Administrative Rules (HAR). The cost is approximately \$99,000. Parsons said the work entails going through the entire set of rules, to rearrange it into a more usable format, get rid of archaic language, and revise all the descriptions of the designated areas which are now established by azimuth and distance. He said the person whom this proposal was received from is a California attorney, not licensed to practice law in Hawaii. Parsons said the time frame would be approximately six months from the date of awarding of the contract.

Member Yuen asked whether this person had actually drafted laws, Parsons said yes and believes that he has been involved in the interpretation of federal statutes. He said the person will

enlist a team who has actual legislative drafting skills who are knowledgeable in maritime law.

There was discussion about input from the public and by the Advisory Committee. Parsons said the proposal requires him to prepare a draft for review by the Department, and the Department ensures the input by the Advisory Committee.

Member McCrory spoke regarding the proposal. (The tape was inaudible.) There was some discussion regarding the procedure for evaluating the proposal and approval coming from the Boating Division. Member McCrory asked that the approval process for this contract not be done internally, but that it be brought back before the Board. Deputy Nishioka said if that was the wish of the Board, she suggested that recommendation #2 be deleted and amended to grant approval to make an initial selection, but that the Board grants final approval, or that it comes back to the Board.

There was no public testimony.

By a unanimous vote of the Board, the item was approved with amendment that recommendation 2 be deleted and add amendment to grant approval to make an initial selection, that the Board grants final approval or that it comes back to the Board.
(Kennison/Yuen)

J-2 REQUEST TO MODIFY GRANT OF EASEMENT AND CONSTRUCTION, RIGHT-OF-ENTRY, WAIANAE BOAT HARBOR

The submittal was to grant access to the Department of Defense to install a gauge for the Tsunami Warning system for State Civil Defense purposes.

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/Kennison)

D-3 REQUEST FOR CONSENT TO DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM REVOCABLE PERMIT NO. 013, PORTION OF THE HAWAII FILM STUDIO SITUATE AT KAPAHULU, WAIKIKI, OAHU, TMK: 1ST/3-1-42: 09 (PORTION)

The submittal is for after the fact request for the Atlantis production at the Hawaii Film Studio.

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.

(Kennison/Yuen)

D-1 FORFEITURE OF GENERAL LEASE NO. S-4639, THOMAS KASECKY,
KA'APAHU, HAMAKUA, HAWAII, TMK: 3RD/4-4-11: 33

Staff requested withdrawal of this item since they had failed to notify the lessee of termination.

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was withdrawn.
(Yuen/McCrory)

D-4 APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO PRODUCE A
COMPREHENSIVE ANALYTICAL REVIEW, ALTERNATIVES ANALYSIS AND
RECOMMENDATIONS STUDY TO IMPROVE PROPERTY MANAGEMENT AND
DISPOSITION OF PUBLIC LANDS, PURSUANT TO THE PROVISIONS OF
CHAPTER 171, HAWAII REVISED STATUTES

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Kennison/McCrory)

D-9 DIRECT SALE OF LOT 30-C, KAAUHUHU HOMESTEADS, FIRST SERIES,
KAAUHUHU, NORTH KOHALA, ISLAND OF HAWAII, TMK: 3RD/5-5-01:
18

Member McCrory asked how many leases are for 999 years?

Deputy Nishioka said she has a lawsuit pending on evaluation of the fee of these leases, depending on how the Supreme Court votes, there may be none, or there may be 40, mostly on the Big Island.

There was no public testimony.

By a unanimous vote of the Board, the item was approved.
(Kennison/Yuen)

D-10 CDUA (OA-2816) TO CONSTRUCT A MARINE LABORATORY AND SUPPORT
FACILITIES AT THE HAWAII INSTITUTE OF MARINE BIOLOGY'S
EXISTING RESEARCH/EDUCATIONAL COMPLEX LOCATED AT COCONUT
ISLAND, KANEOHE, OAHU

Staff requested withdrawal of this item. The applicant requested this since they are in the process of resolving the issue of the SMA and a seawall.

Boardmember Yuen suggested that the Board just fine them for the violation and start the process from there.

There was no public testimony.

By a unanimous vote of the Board, the item was withdrawn.
(Yuen/Kennison)

*D-15 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER
CONSERVATION DISTRICT DIRECTORS*

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Yuen/McCrory)

*D-19 EVALUATION OF PROSPECTIVE BIDDERS BY THE SCREENING COMMITTEE
FOR THE DECEMBER 1996 STATEWIDE AUCTIONS*

This item is a follow up to Member Yuen's request to explain how the prospective bidders were evaluated.

Member Yuen said his idea was that the screening members should have the opportunity to explain to the Board their decisions. He said it seems that there are very few applicants for these properties, and asked why. He asked whether the qualifications were too stringent and whether that discouraged people. Member Yuen commented that one of the applicant who is qualified is someone who has had major problems with animals and that worried him.

The tape is almost inaudible.

Chairman Wilson asked that the Committee meet with the Board to discuss the selection process that they used.

Juliet Begley said Annette Niles has qualified because her father's name was on the State lease agreement, but she managed the State lands. Begley said she has gone there, and that its been overgrazed and the topsoil is gone in many areas. She asked who is going to repair that and why would you give her another chance to damage State lands, let alone the animal cruelty issues? Member Yuen said undoubtedly her experience from managing the Ranch helped qualify her for this (evaluation). (There was some additional discussion but it is inaudible on the tape.) Member Kennison added that her court case is on appeal, so she has only been charged with cruelty to animals.

By a unanimous vote of the Board, the item was approved.
(Kennison/McCrory)

K-1 SUPPLEMENTAL LEASE AGREEMENT NO. 4 TO LEASE DOT-A-89-6,
HONOLULU INTERNATIONAL AIRPORT (U.S. DRUG ENFORCEMENT
ADMINISTRATION)

There was no public testimony or discussion.

By a unanimous vote of the Board, the item was approved.
(Kennison/McCrory)

K-2 FIRST AMENDMENT TO HARBOR LEASE NO. H-92-27, SAND ISLAND
CONTAINER FACILITY, HONOLULU, OAHU (SEA-LAND SERVICE INC.)

There was no discussion or public testimony.

By a unanimous vote of the Board, the item was approved.
(Kennison/Yuen)

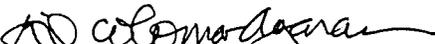
K-3 REPORT OF REVOCABLE PERMITS ISSUED BY THE DEPARTMENT OF
TRANSPORTATION (AIRPORTS DIVISION)

This was a no action item.

The meeting was adjourned at 3:30 P.M. by Chairman Wilson.

All tapes of 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 applicant's or interested
parties present.

APPROVED FOR SUBMITTAL:



MICHAEL D. WILSON