

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

DATE: August 8, 1997  
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 9:15 a.m. The following were in attendance:

**MEMBERS:**

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

**STAFF:**

Mr. Eric Onizuka, DAR	Mr. Michael Buck, DOFAW
Mr. Dean Uchida, Land	Mr. Dan Quinn, State
Mr. Dave Parsons, DOBOR	Parks

**OTHERS:**

Ms. Linnel Nishioka, Esq. Deputy Attorney General	Mr. Peter Garcia, State Department of Transportation
Mr. Ed Watson, Esq. Deputy Attorney General	Mr. Max Graham, Esq., D-11
Mr. Eben Dale, Kau Agribusiness, D-45, D-52	Mr. Clem Lum, Gay & Robinson, D-3
Mr. Fred Ballard, D-44	Mr. Walter Ozawa, Veterans Services, D-44
Mr. David Craddick, Maui County BWS, D-1	Mr. Mark Shklov, Esq., J-2

**Business:**

**DEPARTMENTAL AWARDS PRESENTATION**

Chairperson Wilson presented departmental awards for outstanding achievement to various staff members of the Department of Land and Natural Resources.

EXECUTIVE MEETING

THE BOARD WILL MEET IN AN EXECUTIVE MEETING UNDER SECTION 92-4, HRS, AND PURSUANT TO SECTION 92-5(a)(4), HRS, TO CONSULT WITH LEGAL COUNSEL ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES ARISING FROM THE ALLEGATIONS CONTAINED IN THE LAWSUIT ENVIRONMENT HAWAII VS. MICHAEL D. WILSON, CIVIL NO. 97-2402-06 (FIRST CIRCUIT)

Member Yuen moved to resolve into executive session to discuss matters with legal counsel. Motion was seconded by Member Kennison. The Board resolved into executive session at 9:30 a.m.

Chairperson Wilson reconvened the meeting at 10:28 a.m.

Motion was made to add ITEM D-53:

DELEGATION OF AUTHORITY TO THE CHAIRPERSON FOR THE APPROVAL OF AND CONTRACTING WITH INDEPENDENT FEE APPRAISERS

to the agenda. Motion was unanimously approved (Yuen/Kennison).

ITEM D-11 CANCELLATION OF REVOCABLE PERMIT NO. S-6825 TO LIHUE PLANTATION CO., LTD., AND ISSUANCE OF TEMPORARY REVOCABLE PERMIT AND IMMEDIATE RIGHT OF ENTRY TO JEFFREY S. LINDNER FOR OPERATION AND MAINTENANCE OF MOLOAA WELL SITE AND TRANSMISSION FACILITIES, MOLOAA, KAUAI, TMK: 4-9-1: POR.  
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Mr. Dean Uchida presented background on the subject submittal. In response to a question by Member Matsumoto regarding the State's position with regards to Mr. Lindner's ownership of the infrastructure, Mr. Uchida clarified that, because the previous permittee (Lihue Plantation) had never executed the documents, there was a question as to the ownership of the well and infrastructure. He informed the Board that the question of ownership still needed to be worked out.

Member Matsumoto stressed that staff make certain that, should the Board approve the subject submittal, the approval was without prejudice to the State regarding the ownership of the well and infrastructure.

Mr. Max Graham, representing the applicant, Jeffrey Lindner, concurred that the approval would be without prejudice to the State.

ITEM D-11 (cont.)

Member McCrory voiced her concern regarding the "open-endedness" of the submittal. She noted that it would be difficult for the applicant to make any large monetary investments without some knowledge of his long term standing. Member McCrory felt that it would be best to move as quickly as possible toward a public auction.

Mr. Graham testified that the well currently serviced Meadow Gold, remaining members of the Moloaa Cooperative, and approximately 24 County users. He noted that, because this was not a high priority item for the County DWS, it was increasingly necessary to establish a private water company. Mr. Graham suggested that the Board require Mr. Lindner to submit a report:

- 1) identifying the users of the system;
- 2) identifying the amount of water the system provided;
- 3) identifying the costs associated with operating the system;
- 4) identifying the revenues generated;
- 5) describing any changes made to the system ;
- 6) including a feasibility study for the establishment of a private water company regulated by the PUC, and any associated capitol improvements;
- 7) investigating the possibility of issuing a long term lease, including the terms and condition of such lease and the qualification of potential bidders;
- 8) identifying the role of the County; and,
- 9) including any other matters prescribed by the Chairperson.

Member McCrory stated that an additional condition requiring a time frame for the public auction be added. She suggested that the County of Kauai, or any other government agency that may be interested in operating the system, be give 60 days from the submission of the report to respond. She further suggested that, should no other government agency express an interest, the public auction be held six months from the submission of the report.

By a unanimous vote of the six members present, Item D-11 was approved with the above-mentioned amendments (McCrory/Yuen).

ITEM D-9 REQUEST FOR AUTHORIZATION TO ACQUIRE 4.276 ACRES OF LAND AND TO ACCEPT THE 10.000 ACRES OF LAND DONATION BY GROVE FARM COMPANY, INC. SITUATE AT NAWILIWILI-NIUMALU, LIHUE, KAUAI, TMK: (4) 3-3-03: POR. 1 FOR KAUAI INTERMEDIATE SCHOOL, LIHUE, KAUAI

Mr. Uchida presented the staff submittal recommending approval for the authorization to acquire the subject lands.

Member Inouye disclosed that she was presently working as a consultant to the Grove Farm Company and recused herself from voting on the item.

No public testimony was presented.

By a unanimous vote of the five members present, Item D-9 was approved as submitted (McCrorry/Yuen).

ITEM D-3 GAY AND ROBINSON, INC. REQUEST FOR RENT REDUCTION FOR REVOCABLE PERMIT NO. S-6842, HANAPEPE, KAUAI

Mr. Uchida presented that staff submittal recommending approval of the rent reduction for Gay and Robinson, Inc.'s sugar operation. He noted that the recommendation follows what the Department has been doing with Kekaha Sugar.

Member Matsumoto stressed the need for the Division to make clear that the rent reduction proposal is in the best interest of the State even from a purely economic standpoint -- noting that, should the reduction not be offered, there exists a danger of the company's shutdown and a greater loss of revenue to the State.

Member Inouye questioned what the total monetary impact of the all the rent reductions would be; Mr. Uchida responded that he would get the information to board members.

Member McCrorry acknowledged the approval's importance to Kauai as Gay and Robinson was currently looking to expand and absorb some of the jobs being loss by the closing of Amfac lands.

In response to Chair Wilson's question, Mr. Uchida stated that the division has been in contact with the Department of Agriculture.

Mr. Clemment Lum, representing Gay & Robinson testified in support of the staff recommendation. He further requested that the Board look into the possibility of issuing a long term lease.

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

ITEM D-43 ISSUANCE OF A TERM EASEMENT TO KAMEHAMEHA SCHOOLS/BERNICE PAUAAHI BISHOP ESTATE THROUGH LANDS AT WAIAKEA, HAWAII, TMK: (3) 2-1-12-PORITION OF 3 AND 2-1-13-PORITION OF 10

Although it did not impact the subject submittal directly, Member Yuen noted that there may be situations in which an exclusive easements should be issued.

No public testimony was presented.

By a unanimous vote of the six members present, Item D-43 was approved as submitted (Yuen/McCrory).

ITEM D-31 AUTHORIZE WITHDRAWAL OF LAND FROM EXECUTIVE ORDER 3374 (KAPAA EDUCATIONAL COMPLEX, PART 1); AUTHORIZE THE ROMAN CATHOLIC CHURCH FOR ST. CATHERINE'S PARISH TO CONSOLIDATE AND RE-SUBDIVIDE STATE LAND AND ISSUANCE OF DIRECT LEASE TO RCC FOR CEMETERY PURPOSES; AND ISSUANCE OF IMMEDIATE RIGHT-OF-ENTRY FOR PLANNING AND MAINTENANCE PURPOSES TO THE RCC, PORTION OF KAPAA HOMESTEADS, SERIES 4, KAPAA, KAUAI, TMK: 4-6-14: 31

Mr. Uchida requested the withdrawal of Items D-31 and D-32 to allow staff to investigate other means of disposition of the subject lands.

No public testimony was presented.

By a unanimous vote of the six members present, Items D-31 and D-32 were withdrawn (McCrory/Kennison).

ITEM D-32 ISSUANCE OF DIRECT LEASE TO ROMAN CATHOLIC CHURCH OF HAWAII ON BEHALF OF ST. THERESA'S CHURCH; AND ISSUANCE OF REVOCABLE PERMIT, PORTION OF KEKAHA HOUSE LOTS, KEKAHA, WAIMEA, KAUAI (TMK: 1-3-4: 54) AND KEKAHA BEACH HOMES SUBDIVISION, BLK. 3, KEKAHA, WAIMEA, KAUAI (TMK: 1-3-11: 1)

See Item D-31.

ITEM D-45 CREATION OF AN EASEMENT AND SET ASIDE TO THE DIVISION OF FORESTRY AND WILDLIFE THROUGH LAND AT KAU, HAWAII, TMK: (3) 9-5-15-3

Member Yuen disclosed, for the record, that a complainant to the subject submittal is a client.

Member Yuen stressed that importance for staff to look at hunting/hiking public access when issuing a lease.

Mr. Eben Dale, representing Kau Agribusiness testified in support of the proposal.

By a unanimous vote of the six members present, Item D-45 was approved as submitted (Yuen/McCrory).

**ITEM D-52 ISSUANCE OF A WATER REVOCABLE PERMIT TO KAU AGRIBUSINESS CO., INC., AT KAU, HAWAII, TMKS: (3) 9-6-6-15, -16, -17, -18; 9-6-7-2; 9-6-8-39, -45, -46; AND 9-7-1-1, -18**

Mr. Uchida informed the Board that ownership of the water system would need to be investigated. He stated that no entity was currently claiming ownership of the system. Mr. Uchida also confirmed Member Matsumoto's statement that approval of the staff recommendation would be made without prejudice to the State.

Member McCrory suggested that some of the conditions placed in the approval of Item D-11 be included in the current recommendations. Member Yuen suggested that inclusion of the condition be left to the discretion of the Hilo land agent. Mr. Uchida stated that he would provide the land agent with D-11 and request that an similar arrangement, to the extent possible, be structured. Member McCrory suggested that the land agent report back to the Board in six months.

In response to Member Matsumoto's question, Mr. Uchida stated that the lease rent would be determined by staff appraisal. Member Matsumoto requested that the division provide the methodology used to determine the lease rent for Item D-11 and the current submittal.

Mr. Eben Dale, representing Kau Agribusiness, testified that Kau Agribusiness has been operating the flume since its construction, and is currently working with the community to repair the system.

Chair Wilson requested that the Department of Agriculture be informed about the submittal.

By a unanimous vote of the six members present, Item D-52 was approved with the amendment requiring a status report (Yuen/McCrory).

**ITEM D-44 CONSENT TO A MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE UNITED STATES OF AMERICA, DEPARTMENT OF THE NAVY, REPRESENTED BY THE COMMANDER, PACIFIC DIVISION, NAVAL FACILITIES ENGINEERING COMMAND, PEARL HARBOR, HAWAII, AND THE STATE OF HAWAII, REPRESENTED BY THE CHAIRPERSON, DEPARTMENT OF LAND AND NATURAL RESOURCES, AT HALAWA AND AIEA, EWA, OAHU, TMK: 1ST/9-9-03: 29 (PORTION), 35; 9-9-12: 05, 46, 47**

Mr. Uchida presented the staff submittal requesting approval for the land exchange. He informed the Board that although the agreement requires the State to conduct the environmental work, DOD had monies already budgeted for that purpose.

ITEM D-44 (cont.)

Members and Mr. Uchida attempted to identify the exact lands proposed for the exchange. Mr. Uchida clarified that a value-for-value exchange rather than an acre-for-acre exchange was being proposed.

Mr. Dan Quinn, assistant Parks administrator, acknowledged that the Parks division was aware of the possibility of a land exchange, however, it was not aware of the particular parcels being proposed for exchange.

In response to Member McCrory's question regarding the payment for the environmental work and the construction of the parking lot, Mr. Uchida stated that the costs were being carried by the State due to the fact that the DOD had initiated the proposal.

In response to Member Inouye's question regarding the benefit to the State, Mr. Uchida stated that there existed a benefit of providing a facility for the veterans. He noted that the lands being proposed for exchange are not currently being utilized in any revenue-generating manner.

Mr. Walter Ozawa, Office of Veterans Services, testified that the proposal had been discussed for several years. He identified the site for the Veterans Center and the parcels being turned over by the State.

Members attempted again, at length, to identify, exactly, the parcels proposed for exchange. Discussion also included the question of ownership of the various parcels within the Rainbow Bay Park Master Plan.

Mr. Quinn clarified for members, that the original Master Plan envisioned the Veterans Hall within the Park boundaries, however, land constraints of the originally proposed area did not allow construction. He informed the Board that much of the lands proposed to be included as a part of Rainbow Bay Park was currently owned by the federal government and there existed no guarantees that those lands would eventually be part of the park.

Chair Wilson and members discussed the impact of the land exchange on the possible expansion of Rainbow Bay Park.

Member Inouye stated that because members are unsure of what parcels are being proposed for exchange, she would prefer to defer the item until clearer exhibits could be given to the Board.

**ITEM D-44 (cont.)**

Mr. Fred Ballard testified in support of the proposal.

By a unanimous vote of the six members present, Item D-44 was deferred (Inouye/Matsumoto).

**ITEM K-9 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY VARIOUS SUBDIVISION LOTS, UTILITY EASEMENTS, ELECTRICAL EQUIPMENT LOTS, ROADWAY LOTS, REPLACEMENT SUBDIVISION, HONOAPIILANI HIGHWAY, PROJECT NO. 30 AB-01-92, LAHAINA BYPASS, TMK (2) 4-6-18:PORTION OF PARCEL 3**

Mr. Peter Garcia, Department of Transportation, presented the submittal (subdivision maps were shown). Mr. Garcia informed the Board that, although additional work needed to be done, the County had conditionally approved the subdivision and was allowing DOT and HFDC to convey lots to displacees. Mr. Garcia noted that all displacees had chosen lots.

Mr. Garcia further informed that Board that only 15 of the 24 lots were required for the displacees; the remaining 9 lots would be sold at public auction, with income from the sale being returned to the project fund. No public testimony was presented.

By a unanimous vote of the six members present, Item K-9 was approved as submitted (Kennison/Matsumoto).

**ITEM D-1 REQUEST TO AMEND PRIOR BOARD ACTION OF DECEMBER 20, 1991 (AGENDA ITEM F-6) RELATIVE TO LAND ACQUISITION BY LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND HALEAKALA RANCH COMPANY, FOR THE KULA WATER SYSTEM RESERVOIRS, HAIKU-UKA, MAKAWAO, MAUI, TMK: 2ND/2-3-05: PORTION OF 4**

Mr. Uchida presented members with the lengthy background on the proposal. Mr. Uchida stated that, because of the deferral at a prior Board meeting, a lawsuit was filed by Haleakala Ranch; he noted that movement on the lawsuit was contingent on today's action by the Board.

In response to Member Yuen's question, Mr. Uchida stated that no reason could be determined, from the files, for the failure of the original land exchange. Mr. Uchida stated that the process "broke down" in several instances regarding this matter.

Mr. David Craddick, Maui County Board of Water Supply, testified that the basis of the lawsuit was "the loss of use of the property." He noted that the lawsuit was filed more in frustration than any other reason.



**ITEM D-1 (cont.)**

Mr. Craddick testifies that approval would greatly benefit the State in providing water to upcountry Maui. He stated that the Maui County BWS was losing money through the payment of the lease rents.

Member Matsumoto stated that the Board was being forced to act on the matter because of the lawsuit and suggested that matters be discussed with legal counsel in an executive session.

The Board deferred action on Item D-1 until matters could be discussed with legal counsel. Following the executive session:

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

**ITEM B-3 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE HAWAII COOPERATIVE FISHERY RESEARCH UNIT**

Mr. Eric Onizuka requested that Item B-3 be withdrawn due to budget difficulties faced by the University of Hawaii's Office of Research Services.

No public testimony was presented.

By a unanimous vote of the six members present, Item B-3 was withdrawn (Yuen/Matsumoto).

**ITEM B-1 REQUEST FOR APPROVAL TO AMEND AN AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII**

No public testimony was presented.

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

**ITEM B-2 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE BERNICE P. BISHOP MUSEUM**

Mr. Onizuka introduced Dr. Lou Eldridge (Bishop Museum), the principal investigator for the project.

Chair Wilson questioned whether the Maritime Committee of the Chamber of Commerce had been contacted regarding the subject study. Mr. Onizuka responded in the negative. Chair Wilson requested that the Committee be included in the discussions. Dr. Eldridge stated that the Committee is included in the following week's Alien Species Task Force meeting. Chair Wilson suggested that the item be deferred to the next Board meeting to allow input at the Alien Species Task Force meeting.

ITEM B-2 (cont.)

In response to Member Matsumoto's question regarding how ballast water is sampled, Dr. Eldridge stated that ballast water is sampled through a variety of methods: removing water for testing, dipping plankton nets...

Member Yuen questioned whether it was feasible to require ballast water to be dumped offshore. Dr. Eldridge responded that the National Invasive Species Act of 1996 instituted a voluntary program of de-ballasting at sea; the de-ballasting would become a statutory requirement if the voluntary program did not work.

In response to Member Inouye's question regarding the Maritime Committee and deferral of the item, Chair Wilson stated that, although he felt that the Maritime Committee would have no problem with the Department entering into the subject agreement, he felt that the Committee should be allowed the opportunity for input. No public testimony was presented.

By a unanimous vote of the six members present, Item B-2 was deferred (Matsumoto/McCrory).

ITEM J-2 APPROVAL OF THE TRANSFER OF STOCK OWNERSHIP FROM YOKKAICHI PLAZA HOTEL TO UGENGAISHA SANEI, THE SECURED PARTY, FOR THE RESOLUTION TO CURE BREACH OF LEASE PROVISION FOR HARBOR LEASE NO. H-70-14, KALIHI KAI, HONOLULU, ISLAND OF OAHU

Mr. Dave Parsons presented the staff submittal recommending approval for the transfer of stock and payment of delinquencies.

In response to a question by Member Matsumoto, Mr. Parsons stated that the rental payments for the revocable permit would be reduced to approximately \$1,500 per month from approximately \$4,000 per month. Mr. Parsons stated, however, that the reduced rental was consistent considering the arbitrated amount set for the lease re-negotiations.

Member McCrory inquired as to whether a performance bond was in effect; Mr. Parsons responded that the original performance bond had not been surrendered and would still cover the lease. Member McCrory requested that a condition to cover the administrative costs be included in the staff's recommendation.

Mr. Ed Watson, Deputy Attorney General, requested 1) that staff look into the original performance bond to ensure that it would be sufficient to cover a current default; and 2) that it be made certain that Sanei have a Hawaii-based representative.

ITEM J-2 (cont.)

Mr. Mark Shklov, representing Sanei, informed the Board that the company planned to 1) cure the default in full; 2) have a letter of credit in place for the defaulted amount; and 3) have new management in place (with a Hawaii-based representative able to accept correspondence on behalf of the company). Mr. Shklov stated that the company had not anticipated the addition of administrative costs and could not give the Board any definitive answer regarding the addition of those costs. Mr. Shklov further requested that, due to a conflict in his schedule, the submittal be amended to require that first payment on a set date of August 25th.

Staff recommendation was therefore, amended to:

1. Require an administrative fee of \$1,500.
2. Require a Hawaii-based representative.
3. Require the first payment on August 25, 1997.

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

ITEM E-1 REQUEST FROM THE BIG ISLAND FARM BUREAU TO USE THE OLD KONA AIRPORT STATE RECREATION AREA IN KAILUA-KONA, HAWAII, FOR A BIG ISLAND FARM FAIR

Mr. Dan Quinn presented the staff submittal recommending approval for the use of the Old Kona Airport for the Big Island Farm Fair. Mr. Quinn noted that, due to First Amendment rules, the Fair would be required to pre-sell tickets or to sell them off-site.

Ms. Diane Ley, representing the Big Island Farm Bureau testified that the Bureau had come back to the Board because negotiations with Hawaii County for the use of an alternate site had fallen through.

Member Yuen moved to amend staff recommendation to delete the provision requiring off-site ticket sales. He noted that the department was presently moving to amend the rules to allow activities such as the Farm Fair.

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

**ITEM C-1 REQUEST TO APPOINT HEARING MASTER FOR PUBLIC HEARINGS ON ESTABLISHING ADMINISTRATIVE RULES FOR CHAPTER 107 AND 124, RELATING TO THREATENED AND ENDANGERED PLANTS AND INDIGENOUS WILDLIFE, ENDANGERED AND THREATENED WILDLIFE, AND INTRODUCED WILD BIRDS**

Mr. Michael Buck presented the staff submittal recommending approval to appoint a hearings master. Mr. Buck informed that Board that the Division's intent was to have separate rules for endangered plants and endangered wildlife (Previously, one set of rules covered both plants and wildlife). Mr. Buck informed the Board that the rules for endangered plants would allow for the cultivation of garden-grown endangered plants for educational and commercial purposes. The rules for endangered wildlife would include new provisions dealing with controlling nuisance birds and the inter-island transport of injurious birds such as the bulbul.

In response to Member Matsumoto's question regarding the listing of endangered birds for only certain islands, Mr. Buck stated that certain species are considered endangered only within a given range.

In response to Member Yuen's question regarding seed collection, Mr. Buck stated that only the collection of seeds from "wild" plants would be regulated. He noted that a potential risk of hybridization of species exists but noted that the risks are small compared to benefits.

Member Matsumoto inquired as to whether permit or license fees would be collected; Mr. Buck responded in the negative. No public testimony was presented.

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

A short discussion on which species of wild birds are covered under the protection provisions ensued. Member Yuen also suggested that the rules include banning the inter-island movement of all non-native plants and wildlife whether or not they are determined to be injurious.

**ITEM E-2 CANCELLATION OF REVOCABLE PERMIT NO. S-6267, AND KAHANA VALLEY STATE PARK, KAHANA KOOLAULOA, OAHU, TMK: 5-2-01**

Mr. Quinn requested the Board's approval to revoke the subject permits.

No public testimony was presented.

ITEM E-2 (cont.)

By a unanimous vote of the six members present, Item E-2 was approved as submitted (Matsumoto/Inouye).

Mr. Watson, Deputy Attorney General, recommended allowing the posting of the cancellation to serve as official notice (instead of requiring actual receipt by the permittee).

Member Matsumoto therefore moved to amend the recommendation, making the effective date 30 days following the receipt or posting of the written cancellation notice. By a unanimous vote of the six members present, Item E-2 was approved as amended (Matsumoto/Inouye).

Chair Wilson suggested a Board trip to Kahana Valley State Park. He therefore, as required by law, requested that the Board authorized certain members of the Board to investigate, via a site visit, Kahana Valley State Park. The Board further authorized certain members to investigate, via a site visit, Malaekahana Park.

Member Yuen moved to resolve into executive session to discuss matters pertaining to Item D-1 with legal counsel. Member Kennison seconded the motion. The Board resolved into executive session at 1:10 p.m. Chairperson Wilson announced that the Board would take a lunch break following the executive session and would reconvene following lunch.

Chairperson Wilson reconvened the meeting at 2:09 p.m. Action on Item D-1 followed (see Item D-1).

ITEM D-2 WITHDRAWAL OF LAND FROM GENERAL LEASE NOS. S-5245 AND S-4413 AND SET-ASIDE TO THE COUNTY OF KAUAI FOR ROADWAY PURPOSES, AUTHORIZATION TO SUBDIVIDE STATE LAND AND, ISSUANCE OF IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY TO THE COUNTY OF KAUAI, POR. KAPAA RICE AND KULA LOTS, KAWAIHAU, KAUAI, TMK: 4-5-15: POR. 28 AND POR. 35

No public testimony was presented.

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

ITEM D-4 EXTEND DEADLINE FOR GENERAL LEASE #S-3618, WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-2-49-9

Due to a relationship with the applicant, Member Yuen recused himself from voting on the subject submittal. No public testimony was presented.

By a unanimous vote of the five members present, Item D-4 was approved as submitted (Kennison/Matsumoto).

ITEM D-5 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC. FOR ANCHOR AND GUY LINE PURPOSES AT PUNA, HAWAII, TMK: (3) 1-4-1-PORION OF 4

No public testimony was presented.

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

ITEM D-6 RESCIND PRIOR BOARD ACTION FOR DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT AND A RIGHT-OF-ENTRY TO HAWAII ELECTRIC LIGHT CO., LTD. AT KALAPANA, HAWAII, TMK: (3) 1-2-3-12

No public testimony was presented.

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

ITEM D-7 RESCIND PRIOR BOARD ACTION FOR DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT AND A RIGHT-OF-ENTRY TO HAWAII ELECTRIC LIGHT CO., LTD. AT HONOKAA, HAWAII, TMK: (3) 4-5-6-3

No public testimony was presented.

By a unanimous vote of the six members present, Item D-7 was approved as submitted (Yuen/McCrory).

ITEM D-8 REQUEST BOARD APPROVAL FOR THE DIRECT ISSUANCE OF A PERPETUAL NON-EXCLUSIVE EASEMENT TO THE BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU, FOR WATER METER PURPOSES IN CONJUNCTION WITH THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (DAGS) JOB NO. 12-16-0887 AT THE WAIKELE ELEMENTARY SCHOOL, AT WAIPIO, EWA, OAHU, TMK: 1ST/9-4-07: 69

No public testimony was presented.

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

ITEM D-10 CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-3589 FROM F. NEWEL BOHNETT, AS ASSIGNOR, TO ERNEST DELUZ, STEPHEN DELUZ, AND MIKIO KATO, AS ASSIGNEES, SITUATE AT PUUWAAWAA AND PUUANAHULU, NORTH KONA, ISLAND OF HAWAII - TMK: 3RD/7-1-PORIONS OF 01, 02, 03, AND 04

Mr. Uchida requested that Item D-10 be deferred.  
No public testimony was presented.

By a unanimous vote of the six members present, Item D-10 was deferred (Yuen/Kennison).

ITEM D-12 REQUEST TO AMEND PREVIOUS BOARD ACTION OF MAY 10, 1996, AGENDA ITEM D-10, INVOLVING THE SET ASIDE OF THE MOLOKAI AGRICULTURAL PARK BY EXECUTIVE ORDER, TMK: 5-2-01: 10-28, HOOLEHUA, MOLOKAI

No public testimony was presented.

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

ITEM D-13 RESCIND PRIOR BOARD ACTION OF JULY 28, 1989 (AGENDA ITEM F-2) FOR ISSUANCE OF NON-EXCLUSIVE STANDING WATER TANK AND RANCH HOUSE STRUCTURE EASEMENT OVER AND ACROSS STATE LAND ENCUMBERED UNDER GENERAL LEASE NO. S-4476 TO ALFRED J. NOBRIGA, SITUATE AT PIIHONUA, SOUTH HILO, ISLAND OF HAWAII - TMK: 3RD/2-6-18: 1

Member Yuen noted that in many cases the remoteness of the area required some kind of cabin or "line shack" for overnight use.

No public testimony was presented.

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

✓ ITEM D-14 AMEND PRIOR BOARD ACTION FOR SALE OF A PASTURE LEASE AT PUBLIC AUCTION AND ISSUANCE OF A REVOCABLE PERMIT AT MAKENA AND KAIMU, PUNA, HAWAII, TMK: (3) 1-2-6-5 AND - 77

Mr. Uchida requested to amend the rental re-opening to the 10th and 20th years of the 30 year lease.

✓ Member McCrory <sup>revised</sup> that a standard liability and hold harmless clause be added. Member Yuen requested a condition pertaining to assignments.

No public testimony was presented.

By a unanimous vote of the six members present, Item D-14 was approved as amended (Yuen/McCrory).

ITEM D-15 REQUEST BOARD APPROVAL FOR THE DIRECT ISSUANCE OF A SIXTY-FIVE (65) YEAR TERM NON-EXCLUSIVE EASEMENT TO HAWAIIAN ELECTRIC COMPANY FOR A POWER TRANSMISSION LINE EASEMENT AT THE HAWAII STATE VETERANS MEMORIAL CEMETERY SITE AT KALUAPUHI-WAIKALUA, KANEHOE, KOOLAUPOKO, OAHU, TMK: 1ST/4-5-33: 02 (PORTION)

Mr. Uchida requested that Item D-15 be withdrawn.  
No public testimony was presented.

By a unanimous vote of the six members present, Item D-15 was withdrawn (Matsumoto/Kennison).

ITEM D-16 RESCIND PRIOR BOARD ACTION FOR DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT AND A RIGHT-OF-ENTRY TO HAWAII ELECTRIC LIGHT CO., LTD. AT WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-4-1-PORITION 7 AND 19

No public testimony was presented.

By a unanimous vote of the six members present, Item D-16 was approved as submitted (Yuen/McCrory).

ITEM D-17 AMEND PRIOR BOARD ACTION FOR SALE OF A PASTURE LEASE AT PUBLIC AUCTION AT WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-4-6-12, -13 AND 2-4-7-37

Mr. Uchida requested to amend the rental re-opening to the 10th and 20th years of the 30 year lease, and include a hold harmless clause if not already included.

No public testimony was presented.

By a unanimous vote of the six members present, Item D-17 was amended (Yuen/McCrory).

ITEM D-18 RESCIND PRIOR BOARD ACTION FOR CONSENT TO THE ASSIGNMENT OF GENERAL LEASE #S-4323 AT WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-1-10-33

No public testimony was presented.

By a unanimous vote of the six members present, Item D-18 was approved as submitted (Yuen/Inouye).

ITEM D-19 AMEND PRIOR BOARD ACTION FOR SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC., WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-1-7-15, -50 -51 AND 2-1-9-7

No public testimony was presented.

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

ITEM D-20 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC. AND GTE HAWAIIAN TELEPHONE CO., INC FOR ELECTRICAL AND TELEPHONE PURPOSES AT WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-4-1-PORITION 15

No public testimony was presented.

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



**ITEM D-21 SALE OF LEASE AT PUBLIC AUCTION FOR PASTURE PURPOSES,  
SITUATE AT KAAPAHU HOMESTEADS, HAMAKUA, HAWAII, TMK: (3)  
4-4-13-11**

Mr. Uchida requested that Items D-21 through D-26 be taken together. He informed that Board that all items pertained to sales at public auction of state lands on the Big Island: four intensive agriculture leases and two pasture leases.

Mr. Uchida requested that the re-openings be amended to the 10th and 20th years of the 30 year lease, and that the standard liability and hold harmless provisions be added.

In response to Chair Wilson's question regarding whether any of the lands were suitable for forestry operations, Mr. Uchida stated that the Land Division's staff had been in contact with the Forestry Division's staff.

Member Yuen noted, however, that Item D-21, the 20-acre pasture lease at Kaapahu homesteads, might possibly be suitable for forestry and should be looked at again.

Member Yuen therefore moved to defer Item D-21 and approve Items D-22 through D-26 subject to the above-mentioned amendments.

No public testimony was presented.

By a unanimous vote of the six members present, Item D-21 was deferred, and Items D-22 through D-26 were approved as amended (Yuen/Kennison).

**ITEM D-22 SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE  
PURPOSES, SITUATE AT HAKALAU, SOUTH HILO, HAWAII, TMK:  
(3) 2-9-2-47**

See Item D-21.

**ITEM D-23 SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE  
PURPOSES, SITUATE AT KAAUHUU, NORTH KOHALA, HAWAII, TMK:  
(3) 5-5-1-15**

See Item D-21.

**ITEM D-24 SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE  
PURPOSES, SITUATE AT KAAUHUU, NORTH KOHALA, HAWAII, TMK:  
(3) 5-5-1-2**

See Item D-21.

ITEM D-25 SALE OF LEASE AT PUBLIC AUCTION FOR PASTURE PURPOSES,  
SITUATE AT OLAA, PUNA, HAWAII, TMK: (3) 1-8-10-38, -43, -  
44, -46

See Item D-21.

ITEM D-26 SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE  
PURPOSES, SITUATE AT KAUMANA, SOUTH HILO, HAWAII, TMK:  
(3) 2-5-3-20, -21, -34, -80, -94 AND 2-5-55-47

See Item D-21.

ITEM D-27 ISSUANCE OF REVOCABLE PERMIT TO ROSS K. FERNANDEZ, POR.  
KEKAHA, WAIMEA, KAUAI, TMK: 1-2-2: POR. 32 (LOT C )

No public testimony was presented.

By a unanimous vote of the six members present, Item D-27 was  
approved as submitted (McCrorry/Kennison).

ITEM D-28 AMENDMENT TO GENERAL LEASE NO. S-5383, WAIALEALE BOAT  
TOURS, INC., WAILUA

Mr. Uchida provided board members with background on the  
subject request. He informed the Board that the division re-  
opened rental negotiations for both Wailua River boat tour  
companies: Smith's and Waialeale. Mr. Uchida noted that the  
independent appraisers had come in with different appraisals  
for what was essentially identical leases, and explained that  
the subject submittal would bring the two lease rentals into  
conformance.

Members then discussed the reasons for the Land Division's  
management of the leases. Mr. Uchida noted that, although the  
Land Division managed the leases, the revenues from the leases  
go to either the Boating Division or to State Parks. He  
stated that the Land Division's preference would be to  
transfer the management of the leases to the Boating Division.

Member McCrorry agreed that the Land Division should not have  
to manage the two leases. She stated that following the  
adoption of the Wailua River management plan, the leases  
should be turned over to the State Parks division. (Because  
the companies operated within the Wailua State Park  
boundaries, Member McCrorry preferred transferring the  
management of the leases to State Parks).  
No public testimony was presented.

By a unanimous vote of the six members present, Item D-28 was  
approved as submitted (McCrorry/Yuen).

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ITEM D-29 CONSENT TO SUBLEASE AGREEMENT BETWEEN THE CITY AND COUNTY OF HONOLULU, A MUNICIPAL CORPORATION AS SUBLESSOR AND KUALOA-HEEIA ECUMENICAL YOUTH (KEY) PROJECT AS SUBLESSEE, GENERAL LEASE NO. S-4611, SITUATE AT WAIHEE, KOOLAUPOKO, OAHU, TMK: 1ST/4-7-12: 17

Because the sublease is for the entire lease area, Member Matsumoto questioned the City's reasoning for holding on to the primary lease. He stated that the City should give up the lease and allow the Key Project to negotiate with the State. Member Yuen noted that the Key Project may not be qualified for a direct lease.

Mr. Uchida suggested that the item be deferred to allow staff to look into the matter.  
No public testimony was presented.

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

ITEM D-30 RESCIND PRIOR BOARD ACTION FOR DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT AND A RIGHT-OF-ENTRY TO HAWAII ELECTRIC LIGHT CO., LTD. AT WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-4-1-PORION 7

No public testimony was presented.

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

ITEM D-33 REQUEST TO AMEND PRIOR BOARD ACTION OF MARCH 22, 1996 TO APPROVE SUPPLEMENTAL AGREEMENT NO. 6 EXTENDING DEPARTMENT OF AIR FORCE LEASE CONTRACT NO. DA-94-626-ENG-117 COVERING HICKAM ELEMENTARY SCHOOL, HICKAM AIR FORCE BASE, HALAWA, EWA, OAHU

No public testimony was presented.

By a unanimous vote of the six members present, Item D-33 was approved as submitted (Matsumoto/Kennison).

ITEM D-34 EASTERN WASHINGTON UNIVERSITY REQUEST FOR A RIGHT-OF-ENTRY AT WAIMEA, SOUTH KOHALA, HAWAII, TMK: (3) 6-2-1-15

Mr. Uchida informed members that due to the timing of the Board's meetings, the right-of-entry was being done after the fact.

No public testimony was presented.

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

ITEM D-34 (cont.)

Member Yuen remarked that these kinds of things might be better handled by the District Land Agents instead of requiring the Board to act. He noted that certain right-of-entries may be controversial enough to require Board action but that many routine permits could be done by the land agent.

Mr. Uchida agreed that many of the division's permits are administrative in nature, however, he noted that the Attorney General's Office had opined that, according to the statutes, the matters still needed the Board's approval.

ITEM D-35 SET ASIDE TO THE STATE PARK FOR THE WAILUKU RIVER STATE PARK, PIIHONUA, SOUTH HILO, HAWAII, TMK: 2-3-27-PORION OF 1 AND 2-3-29-PORION OF 12

No public testimony was presented.

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

ITEM D-36 ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD 6643 TO NAHAKA, POR. OF WAIMEA VALLEY, KAUAI, TMK: 1-5-02: 26

No public testimony was presented.

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

ITEM D-37 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 40-KB-7, ELECTRICAL CORRECTIVE MAINTENANCE, KIKIAOLA SMALL BOAT HARBOR, KAUAI, HAWAII

No public testimony was presented.

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

ITEM D-38 RESULTS OF THE HAWAII DISTRICT OFFICE PUBLIC AUCTION

Mr. Uchida stated that no action was required by the Board for Item D-38. He informed the Board that due to the results of the auction, the division would be investigating ways to bring down the advertisement costs associated with public auctions.

**ITEM D-39 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (KA'U)**

Mr. Uchida requested that Items D-39 and D-40 be take together.

No public testimony was presented.

By a unanimous vote of the six members present, Items D-39 and D-40 were approved as submitted (Yuen/Kennison).

**ITEM D-40 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (PUNA)**

See Item D-39.

**ITEM D-41 CONSENT TO ASSIGNMENT AND MORTGAGE OF GENERAL LEASE #S-4553, WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-2-31**

No public testimony was presented.

By a unanimous vote of the six members present, Item D-41 was approved as submitted (Yuen/Kennison).

**ITEM D-42 LEASE - PUBLIC AUCTION FOR INTENSIVE AGRICULTURE AND PASTURE PURPOSES, PORTION OF WAILUA, LIHUE, KAUAI, TMK: 3-9-2: 9, AND ISSUANCE OF REVOCABLE PERMIT TO LESLIE P. MILNES**

Member McCrory requested that the mutual cancellation provision be deleted. She noted that a mutual cancellation policy is not yet in place.

No public testimony was presented.

By a unanimous vote of the six members present, Item D-42 was approved as amended (McCrory/Yuen).

**ITEM D-46 FORFEITURE OF GENERAL LEASE NO. S-3836, KEMPEI TANAKA HAWAII, INC., WAIAKEA, SOUTH HILO, HAWAII - TMK: 3RD/2-2-48: 01**

Mr. Uchida requested that Item D-46 be withdrawn as the lessee had submitted its liability insurance.

No public testimony was presented.

By a unanimous vote of the six members present, Item D-46 was withdrawn (Yuen/Kennison).

ITEM D-47 FORFEITURE OF GENERAL LEASE NO. S-4830, NANSAY HAWAII, INC., OOMA 2ND, NORTH KONA, HAWAII - TMK: 3RD/7-3-09: 05

Mr. Uchida requested that Item D-47 be withdrawn as the lessee had submitted its liability insurance.  
No public testimony was presented.

By a unanimous vote of the six members present, Item D-47 was withdrawn (Yuen/Kennison).

ITEM D-48 AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 22, 1996 (AGENDA ITEM D-16), DISPOSITION OF A GENERAL LEASE BY NEGOTIATION FOR DAIRY PURPOSES, KAU, HAWAII, TMK: 9-5-15: 3

No public testimony was presented.

By a unanimous vote of the six members present, Item D-48 was approved as submitted (Yuen/Kennison).

ITEM D-49 CONSENT TO REVOCABLE PERMIT BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, AND THE DEPARTMENT OF EDUCATION, PEARL CITY HIGH SCHOOL, STATE OF HAWAII

Mr. Uchida informed members that the Pearl City High School was requesting use of the subject structure as a renovation project for special education students.

Discussion between members and Mr. Uchida identified:

- 1) the structure in question was termite-eaten and currently unusable
- 2) the entire area was still under an executive order to the Department of Health (DOH)
- 3) utility expenses for the structure is determined by the DOH

Chair Wilson stated that the house had the potential for use by the Department once the area was transferred to DLNR's control. He recommended that it be clearly stated that the structure was to be used only as a class project and that there was not intent to transfer the renovated structure to the school.

No public testimony was presented.

By a unanimous vote of the five members present, Item D-49 was approved as submitted (Kennison/McCrory). Member Matsumoto was not present for the vote.

**ITEM D-50 RESUBMITTAL TERMINATION OF REVOCABLE PERMIT #S-1546 TO RICHARD SMART AND ISSUANCE OF A NEW WATER REVOCABLE PERMIT TO PARKER RANCH, INC., SOUTH KOHALA, HAWAII, TMK: (3) 6-3-1**

No public testimony was presented.

By a unanimous vote of the five members present, Item D-50 was approved as submitted (Yuen/Kennison). Member Matsumoto was not present for the vote.

**ITEM D-51 AMEND GENERAL LEASE #S-5529, KAOHE, HAWAII, TMK: (3) 4-4-15-PORION 1**

No public testimony was presented.

By a unanimous vote of the five members present, Item D-51 was approved as submitted (Yuen/Kennison). Member Matsumoto was not present for the vote.

**ITEM D-53 DELEGATION OF AUTHORITY TO THE CHAIRPERSON FOR THE APPROVAL OF AND CONTRACTING WITH INDEPENDENT FEE APPRAISERS**

No public testimony was presented.

By a unanimous vote of the five members present, Item D-53 was approved as submitted (Kennison/Yuen). Member Matsumoto was not present for the vote.

**ITEM J-1 APPROVAL OF ADDENDUM FOR INCREASE IN SPACE FOR REVOCABLE PERMIT NO. B-93-22, HONOKOHAU BOAT HARBOR, NORTH KONA, ISLAND OF HAWAII**

In response to Member McCrory's question, Mr. Parson stated clarified that the \$435 charge was a monthly charge, that the applicant would be paying for all improvements, and that the applicant was not charging any fees for the junior and adult sailing classes.

No public testimony was presented.

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

**ITEM K-1 AMENDMENT NO. 2 TO LEASE NO. DOT-A-84-21, KAHULUI AIRPORT, MAUI (DOLLAR RENT A CAR SYSTEMS)**

Mr. Peter Garcia presented the staff submittal.  
No public testimony was presented.

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

**ITEM K-2 REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DEPARTMENT OF TRANSPORTATION FOR CONSISTENT USES**

Mr. Garcia stated that no action was required by the Board on Item K-2.

**ITEM K-3 CONSTRUCTION RIGHT-OF-ENTRY AGREEMENT AND ISSUANCE OF A 35-YEAR LEASE, VICINITY PIERS 39 AND 40, HONOLULU HARBOR, OAHU (YOUNG BROTHERS, LIMITED)**

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 ISSUANCE OF REVOCABLE PERMIT, KAWAIHAE HARBOR, ISLAND OF HAWAII (GE CAPITAL MODULAR SPACE HAWAII)**

Mr. Garcia informed members that the original permittee, C. Brewer, had 9.103 acres at Kawaihae Harbor, and had put tenants onto the site without DOT's knowledge. He stated that, although DOT had not agreed to these unauthorized tenants, it (DOT) had no objections to allowing these tenants to become tenants of the DOT.

No public testimony was presented.

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

**ITEM K-5 REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DEPARTMENT OF TRANSPORTATION FOR CONSISTENT USES**

Mr. Garcia stated that no action was required by the Board on Item K-5.

**ITEM K-6 ISSUANCE OF REVOCABLE PERMIT, PIER 38, HONOLULU HARBOR, OAHU (NATIONAL WASTE REMOVAL SERVICES, INC.)**

No public testimony was presented.

By a unanimous vote of the five members present, Item K-6 was approved as submitted (Inouye/Kennison). Member Yuen was not present for the vote.

**ITEM K-7 ISSUANCE OF REVOCABLE PERMIT, NEAR PIER 31, HONOLULU HARBOR, OAHU (BREWER ENVIRONMENTAL INDUSTRIES, LIMITED LIABILITY COMPANY)**

No public testimony was presented.

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



ITEM K-8 GRANT OF EASEMENT FOR RECREATIONAL BIKEWAY, KAHULUI AIRPORT, MAUI (COUNTY OF MAUI)

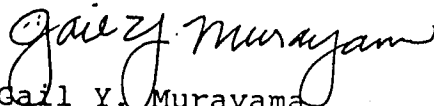
No public testimony was presented.

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


There being no further business, Chairperson Wilson adjourned the meeting at 3:15 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

