

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

DATE: September 12, 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 9:05 a.m. The following were in attendance:

MEMBERS:

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

STAFF:

Mr. Dean Uchida, Land	Mr. Ralston Nagata, State Parks
Mr. John Hino, DOBOR	

OTHERS:

Ms. Pamela Matsukawa, Esq. Deputy Attorney General	Mr. Peter Garcia, State Department of Transportation
Mr. David Craddick, Maui BWS, D-30	Mr. Arthur Trask, Jr., Esq., D-18
Mr. Tony Rita, D-18	Mr. Randy Vitousek, D-19
Mr. Duane Tanouye, GTE, Wireless, D-20	Mr. Glenn Yasui, D-29
Mr. Jim Andrews, D-2	Mr. Glenn Mason, Spencer Architects, D-15
Mr. Joseph Ryan, Jr., D-2	Mr. Joseph Ryan, Sr., D-2

Business:

A-1 Approval of the Minutes of March 27, 1997

Member McCrory expressed her concern with regards to the style of the minutes. She stated her feeling that the minutes included too much testimony and not enough of the Board's discussion and deliberation on the issues. She requested that the minutes be re-examined to see if additional, pertinent Board discussion could be added, and testimony abbreviated.

Member Yuen requested that several amendments also be made to the minutes.

For the minutes of March 27, 1997:

Item D-4 (p. 5, line 8), Member Yuen requested that the word "assignee" be amended to "attorney," and "Kalapana Kehei Estate..." be amended to "Kalapana Seaview Estate..."

Item D-4 (p. 7, 2nd paragraph from bottom), Member Yuen requested that the wording be amended to reflect that he had clarified a statement that Ms. Peanut had made regarding the electricity.

Item D-15 (p. 10, line 4), Member Yuen requested that the amount of \$10.24 be re-checked.

Item D-2 (p. 11, line 15), Member Yuen noted that the word "renew" should more correctly read "review" or "refuse" and requested that the tapes be re-checked.

For the minutes of April 11, 1997:

Item D-12 (p. 5, 4th paragraph), Member Yuen requested the addendum "on an unrelated matter" to the sentence regarding his request to disqualify himself from voting on the matter.

Member Yuen stated that the discussion on Item J-5 (pp. 15-18) was confusing. He requested that the tapes be rechecked, and, if warranted, that the disclosure: "A portion of the discussion on Item J-5 has been omitted because a portion of the tapes was inaudible" be added.

Member McCrory noted that the action on Item D-12 did not reflect which member made the motion and which member seconded the motion.

The minutes of March 27, 1997, April 11, 1997, and August 8, 1997 were deferred.

A-2 Approval of the Minutes of April 11, 1997

See A-1.

A-3 Approval of the Minutes of August 8, 1997

See A-1.

D-30 REQUEST TO WITHDRAW LAND FROM REVOCABLE PERMIT NO. S-5978 AND SET ASIDE OF WITHDRAWN LAND BY EXECUTIVE ORDER AND THE ISSUANCE OF AN AFTER THE FACT RIGHT OF ENTRY TO THE COUNTY OF MAUI, BOARD OF WATER SUPPLY FOR OPERATION AND MAINTENANCE OF WELL SITES ON GOVERNMENT LAND, NAPILI, LAHAINA, MAUI, TMK: 4-3-01: POR. 06 & 08

Mr. David Craddick, Maui County Board of Water Supply was present to answer any questions. No public testimony was presented.

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

D-18 ARTHUR K. TRASK, JR. REQUEST TO REINSTATE CANCELLED GENERAL LEASE NO. S-5043 TO MABEL MAKANANI, AND ASSIGNMENT OF LEASE TO STANFORD LINDSEY AND CLAUDIA TRASK, LOT 88, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TMK: 1-4-4: 53

Mr. Uchida provided board members with the background to the request to reinstate and assign the subject lease. He informed the Board that staff had received a letter from the lessee's attorney explaining the reasons for non-compliance and the corrective measures which has been taken to date. (Letter was passed to board members). Mr. Uchida stated that staff has worked with the Kauai board member and Mrs. Makanani's attorney to see if the lease could be reinstated. He noted that the lessee had made all necessary back payments and met all other conditions of the lease. He also noted that the assignees had made arrangements for various cultural and educational groups to use the cabins gratis for eight weeks out of the year. Mr. Uchida stated that, because of the special circumstances surrounding the non-compliance, and the potential community benefits that would be realized from the assignment, staff was recommending approval.

Mr. Arthur Trask, Jr., attorney representing the lessee, testified that due to an illness in the family, Mrs. Makanani (the lessee) had been forced to leave the islands and had been unable to keep current on payments. Mr. Trask highlighted that proposal to allow various Hawaiian organizations to use the cabin for educational purposes. Groups included Alu Like, the Queen Liliuokalani Trust, Kilohana Canoe Club and the Kaiola Canoe Club.

ITEM D-18 (cont.)

Mr. Tony Rita, Kaiola Canoe Club, talked about the Club's annual use of the Kokee cabin to teach members about Hawaiian woods and canoe-making.

Member McCrory requested that a condition which would allow for some verification that the groups were being allowed the allotted 8-weeks be included in the recommendation. She stated that a copy of the reservation form could possibly be used. Member McCrory also requested a condition stating that, should the 8-weeks minimum not be met, such failure would be an automatic default which would result in cancellation of the lease without further Board action.

Mr. Trask further informed the Board that the cabin would additionally be used as a base for teaching groups correct harvesting methods for the mokihana found in area.

By a unanimous vote of the five members present, Item D-18 was approved as amended (McCrory/Kennison).

D-19 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, PAOO, NORTH KONA, HAWAII, TMK: 5-7-1-POR. 21

Member Yuen clarified that the Board had not, in fact, revoked that CDUA, but had rather, allowed the CDUA to lapse. He questioned staff whether it was known which lands lay within the conservation district and which lands lay within agriculture; Mr. Uchida responded that the Division would rely on the Land Use Commission's determination.

Mr. Randy Vitousek, representing the applicant testified that only a small portion of the easement lay within the conservation district.

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

D-20 CONSERVATION DISTRICT VIOLATION AT PUU PAPAA RIDGE, WAIMANALO, OAHU, TMK: 4-4-12: 02

Mr. Uchida provide members with background to Hawaiian Telephone's violation. He informed the Board that the matter had been brought before the Board earlier and that the Board had requested that staff re-examine the fines imposed to see if a higher fine could be levied.

ITEM D-20 (cont.)

Member McCrory noted that administrative costs should include not only hourly manpower and material costs, but also benefit costs. She stated that the private sector added an additional 30% for benefits when determining administrative costs; she noted that the government's costs should be at least as much. Member McCrory requested that staff investigate whether such costs should be added in the future.

Mr. Duane Tanouye, representing GTE Wireless, testified in agreement to the recommendation. In response to Member McCrory's question regarding the possibility of a similar occurrence in the future, Mr. Tanouye stated that corrective procedures had been put in place to prevent any such occurrences. (A check in payment for the stated fines was submitted).

By a unanimous vote of the five members present, Item D-20 was approved as submitted (Inouye/Kennison).

Member Yuen noted that the fine structure should be thoroughly re-examined in the Chapter 171 Review to allow for greater fines for certain violations.

D-29 ISSUE OF REVOCABLE PERMIT TO THE 300 CORP. FOR PARKING PURPOSES AT THE FORMER OR&L DEPOT AT KOIUIU, LELEO AND KUWILI, IWILEI, HONOLULU, OAHU, TMK: 1-5-7

Mr. Uchida presented the submittal.

Member McCrory noted her concern with charging only 20% of market value; she stated that the State should be charging full market value for the parcel. She stated her opinion that the Legislature rather than an appointed board should decide which non-profits should be supported by the State.

In response to Member Yuen's question regarding the current use of the property, Mr. Uchida stated that the property is currently vacant and slated to be the site of the future Liliha Civic Center. He noted that, because of the future plans, the division was unable to put the property up for any long-term use.

Mr. Yuen stated his opinion that the property should be leased at nominal rent. He stated that the non-profit organizations are providing for the greater public by provided a service that would otherwise need to be provided by the government.

Mr. Glenn Yasui, consultant for the applicant, was present to answer board members' questions. Questions by various members established that:

ITEM D-29 (cont.)

- 1) the Weinberg Foundation owned the property on which it sits;
- 2) the majority of the Foundation's properties are owned in fee and thus, concessions in fees/reduced rates are not applicable in other situations;
- 3) the building does meet all County zoning requirements in regards to parking, however, overflow parking for the non-profit is desired so as not to hamper service to the public;
- 4) approximately 60,000 square feet out of 160,000 square feet (or approximately 30%) of the space was used by the non-profit;
- 5) the group would not necessarily expect discounted rents from a private landowner, however it was felt that the group provided a service that would otherwise need to be performed by the government.

In response to Chair Wilson's question, Mr. Uchida stated that the property had been used intermittently for storage of construction equipment.

Member Yuen motioned to approve the permit at a nominal rent of \$13 per month. Member Kennison seconded the motion.

Member Inouye noted that, until the department establishes some parameters with regards to situations like this, the Board will continually be faced with trying to decide what to charge. She stated that she would feel more comfortable, at this time, to charge 20% of market rather than a nominal fee of \$13. She further questioned whether that market value would be based on the I-2 zoning or the parking use; Mr. Uchida responded that he would check with staff appraisers.

Member Yuen agreed to withdraw his motion to approve for the nominal \$13 rent. Member Kennison withdrew his second.

Member Inouye moved to approve the recommendation as submitted. Member Kennison seconded the motion.

By a unanimous vote of the five members present, Item D-29 was approved as submitted.

**D-15 COUNTY OF MAUI REQUEST TO LEASE THE OLD LAHAINA COURTHOUSE,
UNDER EXECUTIVE ORDER NO. 16-2, FOR USES OTHER THAN COUNTY
PURPOSES, LAHAINA, MAUI, TMK: 4-6-01:09**

Mr. Uchida presented the submittal. He stated that approval would expand the uses allowed in the building. He noted that individual organizations would need to come before the Board for approval prior to leases being issued.

In response to Member Kennison's question regarding the back rent owed to the State (for unrelated parcels), Mr. Uchida stated that approximately \$10,000 in back rent was owed, and that an agreement was pending with the Attorney General's office to satisfy the delinquency issue. He noted that the Board could "hold up" the individual leases if the back rent issue was not settled.

Members discussed their discomfort with the commercial art gallery use for the building. Mr. Uchida stated that art galleries were included in the task force recommendation, but that the Board would be able to review each proposal when the individual leases came up.

Mr. Glenn Mason, Spencer Mason Architects, testified that the County will invest a substantial amount of money in the renovation of the building and was basically looking for some flexibility in its use. He noted that the County was preparing some guidelines for potential tenants, and that former tenants were not given any commitments regarding space in the renovated building. Mr. Mason informed members that an art gallery currently occupied a portion of the first floor and basement, and acknowledged that the art gallery use was a controversial matter. He stated that the building is ideal for a community meeting center and that a portion should be used for that purpose. He further stated that the basement, once air-conditioned, could be used as a possible storage facility for historical artifacts or bones awaiting reinterment. Mr. Mason clarified that the building was going to be "restored" more than "renovated," and that potential tenants would need to "fit" the building rather than the other way around.

Chairperson Wilson stated his discomfort with expanding the use to include art galleries. Mr. Uchida suggested that the Board defer the matter until it was able to obtain the full recommendations of the task force from Land Division staff.

ITEM D-15 (cont.)

Mr. Mason informed board members that Maui land division staff sat on the task force and had, in fact, stressed to the County that art galleries were an unacceptable use under the Executive Order. Mr. Mason stated that expanding the use was an attempt to remedy any possible violation with the E.O., and provide some guidelines and criteria for future tenants.

Mr. Uchida reiterated staff's desire to defer the item. He noted that the discussion has indicated that any potential lessee meeting the criteria would be allowed (not only those listed on the submittal), and therefore, staff would like to re-examine the tasks force's "real" intent.

By a unanimous vote of the five members present, Item D-15 was deferred (Kennison/McCrory).

D-2 CONSENT TO THE ASSIGNMENT OF GENERAL LEASE NO. S-4101, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-08:80

Mr. Uchida presented the board submittal. He informed the board members that the current action only dealt with the assignment from Borden/Meadow Gold Dairies to Southern Food Group.

Member McCrory inquired about updating the lease; Mr. Uchida responded that, because terms of the lease itself was not being re-opened, it was staff's understanding that it could not be "updated" on an assignment.

Chairperson Wilson noted that the history and problems with the lease (and sublease to Unisyn) has not been included in the submittal. Mr. Uchida responded that there were two separate issues involved: the master lease between the State and Meadow Gold (which today's action would impact), and Meadow Gold's sublease with Unisyn. Mr. Uchida informed board members that the sublease had essentially expired in August, but, because of a disagreement in the "reading" of the lease, the issue had been sent to the Attorney General's Office for clarification. (The Board had earlier extended the master lease to Meadow Gold. Unisyn felt that, at the time the Board extended the master lease, the sublease was automatically extended, also. Land Division staff, on the other hand, felt that the sublease was not automatically extended, and thus, had expired in August.)

Member Yuen inquired about an assignment premium; Mr. Uchida responded that there was no assignment premium attached to older leases.

ITEM D-2 (cont.)

Mr. Jim Andrews, a member of the Waimanalo Community, requested that the Board "look closely at how the land is sub-let." He noted that there is "a big problem with Unisyn and the Board needs that information before it can make a sound decision.

Chairperson Wilson inquired whether staff had had any discussions with the neighborhood board on the subject item; Mr. Uchida responded that he was not aware of any discussions.

Mr. Joseph Ryan, Jr. testified in opposition to the subject assignment. Mr. Ryan stated that the Department "allows the sub-lessee to create an offensive condition in violation of the master lease." He stated that the sub-lease "perpetuates a nuisance situation" in opposition of the community. Mr. Ryan informed members that, at least 35 tons/day of raw, infested garbage is delivered each day. He stated that, to date no FONSI (Finding of No Significant Impact) has been issued in response to the environmental assessment. Mr. Ryan further testified that, by allowing Unisyn to operate, the State has violated the "quiet enjoyment" provision in his lease. (Written testimony submitted).

In response to Chairperson Wilson's question regarding the Attorney General's opinion on whether the Unisyn operation constitutes a nuisance condition; Mr. Uchida responded that the Attorney General's Office had informed the division that the Unisyn operation is consistent with the conditions set out in the sub-lease. Mr. Uchida noted, however, that originally, Unisyn was set up to primarily process waste from the Meadow Gold operations, with some additional outside waste. He stated that, because of recently enacted county ordinances, Unisyn is currently processing more outside waste than earlier.

Mr. Ryan argued that the Attorney General's Office had only considered the "character of use" and not the offensive conditions created by Unisyn. He informed the Board that the City had not acted on any special zoning permits because of the lack of a FONSI declaration from DLNR. (Board members, Mr. Ryan and Mr. Uchida discussed the conflicting positions of the City and DLNR about who, in fact should be the accepting authority for the environmental assessment.)

Chairperson Wilson discussed his concern with acting on the assignment before determining whether the activity is consistent with all state and county regulations.

ITEM D-2 (cont.)

Mr. Joseph Ryan, Sr. testified in opposition to the assignment. Mr. Ryan testified to the intolerable conditions created by the Unisyn operations.

Chair Wilson indicated that the Department of Health has confirmed no public health problems, and thus, requested that the Ryans' (and others in the community) submit more substantiated evidence to any public health problems caused by the Unisyn operations.

Members and Mr. Uchida discussed whether the Board's consent to the subject assignment would, in essence, validate the Unisyn operation. Mr. Uchida clarified that, while the two issues were separate, if the Attorney General's Office decides that the sublease was automatically extended at the same time as the master lease, and, if the Board consents to the assignment today, the issue of the sublease to Unisyn would not be brought back before the Board.

Chairperson Wilson questioned whether the consent would be appropriate if a violation was presently taking place. Mr. Uchida responded that, although the Attorney General had determined that the Unisyn operation was consistent with the provisions of the sublease, conformance to Department of Health and zoning regulations would also be required.

Member Yuen discussed whether the Board has the power and responsibility to cancel the sublease should staff decide that the conditions are intolerable to the community; Mr. Uchida responded that staff would need to look at the language of the sublease.

Members concurred that problem existed with Unisyn, and that the Board probably should not act on the item without more information from the Attorney General and other pertinent agencies.

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

D-1 SET ASIDE TO THE CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PARKS AND RECREATION, FOR AN ADDITION TO WAIMANALO BEACH PARK FOR BEACH RIGHT-OF-WAY PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-4, 5, 6 & 7 (POR)

No public testimony was presented.

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

- D-3 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC. AND GTE HAWAIIAN TELEPHONE CO. FOR UTILITY CORRIDOR PURPOSES, PIIHONUA, HAWAII, TMK: 2-3-31: POR. OF 5, 17**

No public testimony was presented.

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

- D-4 RECONSIDERATION OF PRIOR BOARD ACTION FOR CANCELLATION OF GENERAL LEASE NO. S-4138**

In response to Member McCrory's request for administrative costs, Mr. Uchida replied that administrative cost charges would not be applicable in this instance because the action was meant to protect the interest of the bank.

No public testimony was presented.

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

- D-5 AMEND PRIOR BOARD ACTION FOR SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., WAIMEA, HAWAII, TMK: 6-7-2-11**

No public testimony was presented.

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

- 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., KALAPANA, HAWAII, TMK: 1-2-3-5, 6, 12 AND 1-2-4-38**

No public testimony was presented.

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

- D-7 AMEND PRIOR BOARD ACTION FOR SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO THE WATER COMMISSION OF THE COUNTY OF HAWAII, HAWAII ELECTRIC LIGHT CO. AND GTE HAWAIIAN TELEPHONE CO., INC., KAU, HAWAII, TMK: 9-5-2-27, 28, POR. 2, PORTION OF A PAPER ROAD**

No public testimony was presented.

ITEM D-7 (cont.)

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

Member Yuen noted, for the record, that there was no Water Commission on the Big Island; he stated that recommendation should reflect a "Board of Water Supply."

- D-8 AMEND PRIOR BOARD ACTION FOR SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO. AT SOUTH HILO, NORTH HILO AND HAMAKUA, HAWAII, TMK: 2-8-15-POR 15, 3-2-2-POR 29, 3-4-3-12, 3-9-1-2, 4-1-2-4, 6**

No public testimony was presented.

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

- D-9 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC. FOR 69 KV TRANSMISSION LINE PURPOSES, WAIAKEA, HAWAII, TMK: 2-4-4-POR 1, 131 AND 2-4-8-POR 1, 9**

No public testimony was presented.

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

- D-10 STAFF REQUEST FOR APPROVAL OF AN EXEMPTION LIST IN ACCORDANCE WITH SECTION 343-6(7), ENVIRONMENTAL IMPACT STATEMENTS, HAWAII REVISED STATUTES AND SECTION 11-200-8 (d), ENVIRONMENTAL IMPACT STATEMENT RULES**

Member Yuen questioned the exemption for restroom facilities at a site without existing infrastructure; Mr. Uchida noted that the facility would need to be an accessory or ancillary facility to be exempt, but that a condition explicitly stating that only restroom facilities with existing infrastructure would be exempt.

Mr. Uchida confirmed, for Member McCrory, that river mouth cleaning was included in Exempt Class (4), 2. Mr. Uchida further confirmed, for Member Yuen, that changing crops (eg. sugar to corn) would not trigger any action, as long as the use was not changed (eg. from agriculture to urban).
No public testimony was presented.

By a unanimous vote of the five members present, Item D-10 was approved as amended (Yuen/Kennison).

D-11 REQUEST FOR ISSUANCE OF A REVOCABLE PERMIT BY THE OFFICE OF HISTORIC PRESERVATION FOR MAINTENANCE AND RESTORATION PURPOSES AND AN IMMEDIATE RIGHT OF ENTRY FOR CONTROL PURPOSES ON GOVERNMENT LANDS, MAALO-KAUMAKALUA, KAUPU, HANA, MAUI, TMK: 1-7-02: POR. 15

Mr. Uchida requested that all references to the "Office" of Historic Preservation in staff's recommendation be amended to "Division of Historic Preservation."

Member Kennison questioned 1) whether Land Division staff had met with the community and 2) whether the affected community was in support of the proposal; Mr. Uchida answered in the affirmative.

No public testimony was presented.

By a unanimous vote of the five members present, Item D-11 was approved as amended (Kennison/Yuen).

D-12 REQUEST TO AMEND THE BOARD'S MARCH 11, 1994 AGENDA ITEM F-7 APPROVAL REGARDING THE DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS PURPOSES, OVER AND ACROSS GOVERNMENT LAND, HOOLAWA-MOKUPAPA, HAMAKUALOA, MAKAWAO, MAUI

No public testimony was presented.

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

D-13 REQUEST FOR A CONSENT TO ASSIGN A PERPETUAL, NON-EXCLUSIVE GRANT OF EASEMENT FOR ACCESS PURPOSES, ON GOVERNMENT LAND, OMAOPIO, KULA, MAKAWAO, MAUI, TMK: 2-3-03: POR 118

No public testimony was presented.

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

D-14 REQUEST TO AMEND THE BOARD'S NOVEMBER 19, 1993 AGENDA ITEM F-6 APPROVAL REGARDING THE DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, OVER AND ACROSS GOVERNMENT LAND, KALIHI, MAKAWAO, MAUI, TMK: 2-1-04: POR. 114

No public testimony was presented.

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

D-16 AMENDMENT TO GENERAL LEASE NO. S-5383, WAIALEALE BOAT TOURS, INC., WAILUA

No public testimony was presented.

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

D-17 LEASE - PUBLIC AUCTION, AND ISSUANCE OF REVOCABLE PERMIT TO GERALD M. SANCHEZ FOR PASTURE PURPOSES, PORTION OF KAPAA HOMESTEADS, LOT A, PARTS 1 AND 2, KAPAA, KAWAIHAU (PUNA), KAUAI, TMK: 4-6-2:1, 13, 17 AND 19

No public testimony was presented.

By a unanimous vote of the four members present, Item D-17 was approved as submitted (McCrorry/Inouye). Member Kennison was not present for the vote.

D-21 ISSUANCE OF A REVOCABLE PERMIT TO BOB'S EQUIPMENT SALES AND RENTALS AT KALIHI-KAI, HONOLULU, OAHU, TMK: 1-2-21: 40

No public testimony was presented.

By a unanimous vote of the four members present, Item D-21 was approved as submitted (Inouye/Yuen). Member Kennison was not present for the vote.

D-22 CONSENT TO ASSIGNMENT, CONSENT TO MORTGAGE AND EXTENSION OF TERM ON GENERAL LEASE NO. S-3782, LOT 48, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-26:17

Member McCrorry inquired about the assignment premium; Mr. Uchida responded that, because the lease was old, no premium was included. He noted, however, that the lease would be "updated" at extension, and any subsequent assignment would include an assignment premium.

No public testimony was presented.

By a unanimous vote of the four members present, Item D-22 was approved as submitted (Inouye/McCrorry). Member Kennison was not present for the vote.

D-23 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC FOR TRANSMISSION LINE PURPOSES AT WAIKEA, HAWAII, TMK: 2-4-49-POR. 16

Mr. Uchida requested that the submittal be amended to reflect the correct tax map key: TMK: 2-4-4:132.

No public testimony was presented.

ITEM D-23 (cont.)

By a unanimous vote of the four members present, Item D-23 was approved as amended (Yuen/McCrory). Member Kennison was not present for the vote.

D-24 CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4302, WAIAKEA, SOUTH HILO, HAWAII, TMK: 2-2-37-89

Member Yuen requested that a condition ensuring that the consent to the assignment would not jeopardize any security relating to the special installment agreement be added. No public testimony was presented.

By a unanimous vote of the four members present, Item D-24 was approved as submitted (Yuen/McCrory). Member Kennison was not present for the vote.

D-25 CONSENT TO SUBLEASE OF GENERAL LEASE NO. S-4302, WAIAKEA, SOUTH HILO, HAWAII, TMK: 2-2-37-89

Member Yuen requested that a condition ensuring that the consent to the assignment would not jeopardize any security relating to the special installment agreement be added. No public testimony was presented.

By a unanimous vote of the four members present, Item D-24 was approved as submitted (Yuen/McCrory). Member Kennison was not present for the vote.

D-26 TERMINATION OF GENERAL LEASE NO. S-5207 AND ISSUANCE OF A NEW REVOCABLE PERMIT AT NORTH KOHALA, HAWAII, TMK: 5-5-3-4, 5 AND 6

Mr. Uchida informed the Board that the applicant had requested a deferral on Item D-26. No public testimony was presented.

By a unanimous vote of the five members present, Item D-26 was approved as deferred (Yuen/McCrory).

Chair Wilson requested that the item be brought back to the Board within 30 days.

D-27 CONSENT TO ASSIGNMENT OF SUBLEASE OF GENERAL LEASE NO. S-3609, WAIAKEA, SOUTH HILO, HAWAII, TMK: 2-2-32-70

Mr. Uchida requested that items D-27 and D-28 be taken at the same time. No public testimony was presented.

ITEM D-27 (cont.)

By a unanimous vote of the four members present, Items D-27 and D-28 were approved as submitted (Yuen/McCrory). Member Kennison was not present for the vote.

D-28 CONSENT TO ASSIGNMENT OF SUBLEASE OF GENERAL LEASE NO. S-3592, WAIAKEA, SOUTH HILO, HAWAII, TMK: 2-2-32-67

See Item D-27.

E-1 CONSENT TO ASSIGNMENT OF RESIDENTIAL LEASE NO. S-5294, KAHANA VALLEY STATE PARK, OAHU

Mr. Ralston Nagata presented the submittal.
No public testimony was presented.

By a unanimous vote of the four members present, Item E-1 was approved as submitted (Inouye/Yuen). Member Kennison was not present for the vote.

E-2 BOARD CONCURRENCE FOR THREE MEMBERS TO MAKE AN ON-SITE REVIEW OF MAJOR PARK IMPROVEMENTS AND REVENUE SOURCES FOR THE KOKEE/WAIMEA CANYON STATE PARKS, KAUAI

Members discussed, at some length, the Sunshine Law, its requirements regarding "meetings" between board members, and the notification required for certain "meetings."
No public testimony was presented.

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

J-1 REQUEST FOR APPROVAL OF REVOCABLE PERMIT FOR THE HARTLEY CONSTRUCTION COMPANY FOR USE OF GOVERNMENT LANDS SITUATED AT THE MANELE BOAT HARBOR AS A TEMPORARY STAGING AREA DURING THE CONSTRUCTION OF THE TRILOGY'S PAVILION

Member Inouye noted that the staff submittal did not contain the standard conditions; she stated that the conditions should be included in the submittal.

Member Yuen noted that the standard conditions

Member Kennison requested that the Boating division send members a copy of the conditions.
No public testimony was presented.

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

**K-1 CONSTRUCTION RIGHT OF ENTRY, HONOLULU INTERNATIONAL AIRPORT,
OAHU (AIRPORT GROUP INTERNATIONAL, INC.)**

Mr. Peter Garcia presented the submittal.

Member Inouye inquired as to AGI, Inc.'s type of business; Mr. Garcia responded that AGI performs planning and design services for airports.

No public testimony was presented.

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

**K-2 RENEWAL OF REVOCABLE PERMITS, NON-CONFORMING USE, AIRPORTS
DIVISION, ~~VARIOUS AIRPORTS~~**

No public testimony was presented.

By a unanimous vote of the five members present, Item K-2 was approved as submitted (Yuen/Kennison).

**K-3 REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE
DEPARTMENT OF TRANSPORTATION**

Mr. Garcia stated that no action was required on Item K-3.

There being no further business, Chairperson Wilson adjourned the meeting at 12:25 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