

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

DATE: FRIDAY, MARCH 13, 1998  
TIME: 9:15 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

NOTE: ALL MATERIALS LISTED ON THIS AGENDA ARE AVAILABLE FOR  
REVIEW IN THE DLNR CHAIRPERSON'S OFFICE

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at 9:22 a.m. The following were in attendance:

Members: Michael D. Wilson  
Chris Yuen  
Willie Kennison  
Colbert Matsumoto  
Lynn McCrory  
Kathryn Inouye

Staff: Bill Devick, DAR  
Walter Ikehara, DAR  
Gary Moniz, DOCARE  
Ralston Nagata, SP  
Pamela Matsukawa, AG

John Hino, DOBOR  
Dean Uchida, LD  
Mike Laureta, LD  
Peter Garcia, DOT

Others: Bob Endresen  
Robert Moffit  
Bill Mossman  
Mike Marutani  
Bernie Bays  
Alvin Maeda

Frank Farm  
Linda Paul  
William Aila  
Peter Dungate  
Diana Tusher  
Wendell Koga

Unanimously approved to add Item E-1 to the agenda. (Yuen/Kennison)

**ITEM B-1 REQUEST FOR ADOPTION OF HAWAII ADMINISTRATIVE RULES,  
CHAPTER 13-94, BOTTOMFISH MANAGEMENT**

Bill Devick, Acting Administrator, Division of Aquatic Resources (DAR) briefed the Board and said this is a request for adoption of rules to sustain and assure the future of the bottomfish fishery, for two specific species, the onaga and the ehu. This is an effort to get fishermen involved in the development of rules that would be effective and also to help fishermen understand the nature of the problem. Devick explained that the Department began developing the bottomfish management plan in response to a house bill which was introduced in 1995 to establish a four month closed season on the sale of onaga and ehu. The bill would have permitted onaga and ehu, from the Hawaiian Islands and imported from out-of-state, to be sold with no restrictions on non-commercial fishing. He said the bill did not pass the Legislature, but the Department took on the task of developing a comprehensive management plan.

Devick said an ad hoc task force was formed in 1995 to help the Department develop the plan. The Task Force consisted of commercial and recreational fishermen from various islands, representatives from the fishing community, scientific advisors, and representatives from government. He said the proposed rules are the product of the efforts and reflect consideration of all the options.

Public hearings on the proposed rules were held in Maui, Kona, Hilo, Kauai, and Honolulu and based on written and oral testimonies, revisions were made. Devick said of the 43 persons that testified, 10 supported the proposed rules and 10 opposed. He felt based on the general nature of the comments, there is a situation where the fishermen still do not believe there is a problem and don't believe this is the appropriate way to attempt to manage this fishery. Devick noted that in addition to the consideration of the rules, this gave very serious attention to the question of enforcement.

Devick said the major regulatory measures proposed include: 1) prohibiting the use of any net, trap, trawl, or bottomfish longline and possession of such gear on any vessel with bottomfish but allowing the use of scoop nets; 2) establishing a non-commercial bag limit of 5 onaga or 5 ehu or combined total of 5 of both; 3) defining restricted bottomfish areas in about 20% of non-fishing areas; 4) designing a bottomfish vessel identification system; and 5) establishing a control date as the effective date of the rules should a limited entry program be established in the future.

Walter Ikehara (DAR) briefly summarized some of the sections of the proposed rules which he felt important as they contained specific definitions to the rules. He cited as an example of defining the specific bottomfish species with regard to restricted gear use for these species and the restricted fishing areas. Ikehara said there will be an evaluation of the proposed fishing areas in five areas to either establish or amend the restricted areas.

There was discussion about bottomfish that was not included in the proposed rules. Ikehara explained that the bottomfish that are listed are those that are considered to be the deep water group. The shallow water group would be species like uku or kahala. Discussion with respect to traps, trawls, longlines, and nets used for shallow water took place. Ikehara said traps and longlines are employed. Presently no trawls and some netting are involved.

Member Colbert Matsumoto asked about the enforcement of the restriction on bottomfish fishing gear. Ikehara said the rules state that if one of the seven species and the restricted gear are on board, then, there is a violation. Gary Moniz, Acting Administrator of the Division of Conservation and Resources Enforcement (DOCARE) said they are in the process of repairing and modifying patrol boats to get into the closed areas and are working with the U.S. Coast Guard to patrol areas. He said they will be able to target problem areas through a database. Moniz said through the Governor's Ocean Initiative, additional officers were added into his program which will be used to target more on-sea boat patrol type activities. He said violations for this particular rule will result in a petty misdemeanor up to 30 days in jail and a \$500 fine. The person in violation could lose their boat and their gear to forfeiture.

Member Matsumoto asked what the outcome of the enforcement of these rules would be, what would the benefits be as a result of the implementation of these rules in what time frame. Devick said the benefit would be the recovery of the fish population and the increase of population in the closed areas. He said they are expecting to see tangible results within five years.

Ikehara talked about Don Kobayashi, a scientist from National Marine Fishery Service who looked at recovery rates of the Spawning Potential Ratio (SPR) and recalculated the effects of the closed areas. Kobayashi's model suggests under the ideal conditions that the recovery of the SPR to 20% level would be within 10 years. Member Matsumoto commented that is indicative of the severity of the problem that's being dealt with.

Ikehara said the methods used to assess the current SPR is based strictly on commercial catch reports on observations at the auction measuring fish sizes and numbers.

Chairperson Wilson stated that the State of Hawaii has one of the worst management programs in the United States for taking care of fisheries. The Aquatics Program's budget in comparison to all the other 18 western states, is the smallest and does not include adequate funding to allow for one of the most fundamental areas to monitor what is happening. He said the Federal Government alerted the Department on the loss of the fish and suggested closed-seasons. Chairperson Wilson said the Program is not going to work if the legislative changes suggested in the House Budget proceeds because they are taking away money that are needed for enforcement.

Bob Endreson spoke in support of the rules and said the Program needs monitoring to eliminate problems in the future. He said history is in the making for the State of Hawaii,

"...that for once you have left it up to the fishermen, scientists, and the fishery managers to come up with a comprehensive plan based on best scientific data available based on proven methods."

Endreson talked about his thoughts of the bag limit and gave an example of a fisherman knowing that he is allowed only five fish and so he would be selective on which one to keep and which to throw back which is called "high-grading". He said the chances of the one fish being thrown back and surviving is zero due to the decompression. By the time decompression sets in, it would kill the fish anyway, so why throw it back [which would apply to lobster fishery also because the predators will eat them before they are able to reach bottom].

Frank Farm testified in support of the proposal of the administrative rules.

Robert Moffit introduced himself as a fisheries biologist with National Marine Fisheries Service Honolulu Laboratory but was here as the Chairman for the Bottomfish Team of the WestPac Regional Fisheries Management Council. He said the Team was responsible for assessing the State's bottomfish stock evaluation and felt that management actions "are long overdue". Moffit said the Team had concerns regarding the effectiveness of the closed areas, the efficiency of the plan and with some of the definitions. Other concerns were with Kona crabs and traps, and the non-commercial license bag limit. Moffit said they are in support of the proposal.

Linda Paul introduced herself as President of a conservation organization that deals with land based issues. She said her Organization of 2,000 members supports the State moving forward on management of the bottomfish stocks.

Bill Mossman introduced himself as a part-time commercial fisherman and does community service by being a watch-dog on some of these issues. He felt clarification on the term "bottomfish longline" was needed with some minor change in the sentence.

William Aila introduced himself as a part-time fisherman from Waianae and an employee of the Division of Boating & Ocean Recreation (DOBOR) and was speaking today as a fisherman. He said he participated as a member of the State's Bottomfish Task Force and attended all of the informal meetings and public hearings. Aila supports the Management Plan as it was created by a cross-section of users in conjunction with DLNR staff, taken out to the users in their own communities for review, and it is based upon methods that have yielded success in other parts of the world. He said it is a comprehensive solution to a complex problem.

Aila responded to Member Lynn McCrory's question regarding recreational fishermen becoming commercial fishermen and said based on expenses incurred by the commercial fishermen, not many recreational fishermen would become commercial fishermen. He agreed that work needs to be done on some of the definitions and how they relate to one

another, but noted that it is very important not to lose sight on the fact the intent of the rules that deals with nets and traps was to prohibit the introduction of more efficient methods of catching bottomfish. Aila urged the Board members to move forward on this proposal.

Ikehara submitted a testimony from Richard Tamashiro.

Moniz in response to Member McCrory's question regarding bag limits, said high-grading results in taking more than the limit and the problem is proving the take, i.e. the Officer witnessing an incident. He said if the issue of high-grading is a concern, it should be addressed in more definitive language.

**Motion made to approve Item E-1. (Matsumoto/Kennison).**

Member Chris Yuen called for clarification for the definition of a bottomfish longline. He said the two sentences should be connected and should read in part, "...fishing hook or hooks, where the main line is designed to be either laid on the ocean bottom or suspended horizontally near the ocean bottom where it flows." Member Yuen said the kind of bottomfish longline that is prohibited has to be laid on the ocean bottom or suspended near the ocean bottom where it flows. Member Matsumoto questioned whether or not there would be a clear distinction between what is bottomfish longline and a longline that is used for something other than bottomfish.

**Motion made to amend the definition of bottomfish longline to read, "...fishing hook or hooks, where the main line is designed to be either laid on the ocean bottom or suspended horizontally near the ocean bottom where it flows." (Matsumoto/Kennison).**

**Vote: All in favor.**

After a 15 minute recess, Chairperson Wilson reconvened the meeting.

**ITEM J-1 ISSUANCE OF REVOCABLE PERMIT FOR AN ICE HOUSE AND FISH HAULING SERVICE FACILITY LOCATED AT THE HEEIA KEA BOAT HARBOR, KANEOHE, ISLAND OF OAHU**

John Hino, Division of Boating and Ocean Recreation (DOBOR) requested the deferral of Item J-1.

**Unanimously approved to defer Item J-1. (Matsumoto/Kennison).**

**ITEM D-1 ISSUANCE OF REVOCABLE PERMIT WALTER ANDRADE AT KAU, HAWAII, TMK:(3) 9-5-12-18**

Dean Uchida, Acting Administrator of the Land Division (LD) said staff recommendation is that the Board, 1) Find the use is exempt from obtaining a negative declaration and, 2) Authorize the issuance of a new revocable permit to Walter Andrade covering State lands subject to terms and conditions. He amended the staff recommendation by adding a condition, 3) Authorize an immediate right-of-entry to the permittee subject to terms and conditions.

Member Yuen clarified that the recommendation does not authorize public auction. Uchida said the Land Division received prior permission for public auction.

Member Matsumoto asked about the safeguard of overgrazing. Applicant Walter Andrade assured the Board that he does not intend to overgraze, but is looking to the immediate right-of-entry in order to begin fencing.

**Unanimously approved as submitted with amendment to authorize an immediate right-of-entry. (Yuen/Matsumoto).**

**ITEM D-22 CONSERVATION DISTRICT USE PERMIT APPLICATION FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AND ASSOCIATED IMPROVEMENT AT KAOHA 4TH, SOUTH KONA, HAWAII, TMK: 8-7-19: 32**

Uchida said this area is a subdivision within the Conservation District that has received four approvals which allowed for non-conforming lots. He said the Department would not normally accept an application for a single family-residence within the limited subzone but that the County of Hawaii Civil Defense Agency's rating of that property is not indicative of flood hazards.

Uchida said staff is proposing an 80-foot setback on the makai side of the property and that staff recommends that the Board approve the single-family residence use subject to terms and conditions. The areas along the coastline are in hazard zone, and those properties that abutt the coastline are in the Conservation District. The reason for the residence being in the Conservation District is that the subdivision was there before the zoning was put in.

Peter Dungate questioned the 80-foot setback as he said most of the lots are 45 feet above sea level. He would like to go with the County recommendation of 40 feet as all of the other houses are set back at 40 feet. There was discussion about the boundary of the property and the finished wall of his neighbor. Dungate said there is lava before the beach area.

Uchida explained to the Board that there was no scientific rationale for the 80-foot setback of this property but that the Land Division is attempting to introduce new concepts that are being promoted by the Coastal Lands Program. Member Yuen felt that since the lot itself is lava that it is not an issue of erosion, and that it is 40 feet back from his property line.

There was discussion regarding a staff briefing for the Board members on erosional issues before a Board meeting.

**Unanimously approved to amend setback to 40 feet. (Yuen/Matsumoto).**

**ITEM D-11 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PAIR GAIN, CROSS CONNECT EQUIPMENT SITE AND EXISTING UNDERGROUND LINES AND A CONSTRUCTION RIGHT-OF-ENTRY AT OOMA 1ST, HAWAII, TMK:(3) 7-3-43-3 AND -42**

Uchida briefed the Board on the direct sale of a perpetual, non-exclusive easement to GTE Hawaiian Telephone Company to use, maintain, repair, replace or remove circuit facilities. The staff recommendation is that the Board authorize the direct sale of the easement to the applicant and authorize the construction right-of-entry subject to terms and conditions.

**Unanimously approved as submitted. (Yuen/Kennison).**

**ITEM D-17 REQUEST FOR APPROVAL TO CONDUCT STATEWIDE PUBLIC HEARINGS ON THE PROPOSED AMENDMENTS TO CHAPTER 13-5 AND REPEAL OF CHAPTER 13-2, HAWAII ADMINISTRATIVE RULES (HAR), RELATING TO THE STATE CONSERVATION DISTRICT**

Ed Henry of the Land Division briefed the Board on the proposed amendments and said the staff recommendation is that the Board authorize the Department to conduct statewide public hearings on the proposed amendments and authorize the Chairperson to appoint Public Hearings Masters.

Henry explained the reason for the rule provisions prohibiting the processing of land use applications where land use violations has been identified, is because the Land Division has been receiving many after-the-fact applications. It precludes the Land Division from processing a pending application and it will not negate the Land Division's action to resolve any violations. Henry said the violation and the potential land use will be identified before it comes before the Board.

There was discussion about processing applications with violations. Where the fine has not been paid or the violation has not been corrected, the pending application will not be

processed. Member Yuen stated that if the Phase II section be amended before going out to public hearing that it would not have to be brought back to the Board.

Bernie Bays, representing the Conservation Owner's Associations (COA), said they have filed for a contested case hearing, objecting to the enactment of the new rules and the repeal of the old rules. COA supports interim rule II, and that rule III requires additional consideration where COA would like to reach an agreement with the Department to resolve the contested case hearings pending before the Board. As to rule I, COA will agree to disagree. Addressing rule III, he said one of the proposal is for good cause shown, that the one year in which to build the non-conforming structure should be extended to rebuild the structure and that the standards for the construction of single-family dwellings in the Conservation District be addressed. Bays felt that there has been substantial amount of progress to resolve differences. Member Yuen agreed with Bays and commented with regards to the house size, that in 1994, the Board approved limitations on house sizes. He said this set of rules adds possibility of getting another 15% which is favorable to COA and to eliminate counting some of the developed area within the 3,500 to 5,000 square feet area. Member Yuen's concern was the definition of buildable area. He reads it as the area the lot is covered by the structure which is not the same as the square footage of the house. Bays said their definition and proposal of buildable area is lot coverage, and COA feels very strongly about it as it is used by the Land Use Ordinance (LUO) and recommended by their land consultant.

There was discussion about the process of the procedures of public hearings.

Member Kathryn Inouye asked Bays whether his definition of buildable areas included garages and carports. Bays concurred that the garages and carports are part of the buildable areas.

Diana Tusher introduced herself and talked about the non-conforming issue. She thanked the DLNR staff and testified in support of the rules. Tusher clarified that the legally non-conforming residences were built before 1964 and the homes built since 1964 are legally permitted but are non-conforming by the current standards.

**Unanimously approved with amendments 1) To the violation section of the proposed rules to prohibit processing of a CDUA if the applicant is not in complete compliance with the Board or Department's action to cure the violation, in situations of pending violations, the Department is allowed to process the CDUA and violation at the same time, 2) To allow the Board to grant a time extension of up to one year to rebuild a lawfully constructed non-conforming dwelling where "good cause" is shown, 3) To allow for certain specific projections into the setbacks with a maximum intrusion into the setback of 36 inches for the 15 foot setback and 42 inches for the 25 foot setback, 4) To clarify the language in Section 13-5-37(d) that this applies to lawfully constructed single family-residence, and 5) To change language on page R-4, Section B-1, by taking out the term "consistent with" and inserting "promotes", for the intent to draw a distinction**



between allowing a wide range of activities and uses under the broad land use established by the E.O. (Yuen/Kennison).

**ITEM D-14 APPEAL OF 1998 REVOCABLE PERMIT RENT**

Uchida said this item is a followup to the approval by the Board in December, 1997 to include a provision for appealing an increase in permit rent. The staff recommendation is that the Board 1) Approve continuation of the revocable permits on a month-to-month basis for another year, except for permits which are in arrears of rental payment for more than 60 days. Permits in arrears of rental for 60 days or more shall not be renewed. 2) Reaffirm the increases in permit rent approved at the December 12, 1997 Board meeting. These rents are effective as of March 1, 1998.

Uchida submitted a letter from John Hashimoto, who, because of ill health has not provided any information to the staff and is requesting for some time to provide this information. Uchida said the staff would like to give Hashimoto 30 days to provide the information needed. Uchida also submitted a Senate Resolution introduced by Senator Marshall Ige requesting that the Department delay increase in rent.

Alvin Maeda submitted a chart and reviewed it with the Board members. He protested the evaluation of the rent increase using the mud flats and submerged land with his private property. He explained that his pier is on the mud flat [state land] and that there is no accessibility to it except from his private property.

**Unanimously approved with amendments 1) To approve the new rents for Revocable Permits 5612 and 5867, 2) To approve no rent increases for Revocable Permits 5416, 6554, 5420, and 5417, and 3) To defer rent increase to Revocable Permit 6040 for 30 days to allow permittee time to develop a plan on how they propose to deal with the rent increase. If no plan is submitted within 30 days, the matter to be brought back before the Board with the recommended rent increase. (Matsumoto/Inouye).**

There was discussion on identifying all of the piers, whether the piers were legally constructed and whether the users of the pier are paying the State for the use of State lands. Member Matsumoto suggested publicizing State wide, an amnesty program with respect to the illegal boat piers, that there should be no penalty for the back rent. However, if the users do not come forward within a period of time, they would be penalized.

**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**

Ralston Nagata, Administrator of the Division of State Parks briefed the Board and recommended the Board approve the issuance of a Special Use Permit to the Big Island Farm Bureau to hold a fund raising carnival at the Old Kona Airport State Recreation Area, subject

to terms and conditions.

Wendell Koga introduced himself as the Executive Director of the Hawaii Farm Bureau and asked for the Board's approval.

**Unanimously approved with amendment to remove Item 1. (Yuen/Matsumoto).**

**ITEM B-2 AMENDMENTS TO ADMINISTRATIVE RULES OF THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES, TITLE 13,  
SUBTITLE 4, CHAPTER 13-62**

Devick said this request to the Board to approve a catch and release rule for the Wahiawa public fishing area initiated by the Wahiawa fishing community through a legislative resolution. The rule is to provide for release of two principal sport fish caught in the Wahiawa public fishing area. Devick said public hearing on the proposed amendment was held on Tuesday, December 9, 1997. The staff recommendation is that the Board adopt Chapter 13-62, Administrative Rules of DLNR.

**Unanimously approved as submitted. (Inouye/Matsumoto).**

**ITEM K-1 DEPARTMENT OF TRANSPORTATION REQUEST TO GRANT  
PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR UNDERGROUND  
WATER METERS AT PIER 39, KAPALAMA, HONOLULU HARBOR,  
OAHU (BOARD OF WATER SUPPLY, CITY & COUNTY OF  
HONOLULU) (TMK: 1-5-32-2P)**

Peter Garcia, representing Department of Transportation (DOT), introduced himself and briefed the Board. He said the purpose for the easement is to maintain, operate, replace, repair and remove underground water meters and appurtenances. The staff recommendation is that the Board authorize the granting of non-exclusive easements for the underground water meter.

**Unanimously approved as submitted. (Inouye/Matsumoto).**

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

Garcia said Item K-2 is a report on revocable permits and does not require Board action.

**ITEM D-2 AMEND REVOCABLE PERMIT TO BE ISSUED TO ROSS K. FERNANDEZ AT POR. KEKAHA, WAIMEA, KAUAI, TMK: 1-2-2: POR. 32 AND 1-2-12: 38**

Uchida said Fernandez has had numerous problems with the vacant lot next to his and is interested in adding this vacant lot to his present permit. The staff recommendation is that the Board 1) Amend the Board's prior action of October 8, 1997 to include the 33 acres to his lot, 2) All terms and conditions previously approved to remain the same, 3) The monthly rent shall be as established by Staff Appraisal, subject to review and approval by the Chairperson, and 4) Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Uchida said there are approximately 125 vehicles on the vacant lot and the State will clear the lot when funds and a relocation area is available. Fernandez will be using the lot as pasture land.

**Unanimously approved as submitted. (McCrorry/Matsumoto).**

**ITEM D-3 ISSUANCE OF A REVOCABLE PERMIT TO ANTHONY AND EDNA GOMES AT KAUNAMANO, HAWAII, TMK: (3) 4-4-10-13**

Uchida said staff recommendation is that the Board 1) Find the use is exempt from obtaining a negative declaration, 2) Authorize the issuance of a new revocable permit to the Gomes covering State lands subject to terms and conditions.

Member Yuen commented about the access problem which limits the State to leasing it to whoever has the surrounding property. He suggested that a land agent talk to the property owner about access.

**Unanimously approved as submitted. (Yuen/McCrory).**

**ITEM D-4 AMENDMENT TO PRIOR BOARD ACTION OF FEBRUARY 28, 1997 (AGENDA ITEM D-28), ASSIGNMENT OF LEASEHOLD INTEREST, GENERAL LEASE NO. S-5055, LOT 7, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI, TMK: 1-4-02. 29**

Uchida said staff recommendation is that the Board amend Item D-28 of its February 28, 1997 meeting by revising all reference to Joan C. Pratt to read Joan C. Pratt, Trustee under Self-Trusted Trust dated March 22, 1988.

**Unanimously approved as submitted. (McCrorry/Inouye)**

**ITEM D-5 SALE OF THREE (3) LEASES AT PUBLIC AUCTION, AND ISSUANCE OF REVOCABLE PERMITS UPON EXPIRATION OF LEASE, TMKs: VARIOUS, KAUAI**

Uchida said staff recommendation is that the Board authorize the sale by public auction of a lease covering the subject areas for intensive agriculture purposes for items 1 and 2 and pasture purpose for item 3, subject to terms and conditions.

**Unanimously approved as submitted. (McCrorry/Inouye)**

**ITEM D-6 CANCELLATION OF VARIOUS REVOCABLE PERMITS AND SET-ASIDE OF THE FORMER WAIMEA COURTHOUSE SITE AND ALL STRUCTURES THEREON TO THE COUNTY OF HAWAII FOR USE IN ITS ELDERLY ACTIVITIES PROGRAM, AND OTHER PUBLIC SERVICE AND CULTURAL USES**

Uchida said staff recommendation is that the Board approve of and recommend to the Governor of the State of Hawaii, the issuance of an Executive Order setting aside the subject site to be under the control and management of the County of Hawaii for the purposes of elderly activity programs, public service and cultural activities, subject to terms and conditions.

**Unanimously approved as submitted. (Yuen/McCrory).**

**ITEM D-7 AMENDING GOVERNOR'S EXECUTIVE ORDER NO. 3679, SET-ASIDE TO THE COUNTY OF HAWAII IN NAALEHU, KAU, AS A POLICE STATION SITE, BY EXPANDING THE PURPOSE TO POLICE STATION, FIRE STATION AND OTHER PUBLIC SAFETY USES, PORTION OF PARCEL 2, KAUNAMANO HOMESTEADS, CONTAINING AN AREA OF 5 ACRES IDENTIFIED AS TMK: 3RD/9-5-12: POR OF 2**

Uchida said staff recommendation is that the Board approve of and recommend to the Governor of the State of Hawaii, the cancellation of Governor's Executive Order No. 3679 and the issuance of a new Executive Order setting aside the subject site to be under the control and management of the County of Hawaii for the purposes of a police station, fire station and other public safety uses, subject to terms and conditions.

**Unanimously approved as submitted. (Yuen/McCrory).**

**ITEM D-8 REQUEST FOR EXTENSION OF LEASE, FORMERLY IDENTIFIED AS LOT NO. 26,928 AND RECENTLY ASSIGNED GENERAL LEASE NO. S-5545, BETWEEN THE STATE OF HAWAII AND THE UNITED STATES OF AMERICA (DACA84-5-76-161), TMK: RAD/2-1-12: 131**

Uchida said the staff recommendation is that the Board authorize the extension of the term of the subject lease up to the maximum 65 years, subject to terms and conditions.

**Unanimously approved as submitted. (Yuen/Matsumoto).**

**ITEM D-9 QUITCLAIM OF STATE'S INTEREST IN A ROAD RESERVE TO THE COUNTY OF MAUI, BETWEEN LOTS 1 AND 28-A OF THE KUIAHA-PAUWELA HOMESTEADS, HAMAKUALOA, MAUI, IDENTIFIED BY TMK: (2) 2-7-08**

Uchida said the staff recommendation is that the Board authorize the quitclaim of whatever interest the State may have in the subject road reserve at Kuiaha-Pauwela Homesteads, Hamakualoa, Maui, to the County of Maui, without prejudice to the State's position.

**Unanimously approved as submitted. (Matsumoto/Yuen).**

**ITEM D-10 EASTERN WASHINGTON UNIVERSITY REQUEST FOR A RIGHT-OF-ENTRY AT WAIMEA, HAWAII, TMK; (3) 6-2-1-15**

Uchida stated staff's recommendation that the Board authorize the issuance of an immediate right-of-entry to Eastern Washington University and/or its contractors, subject to terms and conditions.

**Unanimously approved as submitted. (Yuen/Matsumoto).**

**ITEM D-12 AUTHORIZATION TO ENTER INTER-GOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY FOR LEEWARD POTABLE WATER WELL**

Uchida said staff recommendation is that the Board authorize the Chairperson to sign the Intergovernmental Agreement for Leeward Potable Water Well and other necessary documents pertaining to the project, subject to the Attorney General's approval as to form.

**Unanimously approved as submitted. (Inouye/Matsumoto).**

**ITEM D-13 AUTHORIZATION TO ENTER INTER-GOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY FOR THE KAHUKU (MALAEKAHANA) EXPLORATORY WELLS**

Uchida said staff recommendation is that the Board authorize the Chairperson to sign the Intergovernmental Agreement for Kahuku (Malaekahana) Exploratory Wells and other necessary documents pertaining to the project, subject to the Attorney General's approval as to form.

**Unanimously approved as submitted. (Inouye/Matsumoto).**

**ITEM D-15 TIME EXTENSION REQUEST TO INITIATE RECONSTRUCTION OF AN APARTMENT-COTTAGE (SINGLE FAMILY RESIDENCE) AT KALIHI VALLEY, HONOLULU, HAWAII, TMK: 1-4-25:19, UNIT P**

Uchida said the staff recommendation is that the Board approve the request for time extension of one (1) year to initiate and complete construction of the residence in Kalihi Valley, Oahu, subject to terms and condition.

**Unanimously approved as submitted. (Inouye/Matsumoto).**

**ITEM D-16 FORFEITURE OF GENERAL LEASE NO. S-4862, NICKI L. MEDEIROS, LESSEE, KAPAA, KAUAI**

Uchida said this lessee was served with 22 Notices of Default. A letter from Nicki Medeiros explains the reason for the noncompliance and requests a deferral. He said a check was received by the Kauai Land Office covering the delinquent amount of \$1,038.72.

**Motion to approve forfeiture of General Lease No. S-4862.**

**Vote: Approved by 4, 1 opposition (Yuen).**

**ITEM D-18 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (WINDWARD OAHU)**

Uchida said staff's recommendation is that the Board certify the elections and appointments of Bunki Kumabe and Ernest Koreyasu as directors of their respective Soils and Water Conservation Districts.

**Unanimously approved as submitted. (McCrorry/Inouye).**

**ITEM D-19 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (WAIAKEA)**

Uchida said staff's recommendation is that the Board certify the election and appointment of Ms. Theresa Takiue to fill the unexpired term of Charles Jamieson for the term ending June 30, 1998 as Director of the Waiakea Soil and Water Conservation District.

**Unanimously approved as submitted. (Yuen/Matsumoto).**

**ITEM D-20 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 1-KL-A, KEKAHA SUGAR INFRASTRUCTURE STUDY**

Uchida said staff's recommendation is that the Board authorize the Land Division to hire a consultant to prepare the Kekaha Sugar Infrastructure Study and authorize the Chairperson to sign the necessary documents pertaining to the project.

**Unanimously approved as submitted. (Inouye/McCrory).**

**ITEM D-21 FORFEITURE OF GENERAL LEASE NO. S-3954, MIYASHIRO POULTRY & HOG FARM, INC., LOT 16, PANAEWA FARM LOTS, 2ND SERIES, WAIAKEA, SOUTH HILO, HAWAII, TMK: 2-4-49: 30**

Uchida requested withdrawal of this item based on the Chairperson's approval of granting to the lessee a 45 day extension to develop a plan on how they propose to cure the default. If the plan is not received within the 45 day period, the matter will be brought back to the Board for cancellation.

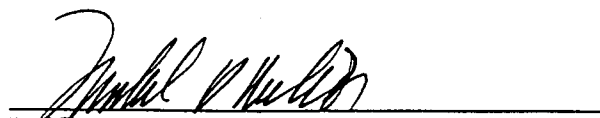
**Unanimously approved as submitted. (Yuen/Matsumoto).**

The meeting was adjourned at 2:10 p.m.

Transcribed by:

  
Barbara E. Kameda

**APPROVED FOR SUBMITTAL:**

  
\_\_\_\_\_  
**MICHAEL D. WILSON**  
Chairperson  
Board of Land & Natural Resources

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