

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

DATE: May 8, 1998
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:

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

STAFF:

Mr. Dean Uchida, Land	Mr. Bill Devick, DAR
Mr. John Hino, DOBOR	

OTHERS:

Ms. Pamela Matsukawa, Esq. Deputy Attorney General	Mr. Peter Garcia, State Department of Transportation
Mr. Dale Hardinger, D-10	Ms. Carla Hardinger, D-10
Ms. Judy Tanaka, Esq., D-10	Ms. Debra Brockman, Deputy Attorney General, D-15
Mr. John Morgan, Kualoa Ranch, D-15	Mr. Don Griffin, City & County of Honolulu, D-15
Mr. Liko Ho, D-15	Mr. Daniel Clement, D-15
Mr. John Reppun, D-15	Mr. Larry Cobb, DOT, K-12
Ms. Patricia Tummons, Environment Hawaii, K-2	Mr. Clint Taylor, Sealand, K-2

Business:

ITEM A-1 APPROVAL OF THE MINUTES OF MARCH 13, 1998

Member Yuen requested that it be made certain that the minutes of March 13th, Item B-1 (page 5, para. 5, "...the main line is designed to be either laid on the ocean bottom or suspended horizontally near the ocean bottom where it flows."...) were consistent with the rules which were approved by the Board at the [last April meeting].

Chairperson Wilson stated that the record of [the last April meeting] would be checked for conformance with the motion made in the March 13th minutes.

The minutes of March 13, 1998 were approved as submitted (Kennison/Yuen).

ITEM D-10 REQUEST TO AMEND THE BOARD'S ACTION OF OCTOBER 11, 1996, ITEM D-6, REGARDING THE REMOVAL OF THE RESIDENTIAL COMPONENT OF GENERAL LEASE NO. S-5353; DETERMINE THE RENT CREDIT ON GENERAL LEASE NO. S-5353 IN CONJUNCTION WITH THE LAND BOARD'S ACTION OF NOVEMBER 20, 1997, ITEM D-40; AND APPROVAL OF THE ISSUANCE OF AN ACCESS AND UTILITY AND BUILDING EASEMENT TO THE DEPARTMENT OF HAWAIIAN HOME LANDS AT WAIMANALO. KOOLAUPOKO, OAHU, TMK: 1ST/ 4-1-08: 76

Mr. Uchida provided board members with background on the subject submittal:

In October, 1996, the Board authorized a reduction in rent to the Hardingers (the lessee) to reflect the removal of the structure on the property. At the same time, the Board also approved a rent credit because the adjoining Hawaiian Homes property had encroached on the lessee's land (the credit reflected the area that the lessee was unable to use because of the encroachment).

Because of problems with the adjoining Hawaiian Homes lessee, the Hardingers had vacated the property and were in the process of assigning the lease to another party. The three actions proposed by the subject submittal - the reinstatement of the residential component, the approval of the rent credits, and the authorization of the issuance of a 15-ft wide non-exclusive easement to the Department of Hawaiian Home Lands (DHHL) - would eliminate any remaining concerns and clear the way for the assignment of the lease.

Ms. Judy Tanaka, Esq., representing the Hardingers, stated that the Hardingers had been informed by Land Division staff that, following the Board's approval, it would take an additional 5-6 months before the encroachment issue would be resolved and the assignment completed. Ms. Tanaka noted that, since the Hardingers had had a potential

ITEM D-10 (cont.)

buyer for the property since December, 1997, the delay in completing the assignment would place an undue hardship on both the Hardingers (who would be required to pay rent on the unused property) and the potential buyer (who would need an extension on her escrow). She requested that the Board waive the rent on the subject property from April, 1998 until the assignment is completed because the Hardingers were no longer deriving any benefits from the property. (A timeline of events was submitted).

Mr. Dale Hardinger testified that he had originally brought the issue of the encroachments to the Board in 1995, and that nothing had been done until [April]. Mr. Hardinger expressed his frustration with the delays in resolving the encroachment issue and its subsequent impact on the completion of the assignment of the lease. He further noted the hardship caused by the required payment of two separate rents.

Members inquired about the possibility of assigning the lease before the easement documents were finalized with DHHL. Mr. Uchida stated that once the encroachments and rent credits were resolved (by today's action), the assignment could proceed.

Discussion between Member Inouye and Mr. Uchida clarified that, as long as the assignee was aware and accepted the situation regarding the encroachments, the assignment could proceed without waiting for the mapping and recordation of the easement.

Ms. Carla Hardinger stated that the buyer was fully aware of the situation and was anxious to complete the assignment. She noted that Mr. Uchida's time line seemed to be "more positive" than the time line given by Land Division staff.

Chairperson Wilson requested that Mr. Uchida check with his staff to determine whether the assignment could proceed without the formal acceptance of the easement by DHHL. If no problem existed, Chair Wilson requested that the assignment be placed on the earliest possible agenda (This was determined to be the June 5, 1998 agenda).

Mr. Hardinger reiterated his request to waive the rent from April 1, 1998.

Member Kennison asked whether the Hardingers concurred with staff's calculations of the rent credit; Ms. Hardinger answered in the affirmative.

Item D-10 was approved as submitted (Yuen/Matsumoto).

ITEM D-15 RESUBMITTAL: SET ASIDE TO THE CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PARKS AND RECREATION, FOR BEACH PARK PURPOSES, ACCRETED LANDS FRONTING MOLII FISH POND AT HAKIPUU, KOOLAUPOKO, OAHU, TMK: 1ST/4-9-03, MAKAI OF MOLII FISH POND

Mr. Uchida explained to the Board that the subject submittal had been before the Board in January, 1998. At that board meeting, Kualoa Ranch had raised questions regarding the ownership of the accreted lands and, based on the Ranch's concerns, the Board had requested an opinion from the Department of the Attorney General. Mr. Uchida informed the Board that the Attorney General had concluded that, because the fishpond wall was a man-made feature, the accretion fronting the wall was not a natural phenomenon, and, therefore, the Ranch was not eligible to claim ownership. Mr. Uchida noted that, based on the Attorney General's ruling, staff was bringing the matter back before the Board. He further clarified that the action being proposed today involved only the accreted lands in the agricultural zone, and not accreted lands which may lie in the conservation district.

Ms. Debra Brockman, Deputy Attorney General, testified that the case law, statutes and administrative law that she analyzed in drafting her opinion lends to the fact that, because [the fishpond wall] is an artificial structure, the accretion belongs to the state and is public land. Ms. Brockman noted that, had the lands accreted along a natural shoreline, the analysis would have led to a different opinion.

Mr. John Morgan, representing Kualoa Ranch testified in opposition to staff's recommendation. Mr. Morgan asserted that the accretion was part of a "natural process" and "that Kualoa Ranch, Inc. did absolutely nothing to influence this accretion...the process is completely natural, resulting in a build up on our property." Mr. Morgan cited several court rulings supporting his claim of ownership. (Written testimony submitted).

Questioning by Member Matsumoto provided that, although Kualoa Ranch is currently conducting commercial activity on a portion of the accreted lands, public access to the area is allowed through pedestrian access along the shoreline. Mr. Morgan noted that there exists three common methods of access - from the beach park, along the shoreline, from the ocean, by boaters, and across the fishpond, through Kualoa Ranch operations. He noted that [setting aside the accreted lands] to the city would not affect public access to the area.

Discussion by members then centered on the court cases referred to in Mr. Morgan's testimony. The proposal was made to discuss matters with counsel in executive session following public testimony.

ITEM D-15 (cont.)

Mr. Don Griffin, Chief of Planning for the City and County Department of Parks and Recreation, testified in support of staff's recommendation. Mr. Griffin displayed maps of the subject area and explained to members the process that "set this type of accretion up." He stated that the 6-8 acres of lands that have accreted in front of the fishpond wall is roughly equivalent to the 6-8 acres that has eroded away from Kualoa Beach Park.

Member Matsumoto questioned whether the city would be fully prepared to defend and indemnify the state should the set aside lead to litigation. He asserted that the state should not have to bear the cost of litigating a dispute over lands that only benefit the city.

Liko Ho, representing the ahupua'a of hakipu'u, testified in opposition to the set aside to the city. Mr. Ho stated that the hakipu'u ohana believed that responsibility of the lands should rest with the families of the area. He noted that ownership was not as important as stewardship, and that the community should be involved in the stewardship of the land.

Mr. John Reppun testified in support of staff's recommendation. He encouraged the state and the city to work with the community in determining the appropriate activities for the area but stressed the importance of keeping the lands in public hands.

Motion was made to resolve into executive session to discuss matters with legal counsel (Inouye/Matsumoto). Members resolved into executive session at 10:12 a.m.

The meeting was reconvened at 10:35 a.m.

Member Matsumoto moved to approve Item D-15 with the additional condition that the action be made subject to the city's agreement to defend and fully indemnify the state with respect to any litigation or damage claims that may arise relating to the land set aside.

Item D-15 was approved as amended (Matsumoto/Inouye).

ITEM K-2 ISSUANCE OF REVOCABLE PERMIT, KEEHI INDUSTRIAL LOTS, HONOLULU, OAHU (RESOURCE RECOVERY, LTD.) TMK: 1-2-23-33, 1-2-23-60 AND 1-2-23-63

Mr. Peter Garcia presented the submittal requesting approval for the issuance of a revocable permit to Resource Recovery, Ltd. for 65,463 square foot of open, unpaved land.

ITEM K-2 (cont.)

Mr. Daniel Clement, representing Resource Recovery testified that the issuance of the revocable permit would aid in eliminating illegal dumping within the state. He informed board members that Resource Recovery would be taking in construction debris from demolished structures and recycling the concrete, steel and wood materials. He related that the company had recently recycled 88,559 tons of material from the demolition of the Moanalua Terrace buildings. He stated that the proposed site would be an ideal "hub" for the drop off of materials from construction sites around the island.

Ms. Pat Tummons requested that some assurance be given that runoff from the site would not impact the nearshore waters in the event of high water or storm conditions. She also voiced her concern regarding the fact that the permit included no restrictions on, and no monitoring of, the type of materials that may be brought on to the site. She requested that, because the area was unpaved, a condition be included in the permit to insure that no contamination occur.

Mr. Larry Cobb, Property Manager, DOT Harbors Division, stated that the applicant had described, in detail, their operations and the measures that would be employed to prevent any escape of material from the property. He noted that the construction debris would consist only of inert material such as concrete, wood and steel.

In response to Chairperson Wilson's question regarding DOT's ability to monitor the materials that are brought on to the site, Mr. Cobb responded that hazardous materials should be addressed in the demolition process prior to the demolition of the structure.

Mr. Clement added that the company must work in concert with the city and the state Department of Health regarding the various permits needed for the operation.

Chairperson Wilson requested that Mr. Clement clarify how the company would inspect the loads to ensure that no hazardous materials "slip through the cracks; Mr. Clement responded that the employees receiving the load must document the weight and type of materials before accepting the load.

In response to Member Yuen's inquiry regarding a solid waste permit, Mr. Clement responded that the company did have a solid waste permit from the Department of Health (DOH) and that [the DOH] made periodic inspections of the operations.

Member Inouye questioned whether the operation was subject to NPDES requirements; Mr. Clement responded in the affirmative.

ITEM K-2 (cont.)

Discussion between members, Ms. Tummons, Mr. Clement and Mr. Garcia revealed that, although conditions requiring conformance with all applicable laws and permits were not included in the subject submittal, such requirements are standard conditions in the revocable permit itself.

Item K-2 was approved as submitted (Inouye/Matsumoto).

ITEM D-8 CANCELLATION OF PRIOR LAND BOARD ACTION, SET-ASIDE TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR INDUSTRIAL PARK AND BUSINESS PURPOSES, ISSUANCE OF REVOCABLE PERMIT TO SERVCO PACIFIC, INC. FOR GOVERNMENT LANDS SITUATED AT SAND ISLAND, HONOLULU, OAHU, TMK: 1-5-41: 22, 334

Mr. Uchida provided the background leading to the subject submittal:

In October, 1997, the Board agreed to set aside a portion of the subject area to the Land Division and authorized a lease to the Department of Transportation (DOT) Harbors Division for cargo and container yard operations. Subsequent negotiation failed to yield an appropriate rent and a follow-up discussion between the departments' two deputy directors determined that the DOT was no longer financially able nor interested in developing the site.

The subject submittal, therefore, re-set-aside the parcel (with the addition of some adjacent unencumbered lands) to the Land Division for the development of an industrial park, and authorized the issuance of a revocable permit to Servco Pacific, Inc. for interim vehicle storage on a portion of the lot.

In response to Member Matsumoto's question regarding 1) why the two separate matters were combined in one submittal, and 2) why the rent for the revocable permit was not determined, Mr. Uchida responded that 1) there was no particular reason for the two matters to be combined (except that they were matters relating to the same parcel), and 2) that staff had not yet completed an appraisal on the parcel. Mr. Uchida noted that the Board could separate the two issues and act on the revocable permit after an appraisal had been completed.

Mr. Peter Garcia, representing the Department of Transportation (DOT), read testimony from DOT Director Kazu Hayashida. The testimony noted the breakdown in negotiations but stressed the need for the site for cargo and container yard operations. Testimony encouraged DLNR to work directly with the cargo operators for the use of the site. (Written testimony submitted).

ITEM D-8 (cont.)

Discussion between Member Yuen and Mr. Uchida yielded the following information:

- 1) DOT had originally planned to use the parcel to expand container yard operations. DOT initially offered a flat rent of \$225,000 per year, plus whatever storage revenue could be generated from the lot. Mr. Uchida stated that the DOT, however, had proposed moving employee parking and other non-revenue generating activities on to the site, freeing up additional harbor space for container operations. DLNR staff, noting that demurrage charges (fees that the shipping operators paid if items were stored on site for more than four days) often added up to approximately \$1.5 million per year, requested an additional 15% of the total demurrage charges on top of the \$225,000 per year rent. At this point, negotiations between DOT and DLNR staff stalled.
- 2) Monies paid to DLNR would be deposited into the Industrial Park Special Fund.
- 3) DLNR would need to go through the city zone change process to amend the zoning from preservation to industrial use. A county permit would be needed to allow vehicle storage on the parcel.

Mr. Clint Taylor, manager of public affairs for Sea-Land, Inc., stated that he was disappointed that DOT and DLNR had not been able to work out an agreement for use of the site. He stated that Sea-Land's operations had grown from 23 to 40 acres of terminal land, forcing Matson to operate out of a smaller area. Mr. Taylor testified that the 2020 masterplan projected a need for an additional 85 acres by the year 2020. Mr. Taylor stated that DOT and Sea-Land had been looking at lands at the Kapalama military reservation, however, the costs of relocating and developing the area would be extremely high. He asserted that this parcel at Sand Island was the most logical area to expand the container operations, and should remain in maritime use.

Mr. Taylor informed the Board that the shipping operators paid DOT based on volume -- for every container, car, etc. which enters the harbor, is unloaded and is stored at the yard. He felt, therefore, that it would be unfair for the operators to pay an additional lease rent to a separate state agency. Mr. Taylor stated that the operators were obligated to pay all required fees to the state, and that the state, in turn, was obligated to provide the operators with all the lands necessary to handle the volume of traffic.

Mr. Taylor testified against cancelling the prior board action, and encouraged the Board to request the two agencies to try and work out their differences. Mr. Taylor further stated that the shipping operators would be more than willing to participate in the negotiations, noting that the operators would be best able to determine which activities are moved to the subject area.

ITEM D-8 (cont.)

In response to Member Inouye's question regarding container operations in other states, Mr. Taylor stated that most states require tariff and wharfage fees based on volume with a minimum annual guarantee against volume. In response to Member Inouye's question regarding a base rent, Mr. Taylor responded that operators pay a separate rent for permanent buildings located at the terminal (based on the footprint of the building), but no base lease rent.

Member Yuen noted that the intention of the prior board action was to try and keep the lands in maritime use; he questioned the wisdom of using the lands for other industrial uses when the Harbors Division need for it is so evident. Mr. Uchida noted that the decision not to pursue development of the site came from the DOT. He further noted that, even if the lands are designated as an industrial park under law, the Board retained the authority to negotiate directly with the operators on maritime uses.

Member Matsumoto noted that the problem seemed to be between the DLNR, as the landowner, and the DOT, as the lessee, and not with the cargo operators. Member Matsumoto asserted that, as responsible landowners, the DLNR should try to get the best price possible for its lands. He noted that, if the DOT was required to lease lands from private landowners, they would need to pay a fair and equitable rent.

Discussion between Mr. Taylor and board members revealed that the rates charged by shipping operators were regulated by the transportation board and restricted to an annual increase of not more than 4%. Mr. Taylor further noted that the tariff paid by the operators to the state should anticipate any expansion needs.

Mr. Garcia stated that the Harbors Division basically operated on a cost equals revenue basis with no profit margin. He informed the board members that the division charged a port entry charge, a dockage charge, a wharfage charge, a storage charge, and, if items are left on site for more than four days, a demurrage charge. Mr. Garcia stated that the revenue generated goes into operations and maintenance, and into payments on the debt service incurred from improvements. He stated that, unlike private entities, the Harbors Division was unable to instantly raise revenues to cover unanticipated costs.

Chairperson Wilson questioned whether, given Mr. Taylor's comments, the DOT's current tariff charges should have anticipated the need for additional cargo space.

Member Matsumoto inquired as to whether the potential for a "land swap" between the subject area and DOT's lands in Kapalama had been explored. Mr. Uchida stated that staff had tried to get some idea of DOT's long-term plans in order to explore opportunities at areas such as Kapolei, but that DOT was unable to provide any such "offensive" plans. Member Matsumoto suggested that staff explore the possibility of a land swap.

ITEM D-8 (cont.)

Member Inouye voiced her concern over approving staff's recommendations. She questioned the department's ability to make the costs and returns of developing an industrial park "pencil," and questioned the current market for industrial parks. She stated that the interim use for vehicle storage could be considered separately while a permanent solution is worked out.

Chairperson Wilson noted that, because there existed no other entity competing for the parcel at the moment, there should be no problem in deferring the item to allow the cargo operators to work with DOT and DLNR staff to resolve their differences over rent. Member Matsumoto suggested deferring the item for a "limited period of time," however, he stressed that Board would ultimately need to protect its interest in its landholdings should the two departments be unable to resolve their differences.

Item D-8 was deferred for 60 days (Inouye/Kennison).

ITEM B-1 REQUEST FOR APPROVAL TO CONTINUE THREE AGREEMENTS WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH)

Mr. Devick presented the staff submittal requesting the continuation of three agreements with the RCUH: 1) Native Freshwater Species and Stream Ecosystem Studies; 2) Hawaiian Fisheries Development; and 3) Shoreline Fishing Surveys. No public testimony was presented.

Item B-1 was approved as submitted (Matsumoto/Kennison).

ITEM B-2 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) TO DEVELOP AND IMPLEMENT A COMMERCIAL MARINE DEALER REPORTING SYSTEM

No public testimony was presented.

Item was B-2 approved as submitted (Inouye/Kennison).

ITEM B-3 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT FOR THE DIVISION OF AQUATIC RESOURCES TO CONTINUE SUPPORT OF FEDERAL FISHERIES MANAGEMENT-RELATED ACTIVITIES

Staff submittal requested approval to continue DAR support of Western Pacific Regional Fishery Management Council (WESPAC) activities.

ITEM B-3 (cont.)

No public testimony was presented.

Item B-3 was approved as submitted (Kennison/Matsumoto).

ITEM D-1 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT AND A DIRECT LEASE TO HAWAII ELECTRIC LIGHT CO. AT SOUTH HILO AND KAU, HAWAII, TMKs: (3) 2-4-8-1, -9 AND 9-8-1-3

Mr. Uchida presented the staff submittal requesting approval of the direct sale of an easement, and direct award of a lease to the Hawaii Electric Light Company (HELCO) for lands on the big island.

In response to Member Matsumoto's inquiry regarding the use of different colored poles by [Maui Electric] (Member Matsumoto felt that the darker colored poles used on Maui blended better with the environment and were more aesthetically pleasing than lighter colored poles), Mr. Uchida stated that staff would follow up with Hawaiian Electric regarding the possible use of darker poles on the island of Oahu.

No public testimony was presented.

Item D-1 was approved as submitted (Yuen/Matsumoto).

ITEM D-2 ISSUANCE OF A REVOCABLE PERMIT TO DIVISION OF CONSERVATION & RESOURCES ENFORCEMENT, HAWAII DISTRICT OFFICE, WAILEA, HAWAII, TMK: (3) 6-6-2-7

Staff submittal requested the issuance of a revocable permit to DOCARE for interim use for a temporary field office at Hapuna State Park.

No public testimony was presented.

Item D-2 was approved as submitted (Yuen/Matsumoto).

ITEM D-3 CONSENT TO LICENSE BETWEEN STATE OF HAWAII, DLNR AND USA BY AND THROUGH THE U.S. GEOLOGICAL SURVEY, U.S. DEPARTMENT OF THE INTERIOR AT PUUWAAWAA, HAWAII, TMK: (3) 7-1-2-PORION 1

Staff submittal requested a consent to license between the State and the U.S. Department of the Interior for a water-level monitor.

No public testimony was presented.

Item D-3 was approved as submitted (Yuen/Inouye).

**ITEM D-4 APPEAL OF 1998 RENT FOR BOAT PIER REVOCABLE PERMITS,
KANEHOE BAY, KANEHOE, KOOLAUPOKO, OAHU**

Mr. Uchida presented the staff submittal. He stated that the Board had, at the March 13, 1998 Land Board meeting, approved "no rent increase" for four revocable permits at Kaneohe Bay. The four permittees had written to appeal their proposed 1998 rent increases. Mr. Uchida informed the Board that, since the March meeting additional permittees have come forward requesting to appeal their rents. He noted that staff has devised an "amnesty" program combining the CDUA and boat pier permits which would be presented to the Board at the next meeting, and thus, was requesting in the current submittal that all of the revocable pier permit rents be "frozen" at the 1997 levels. No public testimony was presented.

Item D-4 was approved as submitted (Inouye/Matsumoto).

**ITEM D-5 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO.
3-9W-L, IMPROVEMENT TO KUALAPUU RESERVOIR INTAKE,
MOLOKAI**

Staff submittal requested award of the contract to Site Engineering, Inc. for a total bid of \$137,600.

No public testimony was presented.

Item D-5 was approved as submitted (Kennison/Yuen).

**ITEM D-6 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO.
40-MB-4, DREDGING OF KIHEI BOAT RAMP BASIN, KIHEI, MAUI,
HAWAII**

Staff submittal requested award of the contract to Dillingham Construction Pacific, Ltd. for a total bid of \$188,000.

No public testimony was presented.

Item D-6 was approved as submitted (Kennison/Yuen).

**ITEM D-7 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 31-OL-S, DLNR
OAHU BASEYARD, PEARL CITY, OAHU**

No public testimony was presented.

Item D-7 was approved as submitted (Inouye/Yuen).

ITEM D-9 CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

Staff submittal recommended the appointment of three Directors: 1) Windward Oahu - Carl Kobashigawa; 2) East Kauai - Jerry Nishek; and 3) East Kauai - Edward Kawamura, Jr.

No public testimony was presented.

Item D-9 was approved as submitted (Matsumoto/Kennison).

ITEM D-11 FORFEITURE OF GENERAL LEASE NO. S-4323, WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-1-10: 33

Mr. Uchida requested that Items D-11 through D-14 be withdrawn.
No public testimony was presented.

Items D-11 through D-14 were withdrawn (Yuen/Kennison).

ITEM D-12 RESCIND PRIOR BOARD ACTION FOR CONSENT TO THE ASSIGNMENT OF GENERAL LEASE S-5434 ISSUED TO HATTIE SANTOS AND AUTHORIZE CANCELLATION AT KIKALA-KEOKEA, HAWAII, TMK: (3) 1-2-7-PORION 2

See Item D-11.

ITEM D-13 OFFICE OF THE PUBLIC GUARDIAN'S REQUEST TO CANCEL 999-YEAR HOMESTEAD LEASE NO. 17, CURRENTLY ISSUED TO ELLA K. RAMOS, ON LOTS 14 AND 14A, TMKs: 1-1-4: 01 AND 1-1-05: 27 RESPECTIVELY, SITUATE AT WAILUA HOMESTEADS, KOOLAU, HANA, MAUI

See Item D-11.

ITEM D-14 REQUEST BY DAVID AND SUE BOYNTON FOR TIME EXTENSION OF DEFAULT DEADLINE (FOR PAYMENT OF ANNUAL RENT), GENERAL LEASE NO. S-5034, KOKEE CAMP SITE LOT 71, KAUAI, TMK: 1-4-4: 62

See Item D-11.

ITEM D-16 ISSUANCE OF GOVERNOR'S EXECUTIVE ORDER TO CANCEL GOVERNOR'S EXECUTIVE ORDER NO. 1432 AND RE-SET ASIDE ALONG WITH ADDITIONAL UNENCUMBERED LAND TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, STATE OF HAWAII, FOR GOVERNMENT BUILDINGS AND FACILITIES AT HONOLULU, OAHU, TMK: 1ST/2-1-18: 46 & 47

No public testimony was presented.

Item D-16 was approved as submitted (Inouye/Matsumoto).

ITEM J-1 ISSUANCE OF REVOCABLE PERMIT TO AO SHIBI, INC. FOR THE USE OF GOVERNMENT LAND FOR DRY DOCK STORAGE SITUATED AT THE HONOKOHAU SMALL BOAT HARBOR, ISLAND OF HAWAII

Mr. John Hino informed the Board that subject request was being made because there were no slips at the harbor which could accommodate a vessel as large as Ao Shibi's, nor was there any private dry dock facility which could accommodate a boat of this size.

Member Yuen questioned whether other vessel owners who are not able to get slips at the harbor are afforded the opportunity to use the harbor's fast lands. Mr. Hino responded in the negative, stating that the Boating Division viewed the circumstances as unique due to the commercial nature (the need to get the boat in and out of the water on a daily basis) and the vessel size. He further noted that "no one has ever asked."

No public testimony was presented.

Item J-1 was approved as submitted (Yuen/Matsumoto). Member Inouye recused herself from voting on the matter.

ITEM J-2 CONSENT TO ASSIGNMENT OF HARBOR LEASE H-72-1, KEALAKEHE, NORTH KONA, ISLAND OF HAWAII

No public testimony was presented.

Item J-2 was approved as submitted (Yuen/Inouye).

ITEM J-3 ISSUANCE OF REVOCABLE PERMIT TO THE HONOLULU WATER SKI CLUB LOCATED AT THE KEEHI BOAT HARBOR, ISLAND OF OAHU

No public testimony was presented.

Item J-3 was approved as submitted (Inouye/Matsumoto).

ITEM J-4 CONSENT TO ASSIGNMENT OF HARBOR LEASE H-86-9(C), MAALAEA HARBOR, ISLAND OF MAUI

In response to Member Kennison's inquiry regarding a lawsuit, Mr. Hino informed members that the suit had been settled and a condition of the consent required the assignees to comply with the American with Disabilities Act.

Member Yuen voiced some confusion over the square footage of land being assigned; Mr. Hino clarified that only the food service facility itself was being assigned. No public testimony was presented.

Item J-4 was approved as submitted (Kennison/Yuen).

ITEM K-1 LEASE, WAIMEA-KOHALA AIRPORT, ISLAND OF HAWAII (DOUGLAS AIRCRAFT, INC. AND MAUNA KEA HELICOPTERS, INC.) TMK: 3-6-7-01

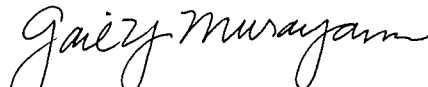
Mr. Peter Garcia presented the staff submittal. No public testimony was presented.

Item K-1 was approved as submitted (Yuen/Inouye).

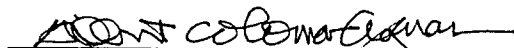
There being no further business, Chairperson Wilson adjourned the meeting at 12:40 p.m.

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.

Transcribed by:


Gail Y. Murayama

Approved for submittal:


MICHAEL D. WILSON
Chairperson
Board of Land and Natural Resources

