

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

DATE: FRIDAY, JULY 24, 1998
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
BOARDROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at 9:17 A.M. The following were in attendance:

Members: Mr. Michael D. Wilson Ms. Lynn McCrory
 Mr. William Kennison Mr. Russell Kokubun
 Mr. Colbert Matsumoto

Staff: Mr. John Hino, Division of Boating and Ocean Recreation
 Mr. Dean Uchida, Land Division
 Mr. Bill Devick, Division of Aquatic Resources
 Mr. Michael Buck, Division of Forestry and Wildlife

Others: Ms. Dawn Chang, Department of the Attorney General
 Ms. Diane Quitiquit, J-4 Mr. David Frankel, J-4, D-6, 11 & 18
 Ms. Linda Warriner, D-17 Mr. Bill Mielcke, D-16
 Mr. Robert Cunningham, D-16 Mr. Joe Stimeroski, D-8
 Mr. Michael Chu, D-12 Mr. Mel Yamamoto, D-12
 Mr. Nick Dreher, D-11 Mr. Ray Almeida, D-11
 Mr. Brad Mossman, B-2 Mr. Don Shug, B-2
 Mr. Kitty Simonds, B-2 Mr. Al Katekaru, B-2
 Dr. Rick Grigg, B-2 Mr. Scott Vuillemot, B-2
 Mr. Gerald Sumida, B-2

It was moved and unanimously approved to amend agenda to go into an anticipatory Executive Session for status on the lawsuit by Environment Hawaii vs. Wilson with Deputy Attorney General. (McCrory/Kennison).

ITEM A-1: APPROVAL OF MINUTES OF JUNE 19, 1998.

Unanimously approved as submitted. (McCrory/Kennison).

ITEM J-4: ISSUANCE OF REVOCABLE PERMIT TO THE NATIONAL BROADCAST COMPANY (NBC) FOR THE USE OF LANDS FOR FILM MAKING PURPOSE: "WIND ON WATER" SERIES

Mr. John Hino, Property Manger for the Division of Boating and Ocean Recreation (DOBOR) said this is for the issuance of a month-to-month revocable permit to the National Broadcast Company (NBC) for the use of lands for filming the "Wind on Water" series at the Kawaihae Small Boat Harbor, Island of Hawaii. The State, through the Hawaii Film Office of the Department of Business, Economic Development and Tourism (DBEDT), are assisting NBC Studios to reduce costs. Permission was granted to the Department of Transportation (DOT) at the July 10, 1998 Land Board meeting for NBC to use State facilities at the Kawaihae Small Boat Harbor. Mr. Hino said the projected estimate of influx to the economy will be \$12 million. Staff's recommendation is that the Board approve the revocable permit subject to terms and conditions.

Ms. Diane Quitquit of the County of Hawaii testified in support of the issuance of the revocable permit and submitted a letter in support from Mayor Stephen Yamashiro.

Mr. David Frankel introduced himself and said on behalf of Doug Blake and the Sierra Club, a contested case hearing is requested because there has not been a public meeting on the use of Mahaiula for filming. He said the Land Board has not approved the Conservation District Use Permit (CDUP) and therefore use of Conservation District lands at Mahaiula is inappropriate and illegal. Mr. Frankel said there is no benefit to the park system except for the disruption of the "wilderness quality and tranquility of the park" during the filming of the series. He said it is a strain on the resources, requiring a significant amount of staff time to monitor and enforce the protection of the areas without a legal mechanism in place. Mr. Frankel said a CDUP is required when a structure is to remain in place for more than 14 days and for any alteration of any structure.

Unanimously approved as submitted. (Matsumoto/Kennison).

ITEM D-17: REQUEST AUTHORIZATION TO SELL LEASE AT PUBLIC AUCTION FOR HOTEL PARKING LOT PURPOSES, POR. OF GOVERNMENT (CROWN) LAND OF KAPAA (FORMER FIRE STATION LOT), KAPAA, KAWAIHAU (PUNA), KAUAI, TMK: 4-5-12:5, AND ISSUANCE OF REVOCABLE PERMIT TO LINDA WARRINER

Mr. Dean Uchida, Administrator for the Land Division said Item D-17 is a request for authorization to sell lease at public action for the purpose of a hotel parking lot in Kapaa, Kauai. Mr. Uchida said the area is presently being used as a parking lot and was under a lease that expired on June 14, 1995. He said in 1993, before the lease expired, the lessees requested an extension of 5 years which was granted by the Land Board based on a mortgage loan from First Hawaiian Credit Corporation. The applicants never completed the mortgage

or the lease extension, and about the same time they divorced. He said the applicant still needs the parking structure as an integral part of the hotel operation. The applicant has agreed to pay back lease rent from June 15, 1995, and to the sale of the lease at a public auction for parking lot purposes only and the lease term to end co-terminus with the hotel lease. Staff recommendation is that the Board authorize the sale of lease at public auction and to authorize the issuance of a retroactive revocable permit for hotel parking purposes subject to standard conditions.

Ms. Linda Warriner introduced herself as the owner of the Hotel Coral Reef. She clarified that the hotel and the parking lot consists of 3 parcels, 1 fee simple parcel and 2 leased parcels.

Unanimously approved with an amendment to commence the lease for public auction as of May 17, 1999 and reopenings to be consistent with the adjacent Hotel lease, GL S-3832. (McCrary/Kennison).

ITEM D-16: CANCELLATION OF ASSIGNMENT AND REVERSION OF PIPELINE EASEMENTS TO MAUNA KEA PROPERTIES, INC. AT WAIMEA, HAWAII, TMK: (3) 6-2-13-1, -2, -4

Mr. Uchida said this is a request for cancellation of assignment and reversion of pipeline easements to Mauna Kea Properties. He said this involves 2 easements that the State acquired and that both of these perpetual pipeline easements were to be used by the County of Hawaii for water system developments. The County of Hawaii informed the Department that they no longer need the easements for their water system and that Mauna Kea Properties would like the land free of encumbrances. Staff's recommendation is that the Board authorize the immediate cancellation of the assignment document dated July 10, 1967, between the State and the County of Hawaii and to authorize the conveyance in fee simple to Mauna Kea Properties subject to terms and conditions.

Mr. Bill Mielcke representing Mauna Kea Properties said they are in agreement with staff's recommendation.

Unanimously approved as submitted. (Kokubun/Matsumoto).

ITEM D-8: REQUEST FOR ISSUANCE OF AN AFTER-THE-FACT REVOCABLE PERMIT TO MANA KAI MAUI AOA FOR ADDITIONAL PARKING AREA PURPOSES AND AN IMMEDIATE RIGHT OF ENTRY FOR SITE CONTROL PURPOSES ON GOVERNMENT LAND, IDENTIFIED BY TMK: 3-9-04; POR. 01, SITUATE AT PORTION KAMAOLE HOMESTEADS, WAILUKU, MAUI

Mr. Uchida said this is a request for the issuance of an after-the-fact revocable permit to Mana Kai Maui Association of Apartment Owners (AOAO) for additional parking area purposes and an immediate right-of-entry for site control purposes. The Mana Kai Maui AOAO has been using State land without proper document and was authorized by the Department to file for a Special Management Area Permit in 1987. He said there was no subsequent follow up on a formal revocable permit for the use of the property and because of this Mana Kai Maui AOAO has come forward to ask for a revocable permit. Staff's recommendation is that the applicant be assessed a penalty of \$500 pursuant to Section 171-6(12) of the Hawaii Revised Statutes (HRS) for the unauthorized use of State land and to authorize the issuance of revocable permit and immediate right-of-entry for parking lot purposes subject to terms and conditions.

Mr. Joe Stimeroski introduced himself as the managing agent for Mana Kai Maui AOAO. He said Mana Kai Maui AOAO thought it was covered since a request for a revocable permit was made in 1988, but it somehow was lost. Mr. Stimeroski said improvements have been made to the area as requested by Land Division and showed some photographs of the area to the Board.

Unanimously approved as submitted. (Kennison/McCrory).

ITEM D-12: AUTHORIZATION OF THE DIRECT ISSUANCE OF A TERM NON-EXCLUSIVE EASEMENT FOR A EROSION CONTROL STRUCTURE AND LANDSCAPING EASEMENT ON GOVERNMENT LAND SITUATE ALONG MANOA STREAM, MANOA, HONOLULU, OAHU, TMK: 2-9-26: 14 (PORTION)

Mr. Uchida said Item D-12 is a request for authorization of a direct issuance of a term non-exclusive easement for an erosion control structure and landscaping purposes along the Manoa Stream, adjacent to the Manoa Village Homeowner's Association Condominiums. He said the condominiums have been experiencing some erosion along Manoa Stream and that the Association would like to construct an erosion control device along the bankment of the stream. He noted that an Environmental Assessment (EA) has been completed. Mr. Uchida said staff recommendation is that the Board authorize the issuance of a 55 year non-exclusive easement for an erosion control structure and landscaping purposes to the Manoa Village Homeowner's Association subject to terms and conditions.

In response to Member Colbert Matsumoto's question, Mr. Uchida said the structure is a gabion embankment system which is like steel wire mesh baskets that are filled with stones and will harden the embankment to prevent further erosion.

Mr. Michael Chu representing the Manoa Village Homeowner's Association said they have 10 condo units. He said the EA describes and explains the purpose of the easement.

In response to Member Lynn McCrory's question, Mr. Chu said the principal reason for selecting the gabion system is because of cost and the environment. The gabion system provides for groundwater flow from the land into the stream, it presents a rough texture which is similar to the natural appearance and it allows vegetation growth along the stream bank.

Mr. Mel Yamamoto introduced himself as the President of the Manoa Village Homeowner's Association. He clarified that the walls were not concrete, and that it is rock walls on both ends. He said the gabion system is for the protection of the slope.

Unanimously approved as amended to include, that the Grantee shall use the respective easement for an erosion control structure and landscaping easement purpose only consistent with terms and conditions imposed by the Commission on Water Resources Management. (Kokubun/Matsumoto).

ITEM D-11: REQUEST BY FIRST HAWAIIAN CREDITCORP, INC. TO CANCEL GRANT OF EASEMENT NO. S-4600 AND ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ROADWAY AND UTILITY PURPOSES OVER STATE LAND SITUATE AT HONOMALINO AND HOOPULOA, SOUTH KONA, HAWAII, TMK: 8-9-01: POR 2

Mr. Uchida said Item D-11 is a request by First Hawaiian Creditcorp to cancel the Grant of Easement No. S-4600 and issue a perpetual, non-exclusive easement for roadway and utility purposes over State lands. The sale is contingent on obtaining a longer term access in the remaining 45 years of the easement. Staff's recommendation is that the Board cancel the Grant of Easement subject to the consummation of the private-property sale transaction between First Hawaiian Creditcorp and The Nature Conservancy (TNC) and to authorize the issuance of a perpetual, non-exclusive easement for vehicular access and utility purposes to TNC subject to terms and conditions.

Mr. Nick Dreher introduced himself as a representative of the applicant. He clarified that First Hawaiian Creditcorp merged with First Hawaiian Bank on June 19th so technically the land is owned by First Hawaiian Bank. The status of the transaction between First Hawaiian Bank and TNC is an option agreement that has been negotiated for the purchase by TNC which has not been signed yet. Mr. Dreher explained that the reason it is structured as an option instead of an out right sale is because there is no perpetual easement that grants access to this land, which TNC imposed on the sale. He said the term easement has a remaining life of approximately 45 years which was granted in 1980 for a lump sum payment. First Hawaiian Bank would like to cancel the existing term easement to become effective upon the granting of a perpetual easement and that the cost is computed based on the cost of value of the remaining term of the easement to be subtracted from the net cost, payable in lump sum to the State. Mr. Dreher said in 1980, a lump sum payment was made for a 65 year

easement.

In response to Member Russell Kokubun's question, Mr. Dreher said he didn't know what TNC's plans for the property are but one of the requirements is that all of the property be fenced to exclude grazing animals from adjoining lands. He thinks their intention is to preserve native plants and animals and to prevent encroachment of non-native plants in the area.

Mr. Frankel wanted assurance that the easement was going directly to TNC and not to First Hawaiian Bank. He felt that if the Board granted a perpetual easement to First Hawaiian Bank and the sale did not go through, all leverage will be lost to control logging.

Unanimously approved with an amendment to read: **Cancel Grant of Easement No. S-4600, subject to Recommendation B. [the consummation of the private-property sale transaction between First Hawaiian Creditcorp, Inc., and The Nature Conservancy.] (Kokubun/Matsumoto).**

ITEM B-2: REQUEST FOR APPROVAL TO CONDUCT PUBLIC MEETING AND PUBLIC HEARING ON PROPOSED AMENDMENTS TO HAWAII ADMINISTRATIVE RULES (HAR), CHAPTER 13-91, PINK AND GOLD CORALS

Mr. Bill Devick, Acting Administrator of the Division of Aquatic Resources (DAR) said this is a request for approval to hold a public hearing on proposed amendments to Hawaii Administrative Rules (HAR) with regards to pink and gold corals. He said the current rule permits harvest from the Makapuu Bed and that it differs from the Federal Government's rules. Mr. Devick said this presents substantial problems for people who want to engage in harvest of corals because of inconsistencies in the rules. The State rule provides a lower quota (harvestable amount) and a restricted harvest only in the Makapuu Bed whereas the Federal rules permit harvest anywhere in waters outside the 3 mile limit. This submittal is an attempt to make HAR rules more consistent with the Federal rules to avoid confusion with regards to what is required for the harvesting of precious corals and to have consistency with the permits.

There was discussion with regards to the penalty provision for purposes of enforcement of the rules and a fee attached to the permit. Mr. Devick said DAR would like the Board to retain its authority to issue a permit so that the Board would have the authority to replace any condition that is appropriate for the permit. He said this submittal does not address the question of fees attached to the permit.

Mr. Brad Mossman testified on behalf of Department of Business, Economic Development and Tourism (DBEDT) in support of the request to conduct public meetings and hearings on the proposed amendments to the HAR. He said from an economic perspective, DBEDT feels

that the existing rules causes confusion and delays potential businesses from bringing modern technology and making substantial investments in Hawaii. Mr. Mossman said DBEDT is not clear as to why "dead" coral should be included in the proposed rules because it does not relate to the resource management.

Mr. Don Shug introduced himself as a member of the staff of the Western Pacific Fishery Management Council. He read and submitted a statement from Mr. Jim Cook, the Chairman of the Council in support of the submittal.

Mr. Al Katekaru testified on behalf of Dr. Charles Carnell of the National Marine Fisheries Service, Pacific Islands Area Office in support of and to encourage the public meetings to solve the inconsistency issue. He added that there currently is an amendment through the Federal Fisheries Management Plan to make the Federal process flexible so that future adjustments can be made as needed.

Mr. Rick Grigg said he was in agreement with previous testimonies and was present to answer questions.

Mr. Scott Vuillemot introduced himself as representative of American Deepwater Engineering and American Marine Services in Honolulu. He said they are in support for the amendment of the current regulations but their concern is the inconsistencies between the 2 permits causing uncertainties and delays in their effort to move forward.

Mr. Gerald Sumida, Counsel for American Deepwater Engineering said 2 of their concerns were the dead coral and how best to approach the issue of consistency with Federal and State rules.

Mr. Frankel said the Sierra Club opposes the change in rules for philosophical reasons and didn't think the harvesting of these living organisms is appropriate. He said the coral are living organisms like the endangered sea turtle, and that they are being harvested not for clothing, food, shelter, or any basic need, but simply to produce a luxury item. He said the changes in the rules have no effect on foreign fleets illegally damaging the coral beds. He stated that the dead coral issue is an enforcement issue, if someone harvests more than they are allowed to, they can claim that the coral was dead and therefore would not violate the permit conditions. He requested that public hearing notices be sent to the Sierra Club .

Unanimously approved as submitted. (Matsumoto/Kokubun).

ITEM B-1: REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING TO ADOPT NEW HAWAII ADMINISTRATIVE RULES, CHAPTER 13-60.1, KAWELA BAY FISHERIES MANAGEMENT AREA

Mr. Devick said this is a request for approval to hold a public hearing to establish a new

Fisheries Management Area at Kawela Bay, Oahu. This is to create an area in which the possession of gill nets will be prohibited in order to protect the sea turtles that frequent the Bay. He said if a sea turtle becomes entangled in a net and is immediately released, there is no violation, however, if the sea turtle dies because the fisherman did not monitor the net on a regular basis, he would be in violation of the Federal Endangered Species Act.

Unanimously approved as submitted. (Matsumoto/Kokubun).

ITEM D-6: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 40-OB-D, MAUNALUA BAY MOUTH DREDGING, OAHU, HAWAII

Mr. Uchida said Item D-6 is a request for approval to award of a construction contract for the Maunalua Bay Mouth Dredging Project to the low bidder, North Pacific Construction. The project entails dredging approximately 6,100 cubic yards of sand and placing the dredged sand on adjacent beaches to open the stream channel. He clarified that there are two aspects of the project, one is the permitting process to approve the work itself which is going through an Environmental Assessment (EA) process and the other is the need for a Conservation District Use Permit (CDUP). Mr. Uchida said neither of those things have been completed or finalized yet. He said the action is to award the contract to encumber the funds and not let it lapse. The funds are scheduled to lapse June 30, 1998 and DLNR has 60 days to enter into a contract. Mr. Uchida clarified that the authorization of the award by the Board is subject to the completion of the EA and Conservation District Use Application (CDUA) and that the action is for the procurement and encumbering of funds, as opposed to approval of the project. He said the Board will have an opportunity to consider the merits of the project at the completion of the CDUP process.

Mr. Frankel said the Sierra Club opposes the approval. He said according to Chapter 343, Hawaii Revised Statutes, funds cannot be encumbered before the EA process is complete. Mr. Frankel pointed out that there is no demonstrated public need for the project, no compelling public purpose or interest in the project, that a prior Court ruling found that the owners of Kuapa Pond can deny public access to the pond and marina areas, that the rationale for the project is questionable based on how the project was funded by the Senate Ways and Means Committee, that the project would expose the State to future liability to operate and maintain the dredged area, and that the concerns regarding potential siltation problems and beach erosion problems had not been properly addressed.

In response to Member McCrory's question, Mr. Uchida said DOBOR is the applicant of the EA and CDUA and the reason Land Division is involved in this is because they are handling the Capitol Improvement Project and also to preserve the funding.

Unanimously approved to defer Item D-6. (Matsumoto/Kokubun).

ITEM D-18: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

Mr. Uchida said Item D-18 is a request for certification of election and appointment of Soil and Water Conservation District Directors, for Ka'u and Molokai-Lanai areas. Staff's recommendation is that the Board appoint Mr. Jeffrey McCall and Mr. Paul Elia and certify the election of Mr. Gary Onuma as directors of their respective Soil and Water Conservation Districts.

Mr. Frankel felt that the Board should consider the 1 person 1 vote issue that was raised in 1993 and never resolved. He said people are likely to base something on an acreage they own and it is very difficult for small farmers to be adequately represented on the Soil and Water Conservation District. He felt this was unconstitutional because it favored large landowners. His understanding is in 1994, the Department of the Attorney General (AG's) was asked for an opinion by Senator Randy Iwase which was never publicly released. He cited several cases. Mr. Frankel encouraged the Board to consider amending the statutes that set the criteria for the selection of district representatives.

Chairperson Wilson asked staff to set up a briefing for the Board on this matter within the next 45 days to go over policies and to take public testimonies to allow for sufficient time to prepare legislation for the next session, if needed.

Unanimously approved as submitted. (Kennison/Matsumoto).

ITEM D-1: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR PAIR GAIN AND CROSS CONNECT EQUIPMENT SITE AND A CONSTRUCTION RIGHT-OF-ENTRY AT LALAMILO, HAWAII, TMK: (3) 6-6-2-PORITION 40

Mr. Uchida presented the staff submittal recommending that the Board approve the direct sale of the easement as well as authorize the construction right-of-entry subject to standard conditions.

Unanimously approved as submitted. (Kokubun/Kennison).

ITEM D-2: TIME EXTENSION REQUEST - CONSERVATION DISTRICT USE PERMIT HA-2354 FOR SINGLE FAMILY RESIDENCE, FARM, AND COMMERCIAL NURSERY AT KAIWIKI HOMESTEAD, SOUTH HILO, HAWAII

Mr. Uchida presented the staff submittal recommending that the Board approve a 2 year time extension to complete the attached garage and second greenhouse subject to terms and

conditions.

Unanimously approved as submitted. (Kokubun/Matsumoto).

**ITEM D-3: RESCIND PRIOR BOARD ACTION FOR DIRECT SALE OF
ABANDONED RAILROAD RIGHT-OF-WAY AT WAIAKEA, HAWAII,
TMK: (3) 2-4-46-RAILROAD**

Mr. Uchida presented the staff submittal recommending that the Board rescind Land Board authorization of May 23, 1992 subject to terms and conditions.

Unanimously approved as submitted. (Kokubun/Matsumoto).

**ITEM D-4: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB
NO. 93-KP-B7, WATER WELL DEVELOPMENT, KOKEE STATE
PARK, KAUAI, HAWAII**

Mr. Uchida presented the staff submittal recommending that the Board award the construction contract to Site Engineering subject to terms and conditions.

Unanimously approved as submitted. (McCrorry/Kennison).

**ITEM D-5: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB
NO. 8-HW-4, KEAHOLE 1.0 MG RESERVOIR, KONA, HAWAII**

Mr. Uchida presented the staff submittal recommending that the Board award the construction contract to Keauhou Kona Construction subject to terms and conditions.

Unanimously approved as submitted. (McCrorry/Kennison).

**ITEM D-9: ACCEPTANCE OF A QUITCLAIM DEED OF A REMNANT PARCEL
FROM MAN HWA LEE AND IL SUN BAEK AT THE OLD
GOVERNMENT ROAD, KAALAWAI, KAPAHULU, HONOLULU,
OAHU, TMK: 3-1-40: (POR)**

Mr. Uchida presented the staff submittal recommending that the Board approve the acceptance of a quitclaim deed subject to terms and conditions.

Unanimously approved as submitted. (Matsumoto/Kokubun).

ITEM D-10: CANCELLATION OF VARIOUS GOVERNOR'S EXECUTIVE ORDERS FOR CONSOLIDATION WITH CERTAIN VACANT STATE PARCELS AND THEN SET ASIDE OF THE SUBJECT LANDS UNDER A SINGLE GOVERNOR'S EXECUTIVE ORDER TO THE DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION, FOR COMMERCIAL MARITIME, MARINE, AND ASSOCIATED PURPOSES, AT HILO HARBOR, WAIAKEA, SOUTH HILO, HAWAII - TMKS: 3RD/2-1-07 & 2-1-09

Mr. Uchida presented the staff submittal recommending that the Board approve and recommend to the Governor, the cancellation of various Governor's Executive Orders; rescind the prior Board action of July 11, 1986; grant to the applicant a development and construction right-of-entry over the vacant areas; authorize the consolidation of areas formerly set aside; and, approve and recommend to the Governor, the issuance of an Executive Order to set aside consolidated areas to be under the control and management of DOT subject to terms and conditions.

Unanimously approved as submitted. (Kokubun/Matsumoto).

ITEM D-13: SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, PARCELS 1 TO 7, PROPOSED NORTH SOUTH ROAD, EAST KAPOLEI, HONOULIULI, EWA, OAHU, TMK: 9-1-16

Mr. Uchida presented the staff submittal recommending that the Board recommend to the Governor the issuance of an Executive Order to set aside the subject land to DOT and to authorize the issuance of an immediate construction right-of-entry to the Housing and Community Development Corporation of Hawaii subject to terms and conditions.

Unanimously approved as submitted. (Kokubun/Matsumoto).

ITEM D-14: ISSUANCE OF REVOCABLE PERMIT FOR LOT 47, PUU KA PELE PARK LOTS, WAIMEA, (KONA), KAUAI, TMK: 1-4-2: 34

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a revocable permit for recreational-residential purposes subject to terms and conditions.

Unanimously approved as submitted. (McCrorry/Matsumoto).

ITEM D-15: REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-4212 FROM TOWA SHINYO MAUI, INC. TO SILVERHAWK

**DEVELOPMENT CORPORATION, TMK: 3-9-04: 29, KAMAOLE,
WAILUKU, MAUI**

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of lease from Towa Shinyo Maui, Inc. to Silverhawk Development Corporation subject to terms and conditions.

Unanimously approved as submitted. (McCrory/Kokubun).

**ITEM D-19: AMENDMENT TO GENERAL LEASE NO. S-3917 ISSUED TO USA,
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA),
WAIMEA, KAUAI, TMK: 1-4-1:3**

Mr. Uchida presented the staff submittal recommending that the Board amend General Lease S-3917 by deleting, in Condition Number 21, the reference to the subleasing or granting and interest in the demised premises and including in the lease's stated purpose the installation of privately-owned communication equipment in and upon government facilities within the demised premises, subject to the terms and conditions.

Unanimously approved as submitted. (McCrory/Kokubun).

**ITEM D-20: REQUEST LAND BOARD APPROVAL FOR A LEASE OF NON-
EXCLUSIVE EASEMENT TO PRIMECO PERSONAL
COMMUNICATIONS, L.P. AT LANDS ENCUMBERED BY
GOVERNOR'S EXECUTIVE ORDER NOS. 1277 AND 3040, SITUATE
AT THE WAIMANALO-KAILUA CORPORATION YARD, OLOMANA
AGRICULTURAL SUBDIVISION, KAILUA, KOOLAUPOKO, OAHU,
TMK: 4-2-98: 47**

Mr. Uchida presented the staff submittal recommending that the Board approve the issuance of a non-exclusive easement to Primeco Personal Communications and to authorize the immediate construction and maintenance right-of-entry subject to terms and conditions.

Unanimously approved with amendment that the Board may allow for others to co-locate on the tower/pole. (Matsumoto/Kokubun).

**ITEM J-1: AMENDMENT TO PRIOR BOARD ACTION ON JUNE 14, 1996 UNDER
AGENDA ITEM J-5 REGARDING AUTHORIZATION TO LEASE AT
PUBLIC AUCTION GOVERNMENT LANDS SITUATED AT KALIA,
WAIKIKI, HONOLULU, ISLAND OF OAHU**

Mr. Hino said Item J-1 is an amendment to prior Board action for the sale of lease at public auction for lands situated at the Ala Wai Boat Harbor which is currently occupied by the Waikiki Yacht Club. Based on consideration of the current stagnant economic conditions and knowing what lies ahead in the future, the staff felt that the terms of the proposed lease does not reflect these conditions as opposed to 6 years ago when the original lease expired. Mr. Hino said the staff recommendation is that the Board amend prior board action for the lease at public auction for the items subject to terms and conditions.

There was discussion regarding the reopening periods. Member McCrory clarified that for a 10 year period there will be a 5% increase and that for the last 5 years, the tenants will have new facilities or greatly improved facilities with no increase of rent because of the automatic 5% at the end of 5 years. She also addressed the issue of the minimum number of slips to be repaired. Member McCrory said the repair will only be done to a minimal amount of slips for a 10 year period at a much reduced rent. She felt that the State will get the least amount of revenue and potentially the worst slips will never be repaired.

Unanimously approved to withdraw Item J-1. (Matsumoto/McCrory).

ITEM J-2: AMENDMENT TO PRIOR BOARD ACTION APRIL 24, 1998 UNDER AGENDA ITEM J-3 REGARDING AUTHORIZATION TO LEASE AT PUBLIC AUCTION GOVERNMENT LANDS SITUATED AT KALIA, WAIKIKI, HONOLULU, ISLAND OF OAHU

Unanimously approved to withdraw Item J-2. (Masumoto/McCrory).

ITEM J-3: AMENDMENT TO PRIOR BOARD ACTION JUNE 19, 1998 UNDER AGENDA ITEM J-2 REGARDING AUTHORIZATION FOR THE SALE OF LEASE AT PUBLIC AUCTION GOVERNMENT LANDS SITUATED AT HONOKOHAU BOAT HARBOR, ISLAND OF HAWAII, A PORT OF TMK (3)7-4-08:3

Unanimously approved to withdraw Item J-3. (Kokubun/Matsumoto).

ITEM C-1: APPROVAL FOR PROPOSED FENCE CONSTRUCTION, MANUKA NATURAL AREA RESERVE, KA'U, HAWAII

Mr. Michael Buck, Administrator for the Division of Forestry and Wildlife (DOFAW) said this submittal is for the approval of fence construction to enclose a 200 acre kipuka containing a native lowland forest dominated by Olopua to prevent the entry of feral pigs in the Manuka Natural Area Reserve in Ka'u, Hawaii. An Environmental Assessment was published and the majority of comments received were positive and in support of the project.

Staff recommendation is that the Board find this action to be a consistent use in the Protected Subzone of the Conservation District and that the Board approve this action, allowing DOFAW to proceed with the construction of the fence.

Unanimously approved as submitted. (Kokubun/Matsumoto).

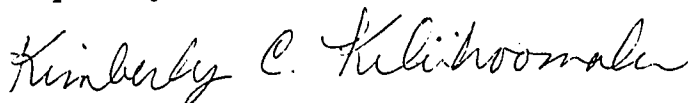
Unanimously approved at 11:32 a.m to move into Executive Session. (McCrorry/Matsumoto). The meeting was reconvened at 11:41 a.m.

Unanimously approved to move into Regular Session. (Matsumoto/McCrory).

There being no further business, Chairperson Wilson adjourned the Meeting at 11:42 A.M.

Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office of the Department of Land and Natural Resources and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Kimberly C. Keliioomalu

Approved for submittal:



MICHAEL D. WILSON

Chairperson

Board of Land and Natural Resources