

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

DATE: FRIDAY, JANUARY 22, 1999  
TIME: 9:30 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

Chairperson Timothy E. Johns called the meeting of the Board and Natural Resources to order at 9:50 a.m. The following were in attendance.

**MEMBERS:**

Mr. Timothy Johns	Mr. William Kennison
Mr. Colbert Matsumoto	Ms. Lynn McCrory
Ms. Kathryn Inouye	Mr. Russell Kokubun

**STAFF:**

Mr. Dean Uchida, Land Division	Dr. Kimberly Lowe, Division of Aquatic Resources
Mr. Ralston Nagata, Division of State Parks	

**OTHERS:**

Ms. Pamela Matsukawa, Department of the Attorney General	Mr. Peter Garcia, Department of Transportation, (DOT)
Mr. Robert C. Moore (D-16)	Mr. Edward Boteilho, Jr. (D-44)
Ms. Kim Harris (D-22)	Ms. Ann Johnson (D-23)
Ms. Michele Sunahara (D-22)	Ms. Cher Sullivan (K-6)
Mr. Frank Goto (K-5)	Mr. Derrick Lining, DOT (K-5)
Ms. Ninia Parks (D-9)	Ms. Debbie Gorai (D-4, 24, 26 & 27)
Mr. Steven Kubota (D-4, 24, 26 & 27)	Mr. Paul Luerson (D-30)
Mr. Henry Curtis (D-30)	Ms. Mary Green (D-1)
Mr. Joe Kahakua (D-32)	Ms. Patricia Nielsen (D-13)

**ITEM A-1: MINUTES OF THE SEPTEMBER 10, 1998, BOARD BRIEFING.**

Chairperson Timothy Johns, Members William Kennison and Lynn McCrory recused themselves as they were not present at the briefing.

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

**ITEM A-2: MINUTES OF NOVEMBER 20, 1998.**

Chairperson Johns recused himself as he was not present at the meeting.

Unanimously approved as submitted (McCrorry/Kennison).

**ITEM D-16: AUTHORIZATION FOR THE ISSUANCE OF A QUITCLAIM TO THE COUNTY OF HAWAII FOR A PORTION OF OLD GOVERNMENT ROAD, MAKAPALA, NORTH KOHALA, HAWAII, TMK: 3RD/5-2-08: 009**

Mr. Dean Uchida, Administrator of the Land Division presented the staff submittal recommending that the Board authorize the execution and issuance of a quitclaim deed to the County of Hawaii, subject to standard conditions.

Mr. Robert C. Moore testified in favor of staff's recommendation.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-44: AMEND GENERAL LEASE S-4950 ISSUED TO BOTEILHO HAWAII ENTERPRISES, INC. FOR DAIRYING PURPOSES AT NORTH KOHALA, HAWAII, TMK: (3) 5-5-6-2, 3, 4, 15**

Mr. Uchida said this is a request to amend General Lease (GL) No. S-4950 to Boteilho Hawaii Enterprises, Inc. for dairying purposes. The Land Board at its meeting of December 16, 1983 approved the direct lease that contained a provision allowing for percentage rent. On September 22, 1998, staff met with Mr. Edward Boteilho, Jr. concerning his lease. Mr. Boteilho questioned why he was paying a percentage rent and other State tenants were not. Staff went around and asked for comments from various landowners as well as other dairy operators on the Big Island and their findings were that the percentage rent provision is unique to this one lease. In all fairness, staff is recommending that the Board delete the additional rent provision in GL No. S-4950, subject to standard conditions.

Chairperson Johns questioned staff recommendation that reads: "...by deleting: 2. Review and approval by the Department of the Attorney General (AG)." Mr. Uchida said the wording needs to be changed because staff wanted to delete the additional rent requirement only, subject to review by the AG's.

Mr. Boteilho Jr. stated that he took over the dairy operations since his dad passed away, about 2 years ago. He said in reviewing some of the documents he came across the additional rent requirement and felt that it was unfair. He asked that his request be effective as of December 31, 1997.

Member Inouye requested that an additional condition be added releasing the State from any future claims on past rental payments.

Member Kokubun amended the staff recommendation to read as follows:

That the Board amend GL No. S-4950 issued to Boteilho Hawaii Enterprises, Inc., by deleting the additional rent requirement effective December 31, 1997, subject to the following:

1. The lessee release the state from any claims based on past additional rent payments made on the lease;
2. Review and approval by the Department of AG;
3. ~~Other such terms and conditions as may be prescribed by the Chairperson to best serve the interest of the state.~~

Unanimously approved as amended (Kokubun/Kennison).

**ITEM D-22: AMEND PRIOR BOARD ACTION OF JULY 24, 1998 (AGENDA ITEM D-11), REQUEST BY FIRST HAWAIIAN CREDITCORP, INC. FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES AT HONOMALINO AND HOOPULO, SOUTH KONA, HAWAII, TMK: 8-9-01: POR. 2**

Mr. Uchida said this is a request to amend prior action of July 24, 1998, from First Hawaiian Creditcorp, for perpetual non-exclusive easement, utility purposes at Honomalini, South Kona, Hawaii. The request from First Hawaiian Creditcorp, Inc. (now First Hawaiian Bank through merger) was made due to a condition for same by The Nature Conservancy (TNC) the potential buyer of the private property owned by First Hawaiian Bank which would be served by the subject easement. The easement document was prepared by the AG's, incorporating the standard conditions applicable for this type of easement. However, TNC has requested that condition nos. 1, 5, 10 and 13 be revised. Staff has no objections to condition 5, provided the owner of record be required to carry liability insurance covering the easement area, and that it be the responsibility of the owner of the private property served by the easement to notify the next owner, in writing, of this insurance requirement. Staff does not support changes, to any conditions that diminishes the Board's authority over matters that can adversely affect the well being of the public's health. Consequently, staff does not support the suggested revisions to condition 13. Staff's recommendation is that the Board authorize the revisions to only condition nos. 1, 5, and 10 in the document for the subject easement authorized by the Board at its July 24, 1998 meeting, and leave condition no. 13 as is.

There was some discussion on condition 13. Ms. Kim Harris of TNC said their suggested amendments to condition 13 are: 1) to substitute the written notice requirement for the word

lawfully and; 2) the addition of based on reasonable cause to believe a release has occurred. She said TNC doesn't necessarily want to be responsible for other users that may be potentially using hazardous materials. She said for commonly used things such as gas and oil for vehicles, TNC could provide a list of these materials. Chairperson Johns requested that TNC provide a one-time list of materials and this listing shall meet the written notice requirement. Ms. Harris agreed. Member Inouye disagreed with the addition of the 2nd suggestion. She felt that if any government agency requires testing, there shouldn't have to be proof of reasonable cause to believe that a release has occurred.

A motion was made to amend staff's recommendation, subject to an agreement with the AG's office, by accepting the wording as proposed on condition 1. Accept the wording on condition 5 as proposed and also add that the owner of record be required to carry liability insurance covering the easement area, and that it be the responsibility of the owner of the private property served by the easement to notify the next owner, in writing, of this insurance requirement. Accept the wording as proposed on condition 10. The wording for condition 13 to read as follows:

13. ...nor allow to be brought onto the easement area any such hazardous materials except to use lawfully in the ordinary course of Grantee's business and only after written notice is given to the Grantor of the identity of such materials and upon Grantor's consent which consent may be withheld at Grantor's sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by Grantee, then the Grantee shall be responsible for the reasonable cost thereof.

Unanimously approved as amended (Kokubun/Kennison).

**ITEM B-1: REQUEST FOR APPROVAL TO AMEND AGREEMENTS WITH THE UNIVERSITY OF HAWAII FOR STUDIES UNDER THE MAIN HAWAIIAN ISLANDS MARINE RESOURCES INVESTIGATION**

Dr. Kimberly Lowe, Marine Hawaiian Islands-Marine Resources Investigation Coordinator for the Division of Aquatic Resources presented the staff submittal recommending that the Board authorize the Chairperson to negotiate and execute, subject to the Governor's approval, the subject amendments with the University of Hawaii, Sea Grant College Program for Fiscal Year 1998-99.

Unanimously approved as submitted (Kennison/Kokubun).

**ITEM D-23: CONSENT TO LICENSE GENERAL LEASE NO. S-4130, GTE HAWAIIAN TELEPHONE CO., INC. LICENSOR, TO GTE WIRELESS OF THE PACIFIC INC., LICENSEE, NORTH HILO, HAWAII, TMK: (3) 3-9-2: 12**

Mr. Uchida said this is a request for consent to license agreement from GTE Hawaiian Telephone Company, to GTE Wireless of the Pacific, that involves existing sites at Humuula for micro-wave radio station and other radio communication purposes. Staff's recommendation is that the Board consent to the license under GL No. S-4130, subject to standard conditions.

Member Kokubun said the Big Island is starting to experience a proliferation of sites for telecommunication antennas. He asked if there is some kind of consolidation or mutual use of specific sites for different companies. Ms. Ann Johnson of GTE Wireless stated that co-locations are very common and that they do have several co-location agreements that are in process in which they re-utilize poles. She said given the engineering constraints of each of the wireless carriers, there are separation issues involved and some limitations on how often they can use one pole for multiple carriers. She said because of technology changes, the proliferation is a little harder to determine. Chairperson Johns asked if there was a way to incorporate co-location requirements into the license. Mr. Uchida said he can check with the AG's office to see if he can make that a condition of the consent on the license.

A motion was made to amend the staff's recommendation by adding the following condition:

5. If legally possible, the Board would like to condition this consent on having the standard co-location language included in GL No. S-4130.

Unanimously approved as amended (Kokubun/Matsumoto).

**ITEM K-6: ISSUANCE OF REVOCABLE PERMIT, KONA-KEAHOLE INTERNATIONAL AIRPORT (WESTERN PCS II CORPORATION)**

Mr. Peter Garcia, Property Management Officer for the Department of Transportation (DOT) said this is an application for the issuance of an RP for non-conforming use for the Kona-Keahole International Airport. The applicant is Western PCS II Corporation and the use is to install antennas and electronic equipment shelters for improved personal communication service for customers. DOT recommends that the Board approve the issuance of the RP to Western PCS II Corporation.

Ms. Cher Sullivan representing Western PCS II Corporation testified in favor of DOT's recommendation.

Unanimously approved as submitted (Kokubun/Matsumoto).

**ITEM K-5: ISSUANCE OF LEASE BY DIRECT NEGOTIATION, PIER 38, HONOLULU HARBOR, OAHU (UNITED FISHING AGENCY) TMK: 1-5-42-6P**

Mr. Garcia said this item is for an issuance of a lease by direct negotiation to United Fishing Agency. The purpose of this lease is for the construction, installation, operation, use, maintenance and repair of improvements for a fish auction, seafood diner and ancillary uses. He mentioned a typo on page 1 of the submittal that says "dinner", but should read "diner". In 1989, a comprehensive and integrated master plan was developed by the Hawaii Community Development Authority (HCDA) for the Honolulu waterfront. The plan request that the shipyard, fish auction, marine research and fish processing uses of Kewalo Basin be moved to other areas. The DOT took steps to relocate the fish auction and fish processing operations in 1994, however, no acceptable proposals were submitted. Subsequent discussions and meetings with various representatives of the commercial fishing industry indicated that it would be necessary for the State to construct the required pier and subdivision infrastructure to make development of a commercial fishing facility feasible. Harbors Division currently has 2 projects pending for such infrastructure development. Tenants are to provide their building and all other site improvements in accordance with Design Guidelines intended to achieve a uniform appearance. A Notice of Intention to dispose of DOT lease by negotiation was published in the Honolulu Advertiser on February 9, 16 and 23, 1998. As a result of the notice, the applicant was the sole entity that submitted its application and bid proposal package. DOT recommends that the Board approve the direct negotiation of this lease to United Fishing Agency.

In response to Member Inouye's questions, Mr. Derrick Lining, Property Manager of DOT's Harbors Division said the funding for the 2 projects have already been approved. The pier construction should take approximately 18 months and the subdivision infrastructure should take about a year to complete. He said United Fishing Agency's proposed improvements is separate from DOT's. United Fishing Agency will be undertaking their own construction, arranging their own financing and their schedule depends on DOT's completion of the pier and subdivision.

Mr. Frank Goto, Manager of United Fishing Agency testified that they will be taking a 10% commission from all gross sales of fish from the vessels and suppliers.

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

**ITEM D-9: SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION, HARBORS-DIVISION, FOR COMMERCIAL MARITIME, MARINE AND ASSOCIATED PURPOSES, FILLED, TIDAL AND SUBMERGED LANDS OF PIERS 36 AND 37, KAPALAMA BASIN, KAPALAMA, OAHU, TMK: 1ST/1-5-42: 06, 08, 09 AND PORTION OF 07**

Mr. Uchida presented the staff submittal recommending that the Board approve the set aside for harbor purposes and immediate construction right-of-entry to DOT, Harbors Division, subject to standard conditions.

Ms. Ninia Parks testified on behalf of Ms. Toni Hartly. She questioned whether the subject lands were ceded. Mr. Uchida clarified that the lands were not ceded.

Unanimously approved as submitted (Inouye/McCrory).

**ITEM D-27: FORFEITURE OF REVOCABLE PERMIT NO. S-6274, CHARLES A. VIERRA, KAHANA VALLEY, KOOLAULO, OAHU, TMK: 5-2-02: PORTION OF 1**

Mr. Uchida said this is a request to forfeit RP No. S-6274 to Mr. Charles Vierra, tenant at Kahana Valley, because of delinquent rental payments. Staff's recommendation is that the Board authorize the cancellation of RP No. S-6274, subject to standard conditions.

Ms. Debbie Gorai, resident advisor for the tenants of Kahana Valley, testified on behalf of this lease and 3 other leases/permits involving tenants of Kahana Valley [Items D-4, 24 & 26]. She stated that she is in the process of securing the necessary insurance and back rents to cure all of the outstanding obligations of the 4 leases/permits.

Mr. Steven Kubota, representing the Ahupua'a Action Alliance testified in support of Ms. Gorai's efforts.

Member Inouye recommended deferral of 1-month.

Chairperson Johns thanked Ms. Gorai and Mr. Kubota for sharing their testimony with the Board and for their commitment to the Kahana Valley community. He said the Board seems to be on the path of working with the community in giving them an extension but a message needs to be sent that certified letters were sent to the tenants, and eventually they would have to get their rental payments caught up.

Member Colbert Matsumoto made a motion to defer Item's D-4, 24, 26 & 27 for 30 days.

Unanimously approved to defer Item's D-4, D-24, D-26 & D-27 (Matsumoto/Inouye).

**ITEM D-4: FORFEITURE OF GENERAL LEASE NO. S-5298, SHARON KEAWEEHU, LOT A-16, KAHANA VALLEY STATE PARK, PHASE II SUBDIVISION, KOOLAULO, OAHU**

**ITEM D-24: FORFEITURE OF GENERAL LEASE NO. S-5282, DELQUIST ANSON-KAILAA DOMINGUES, LOT A-8, KAHANA VALLEY STATE PARK, PHASE II SUBDIVISION, KOOLAULO, OAHU**

**ITEM D-26: FORFEITURE OF GENERAL LEASE NO. S-5284, CHARLES FERNANDEZ AND MARTHA M. FERNANDEZ, LOT A-5, KAHANA VALLEY STATE PARK, PHASE II SUBDIVISION, KOOLAULO, OAHU**

Deferred - See Item D-27.

**ITEM D-30: REQUEST TO EXTEND THE PROCESSING PERIOD FOR AN ADDITIONAL 180 DAYS FOR CONSERVATION DISTRICT USE APPLICATION 0A-2801 FOR A 138kV TRANSMISSION LINE AT WAAHILA RIDGE, HONOLULU, HAWAII**

Mr. Uchida said this is a request to extend the processing period for an additional 180-days for Conservation District Use Application (CDUA) OA-2801 for Hawaiian Electric's 138kV transmission line at Waahila Ridge. He said the Board has extended this CDUA 4 times since it was originally filed in 1996. On December 21, 1998, the Department received a fifth request for a time extension of 180-days. The time extension is necessary to allow for the review and processing of the Final Environmental Impact Statement (EIS) for the project hearing and other Administrative/Board actions contemplated on this matter. Staff's recommendation is that the Board approve this request to extend the processing period for CDUA OA-2801 an additional 180-days (to August 13, 1999) to allow sufficient time to complete the EIS process and other required Administrative/Board actions.

Mr. Paul Luerson, Senior Planner of CH2M Hill (agent for Hawaiian Electric) testified in favor of staff's recommendation.

Member Inouye requested an extension of 1-year rather than 180-days. She felt that the project would take longer than 180-days and it would take up to much of staff time to keep coming back to the Board to extend the permit.

Mr. Henry Curtis, Executive Director of Life of the Land stated that he has no objection to the 1-year extension.

Member Inouye made a motion to amend the staff recommendation by granting the applicant a 1-year extension rather than the 180-day extension as proposed.

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

**ITEM D-1: CONSENT TO SUBLEASE OF GENERAL LEASE S-5271 ISSUED TO THE COUNTY OF HAWAII AT KONA, HAWAII, TMK: (3) 7-5-5-PORTION 7**

Mr. Uchida presented the staff submittal recommending that the Board consent to the sublease of GL No. S-5271 between the County of Hawaii, Sublessor and Kai'Opua Canoe Club, Sublessee, subject to standard conditions.

Ms. Mary Green, Kai'Opua Canoe Club gave some background information about the club and thanked the Board for considering her request.



Unanimously approved as submitted (Kokubun/Inouye).

**ITEM D-32: SECOND AMENDMENT TO PRIOR BOARD ACTION OF APRIL 13, 1995 (AGENDA ITEM F-3) AND JUNE 9, 1994 (AGENDA ITEM F-5) FOR RIGHT-OF-ENTRY EXTENSION FOR EXPLORATORY WELL DRILLING BY THE CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY (BWS), WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-08: PORTIONS OF 5 AND 80**

Mr. Uchida said this is a request from the City & County of Honolulu, Board of Water Supply (BWS) for a right-of-entry extension for exploratory well drilling at Waimanalo, Koolaupoko. He amended staff's recommendation by deleting a condition that was added in 1995, requiring the BWS, in exchange for drilling at the site, provide the State water credits on water facilities, meter and development charges. Staff's recommendation is that the Board delete the condition that was added in 1995 regarding the water credits, amend the expiration date to December 31, 2000 and other terms and conditions as may be prescribed by the Chairperson.

Member Inouye made a motion to amend the staff recommendation by adding the following conditions:

3. Delete condition added in 1995 requiring that the state be provided with water credits by the City when the City uses state lands for its wells.

Unanimously approved as amended (Inouye/McCrory).

**ITEM D-13: FORFEITURE OF GENERAL LEASE NO. S-3160, PATRICIA SUSAN NIELSEN, LESSEE, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3RD/2-1-07: 26**

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of GL No. S-3160, subject to standard conditions.

Ms. Patricia Nielsen, Lessee, testified that Mr. Mike Nugent, Appraiser for the Land Division told her that she needed to pay off the current delinquent rent before she could arrange for an Installment Agreement for the retro rent. She said based on these instructions from Mr. Nugent, she sent in a check for \$1,000.00 [her current delinquency is approximately \$19,500.00]. She asked the Board to give her the same treatment as the people that bought suit against the State (KIAA). She explained that her lease was due for re-appraisal for the new rental amount in 1987 and she was informed in 1994 of the new rental amount of \$980.00. She said she is willing to accept the \$980.00 but did not feel that she should pay the \$7,000.00 back rent. She felt that it was the State's fault because they did not perform in a timely fashion.

Mr. Uchida informed the Board that he was not aware of what Mr. Nugent told Ms. Nielsen, however, he did see the \$1,000.00 check but there was no explanation on what the funds were for, so staff deposited it against the delinquency.

Member Kokubun amended the staff recommendation to read as follows:

"That the Board allow the lessee 60 days from the date of this meeting to pay off all delinquent current rent, and finalize and execute a Special Installment Agreement for the Retro rent. Should the lessee fail to comply with either of these requirements, the Board, effective the date of this meeting.:"

1. Authorize the cancellation...

Unanimously approved as amended (Kokubun/Matsumoto).

**ITEM D-11: REQUEST BOARD APPROVAL FOR TERMINATION OF GOVERNOR'S EXECUTIVE ORDER 3573 AND TO ADD ACREAGE TO GOVERNOR'S EXECUTIVE ORDER 2704, STATE PARKS DIVISION, SAND ISLAND STATE RECREATIONAL AREA, SAND ISLAND, OAHU, TMK: 1-5-41: 22 (POR), TMK: 1-5-41: 06 (POR)**

Mr. Uchida presented the staff submittal recommending that the Board approve the termination of Executive Order (EO) No. 3573 upon the relocation of an approved site adjacent to the Sewage Treatment Plant, approve the hiring of an independent appraiser for appraising the lot demised under Governor's EO No. 3573 and adding the replacement lot and acreage to Governor's EO No. 2704, Sand Island State Recreational Area, subject to standard conditions.

Mr. Ralston Nagata, Administrator of the Division of State Parks clarified that until the Federal Government approves the replacement lands, the state should not terminate the EO.

A motion was made to amend the staff recommendation by deleting parts 1 and 3.

Unanimously approved as amended (Inouye/McCrory).

Chairperson Johns announced that the Board will be taking a recess. The meeting was reconvened at 1:36 p.m.

**ITEM E-1: APPROVAL TO ENGAGE THE SERVICES OF CONSULTANT TO PRODUCE ORIGINAL ART FOR THE INTERPRETIVE SHELTER AT LAPAKAHI STATE HISTORICAL PARK, NORTH KOHALA, HAWAII**

Mr. Nagata presented the staff submittal recommending that the Board grant permission to engage the services of a consultant and authorize execution of the contract document.

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

**ITEM E-2: APPROVAL OF VARIOUS GRANTS-IN-AID**

Mr. Nagata presented the staff submittal recommending that the Board authorize the Chairperson and another Member of the Board to enter into a contract for the 2 Grant-in-Aid proposals for Hawaii Nature Center and Mookini Heiau, subject to applicable State Grant-in-Aid procedural requirements and funding restrictions.

~~Unanimously approved as submitted (Kokubun/McCrory).~~

**ITEM E-3: REQUEST FOR APPROVAL TO ADOPT CHAPTER 13-147, PARK ACQUISITION TRUST FUND RULES**

Mr. Nagata presented the staff submittal recommending that the Board approve the adoption of Chapter 13-147, Park Acquisition Trust Fund Rules, subject to final approval by the Governor.

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

**ITEM K-1: CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (UNITED AIRLINES, INC./SIGNATURE FLIGHT SUPPORT HAWAII, INC.) TMK: (1) 1-1-03-17P**

Mr. Garcia presented DOT's submittal recommending that the Board consent to the Sublease of Lease No. DOT-A-62-19, between United Airlines, Inc., and Signature Flight Support Hawaii, Inc., subject to terms and conditions.

A motion was made to defer Item K-1 until a clarification is made with the AG's office on whether or not the State can participate in the sandwich profits.

**Unanimously approved to defer Item K-1 (Inouye/McCrory).**

**ITEM K-2: ISSUANCE OF REVOCABLE PERMIT, PIER 21, HONOLULU HARBOR, OAHU (DAN COLON DBA LEPRECHAUN LIQUIDATIONS) TMK: 1-5-39-26**

Mr. Garcia presented DOT's submittal recommending that the Board approve the issuance of

this permit, subject to terms and conditions.

Unanimously approved as submitted (Inouye/McCrory).

**ITEM K-3: ISSUANCE OF REVOCABLE PERMIT, PIER 21, HONOLULU HARBOR, OAHU (WAI LUN SIU AND SIU FUN HUI) TMK: 1-5-39-35**

Mr. Garcia presented the DOT's submittal recommending that the Board approve the issuance of this permit, subject to terms and conditions.

Unanimously approved as submitted (Inouye/Kokubun).

**ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, KEEHI INDUSTRIAL LOTS, HONOLULU HARBOR, OAHU (R & C CONCRETE SPECIALISTS) TMK: 1-2-23-76**

Mr. Garcia presented DOT's submittal recommending that the Board approve the issuance of this permit, subject to terms and conditions.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM K-7: CONSTRUCTION RIGHT-OF-ENTRY, PIER 18, HONOLULU HARBOR, OAHU (PIER 18 DEVELOPMENT, INC.) TMK: 1-5-39-7**

Mr. Garcia presented DOT's submittal recommending that the Board approve the issuance of a Construction Right-of-Entry Agreement covering the premises to be encumbered under Harbor Lease No. H-98-1, subject to the terms and conditions of the Construction Right-of-Entry document and such other terms and conditions as may be prescribed by the Director of Transportation.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM K-8: CONSENT TO SUB-SUBLEASE, PIER 35, HONOLULU HARBOR, OAHU (PACIFIC OCEAN PRODUCERS, INC./JEMS ENTERPRISES, LLC.) TMK: (1) 1-5-34-7P**

Mr. Garcia presented DOT's submittal recommending that the Board consent to the sub-sublease between Pacific Ocean Producers, Inc., and Jems Enterprises, LLC subject to terms and conditions and such terms and conditions as may be prescribed by the Director of Transportation.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM K-9: REQUEST TO GRANT PERPETUAL, NON-EXCLUSIVE EASEMENTS, PIERS 39 AND 40, HONOLULU HARBOR, OAHU (BOARD OF WATER SUPPLY, CITY & COUNTY OF HONOLULU) TMK: (1) 1-5-32-2P**

Mr. Garcia presented DOT's submittal recommending that the Board approve the granting of the perpetual non-exclusive easements.

Unanimously approved as submitted (Inouye/Kennison).

~~ITEM K-10: AMENDMENT TO PRIOR LAND BOARD ACTION AUTHORIZING CONSENT TO CONTRACTUAL AGREEMENT FOR MARITIME HERITAGE BOAT LANDINGS, PIER 7, HONOLULU HARBOR, OAHU (HAWAII MARITIME CENTER/VM CORPORATION) TMK: (1) 2-1-1-58P~~

Mr. Garcia presented the DOT's submittal recommending that the Board amend its prior action of November 20, 1998, by changing the date of the Contractual Agreement from October 12, 1998 to October 30, 1998, subject to terms and conditions.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM D-2: FORFEITURE OF REVOCABLE PERMIT NO. S-6999, STANLEY AND ANNA CHUNG, SITUATE AT PAUOA, HONOLULU, OAHU, TMK: 2-2-10: PORTION OF 21**

Mr. Uchida presented the staff submittal recommending that the Board cancel RP No. S-6999, subject to standard conditions.

Unanimously approved as submitted (Inouye/McCrory).

**ITEM D-3: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 1-OW-1, FURNISH AND DELIVER BRUSH CHIPPER (TRAILER MOUNTED)**

Mr. Uchida presented the staff submittal recommending that the Board award the contract to Pacific Machinery for their bid of \$44,745.00 and authorize the Chairperson to sign necessary documents pertaining to the project.

Unanimously approved as submitted (Inouye/Kokubun).

**ITEM D-5: AFTER-THE-FACT REQUEST BY HALAULA ROAD ASSOCIATION FOR DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENTS AND AN IMMEDIATE RIGHT-OF-ENTRY FOR SITE CONTROL PURPOSES, OVER, UNDER, ACROSS AND ON GOVERNMENT LANDS IDENTIFIED BY TMK: (2) 2-9-03: POR. 16, 17, 20, & 39 SITUATE AT HONOPOU-HOOLAWA, HAMAKUALOA, MAKAWAO, MAUI**

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale of a perpetual, non-exclusive access and utility easement to Hanaula Road Association, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

**ITEM D-6: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO RICHARD TOWILL FOR ACCESS AND UTILITY PURPOSES AT SOUTH HILO, HAWAII, TMK: (3) 2-5-3-POR. 20**

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale of a perpetual, non-exclusive easement to Mr. Richard Towill, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-7: LEASE EXTENSION AND CONSENT TO MORTGAGE FOR GENERAL LEASE S-4313 AND S-4314 ASSIGNED TO NAKAHARA, ET AL. AT WAIAKEA, HAWAII, TMK: (3) 2-2-58-23 AND -24**

Mr. Uchida presented the staff submittal recommending that the Board grant a 15 year extension to GL Nos. S-4313 and S-4314, consent to the mortgage to Bank of Hawaii, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Inouye).

**ITEM D-8: CANCELLATION OF EXISTING NON-EXCLUSIVE AND UTILITY EASEMENT AND RESCISSION OF PREVIOUS BOARD ACTION AUTHORIZING THE DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AT KEALAKEHA HOMESTEADS, 1ST SERIES, NORTH KONA, ISLAND OF HAWAII, TMK: 3RD/7-4-04: 04**

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of the previous easement issued to Mr. Herb Kawaiianui Kane, authorize the refund of the purchase price, rescind the Board action authorizing the direct sale of the easement to Mr. Stanley Tomono, and authorize the refund of all monies except for cost already expended, subject to standard conditions.

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

**ITEM D-10: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 33-HL-1, UNDERGROUND STORAGE TANK REMOVAL, WAIAKEA, HILO, HAWAII**

~~Mr. Uchida presented the staff submittal recommending that the Board award the contract for Job No. 33-HL-1 to Fuel Oil Polishing Company of Hawaii.~~

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

**ITEM D-12: RESULTS OF AUCTION SALE ON KAUAI, OAHU AND THE BIG ISLAND**

Mr. Uchida provided a status report on the results of the December, 1998, public auctions.

**No action necessary.**

**ITEM D-14: STAFF REQUEST FOR APPROVAL OF MASTER PLAN CONCEPT, AND AUTHORIZATION TO PROCEED WITH CONSOLIDATION AND RESUBDIVISION APPROVAL OF GOVERNMENT LANDS POR. OF HANAPEPE, WAIMEA, KAUAI, TMKs: 1-9-7: 5, 7, 46, 28, 29 AND 30**

Mr. Uchida presented the staff submittal recommending that the Board approve the masterplan consolidation and resubdivision concept for submittal to the County of Kauai, Planning Department for processing.

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

**ITEM D-15: DECLARATIONS OF INTENT TO DISPOSE OF PASTURE LEASES AT PUBLIC AUCTION, TMKs: VARIOUS, KAUAI**

Mr. Uchida presented the staff submittal recommending that the Board declare its intent to dispose of 20 year pasture leases on 4 properties.

Unanimously approved as submitted (McCrary/Kokubun).

**ITEM D-17: REQUEST BOARD APPROVAL FOR THE HIRING OF APPRAISER TO DETERMINE LAND VALUE AT SAND ISLAND UNDER MANAGEMENT OF THE LAND DIVISION FOR USE IN REMOVING PUBLIC LAND FROM THE SAND ISLAND STATE RECREATIONAL AREA AND ITS INCLUSION INTO THE HONOLULU COMMUNITY COLLEGE'S MARINE PROPULSION FACILITY, SAND ISLAND, OAHU, TMK: 1-5-41: 06, 22 (PORTION)**

Mr. Uchida requested that this item be withdrawn.

Unanimously approved to withdraw Item D-17 (Kokubun/Inouye).

**ITEM D-18: ADDITION TO GOVERNOR'S EXECUTIVE ORDER NO. 3261, CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PARKS AND RECREATION, WAIKIKI WAR MEMORIAL NATATORIUM, SUBMERGED LANDS, ROCK GROIN, HONOLULU, OAHU, TMK: 3-1-31: 03 (SEAWARD)**

Mr. Uchida requested that this item be withdrawn.

Unanimously approved to withdraw Item D-18 (Kennison/Kokubun).

**ITEM D-19: ISSUANCE OF ONE REVOCABLE PERMIT TO RANDOLPH SOLOMON DBA WAIAKEA FARMS AND ONE REVOCABLE PERMIT TO J.J. ANDRADE SLAUGHTERHOUSE, INC. AND A RIGHT-OF-ENTRY AT HAMAKUA, HAWAII, TMK: (3) 4-6-2-1 AND -7**

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of an RP to Mr. Randolph Solomon dba Waiakea Farms and an RP to J.J. Andrade Slaughterhouse, Inc.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-20: CANCEL GOVERNOR'S EXECUTIVE ORDER 2861, WITHDRAW LANDS FROM GOVERNOR'S EXECUTIVE ORDER 656 AND SELL TO THE COUNTY OF HAWAII FOR TRAFFIC SIGNAL IMPROVEMENTS PURPOSES AT WAIAKEA, HAWAII, TMK: (3) 2-2-42-PORION 17**



Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale to the County of Hawaii for traffic signal improvements, subject to standard conditions.

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

**ITEM D-21: CANCELLATION OF REVOCABLE PERMIT NOS. S-5567 AND S-6246, AND GOVERNOR'S EXECUTIVE ORDER NOS. 1070, 1249 AND 2398 AND SET ASIDE TO THE UNIVERSITY OF HAWAII (UH), TOGETHER WITH THE WAILUA AGRICULTURE EXPERIMENT STATION, THE HONOLULU COMMUNITY COLLEGE AUTOMOTIVE SHOP SITE AND THE UH WEST HAWAII CAMPUS**

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of RP Nos. S-5567 and S-6246, both issued to the University of Hawaii, and approve of and recommend to the Governor, the issuance of EOs cancelling Governor's EO Nos. 1070, 1249 and 2398, and approve and recommend to the Governor, the issuance of EOs setting aside 7 parcels to the University of Hawaii, subject to standard conditions.

Member McCrory was concerned because from the information provided in the submittal and maps, she was unable to determine the exact location of the area being transferred. She made a motion to amend staff recommendation by deleting the lands conveyed under RP No. S-5567.

**Unanimously approved as amended (McCrory/Kennison).**

**ITEM D-25: FORFEITURE OF GENERAL LEASE NO. S-3774, MASHITA, INC., WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-27: 10**

Mr. Uchida requested that Item D-25 be withdrawn because the applicant has paid the delinquent rental payments.

**Unanimously approved to withdraw Item D-25 (Kokubun/Kennison).**

**ITEM D-28: FORFEITURE OF GENERAL LEASE NO S-5495, ARTHUR JOAO, WAIMANALO, KOOLAUPOKO, OAHU**

Mr. Uchida requested that Item D-28 be withdrawn because the applicant has paid the delinquent rental payments.

**Unanimously approved to withdraw Item D-28 (Kokubun/Kennison).**

**ITEM D-29: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 8-HW-L, KEOPU EXPLORATORY WELL NO. 1, KEOPU, NORTH KONA, HAWAII**

Mr. Uchida presented the staff submittal recommending that the Board award the contract for Job No. 8-HW-L, Keopu Exploratory Well to Wai'eli Drilling & Development for their low bid of \$1,018,550.00, and authorize the Chairperson to assign the necessary documents pertaining to the project.

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

**ITEM D-31: RESCIND PRIOR BOARD ACTION OF NOVEMBER 20, 1998 (AGENDA ITEM D-33), AUTHORIZE THE CANCELLATION OF REVOCABLE PERMIT NO. S-6264, JAMES AND ESTER ANN DOMINGUES**

Mr. Uchida presented the staff submittal recommending that the Board rescind its actions of November 20, 1998, and reinstate RP No. S-6264.

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

**ITEM D-33: SELL TO THE COUNTY OF HAWAII FOR ROAD PURPOSES AT WAIAKEA, HAWAII, TMK: (3) 2-4-57: ROAD**

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale to the County of Hawaii for road purposes, subject to standard conditions.

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

**ITEM D-34: GENERAL LEASE NO. S-4364, CONSENT TO ASSIGNMENT OF LEASE FROM GORDON C. HEIT, ASSIGNOR, TO PUNA CERTIFIED NURSERY INC., ASSIGNEE**

Mr. Uchida presented the staff submittal recommending that the Board authorize the consent to the assignment of lease form Mr. Gordon C. Heit, Assignor, to Puna Certified Nursery, subject to standard conditions.

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

**ITEM D-35: SALE OF LEASE AT PUBLIC AUCTION FOR PASTURE PURPOSES AT NORTH HILO, HAWAII, TMK: (3) 3-1-4-1**

Mr. Uchida presented the staff submittal recommending that the Board authorize the sale of lease at public auction for pasture purposes, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-36: REQUEST FOR THE CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2261 AND APPROVAL FOR SET-ASIDE TO DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES FOR FIELD OFFICES AND MAINTENANCE BASEYARD PURPOSES, TMK: 3RD/7-8-07: 61**

Mr. Uchida presented the staff submittal recommending that the Board approve the cancellation of Governor's EO No. 2261, and approve the set-aside to the Department of Accounting and General Services for field office and baseyard purpose, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-37: REQUEST TO CANCEL REVOCABLE PERMIT NO. S-5210, ISSUED TO MOSES KAUAHAAHAA JR. AND RE-ISSUE NEW REVOCABLE PERMIT TO STATE LANDS SITUATE AT TMK: (2) 3-1-04: 14, KAHAKULOVA VALLEY, WAILUKU, MAUI**

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of RP No. S-5210 and authorize the issuance of a new RP to Mr. Moses Kauhaahaa, Jr., subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

**ITEM D-38: CONSENT TO ASSIGN GENERAL LEASE NO. S-5033, LOT 67, KOKEE CAMP SITE, WAIMEA (KONA), KAUAI, TMK: 1-4-4: 41**

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-5033 from the Wilson's, Farrell's, and Watt's to the Smith-Waterhouse Family of Koloa, A Partnership, as Assignee, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Inouye).

**ITEM D-39: AMENDMENT OF PRIOR BOARD ACTION DATED NOVEMBER 9, 1990 (AGENDA ITEM F-6) WAIVER OF RESTRICTION COVENANT AS CONTAINED IN LAND OFFICE DEED NUMBER 17,835, KEEHI INDUSTRIAL LOT, KALIHI KAI, HONOLULU, OAHU, TMK: 1ST 1-2-**

26: 07

Mr. Uchida presented the staff submittal recommending that the Board authorize the Waiver of Restrictive Covenant document to be in Marukai Corporations' name, subject to all conditions of the Land Board action dated November 9, 1990.

Unanimously approved as submitted (Inouye/Kokubun).

**ITEM D-40: ASSIGNMENT OF GENERAL LEASE NO. S-5038, LOT 81, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TMK: 1-4-04: 60**

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-5038, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kokubun).

**ITEM D-41: ISSUANCE OF REVOCABLE PERMIT FOR PORTION OF WAILUA, LIHUE, KAUAI, TMK: 3-9-2: 9 AND POR. 20**

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of an RP to Mr. Elesther Calipjo for intensive agricultural purposes, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kokubun).

**ITEM D-42: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 63-HF-G, HILO BASEYARD UNDERGROUND FUEL TANK REPLACEMENT, HILO, HAWAII**

Mr. Uchida presented the staff submittal recommending that the Board award the contract for Job No. 63-HF-G to The Nakoia Companies.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-43: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (MAUNA KEA)**

Mr. Uchida presented the staff submittal recommending that the Board certify the elections of Mr. Daniel Kaniho and Mr. Robbie Hind as directors of the Mauna Kea Soil and Water Conservation Districts.

Unanimously approved as submitted (Kokubun/Kennison).

There being no further business, Chairperson Johns adjourned the meeting at 3:15 p.m.

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

Respectfully submitted,



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Kimberly C. Kelihoomalau

Approved for submittal:



TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources

