

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

DATE: FRIDAY, MARCH 12, 1999
TIME: 9:00 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 9:09 a.m. The following were in attendance.

MEMBERS:

Mr. Timothy Johns	Mr. William Kennison
Mr. Colbert Matsumoto (from 11:30 a.m.)	Ms. Lynn McCrory
Ms. Kathryn Inouye (excused at 11:00 a.m.)	Mr. Russell Kokubun

STAFF:

Mr. Dean Uchida, Land Division
Dr. Kimberly Lowe, Division of Aquatic Resources
Mr. Howard Gehring, Division of Boating and Ocean Recreation
Ms. Dede Mamiya, Land Division
Mr. W. Mason Young, Bureau of Conveyance
Mr. Michael Buck, Division of Forestry and Wildlife
Mr. Gary Moniz, Division of Conservation and Resource Enforcement

OTHERS:

Mr. Randall Young, Department of the Attorney General	Mr. Derrick Lining, Department of Transportation
Ms. Mabel Fujiuchi (D-22)	Ms. Neva Olsen (D-22)
Mr. Brian Jenkins (D-23)	Mr. Christopher Lowe (B-1)
Ms. Evlelyn Cox (B-1)	Mrs. Nalayne Asing (D-15)
Mr. Alan Sanborn (D-4)	Mrs. Nora James (D-24)
Mr. Trueman Ketchmark	Mr. Paul Tomar (D-15)
Mr. Patrick Asing (D-15)	

ITEM D-1: CONSENT TO ASSIGN GENERAL LEASE NO. S-4983, KENJI AND WINIFRED EGO, HUSBAND AND WIFE, ASSIGNORS, TO WAYNE R. DANIEL, ASSIGNEE, KOKEE, WAIMEA, KAUAI, TMK: 1-4-04: 35

Mr. Dean Uchida, Administrator of the Land Division presented the staff submittal recommending that the Board consent to the assignment of General Lease (GL) No. S-4983 from Mr. and Mrs. Kenji Ego, as Assignors, to Mr. Wayne Daniel, as Assignee, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM D-22: CONSENT TO REVOCABLE PERMIT FROM THE HAWAII HEALTH SYSTEMS CORPORATION TO KAUAI ECONOMIC OPPORTUNITY, INC., KAPAA, KAUAI, TMK: 4-6-14: POR. 30

Mr. Uchida presented the staff submittal recommending that the Board consent to the revocable permit from Hawaii Health Systems Corporation to Kauai Economic Opportunity for the Headstart Nursery School, subject to standard conditions.

Ms. Mabel Fujiuchi of Kauai Economic Opportunity introduced Ms. Neva Olsen, Administrator of Mahelona Hospital. They both testified in support of staff's recommendation.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM A-1: MINUTES OF FEBRUARY 12, 1999

Unanimously approved as submitted (McCrorry/Kokubun).

ITEM D-23: CONSERVATION DISTRICT USE APPLICATION FOR MARQUARD FAMILY 3-LOT SUBDIVISION, HOOLAWA, MAUI; TMK: (2) 2-9-02: 14

Mr. Uchida presented the staff submittal recommending that the Board approve the Conservation District Use Application to Mr. Michael Marquard to subdivide the Conservation District portion of TMK: (2) 2-9-02: 14 into 3 parcels, subject to standard conditions.

Chairperson Johns suggested amending staff recommendation no. 3 to include, "subject to review and approval by the Department of the Attorney General (AG)".

Mr. Brian Jenkins, Attorney for the Applicant, testified that the purpose for the proposed subdivision is to provide separate lots for Mr. Michael Marquard, his mother and his daughter.

Member William Kennison made a motion to amend staff recommendation no. 3 to include the following: 3. "...applicant shall enter into a Conservation Agreement with the State of Hawaii, subject to review and approval by the Department of AG, (such as the draft Conservation Agreement..."

Unanimously approved as amended (Kennison/McCrory).

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 introduced Mr. Christopher Lowe and Ms. Evlelyn Cox, Researchers for the Institute of Marine Biology. She 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 (McCrory/Kennison).

ITEM J-1: REQUEST THAT THE BOARD OF LAND AND NATURAL RESOURCES ALLOW THE DIVISION OF BOATING AND OCEAN RECREATION (DOBOR) TO CONTINUE THE RULE-MAKING PROCESS CURRENTLY IN PROGRESS FOR THE AMENDMENT OF SECTION 13-256-38, HAWAII ADMINISTRATIVE RULES

Member Lynn McCrory recused herself from action and discussion on this item.

Mr. Howard Gehring, Acting Administrator of the Division of Boating and Ocean Recreation (DOBOR) said this petition was presented to the Board on February 12, 1999. Testimony was taken, however, the Board was unable to take action because of a lack of quorum. DOBOR recommends that the Land Board approve the petitioner's request to initiate rule-making proceedings to the limited extent that proposed rule changes for Anini Beach launch ramp and Anini Beach ocean waters would allow the operation of commercial non-motorized vessels.

Unanimously approved as submitted (Kennison/Inouye).

ITEM D-15: CLARIFICATION OF PRIOR BOARD APPROVAL OF DIRECT (PART D) ISSUANCE OF LEASE, MR. AND MRS. PATRICK ASING, KALAWAHINE, MAKIKI, OAHU; TMK: 2-4-34: 08

Mr. Uchida explained that this item will be taken in 2 parts. He stated that this is a request to clarify a prior Board approval of the direct issuance of lease to Mr. and Mrs. Patrick Asing. In 1990, the State Legislature passed Act 150 that allowed for the issuance of long-term leases to 5 families who were living in Kalawahine, Makiki, Oahu. These families had the option of receiving the leases from either the Department of Hawaiian Home Lands (DHHL) or the Department of Land and Natural Resources. The Asings opted to have their lease issued by DHHL. On June 28, 1991, the Board approved staff's recommendation, with an amendment based on a request made by the former Land Management Administrator, to remove Mrs. Asing's name from the lease, as an individual, as it gave the impression that both Mr. and Mrs. Asing would each get a lease. Mrs. Asing was present at this meeting and according to the actual tape recording, had indicated her agreement at that time. Subsequently, Mr. and Mrs. Asing are currently going through a contested divorce. The DHHL has indicated that because of the Board's action in 1991, they were going to issue the DHHL lease in the name of Mr. Patrick Asing. Staff's recommendation is for the Board to clarify that under agenda item F-5 of June 28, 1991, the amendment to staff's recommendation as approved by the Board did not intend to disqualify Mrs. Asing from being issued a DHHL lease with her husband and intended to merely clarify that Mrs. Asing would not be entitled to receive a 2nd lease separately from her husband pursuant to Act 150, Session Laws Hawaii (SLH) 1990. Mr. Uchida indicated that written testimony had been distributed to the Board that was received via fax by Mr. Asing's Attorney, but staff has not been able to verify the statements made by Mr. Asing's Attorney.

Mrs. Nalayne Asing testified that she qualified as a separate beneficiary under Act 150 because of her own family genealogy but decided to take only 1 lease and wanted this 1 lease to be under Mr. and Mrs. Asing. She mentioned that she did not have a representative that would be available at the time when Mr. Asing and his representative had their chance to testify. She indicated that she is also eligible for a DHHL lease because she is 75% Hawaiian and if she's granted a lease by DHHL it would automatically go to her children.

Chairperson Johns announced that Item D-15 will be recessed. [Because of the need to have the 2 parties separated, Mr. Patrick Asing's testimony was heard at a later time (see page 7-8)].

ITEM D-12: RECONSIDERATION OF RENT ON LEASE ISSUED PURSUANT TO ACT 237, SLH 1988, GENERAL LEASE NO. S-5355, NORMAN AND YAEKO MIYATA, LESSEES, WAIMANALO, KOOLAUPOKO, OAHU TMK: 4-1-18: 51

Mr. Uchida presented the staff submittal recommending that the Board authorize GL No. S-5355 to adjust the rent amount based on an independent appraisal, contracted by the Department and paid for by the Lessees, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-11: DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO GTE HAWAIIAN TELEPHONE CO. FOR UTILITY PURPOSES AND A CONSTRUCTION RIGHT OF ENTRY AT PUUANAHULU, HAWAII, TMKs: (3)7-1-4-POR. OF 1 AND 7-1-3-POR. OF 1

Mr. Uchida presented the staff submittal recommending that the Board authorized the direct sale of a perpetual, non-exclusive easement to GTE Hawaiian Telephone Company and authorize a construction right-of-entry, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-4: SET ASIDE TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES FOR A SPORTS AND RECREATIONAL COMPLEX, HONOLULU, EWA, OAHU, TMK: 9-1-16: POR. 108

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to the Department of Accounting and General Services (DAGS) and authorize the issuance of a construction right-of-entry to the Hawaii Community Development Corporation of Hawaii (HCDC), subject to standard conditions.

Mr. Alan Sanborn of DAGS said they had originally requested a couple of amendments to staff recommendation, but withdrew it based on staff's explanation that the amendments would put DLNR in the middle of the 2 agencies who will be developing the property (DAGS and HCDC).

Unanimously approved as submitted (McCrary/Kennison).

ITEM D-24: CONSENT TO ASSIGN GENERAL LEASE NO. S-5372, NORA SAKINO JAMES, ASSIGNOR, TO HAWAII OUTDOOR TOURS, INC., ASSIGNEE, KAPAPALA, KAU, HAWAII; TMK: 3RD/9-8-01: POR. OF 2

Mr. Uchida said Item D-24 involves a lease at Kapapala, Kau, Hawaii, that was issued under Act 237, SLH 1988, to Mrs. Nora James' husband who since passed away. Mrs. James is requesting that the Board consider applying the cost of the survey that they incurred, against the consideration that's due on the assignment premium. Staff has researched and found that the James' lease was 1 of about 6 leases that had paid for the cost of their own land surveys. In the case of the James', when Act 237 was passed the James' had a delinquent tax liability and was therefore determined to be ineligible. The James' cured their delinquency and resubmitted their application in 1991, but by that time the funds that were appropriated for Act 237 had been used up. The total cost to implement the purposes of Act 237 exceeded the \$500,000 appropriation by approximately \$25,000 in which Departmental funds were used. Based on that, staff would not be supporting Mrs. James request to apply the survey costs as a credit against the

consideration that's due on the assignment premium. Staff's recommendation is that the Board consent to the assignment of GL No. S-5372 from Mrs. James, as Assignor, to Hawaii Outdoor Tours, Inc. as Assignee, subject to standard conditions.

Mrs. Nora James stated that the recommended premium of \$51,750 is acceptable, however, assumed that the \$27,950 which she paid to the State on November 12, 1993 to survey the property would go towards the acquisition of the lease. She said she now has an outstanding loan of \$27,950 and requested, due to economic hardship, that the Board consider sharing the survey cost by deducting an agreeable amount from the recommended premium of \$51,750.

Member Russell Kokubun felt that the situation that the James' were in precluded them from taking advantage of the funds that were set aside for the survey costs of the leases under Act 237. He was concerned about the other lessees that had to assume survey expenses because of the missed deadline in terms of submitting their application and made a motion to approve staff recommendation.

Unanimously approved as submitted (Kokubun/McCrory).

ITEM C-1: REQUEST FOR THE BOARD TO ESTABLISH USE REQUIREMENTS AND FEES FOR THE 1999-2000 HAWAII WILDLIFE CONSERVATION STAMP

Mr. Michael Buck, Administrator for the Division of Forestry and Wildlife presented the staff submittal recommending that the Board establish the requirements for the use of the Hawaii Wildlife Conservation Stamp to validate the FY2000 Hunting Licenses, and set the hunting stamp fee at \$5.00 for resident and non-resident hunters. Hawaii residents who are sixty-five years of age or older, and all persons with Hansen's Disease who are residents of Kalaupapa, Molokai, would not be required to pay the \$5.00 fee to obtain their hunting license validation stamp.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-10: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT A TO CITY AND COUNTY OF HONOLULU/DEPARTMENT OF FACILITIES MAINTENANCE FOR PEDESTRIAN BRIDGE AND UTILITY PURPOSES AND GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT B TO CITY AND COUNTY OF HONOLULU/DEPARTMENT OF FACILITIES MAINTENANCE FOR UTILITY PURPOSES AND ISSUANCE OF IMMEDIATE CONSTRUCTION RIGHT OF ENTRY TO DEPARTMENT OF TRANSPORTATION FOR STATE LANDS SITUATE ALA WAI KAI TRACT, KALIA, WAIKIKI, HONOLULU, OAHU, TMK: 2-3-035: 11 (PORTION)

Mr. Uchida presented the staff submittal and requested that the Board amend condition C to read: C) Authorize the issuance of an immediate right-of-entry to the Department of Transportation (DOT), Highways Division for construction purposes on State Land situate Ala Wai Kai Tract, Kalia, Waikiki, Honolulu, Oahu, TMK: 2-3-035: 11, and portions of Ala Wai Canal, subject to the following terms and conditions.

Unanimously approved as amended (Kennison/Kokubun).

ITEM I-1: REQUEST APPROVAL TO A LICENSE AGREEMENT WITH THE DEPARTMENT OF THE ARMY

Mr. Gary Moniz, Acting Administrator for the Division of Conservation and Resource Enforcement presented the staff submittal recommending that the Board renew a previous agreement with the Department of the Army for the use of Schofield Barracks Military Reservation.

Chairperson Johns stated that he would like to confirm that the AG will have a chance to review the license before it comes to him for signature.

Member Kokubun made a motion to approve staff recommendation, subject to approval by the AG's office.

Unanimously approved as amended (Kokubun/Kennison).

ITEM D-15: CLARIFICATION OF PRIOR BOARD APPROVAL OF DIRECT (PART II) ISSUANCE OF LEASE, MR. AND MRS. PATRICK ASING, KALAWAHINE, MAKIKI, OAHU; TMK: 2-4-34: 08

Motion made and unanimously approved to go into executive session (Kokubun/McCrory). The meeting was reconvened at 12:12 p.m.

Chairperson Johns unrecused Item D-15 to allow Mr. Patrick Asing and his representative time to state their case. [Because of the need to have the 2 parties separated, Mrs. Nalayne Asing's testimony was taken at an earlier time (see pages 3-4).]

Mr. Paul Tomar, Attorney for Mr. Patrick Asing made an oral request for a contested case hearing and said he would withdraw this request depending on the outcome of this matter. He disagreed with staff's recommendation in that clarification of a prior Board action is not changing a substance of disposition. He said Act 150 clearly expresses a time limit of January 1, 1992 in which the Board, acting on behalf of the Department, could render a final determination with respect to the designation of lessees. He recalled the original 5 proposed lessees in which none of the spouses were named as proposed lessees. He said it is through Mr.

Asing's family history that a lease was considered under Act 150 and that Mrs. Asing never had such ancestral claims. He said Mr. Asing recalls that the reason why Mrs. Asing initiated the attempt to take her name off the list is to preserve her rights to get other leases. Mrs. Asing is an applicant and is waitlisted on 2 other DHHL applications. He urged the Board to retain the original Board action of June 28, 1991 naming Mr. Asing as the sole lessee.

Chairperson Johns requested that this Item be deferred to allow for additional research on whether Mrs. Asing had independently qualified under Act 150 and to take a closer look at the record. He said this will also allow Mrs. Asing's Attorney to state her position a little bit clearer because she was here earlier without representation.

Member McCrory also requested that information be provided on whether the other lessees were married.

Mr. Tomar agreed to withdraw his request for a contested case hearing until the next Land Board meeting.

Unanimously approved to defer Item D-15 (Kokubun/Kennison).

ITEM D-2: AFTER-THE-FACT REQUEST BY FARM CREDIT SERVICE OF HAWAII FOR PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT OF ENTRY FOR ACCESS AND UTILITY PURPOSES, WAIMEA VALLEY, WAIMEA, KAUAI, TMK: 1-5-02: POR. PEEKAUAI DITCH

Mr. Uchida requested that the Board amend staff recommendation to read: A. "Authorize the issuance of an after-the-fact perpetual, non-exclusive easement for access and utility purposes [to the Farm Credit Service of Hawaii,] that shall run with the land and shall inure to the benefit of the real property identified as TMK: 1-5-20:10, subject to the terms and conditions cited above, which are by this reference incorporated herein, and subject further to the following:".

Unanimously approved as amended (McCrory/Kennison).

ITEM D-3: ISSUANCE OF A REVOCABLE PERMIT TO THE COUNTY OF HAWAII AND A RIGHT OF ENTRY AT WAIAKEA, HAWAII, TMK: (3) 2-1-5-28

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a revocable permit to the County of Hawaii for parking purposes, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-5: SET ASIDE TO THE COUNTY OF HAWAII FOR PUBLIC BEACH PARK AND ALLIED PURPOSES AND A MANAGEMENT RIGHT OF ENTRY AT NORTH KONA, HAWAII, TMKs: (3) 7-7-8-106; 7-7-8-ROAD; AND 7-7-10-35

Mr. Uchida presented the staff submittal recommending that the Board approve and recommend to the Governor the issuance of an executive order setting aside the properties and authorize a management right-of-entry, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-6: SET ASIDE TO THE COUNTY OF HAWAII FOR PARK AND ALLIED PURPOSES AND A MANAGEMENT RIGHT OF ENTRY AT HILO, HAWAII, TMK: (3) 2-3-10-1

Mr. Uchida requested that the Board withdraw Item D-6 because of errors found by staff in the submittal.

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

ITEM D-7: SET ASIDE TO THE WATER COMMISSION OF THE COUNTY OF HAWAII FOR TWO KEAHOLE RESERVOIRS, PIPELINES AND ALLIED PURPOSES AND A MANAGEMENT RIGHT OF ENTRY AT NORTH KONA, HAWAII, TMK: (3) 7-3-10-PORITION 33

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor issuance of an executive order setting aside the subject project to the Water Commission, County of Hawaii and authorize a management right-of-entry, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-8: SET ASIDE TO THE COUNTY OF HAWAII FOR TIDAL WAVE SAFETY ZONE, PUBLIC PARKING, PARK, RECREATIONAL AND ALLIED PURPOSES AND A MANAGEMENT RIGHT OF ENTRY AT HILO, HAWAII, TMKs: (3) 2-2-2-34; 2-2-3-46; 2-2-4-28, -35, & -56; 2-2-5-2; 2-3-1-2; 2-3-2-22; 2-3-3-3

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor issuance of an executive order setting aside 18.75 acres to the County of Hawaii and authorize a management right-of-entry, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-9: SALE OF TWO LEASES AT PUBLIC AUCTION FOR PASTURE PURPOSES AT NORTH KOHALA, HAWAII, TMKS: (3) 5-8-1-2, -5 & -6; 5-9-2-6

Mr. Uchida presented the staff submittal recommending that the Board authorize the sale of 2 leases at public auction, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-13: FORFEITURE OF GENERAL LEASE NO. S-4027, MOTOROLA COMMUNICATIONS INTERNATIONAL, INC., LESSEE, MT. KAALA, MOKULEIA, WAIALUA, OAHU, TMK: 6-7-03: 21

Mr. Uchida withdrew Item D-13 because the lessee has paid in full and is current.

Unanimously approved to withdraw Item D-13 (McCrorry/Kokubun).

ITEM D-14: FORFEITURE OF GENERAL LEASE NO. S-4884, LOUISE MAU AI AND VELMA KEAHO QUEN TAI KUKUALANI FOSTER, LESSEES, MAUNALAHA HOMESITES, LOTS 1 & 29, OPU, MAKIKI, OAHU, TMK: 2-5-24: 17

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of GL No. S-4884, subject to standard condition.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM D-16: FORFEITURE OF GENERAL LEASE NO. S-5284, CHARLES AND MARTHA M. FERNANDEZ, LOT A-5, KAHANA VALLEY STATE PARK, PHASE II SUBDIVISION, KOOLAULO, OAHU

Mr. Uchida withdrew Item D-16 because the lessee has obtained insurance from the mortgage company.

Unanimously approved to withdraw Item D-16 (Matsumoto/Kennison).

ITEM D-17: FORFEITURE OF GENERAL LEASE NO. S-5298, SHARON KEAWEEHU,

**LOT A-16, KAHANA VALLEY STATE PARK, PHASE II SUBDIVISION,
KOOLAULOA, OAHU**

Mr. Uchida withdrew Item D-17 because the lessee has obtained insurance and provided a copy to the Division of State Parks.

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

**ITEM D-18: FORFEITURE OF GENERAL LEASE NO. S-5399, HAROLD M.H. MAU
NURSERY, INC., WAIMANALO, OAHU, TMK: 4-1-08: 71**

Mr. Uchida presented the staff submittal recommending that the Board cancel GL No. S-5399, subject to standard conditions.

Unanimously approved as submitted (Matsumoto/Kokubun).

**ITEM D-19: FORFEITURE OF GENERAL LEASE NO. S-6113, ROY K. BURGESS,
PERMITTEE, WAIALEE, KOOLAULOA, OAHU, TMK: 5-8-01: 15**

Mr. Uchida withdrew Item D-19 because the lessee has provided a copy of the insurance.

Unanimously approved to withdraw Item D-19 (Kokubun/Kennison).

**ITEM D-20: FORFEITURE OF GENERAL LEASE NO. S-6251, PEPE AH SAN,
PERMITTEE, KAHANA VALLEY, KOOLAULOA, OAHU, TMK: 5-2-02**

Mr. Uchida withdrew Item D-20 because the lessee is paid in full and is current.

Unanimously approved to withdraw Item D-20 (Kokubun/Matsumoto).

**ITEM D-21: FORFEITURE OF GENERAL LEASE NO. S-6725, CITY PRODUCE,
IWILEI PRODUCE CENTER SITE, HONOLULU, OAHU, TMK: 1-5-07:
14**

Mr. Uchida withdrew Item D-21 because the lessee is paid in full and is current.

Unanimously approved to withdraw Item D-21 (Kokubun/Kennison).

ITEM D-25: FORFEITURE OF MAUNA KEA COMMERCIAL USE PERMIT NO. S-

6995, WAIPIO OHANA CORPORATION DBA WAIPIO VALLEY SHUTTLE, PERMITTEE, UNIVERSITY OF HAWAII MANAGEMENT AREA, MAUNA KEA, HAMAKUA, HAWAII; TMK: 3RD/4-4-15: 09 & 12

Mr. Uchida withdrew Item D-25 because the tenant has sent in the payment and monthly report.

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

ITEM K-1: CONSENT TO ASSIGNMENT OF HARBOR LEASE H-98-9, KAPALAMA MILITARY RESERVATION, HONOLULU, OAHU (HI-SPAN CORPORATION/HAWAII TRANSFER CO., LTD.) TMK: 1-2-25-11

Mr. Derrick Lining, Property Manager of DOT's Harbors Division presented DOT's submittal recommending that the Board authorize the Consent to the Assignment of Lease subject to its terms and conditions and other terms the Director of Transportation may impose.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM K-2: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 3, HILO HARBOR, ISLAND OF HAWAII (TEXACO REFINING & MARKETING, INC.) TMK: 2-1-9P

Mr. Lining presented DOT's submittal recommending that the Board authorize the Director of Transportation to issue the applicant a revocable permit for the stated purpose, subject to the terms and conditions, standard provisions of a revocable permit and such other terms and conditions as may be prescribed by the Director of Transportation.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM K-3: AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY THE REAL PROPERTY INTERESTS OF WILCOX ROAD, F.A.S.P. NO. S-254(1) AND LIHUE ROAD, W.P.G.S. NO. 24-A (COUNTY OF KAUAI) TMK: (4)-3-8-5

Mr. Lining presented the DOT's submittal recommending that the Board authorize DOT to convey the fee title to the County of Kauai in accordance with Section 171-95, Hawaii Revised Statutes, subject to the following: 1) Standard reservation in favor of the State of Hawaii. 2) That if, at any time, the need for such public purposes shall no longer exist, notice of the fact shall be given by the Grantee shall revert to the State of Hawaii at its option and to the control of the DOT as such control existed prior to this instrument. 3) Upon completion of the transaction, record the deed at the Bureau of Conveyances and have a recorded copy filed at the

Division of Land Management, and 4) Such other terms and conditions prescribed by the Director of Transportation to be in the best interest for the State of Hawaii.

Deputy AG Randall Young indicated a discrepancy on the areas listed on page 1 of DOT's submittal, and the calculation of the total area on page 2 of the submittal. Mr. Lining recommended that the Board defer this item until a clarification could be made on the calculation.

Unanimously approved to defer Item K-3 (McCrory/Kennison).

There being no further business, Chairperson Johns adjourned the meeting at 12:57 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,



Kimberly C. Keliioomalu

Approved for submittal:


TIMOTHY E. JOHNS
Chairperson

Board of Land and Natural Resources

