

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

DATE: FRIDAY, APRIL 9, 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 of Land and Natural Resources to order at 9:10 a.m. The following were in attendance.

MEMBERS:

Mr. Timothy Johns	Mr. William Kennison
Mr. Colbert Matsumoto	Mr. Russell Kokubun

STAFF:

Mr. Dean Uchida, Land Division
Mr. Paul Conry, Division of Forestry and Wildlife
Mr. Bill Devick, Division of Aquatic Resources
Dr. Kimberly Lowe, Division of Aquatic Resources
Mr. Howard Gehring, Division of Boating and Ocean Recreation
Ms. Carol She', Division of Boating and Ocean Recreation
Mr. Gary Moniz, Division of Conservation and Resource Enforcement

OTHERS:

Mr. Randall Young, Department of the Attorney General	Mr. Peter Garcia, Department of Transportation
Mr. Clifford Beppu (D-6)	Ms. Sandy Padaken (D-7)
Mr. Rory Frampton (D-26)	Mr. Jon Sabati (D-2)
Mr. Jack Ewel (D-2)	Mr. Randy Vitousek (D-2)
Mr. Christopher Yuen (D-2)	Mr. Tom Keener (D-23)
Mr. Arthur Hansen (D-12)	Mr. Scott Muraoka (D-18)
Dr. Gordon Grau (B-2)	Mr. Randy Harr (B-2)
Mr. Chris Kelly (B-2)	Mr. Kerwin Iwamoto (D-4, 21, 28 & 29)
Mr. Chester Koga (D-27)	Mr. Peter Schall (D-20)

ITEM D-3: CONSENT TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES ISSUANCE OF A REVOCABLE PERMIT TO THE WASHINGTON PLACE FOUNDATION FOR THE PURPOSE OF RESTORING AND PRESERVING CERTAIN HISTORIC PORTIONS OF WASHINGTON PLACE AND TO CONDUCT INTERPRETIVE EDUCATION PROGRAMS FOR RESIDENTS AND VISITORS BASED ON THE LIFE OF QUEEN LILIUOKALANI AND OTHER RELATED PURPOSES, HONOLULU, OAHU, TMK: 2-1-18:1

Mr. Dean Uchida, Administrator of the Land Division presented the staff submittal recommending that the Board consent to the revocable permit from the Department of Accounting and General Services to the Washington Place Foundation, subject to 4 conditions.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-6: CONSENT TO ASSIGN A PERPETUAL, NON-EXCLUSIVE EASEMENT (LOD NO. S-27742), BETTY ALBORO HUI, ASSIGNOR, TO MICHAEL ALDEN SMITH, ASSIGNEE, LAHAINA, MAUI, SEAWARD OF TMK: 4-5-02: 01

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of a perpetual, non-exclusive easement (LOD No. S-27742) from Betty Alboro Hui, as Assignor, to Mr. Michael Alden Smith, as Assignee, subject to 4 conditions.

Mr. Clifford Beppu representing the applicant was present to answer questions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-7: ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO GTE HAWAIIAN TEL, PORTION OF THE 7TH INCREMENT KAHULUI TOWN DEVELOPMENT, WAILUKU, MAUI, TMK: 3-8-38: 57

Mr. Uchida amended staff recommendation to read: "That the Board authorize the issuance of a perpetual, non-exclusive easement and a construction right-of-entry to GTE Hawaiian Tel covering...."

Ms. Sandy Padaken, representing Henkels and McCoy Inc., was present to answer questions.

Unanimously approved as amended (Kennison/Matsumoto).

ITEM D-26: CONSERVATION DISTRICT USE APPLICATION (MO-2906) FOR PUU O HOKU RANCH SINGLE FAMILY RESIDENCE, TMKs: (2) 5-8-15: PORTION OF 3; AND (2) 5-8-08: 02

Mr. Uchida said Item D-26 is a Conservation District Use Application (CDUA) filed by Puu O Hoku Ranch in Pohakupili, East Molokai. The applicant is proposing to construct a single family residence, a gazebo and a bathhouse. The application was sent to various agencies and the concerns raised were: 1) preserving access by kuleana owners and traditional practitioners across the property to the Bay, and 2) potential impacts to the archeological feature. Both of these concerns are addressed in condition 17. The Historic Preservation Division also raised concerns during the comment period but since then, through a recent verbal communication with Land Division, indicated that conditions 15 and 16 of the staff submittal address their concerns. Staff's recommendation is that the Board approve this application to construct the Puu O Hoku Ranch single family residence, subject to 20 conditions.

There was some discussion about access for traditional practitioners. Mr. Uchida stated, and Member William Kennison concurred, that there is an on going dialogue between the landowner and the community. Mr. Rory Frampton, representing Puu O Hoku Ranch, explained that the access issue involves mutual responsibilities and trust between the community and the ranch. Member Russell Kokubun asked what the recourse would be if a resolution is not reached. Mr. Frampton said in the event condition 17 is not met, it would be a matter of the Office of Hawaiian Affairs (OHA) or someone from the community bringing it up. Member Kokubun suggested that staff take a look at creating some kind of policy that the Board could adopt and could consistently utilize in terms of access for traditional issues, especially when it deals with Conservation lands.

Unanimously approved as submitted (Kennison/Kokubun).

Chairperson Timothy Johns announced that late testimony was received with regard to Item D-26 from Mr. Walter Ritte in opposition to the granting of the CDUA permit.

ITEM D-2: SET ASIDE TO THE DIVISION OF FORESTRY AND WILDLIFE AT PUUANAHULU, HAWAII, TMKs: (3) 7-1-3: 1 AND 7-1-4: 1

Mr. Uchida said this is a request for a set aside from the Division of Forestry and Wildlife (DOFAW) to create the Puuanahulu Game Management Area (GMA). Staff's recommendation is that the Board approve and recommend to the Governor the issuance of an executive order setting aside the subject properties to DOFAW for the Puuanahulu GMA, subject to 3 conditions, and require that all existing encumbrances would remain in place until: 1) the encumbrances expires, 2) DOFAW is willing to take over management of the encumbrances, or 3) the encumbrances are mutually terminated. Mr. Uchida indicated that DOFAW received testimony from OHA in opposition to the set aside. OHA discouraged any proliferation of game species in areas that compete with endangered species and felt it was inappropriate to set aside

such a large area given the on-going negotiations of ceded land between OHA and the Administration.

Member Colbert Matsumoto asked if the existing permittee, Captain Cook Honey, Ltd., was going to be displaced by this action. Mr. Paul Conry, Wildlife Program Manager for DOFAW indicated that because the hunting on the property is presently being conducted, it is not likely that the existing permittee will be displaced, however, DOFAW will work with the permittee to make sure that public hunting does not impact the permittee's on-going operations.

Mr. Jon Sabati, State Chapter President for the National Wild Turkey Federation and Chapter President for the Volcano Island Chapter testified in favor of the set aside to DOFAW. He gave some background information about the volunteer program made up of members and friends of the community, and the volunteer programs cooperative working agreement with DOFAW.

Mr. Jack Ewel, Director of the U.S. Forest Services Institute of Pacific Island Forestry testified in favor of the Puuanahulu GMA. He said there are important conservation elements especially in the mauka lands and urged the Board to take the elements into consideration as they move ahead in making their decision relating to Puuanahulu and other state lands in that vicinity. In response to Member Kokubun's question regarding the need for an Environmental Assessment (EA), Mr. Ewel explained that if the activities involve federal funding, as they often do when it involves DOFAW, then it would fall under federal guidelines which would require a formal EA before an enterprise of this is undertaken.

Mr. Randy Vitousek testified in favor of the set aside and shared with the Board, some of his personal experiences and interests of the area as a hunter. He requested that the Board approve the set aside, and that it be done properly and in the context of an innovative overall management plan for the area.

Mr. Christopher Yuen offered "qualified" support of Puuanahulu being managed as a GMA. He hoped that DLNR could move forward and try to implement a multi-use plan for the entire Puuwaawaa area. He wanted to make sure that the set aside being contemplated does not include the portion of the existing Puuwaawaa uses actually in the Puuanahulu Ahupuaa and that the unencumbered land next to the Forest Bird Sanctuary which is in the Puuwaawaa Ahupuaa is not intended as part of the GMA.

The Board recessed from 10:00 a.m. to 11:15 a.m.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-23: DIRECT SALE OF A 55-YEAR, NON-EXCLUSIVE EASEMENT TO HAIKU PLANTATIONS ASSOCIATION FOR DRAINAGE AND MAINTENANCE PURPOSES OVER GOVERNMENT LAND SITUATE AT WIAHOLE FOREST RESERVE, HEEIA, OAHU, TMK: 4-6-015: 3

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a 55-year, non-exclusive easement to Haiku Plantations Association for the drainage and maintenance purposes and authorize the issuance of an immediate right-of-entry to Haiku Plantations Association for dredging and clearing purposes, subject to standard conditions.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM D-12: CONSERVATION DISTRICT USE APPLICATION (OA-2920) FOR THE REPLACEMENT OF A SINGLE FAMILY RESIDENCE AT HONOLULU, OAHU, TMK: 2-5-24: 08

Mr. Uchida presented the staff submittal recommending that the Board approve this application for demolition and reconstruction of a single family residence at Makiki Heights, Oahu, subject to 22 conditions.

Mr. Arthur Hansen of Habitat for Humanity was present to answer questions.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-18: CONSERVATION DISTRICT USE APPLICATION (CDUA) OA-2918 FOR INSTALLING A 16-INCH WATER MAIN WITHIN THE AULOA ROAD RIGHT OF WAY IN MAUNAWILI, OAHU, TMK: 4-2-14

Mr. Uchida presented the staff submittal recommending that the Board approve the Honolulu Board of Water Supply's (BWS) CDUA for the installation of the 16" water main within the Auloa Road right-of-way, subject to 10 conditions.

Mr. Scott Muraoka of BWS was present to answer questions.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM B-1: REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING TO AMEND HAWAII ADMINISTRATIVE RULES CHAPTER 13-58, KONA COAST, HAWAII FISHERIES MANAGEMENT AREA

Mr. Bill Devick, Acting Administrator of the Division of Aquatic Resources (DAR) presented the staff submittal recommending that the Board approve the holding of a public hearing for the amendment of Hawaii Administrative Rules (HAR) Chapter 13-58 relating to the Kona Coast, Hawaii Fisheries Management Area.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM B-2: REQUEST FOR APPROVAL TO CONTINUE FOUR AGREEMENTS WITH THE UNIVERSITY OF HAWAII (UH)

Mr. Devick presented the staff submittal recommending that the Board authorize the Chairperson to negotiate and, subject to necessary approvals, execute amendments to 4 existing Agreements with the University of Hawaii for FY 1999-2000. He introduced Dr. Gordon Grau, Interim Director of the Hawaii Institute of Marine Biology (HIBM), Mr. Randy Harr, Educational Specialist for HIBM and Mr. Chris Kelly, Junior Researcher for HIBM, who were present to answer questions.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM B-3: REQUEST FOR APPROVAL TO CONTINUE SEVEN AGREEMENTS WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII

Mr. Devick presented the staff submittal recommending that the Board authorize the Chairperson to negotiate and, subject to necessary approvals, execute amendments to 7 existing Agreements with the Research Corporation of the University of Hawaii for FY 1999-2000. He introduced Dr. Kimberly Lowe, Marine Hawaiian Islands-Marine Resource Investigations Coordinator for DAR and stated that she is present to answer any questions the Board might have pertaining to agreement nos. 3-6.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM D-21: AMEND PRIOR BOARD ACTION FOR THE CANCELLATION OF GENERAL LEASE S-3844, S-3918, S-4196, S-4240, S-4579, AND S-4854 ISSUED TO THE UNIVERSITY OF HAWAII ENCUMBERING STATE LANDS ON THE ISLAND OF HAWAII, MAUI, OAHU AND KAUAI, AND THE SUBSEQUENT SET ASIDE OF THOSE LANDS TO THE UNIVERSITY OF HAWAII, TOGETHER WITH THE WAIMEA AGRICULTURE EXPERIMENT STATION SITE AND THE PROPOSED SITE OF THE HAWAII COMMUNITY COLLEGE ON THE ISLAND OF HAWAII

Mr. Uchida presented the staff submittal recommending that the Board amend Land Board authorization of April 9, 1998, Item D-36, concerning State properties located at Waiakea, South Hilo and authorize a management right-of-entry, subject to 6 conditions.

Mr. Kerwin Iwamoto of the University of Hawaii at Hilo mentioned that they are in the discussion phase regarding the U.S. Department of Agriculture, Agriculture Research Center's proposal to build a Pacific Basin Center on the site.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-4: SELL TO THE COUNTY OF HAWAII, DEPARTMENT OF PUBLIC WORKS FOR ROAD PURPOSES AND A CONSTRUCTION RIGHT OF ENTRY AT SOUTH HILO, HAWAII, TMKS: (3) 2-4-1-PORION OF 122 AND 2-5-6-PORION OF 1

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale to the County of Hawaii and authorize the construction right-of-entry, subject to standard conditions.

Member Kokubun wanted to make sure that the University of Hawaii at Hilo followed up with the County of Hawaii on the use of the road. Mr. Iwamoto stated that they will pursue with the County of Hawaii.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-28: CONSENT TO SUBLEASE GENERAL LEASE NO. S-4919, UNIVERSITY OF HAWAII, SUBLESSOR, TO NATIONAL SCIENCE FOUNDATION OF THE UNITED STATES OF AMERICA, SUBLESSEE, WAIAKEA, HAWAII, TMK: (3) 2-4-1-7

Mr. Uchida presented the staff submittal recommending that the Board consent to the sublease under General Lease (GL) No. S-4919 between the University of Hawaii, as Sublessor, and National Science Foundation of the United States of America, as Sublessee, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-29: AFTER-THE-FACT CONSENT TO SUBLEASE GENERAL LEASE NO. S-4919, UNIVERSITY OF HAWAII, SUBLESSOR, TO CALIFORNIA INSTITUTE OF TECHNOLOGY, SUBLESSEE, WAIAKEA, HAWAII, TMK: (3) 2-4-1-7

Mr. Uchida presented the staff submittal recommending that the Board consent to the sublease under GL No. S-4919 between the University of Hawaii, as Sublessor, and California Institute of Technology, as Sublessee, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-27: CONSERVATION DISTRICT USE PERMIT APPLICATION (HA-2903)
FOR THE INSTALLATION OF A TRANSPACIFIC SUBMARINE FIBER
OPTIC TELECOMMUNICATIONS SYSTEM KNOWN AS THE
SOUTHERN CROSS CABLE NETWORK, OFFSHORE OF SPENCER
BEACH PARK, SOUTH KOHALA, HAWAII, TMK: OFFSHORE OF (3)
6-2-02: 08**

Mr. Uchida said Item D-27 is a CDUA for the installation of a Transpacific Submarine Fiber Optic Telecommunications System known as the Southern Cross Cable Network. The system will link Australia and New Zealand to Hawaii, and Hawaii to California. The rationale for this proposal is to replace an existing analogue system that is old and antiquated, with this new fiber optic system. The proposed new cable segment would be laid roughly parallel to the existing GTE cable. The application was sent around for review and comments in 1993 when GTE first applied for a statewide cable installation, and DAR raised some concerns regarding the need for some long range planning. DAR suggested that they install more than one cable and to leave enough length on the cables at the seaward end for future use. In response to the concerns raised by DAR, the applicant indicated that this technological advances in cable technology do not allow for this type of planning as infrastructure requirements change from year to year. In addition, there is obvious economic considerations that limit the planning to a project or project basis. Based on that, staff recommended that the Board approve this application for the installation of a Transpacific Submarine Fiber Optic Cable System offshore of Spencer Beach Park, Hawaii, subject to 17 conditions.

Mr. Chester Koga of R.M. Towill Corporation, representing GTE Hawaiian Telephone International, Inc., explained that there will be no trenching in the ocean. Divers will be placing the cable in the water and in most cases the natural processing will cover it up. He said alot of care and some innovative methodologies are used in the installation of the cables so that the cable would not damage any of the coral. He said they plan on coming back to the Board, 2 more additional times to install cable for this same location in the future.

Chairperson Johns questioned the need for a master plan, as opposed to a piecemeal approach, on how the Department should look at these fiber optic cable requests.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-14: AMENDMENT OF PRIOR BOARD ACTION DATED SEPTEMBER 25,
1992 (AGENDA ITEM F-10) ISSUANCE OF A NON-EXCLUSIVE TERM
EASEMENT FOR FIBER OPTIC SUBMARINE CABLE LINES AND
ELECTRICAL ANODES ACROSS STATE FASTLAND AND SUBMERGED
LANDS AT KEAWAULA, WAIANAE, OAHU, TMK: 8-1-1: 07 & 8**

Mr. Uchida presented the staff submittal recommending that the Board amend its action of September 25, 1992, under agenda Item F-10 Recommendation A, by changing the grantee name

from AT&T to AT&T Corp., a New York Corporation.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-20: CLARIFICATION ON USES ALLOWED UNDER REVOCABLE PERMIT NO. S-3538 FOR THE PIER FRONTING THE HILTON HAWAIIAN VILLAGE AT WAIKIKI, OAHU, HAWAII, TMK: 2-6-8: 29

Mr. Uchida distributed a revised staff submittal to the Board that amended the analysis and recommendation portions of the staff report. He explained that on June 24, 1997, under agenda Item D-12, the Board amended the rent for the subject permit to be calculated based on a minimum payment of \$30,000.00 per month or \$1.50 per paying customer, which ever is greater. At that time it was staff's understanding that Hilton continued to utilize the pier for their own fleet of boats and based on the separate agreement, Atlantis was allowed to operate from the pier. Subsequently, staff has been informed by Hilton that although they own boats, they don't operate them from the pier and as a result, the Hilton has requested that they be allowed to contract with outside catamaran and/or charter vessels to provide services to their guest and in addition, anyone in the public. Staff's position was to allow anyone to operate from the pier as part of a sale of the lease at public auction, however, staff has not pursued the matter because of Hilton's disputed claim of ownership of the pier. Hilton has recently indicated that they are willing to work out the ownership issues which would then allow for the sale of a lease at public auction for the pier. The sale of the lease could not occur until summer of the year 2000 because of the need for Hilton to secure legislative authorization for the disposition of submerged lands pursuant to Chapter 171-53, Hawaii Revised Statute. Staff had no objections to allowing Hilton to contract for the use of the pier to other operators who would service hotel guests as well as the public provided that this be allowed only until the auction is held in the summer of the year 2000. If no auction is held by September 2000, then the use of the permit will automatically be restricted to Atlantis Submarines and contractors who provide services for only Hilton guests. Staff's amended recommendation is that the Board clarify the uses allowed under Revocable Permit No. S-3528 for the pier fronting the Hilton Hawaiian Village at Waikiki, Oahu, Hawaii, TMK: 2-6-8:29 to include any operator that the Hilton Hawaiian Village chooses to provide services and that these additional users be included in the monthly rental calculations for this permit.

Mr. Peter Schall, Managing Director of Hilton Hawaiian Village stated that they would like to resolve the issue relative to the ownership of the pier and is pleased to accept the recommendations made by staff to allow them in the meantime to operate.

Mr. Howard Gehring, Acting Administrator for the Division of Boating and Ocean Recreation (DOBOR) was concerned about the operations in the special management area that comes under the jurisdiction of DOBOR. He wanted to make sure that if anything is done in this area that they stay within the existing rules for all operations in the special management area.

Mr. Uchida clarified that, if staff is unable to get a resolution on the ownership, they will come back to the Board to rescind this proposed action and limit it to Hilton guest and the Atlantis.

Unanimously approved as amended (Matsumoto/Kokubun).

ITEM D-16: CONSENT TO LICENSE GENERAL LEASE NO. S-4614, GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, LICENSOR, TO WESTERN PCS II CORPORATION, LICENSEE, NORTH HILO, HAWAII, TMK: (3) 3-8-1-1

Mr. Uchida presented the staff submittal recommending that the Board consent to the license under GL No. S-4614 between GTE Hawaiian Telephone Company Incorporated, as Licensor, and Western PCS II Corporation, as Licensee, subject to 5 conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-22: DEPARTMENT OF HEALTH/HAWAII HEALTH CARE CORP. REQUEST FOR CONSENT TO REVISION/RENEWAL OF REVOCABLE PERMITS AND ISSUANCE OF NEW REVOCABLE PERMIT AT KAUAI VETERANS MEMORIAL HOSPITAL, WAIMEA, KAUAI, TMK: 1-2-6: 35

Mr. Uchida presented the staff submittal recommending that the Board consent to the issuance, renewal or revision of a revocable permit to the permittees, subject to 3 conditions.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM A-1: FEBRUARY 11, 1999 (BRIEFING)

Unanimously approved as submitted (Kennison/Kokubun).

ITEM A-2: FEBRUARY 26, 1999

The Board deferred this item because there was no quorum to take action.

ITEM D-1: ISSUANCE OF REVOCABLE PERMIT TO KENNETH M.H. TANJI DBA EDDIE'S REFRIGERATION SERVICE FOR STORAGE OF REFRIGERATION EQUIPMENT AND PARTS SITUATE AT KUWILI, IWILEI, HONOLULU, OAHU, TMK: 1-5-07: 69

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a revocable permit to Mr. Kenneth M.H. Tanji, dba Eddie's Refrigeration Service for the storage of refrigeration equipment on State owned-land situate at Kuwili, Iwilei, Honolulu, subject to 8 conditions.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM D-5: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 40-MB-17, DREDGE BOAT RAMP, MALA BOAT LAUNCHING FACILITY, MALA, MAUI, HAWAII

Mr. Uchida presented the staff submittal recommending that the Board award the contract for Job No. 40-MB-17, Dredge Boat Ramp, Mala Boat Launching Facility, Mala, Maui, Hawaii to North Pacific Construction, Inc. for their low bid of \$145,000.00 and authorize the Chairperson to sign the necessary documents to implement the project.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-8: SALE OF THREE LEASES AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE PURPOSES AT KAU, HAWAII, TMKs: (3) 9-6-2-10, -11, AND -13

Mr. Uchida presented the staff submittal recommending that the Board authorize the public auction sale of 3 leases, subject to 11 conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-9: AMEND PRIOR BOARD ACTION FOR A SALE OF TWO LEASES AT PUBLIC AUCTION AT KAU, HAWAII, TMKs: (3) 9-8-1-12; 9-8-1-3 AND -6

Mr. Uchida presented the staff submittal recommending that the Board amend Land Board authorization of November 20, 1998, Items D-18 and D-19, to include: public hunting allowed under the auspices of DOFAW, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

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

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a right-of-entry to Eastern Washington University covering the subject area, subject to 5 conditions.

The Board amended the staff recommendation by adding condition no. 6 to read as follows:

6. Eastern Washington University shall obtain permission from Parker Ranch for conducting Project LAVA on the leased property.

Unanimously approved as amended (Kokubun/Matsumoto).

ITEM D-11: FORFEITURE OF GENERAL LEASE NO. S-5096, JENNIE LYUM, LESSEE, LOT 79, PUU KA PELE PARK LOTS, WAIMEA, KAUAI, TMK: 1-4-2: 76

Mr. Uchida withdrew Item D-11 because the applicant has brought in their insurance policy.

Unanimously approved to withdraw Item D-11 (Kokubun/Kennison).

ITEM D-13: SET ASIDE TO THE COUNTY OF HAWAII FOR ADDITION TO HOOLULU PARK COMPLEX FOR PARKS AND RECREATION PURPOSES AND A MANAGEMENT RIGHT OF ENTRY AT WAIAKEA, SOUTH HILO, HAWAII, TMKS: (3) 2-2-33-13 AND -14

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 properties consisting of approximately 2.847 acres to the County of Hawaii, and authorize the management right-of-entry, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-15: CONSENT TO DEPARTMENT OF HAWAIIAN HOME LANDS REQUEST TO ISSUANCE OF A LICENSE TO THE COUNTY OF HAWAII, DEPARTMENT OF PUBLIC WORKS FOR TWO SEWER LINE EASEMENTS AT KEALAKEHA, HAWAII, TMK: (3) 7-4-21-PORION 15

Mr. Uchida presented the staff submittal recommending that the Board consent to the Department Hawaiian Home Lands request to an issuance of a license to the County of Hawaii, Department of Public Works, subject to 3 conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-17: ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, AND AN IMMEDIATE RIGHT OF ENTRY, KAHAKULOA, WAILUKU, MAUI, TMK: 3-1-01: PORTION 01

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a perpetual non-exclusive to the Department of Transportation (DOT), Highways Division, and authorize an immediate right-of-entry for use and construction purposes, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-19: ISSUANCE OF REVOCABLE PERMIT TO DOUGLAS KISHIMOTO DBA RESTAURANT EQUIPMENT LOCATORS FOR STORAGE AND REPAIR OF RESTAURANT EQUIPMENT SITUATE KUWILI, IWILEI, HONOLULU, OAHU, TMK: 1-5-07: 14 (PORTION)

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a revocable permit to Mr. Douglas Kishimoto, dba Restaurant Equipment Locators for the storage and repair of restaurant equipment, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-24: ISSUANCE OF REVOCABLE PERMIT TO LEONARD YAMAMOTO, FOR LEONARD'S INC., POR. KAPAA RICE & KULA LOTS, KAWAIHAU, KAUAI, TMK: 4-5-4: POR. 2

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of an immediate right-of-entry for management purposes, and a revocable permit to Leonard's Inc. covering the subject area for beautification, maintenance, parking and signage purposes, subject to the 3 conditions listed.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-25: CONSENT TO ASSIGN GENERAL LEASE S-3599, VINCE KIMURA, ASSIGNOR, TO CENTRAL SUPPLY, INC., ASSIGNEE, WAIAKEA, HAWAII, TMK: (3) 2-2-50-90

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-3599 from Mr. Vince Kimura, as Assignor, to Central Supply Inc., as Assignee, subject to standard conditions.

The Board amended the staff recommendation by adding condition no. 4 to read as follows:

4. The lessee pay all delinquent rents owed on this account prior to the final execution of the consent documents.

Unanimously approved as amended (Kokubun/Kennison).

ITEM I-1: REQUEST APPROVAL TO RENEW COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION

Chairperson Johns announced that an E-mail from Mr. George Peabody was received in opposition to Item I-1.

Mr. Gary Moniz, Acting Administrator of the Division of Conservation and Resource Enforcement said this is a request for Board approval to renew the existing Cooperative Agreement with the U.S. Department of Justice, Drug Enforcement Administration. He indicated that the agreement had been sent to the Attorney General's (AG) for preliminary approval and requested that staff recommendation be amended to include into the agreement, any comments received from the AG's office.

Unanimously approved as amended (Matsumoto/Kennison).

ITEM J-1: REQUEST PRELIMINARY APPROVAL TO CONDUCT PUBLIC HEARING TO AMEND TITLE 13, CHAPTER 231, HAWAII ADMINISTRATIVE RULES REGARDING CATEGORIES OF BERTHS; PRIORITY OF ALLOCATION OF LAHAINA SMALL BOAT HARBOR, MAUI.

Mr. Gehring presented the staff submittal recommending that the Board grant preliminary approval to conduct a public hearing on the proposed amendments to the HAR, affirm to the Department to schedule the public hearing on this rule as expeditiously as possible following the Governor's approval to conduct a public hearing and authorize the Chairperson to appoint a hearing master to conduct a public hearing to receive written and verbal testimony concerning the proposed amendments.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM J-2: ISSUANCE OF REVOCABLE PERMIT FOR THE OPERATION OF A TRAILER BOAT STORAGE FACILITY TO GENTRY'S PROPERTIES, LOCATED AT THE HONOKOHAU BOAT HARBOR, ISLAND OF

HAWAII

Mr. Gehring presented the staff submittal recommending that the Board approve the revocable permit as requested and that the revocable permit document be submitted to the AG for review and approval as to form and any other terms and conditions as may be required by the Chairperson.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM J-3: CONSENT TO ASSIGNMENT OF GENERAL LEASE, KEEHI BOAT HARBOR, HONOLULU, ISLAND OF OAHU

Mr. Gehring said this is a consent to assignment of a general lease from Ms. Annette Nahinu dba La Mariana Sailing Club, as Assignor, to La Mariana Sailing Club, Inc., a Hawaii Corporation, as Assignee. Staff's recommendation is that the Board approve the Consent to Assignment of the lease and that the lease document be submitted to the AG for review and approval and other terms and conditions that may be imposed by the Chairperson.

There was some discussion about the current ownership transfer provision. Chairperson Johns suggested when the lease document is submitted to the AG for their review and approval as to form, that they also take a close look at the current ownership transfer provision and make sure that the states interests are protected. Member Matsumoto made a motion to amend staff's recommendation to include: after the lease document has been appropriately reviewed by the AG, the Chairperson will look at it and determine if it needs to be brought back to the Board.

Unanimously approved as amended (Matsumoto/Kennison).

ITEM K-1: LEASE TO THE FEDERAL AVIATION ADMINISTRATION FOR PAPI (PRECISION APPROACH PATH INDICATOR) FACILITY, KAHULUI AIRPORT, MAUI (UNITED STATES OF AMERICA, FEDERAL AVIATION ADMINISTRATION) TMK: (2)-3-8-01

Mr. Garcia, Property Management Officer for DOT presented the submittal recommending that the Board approve the granting of the lease.

Unanimously approved as submitted (Kennison/Matsumoto).

ITEM K-2: ISSUANCE OF THREE REVOCABLE PERMITS FOR INCONSISTENT USES, KAHULUI AIRPORT, MAUI

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

3 revocable permits for inconsistent use at the Kahului Airport.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM K-3: ISSUANCE OF LEASE BY DIRECT NEGOTIATION, PIER 32 TRANSIT SHED, HONOLULU HARBOR, OAHU (HONOLULU AGENCY, INC. AND OCEANIC GLOBAL TRADING) TMK: 1-5-35-9P

Mr. Garcia presented DOT's submittal recommending that the Board approve the lease by direct negotiation, subject to terms and conditions.

Unanimously approved as submitted (Matsumoto/Kennison).

ITEM K-4: REPORT ON REVOCABLE PERMITS RENEWED BY THE DEPARTMENT OF TRANSPORTATION FOR CONSISTENT USES

Mr. Garcia stated that Item K-4 is a report on revocable permits that were renewed by DOT for consistent uses and does not have to be acted on by the Board.

There being no further business, Chairperson Johns adjourned the meeting at 1:05 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. Kelihoomalu

Approved for submittal:



TIMOTHY E. JOHNS
Chairperson
Board of Land and Natural Resources