

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

DATE: FRIDAY, JULY 9, 1999
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

Chairperson Timothy Johns called the meeting of the Board of Land and Natural Resources to order at 9:11 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	Mr. Howard Gehring, Division of Boating and Ocean Recreation
Mr. Ralston Nagata, Division of State Parks	

OTHERS:

*Ms. Dawn Chang, Department of the Attorney General (AG)	*Mr. Edsel Yamada, AG
*Ms. Pamela Matsukawa, AG	Mr. Peter Garcia, Department of Transportation
Mr. Sherman Hee, D-5	Mr. William Kimo Fernandes, D-5
Ms. Lorna Nishimitsu, D-5	Mr. Stanley Yim, D-5
Mr. Marshall Rosa, D-14	Mr. Bill Aspengren, D-14
Mr. Jaab Suyderhoud, D-14	Ms. Dolores Elms, D-14
Mr. Robert Paine, D-14	Mr. Carl Johnson, D-14
Mr. L.R. Tracy, D-14	Ms. Susan Kern, D-19
Mr. Darrell Yagodich, D-15	Mr. Jerry Iwata, D-11
Mr. Ethan Arakaki, D-6	Ms. Mary Alice-Evans, D-16
Mr. Nonohe Botelho, D-16	Ms. Elizabeth Martinez, D-10
Ms. Valcino Beckett, E-1	

(*Note: Deputy AG Dawn Chang represented the Land Board for Item D-5 only, Deputy AG Edsel Yamada for Item D-14 only, and Deputy AG Pamela Matsukawa for all Items except for Items D-5 and D-14.)

ITEM A-1: MINUTES OF MAY 28, 1999

Unanimously approved as submitted (McCrary/Kennison).

ITEM D-5: MR. WILLIAM KIMO FERNANDES REQUEST FOR EXTENSION OF DEFAULT DEADLINE APPLICABLE GENERAL LEASE (GL) NO. S-3674, WAILUA, KAUAI, TMK: 4-2-3: 05

Mr. Dean Uchida, Administrator for the Land Division presented the staff submittal recommending that the Board authorize an extension of the default deadline from June 21, 1999 to August 20, 1999 by which date a traffic study shall be completed and submitted and the issue relating to kayak rentals from the property shall be resolved. Also, authorize the termination of this lease effective August 20, 1999 if full compliance is not made.

Chairperson Johns announced that written testimony has been received from Ms. Lorna Nishimitsu of the Law Offices of Walton Hong, and Mr. Donald and Ms. Mary Pixler, both in opposition to the extension.

Mr. Sherman Hee, representing the Lessee, explained that during the interim, when a certified letter was sent to the Lessee on May 28, 1998 to cease kayak operations and submit a traffic study, and April 19, 1999 when a Notice of Default was sent to the Lessee for failure to comply with conditions in the May 28, 1998 letter, they were in discussions with former Chairperson Michael Wilson regarding concerns raised in the May 28, 1998 letter.

Chairperson Johns indicated that he met with the Lessee a few months ago to continue the discussions the Lessee and his Attorney had with former Chairperson Wilson but no resolution was reached and no further documentation or letters were sent to, or received from the Lessee.

Mr. William Kimo Fernandes, the Lessee, gave some background information about Kamokila Hawaiian Village which was a dream of his grandfather's back in the 1950's. He testified that they started kayak operations in 1995 and that the kayaks are not used as a commercial vessel but as part of the Hawaiian Village (cultural) experience.

Member McCrary asked the Lessee if there was a reason why he didn't get a Special Management Area (SMA) permit from the County of Kauai for the kayak operations. Mr. Fernandes said he inquired about it but wanted to find out what "allied use" is first. Member McCrary questioned whether the Lessee is in further violation by not having an SMA permit.

Ms. Lorna Nishimitsu, representing Mr. Melvin Ventura, property owner adjacent to the subject area, stated that she has a copy of a Zoning Compliance Notice dated December 8, 1997, from the County of Kauai, Planning Department to the Lessee advising the Lessee that based upon a complaint and following an inspection the Lessee was to cease and desist the outdoor concession use, referring to the kayak operations, and also that the Lessee is required to apply for an SMA permit. She said when she last spoke to the Planning Department, she was informed that an SMA permit application was submitted by the Lessee as of July 7, 1999. (The Board asked Ms.

Nishimitsu to provide a copy of the Zoning Compliance Notice to staff.) She testified in opposition to staff's recommendation that the Board allow the Lessee until August 20, 1999 to comply with the 2 conditions that were imposed back in May 1998. She said based upon the chronological events and the clear lack of diligence on the part of the Lessee to make good faith efforts to meet DLNR requirements established for the lease, an extension of time would be inherently unfair to the aggrieved neighbors or the other State lessees who have to dutifully and diligently conform with the lease requirement. She also mentioned other concerns regarding whether portions of public lands are being used to support a commercial activity without the Board's authorization (use of public parking area at the lookout and use of the premises for late night parties). She stated that her client has no problem with the Hawaiian Village itself but are concerned about the expansion of uses.

Mr. Stanley Yim, Licensed Engineer, stated that he has been retained by the Lessee to conduct a traffic study. He said he has met, on several occasions, with the Department of Transportation (DOT) about safety issues. He said they have looked at the site, analyzed the conditions, determined certain mitigation measures for safety, and are recommending statistical measures to the DOT. Based on their last meeting with DOT, they are receptive to that.

Member Inouye asked that the traffic study also address limitations on numbers and types of vehicles. She suggested that the Lessee be given a 90 day extension, instead of 60 days, to allow them to resolve the issues with DOT and to submit a list of proposed uses that they believe qualify as "allied uses".

Member McCrory made a motion to amend staff recommendation to read as follow:

- a. Authorize an extension of the Default deadline from June 21, 1999 to September 19, 1999 [August 20, 1999] by which date the traffic study shall be completed and submitted and the issue related to renting kayaks from the property shall be resolved.
- b. Authorize the termination of this lease effective September 19, 1999 [August 20, 1999] if full compliance is not made.
- c. Other terms required by the Chairperson.
- d. Within 90 days, the Lessee is to submit a list of proposed uses that they believe qualify as "allied purposes" under the lease for the BLNR's consideration.
- e. The Lessee is to immediately stop all kayak operations on/from the property.
- f. The Lessee is to obtain all County of Kauai permits for the kayak operations.
- g. The Lessee is to provide the Department with a letter from DOT-Highways approving their traffic study/recommendations.

The Board asked staff to research the complaints regarding private/commercial parties being held on the premises during the evenings and to research whether the Lessee's use of the public parking area at the lookout for their tour bus parking is allowed.

Unanimously approved as amended (McCrorry/Inouye).

ITEM D-14: REQUEST FOR A CONTESTED CASE HEARING ON CONSERVATION DISTRICT USE APPLICATION (CDUA) 0A-2935B FOR THE DREDGING OF THE ENTRANCE CHANNEL TO THE HAWAII KAI MARINA AND BEACH NOURISHMENT AT PORTLOCK BEACH

Mr. Uchida presented the staff submittal recommending that the Board approve the request for a contested case hearing on CDUA OA-2935B for the dredging of the entrance channel to the Hawaii Kai Marina and Beach Nourishment at Portlock Beach, at Hawaii Kai, Oahu; that the Board admit the petitioner, Mr. Marshall Rosa, to be a party in the contested case hearing; that the Board not admit the petitioner, Mr. Todd Fisher, nor admit any of the individuals who signed a petition in opposition of marine dredging in Maunalua Bay; and that the Board authorize the Chairperson to appoint a hearings officer to conduct the contested case hearing.

Chairperson Johns noted that the Division of Boating and Ocean Recreation has a Deputy AG representing them on this case, however, to avoid the appearance of any impropriety or possible conflict, the Deputy AG representing the Land Board on this matter will be Mr. Edsel Yamada.

Member Matsumoto commented that the staff report failed to reflect the fact that the opposition to the project was not just expressed by the representative of the Sierra Club. He recalled that there were a number of residents that also addressed the Board with respect to various concerns, both for and against the project, as well as concerns regarding the potential impact of the project. He said another thing that needs to be reflected and addressed is that he specifically made a request for a legal opinion regarding the State undertaking this project because the history of the project has always been undertaken privately by the association. He asked that the legal exposure that the State would be assuming be evaluated and provided to the Board so that the Board would be able to, in an informed manner, make the decision as to whether or not the State should undertake that responsibility.

Mr. Howard Gehring, Acting Administrator for DOBOR, expressed his concerns associated with the funding of the project.

Mr. Marshall Rosa, the Petitioner, gave some background information about past dredging projects and the damage that is has done to the shoreline. His main concern was the way this dredging project is proposed and the concerns that he raised that have not been included in the Environmental Assessment. He showed the Board a sample of the sand that he took the morning of this meeting and explained how the sand color gets darker as you dig deeper.

Mr. Bill Aspengren, Chairman of the Marine Usage Committee of the Hawaii Kai Marina Community Association (HKMCA) explained the safety concerns in delaying this project and urged the Board to go ahead with the dredging that the State is responsible for.

Mr. Jaab Suyderhoud, Vice-President of the HKMCA, testified on behalf of approximately 30,000 Hawaii Kai residents who has expressed their concerns about the dangerous situation and the increasingly worsening entrance to the Hawaii Kai Marina. He requested that the Board no longer delay the dredging process and take immediate steps to insure that the State finish the job it was set out to do 5 years ago.

Ms. Dolores Elms said the State has a responsibility and a tremendous legal liability because if a kayaker, a boater or a swimmer gets injured the State will have serious litigation on their hands. She urged the Board to continue with the project.

Mr. Robert Paine testified that he lives in the exact area and is the seventh house on the beachfront (Mr. Rosa is the first). He felt that the project would be a benefit to Mr. Rosa's property. He asked the Board to proceed as soon as possible on this project for the safety of the community.

Mr. Carl Johnson, Manager of Hawaii Kai Shopping Center, represented the commercial companies doing business inside of the marina. He urged the Board to move forward with the dredging process with all due haste.

Mr. L.R. Tracy, Marina Manager of Hawaii Kai, submitted written testimony. He asked the Board, if the contested case hearing is approved, to please expedite the process as much as possible so that everything that they tried to get (i.e. funding) will not be lost.

Chairperson Johns explained that the matter before the Board is not the dredging project, but whether or not the parties who applied for a contested case hearing are entitled to that.

Unanimously approved as submitted (Inouye/McCrory).

Chairperson Johns indicated that he will appoint a hearings officer to conduct the contested case hearing. He said a date will be set for intervention so that interested parties that can qualify should contact staff to determine whether or not they have the right to intervene and participate in the contested case.

Mr. Uchida clarified that there may be another action by the Board, to get an AG's opinion as requested by Member Matsumoto, before they start the contested case hearing process.

ITEM D-19: REQUEST FOR A SIXTY-DAY (60) EXTENSION TO CONSERVATION (ADDED) DISTRICT USE PERMIT (CDUP) HA-637 FOR EXCAVATION AND QUARRY USE, HONOKOHAU, NORTH KONA, HAWAII, TMK: 7-4-08: PORS. 26 AND 49

Unanimously approved to add Item D-19 to the agenda (Kokubun/Matsumoto).

Mr. Uchida presented the staff submittal recommending that the Board approve an extension of 60 days to CDUP HA-637 as an interim measure until September 9, 1999, to give staff additional time to get information to the applicant and bring this matter back to the Board for final decision.

Member Matsumoto requested that when the matter is brought back to the Board, pictures of the area and activities be provided so the Board has an understanding of what is going on at the property.

Ms. Susan Kern, representing the Applicant, testified that all the issues will be addressed within the 60 day extension period.

Unanimously approved as submitted (Kokubun/Matsumoto).

**ITEM D-15: WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 2037
ISSUED TO THE DEPARTMENT OF EDUCATION AND QUITCLAIM
OF SAME TO THE DEPARTMENT OF HAWAIIAN HOME LANDS
(DHHL), WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-31: 18 TO 28**

Mr. Uchida presented the staff submittal recommending that the Board authorize the withdrawal of lands from Governor's Executive Order No. 2037 and also quitclaim the withdrawn land to the DHHL, subject to conditions listed.

Mr. Darrell Yagodich, representing DHHL, was present to answer questions.

Unanimously approved as submitted (Inouye/Matsumoto).

**ITEM D-11: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO
THE CITY & COUNTY OF HONOLULU FOR EFFLUENT REUSE LINE
PURPOSE AND A CONSTRUCTION RIGHT-OF-ENTRY AT
HONOULIULI, OAHU, TMK: (1) 9-116: PORTIONS OF 108 AND 109**

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale of a perpetual, non-exclusive easement to the City & County of Honolulu, subject to 5 conditions, and also authorize a construction right-of-entry, subject to 6 conditions.

Mr. Jerry Iwata, Land Division of the Department of Design and Construction for the City & County of Honolulu, believed that this will be a beneficial project in reusing the effluent water.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM D-6: TERMINATION OF REVOCABLE PERMIT NO. S-6578, PACIFIC TRUCKERS ASSOCIATION LTD., AIEA, OAHU, TMK: 9-9-12: 47

Mr. Uchida said this is a request to terminate Revocable Permit No. S-6578 to Pacific Truckers Association Ltd. The current use is for office, parking of trucks, storage of truck parts and materials. The permit was issued in July of 1988 and the tenant has been in good standing ever since. This parcel is involved in a possible exchange of State parcels in this area with the United States, Department of the Navy to construct the Oahu Veterans Center. Should an agreement not be reached, a fall back position would be to use the lot as a parking lot for the Veteran's Center. Staff's recommendation is that the Board authorize the termination of Revocable Permit No. S-6578. He said the truckers would be required to remove everything from the lot including an above ground fuel tank and concrete catchment.

Mr. Ethan Arakaki, representing Pacific Truckers Association Ltd., testified that they have been a good tenant for over 10 years. He asked for the State help in leasing State land somewhere else, with the same price that they are getting on their present lease.

Chairperson Johns asked why the current lessee has to vacate the premises if we are not sure how the exchange is going to go. Mr. Uchida said that the Navy requires certain disclosure of the property that's going to be involved in the exchange. He suggested deferring this item and once they get the details worked out, they can come back to the Board for a formal termination.

Unanimously approved to defer (Inouye/Matsumoto).

ITEM D-1: REQUEST TO UTILIZE INDEPENDENT APPRAISER TO DETERMINE RETROACTIVE RENTAL AND NEW RENTAL RATE IN CONNECTION WITH THE ISSUANCE OF VARIOUS PERMITS TO PARKER RANCH, INC., ON VARIOUS PARCELS BEING PASTURED RESULTING FROM PREVIOUS EXPIRED LEASES AND REVOCABLE PERMITS, WAIMEA AND KOHALA, HAWAII, TMKs: 3RD/5-6-01: 01 & 35; 5-7-01: 04, 09, 10 & 15; 5-8-02: 03, 05 & 06; AND 6-2-01: 05 & 11

Mr. Uchida presented the staff submittal recommending that the Board amend its previous action and authorize the use of hiring an independent appraiser to determine the retroactive rent amount, subject to all the prior conditions that the Board approved.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-2: RENEWAL LEASE AGREEMENT NO. 94-411, AMENDMENT NO. 3, GEOTHERMAL MONITORING SITE, DEPARTMENT OF HEALTH, AIR SURVEILLANCE AND ANALYSIS BRANCH, 900 SQUARE FEET ±, HALEKAMAHINA, PUNA, HAWAII - TMK: 3RD/1-4-01: 44

Mr. Uchida presented the staff submittal recommending that the Board approve the renewal of the lease agreement between Mr. Wallace Chow and the State of Hawaii, for the monitoring site, subject to conditions listed.

Unanimously approved as submitted (Kokubun/Inouye).

ITEM D-16: AMEND SUBLEASE CONDITION AND CONSENT TO SUBLEASE GL NO. S-5468, WAIMANALO TEEN PROJECT, SUBLESSOR, TO CASTLE MEDICAL CENTER, SUBLESSEE, WAIMANALO, OAHU, TMK: (1) 4-1-9: PORTION OF 1

Mr. Uchida said this is a request to amend a sublease condition and consent to sublease GL No. S-5468 to the Waimanalo Teen Project. The Teen Project has a direct lease and are negotiating with Castle Medical Group on a sublease arrangement that would allow them to sublease portions of the property for programs relating to Teen Projects. He indicated that the annual sublease rental needs to be recalculated as the rent appears to be the \$2,500 monthly rent as opposed to the \$3,000 annual rent from the sublease. He also indicated that a letter was received from Castle Medical Center requesting that this item be withdrawn because they had not reached an agreement with the Waimanalo Teen Project on the sublease terms and conditions. Staff requested that the Board approve recommendation A, delete recommendation B – pending a resolution agreement between the Lessee and Castle Medical Group, and allow the recalculation of the annual sublease rental by staff appraiser.

Ms. Mary Alice-Evans, Board Secretary for the Waimanalo Teen Project, introduced Ms. Nonohe Botelho of the Castle Medical Group, and testified that they have a few more details to work out in the negotiations. She gave background information about the Teen Project and urged the Board to consent to the sublease.

Member Matsumoto wanted to be sure that the Castle Medical Group was not conducting a for profit operation on the premises as it would impact the non-profit lease rent provided to the lessee. Mr. Uchida said he will look at the concern raised by Member Matsumoto.

Member Inouye made a motion to amend staff recommendation by deleting recommendation B.

Unanimously approved as amended (Inouye/McCrory).

ITEM D-10: CONSENT TO DEPARTMENT OF AGRICULTURE REQUEST TO ENTER INTO A REVOCABLE PERMIT WITH MS. ELIZABETH MARTINEZ DBA OLOMANA GARDENS AT WAIMANALO, HAWAII, TMK: (1) 4-1-10: PORTION OF 69

Mr. Uchida presented the staff submittal recommending that the Board consent to the Department of Agriculture to enter into a revocable permit with Ms. Elizabeth Martinez dba Olomana Gardens, subject to conditions.

Ms. Elizabeth Martinez, testified that the lease is not inclusive of the reservoir. She wanted the Board to recognize that there are junk cars that are being left on the side and people dumping rubbish and concrete blocks and so forth. She said they will keep the place in better shape and clean up the debris and try to prevent this from occurring.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM E-1: REQUEST BY DAUGHTERS OF HAWAII TO RENOVATE THE KUAKINI BUILDING AT THE HULIHEE PALACE, KAILUA-KONA, HAWAII

Mr. Ralston Nagata, Administrator of the Division of State Parks, presented the staff submittal recommending that the Board approve the request by the Daughters of Hawaii to renovate the Kuakini Building on the grounds of the Hulihee Palace, subject to 6 conditions.

Ms. Valcino Beckett, Regent for the Daughters of Hawaii, gave some background information about Hulihee Palace and stated that this is a project that they would very much like to start.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM E-2: ESTABLISHMENT OF A CURATOR AGREEMENT FOR KUKUIPAHU HEIAU STATE MONUMENT, NORTH KOHALA, ISLAND OF HAWAII

Mr. Nagata presented the staff submittal and recommended that the Board approve Luhiau Ohana and Ka Ohana Malama O Kukuipahu as the curators for Kukuipahu Heiau State Monument for a 5-year term with an option for extension.

Chairperson Johns asked if staff is familiar and comfortable with the 2 groups. He did not want to get in a situation, after the agreement is signed, where it turns out that there are problems down the road. Mr. Nagata said staff has been working with them and as far as he knows there should be no problems.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-3: CANCELLATION 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: 4-4-15: 09 & 12

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of Mauna Kea Commercial Use Permit No. S-6995, subject to conditions listed.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-4: FORFEITURE OF GL NO. S-5097, MR. ANTHONY LOCRICCHIO, MS. BARBARA LOCRICCHIO, AND MS. PATRICIA EWING, LESSEES, WAIMEA, KAUAI, TMK: 1-4-02: 79

Mr. Uchida requested that this item be withdrawn. The applicant has made the lease rental payments.

Unanimously approved to withdraw (McCrorry/Matsumoto).

ITEM D-7: CONSENT TO ASSIGN GL NO. S-5061, MR. DAVID KENNETH VAN MARK, ASSIGNOR, TO MS. ELEANOR SNYDER, ASSIGNEE, LOT 16, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI, TMK: 1-4-2: 21

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-5061 from Mr. David Kenneth Van Mark to Ms. Eleanor Snyder, subject to conditions listed.

Unanimously approved as submitted (McCrorry/Matsumoto).

ITEM D-8: REQUEST OF RIGHT-OF-ENTRY BY THE COUNTY OF HAWAII, DEPARTMENT OF PARKS AND RECREATION, FOR ITS WAIMEA TRAILS AND GREENWAYS PROJECT AT KAMUELA, SOUTH KOHALA, HAWAII, TMK: 3RD/6-5-04: 15, 70 & 79

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a right-of-entry to the County of Hawaii, Department of Parks and Recreation, for conducting an alignment study for the Waimea Trails and Greenways Project, subject to condition listed.

Unanimously approved as submitted (Kokubun/Mastumoto).

ITEM D-9: REQUEST FOR RIGHT-OF-ENTRY BY GTE HAWAIIAN TEL FOR EXISTING TELEPHONE POLE LINE REMOVAL PROJECT FROM SADDLE ROAD TO OMAOKOILI AT KAOHE, HAMAKUA, HAWAII, TMK: 3RD/4-4-16: 03 & 05

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a right-of-entry to GTE Hawaiian Tel for the removal of the existing telephone pole lines, subject to 16 conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-12: PERMISSION TO HIRE CONSULTANTS FOR DLNR CIP PROJECTS

Mr. Uchida presented the staff submittal recommending that the Board authorize the hiring of consultants for projects indicated in the staff report and authorize the Chairperson to sign the necessary documents pertaining to the individual projects, subject to the release of funds by the Governor.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM D-13: ANNUAL REVIEW OF REVOCABLE PERMITS ON THE ISLAND OF OAHU

Mr. Uchida presented the staff submittal recommending that the Board approve the issuance renewal of revocable permits for Oahu. He requested that the adjustments be based on fair market value.

Member Inouye made a motion to defer this item because of a number of apparent inconsistencies on the valuations with certain regions.

Unanimously approved to defer (Inouye/Matsumoto).

ITEM D-17: RESCIND PRIOR BOARD ACTION FOR THE GRANT OF A NON-EXCLUSIVE EASEMENT FOR TUNNEL AND VAULT FACILITIES, PUNCHBOWL, AUWAIOLIMU, HONOLULU, OAHU, TMK: 2-2-06: 26

Mr. Uchida presented the staff submittal and recommended that the Board rescind its authorization of August 14, 1987.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-18: AMENDMENT TO PRIOR ACTION OF APRIL 26, 1996, AGENDA ITEM D-18, CONSENT TO THE ASSIGNMENT OF GL NO. S-5165 FROM SUNSET BEACH GARDEN, INC., ASSIGNOR, TO PUPUKEA LYCHEE FARM, INC., ASSIGNEE, PUPUKEA, KOOLAULOA, OAHU, TMK: 5-9-05: 80

Mr. Uchida requested that this item be deferred.

Unanimously approved to defer (Matsumoto/Kokubun).

ITEM K-1: RESUBMITTAL OF U.S. FAA LEASE, VISUAL APPROACH SLOPE INDICATOR, WAIMEA-KOHALA AIRPORT, ISLAND OF HAWAII

Mr. Peter Garcia, Property Management Officer for DOT said this is a resubmittal of a U.S. FAA lease for the Visual Approach Slope Indicator and this proposes to correct Item K-3 that was approved on February 12, 1999. There was an error, the original term read October 1, 1996 to September 30, 1997, it should have read October 1, 1998 to September 30, 1999. DOT requested that the Board approve this change.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM K-2: ISSUANCE OF REVOCABLE PERMIT, INCONSISTENT USE, HONOLULU INTERNATIONAL AIRPORT, OAHU, (EXACTA SALES, INC.)

Mr. Garcia presented DOT's submittal recommending that the Board approve the application for issuance of revocable permit to Exacta Sales, Inc. for non-conforming use.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-3: REPORT ON REVOCABLE PERMITS RENEWED BY THE DOT FOR CONSISTENT USES

Mr. Garcia said Item K-3 is a report on revocable permit that were renewed by DOT for consistent uses and does not require any action by the Board.

ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, WAREHOUSE NO. 8, NEAR PIER 22, HONOLULU HARBOR, OAHU (DEPARTMENT OF THE ATTORNEY GENERAL, CRIMINAL JUSTICE DIVISION) TMK: 1-5-39-29

Mr. Garcia presented DOT's submittal recommending that the Board authorize the Director of Transportation to issue the applicant a revocable permit, subject to terms and condition.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM K-5: ISSUANCE OF A VENDING MACHINE AGREEMENT BY NEGOTIATION, KALAELOA BARBERS POINT HARBOR, EWA, OAHU (HAWAIIAN ISLES ENTERPRISES, INC.) TMK: (1)-9-1-14-8P

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

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-6: ISSUANCE OF REVOCABLE PERMIT, PIER 1, HILO HARBOR, ISLAND OF HAWAII (MR. ALEXANDER F. WILLIAMS) TMK: (3)-2-1-9P

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

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM K-7: AUTHORIZING THE DOT TO CONVEY THE REAL PROPERTY INTERESTS OF PORTIONS OF WILCOX ROAD, F.A.SP. NO. S-254 (1) AND LIHUE ROAD, W.P.G.S. NO. 24-A (COUNTY OF KAUAI) TMK: 3-3-03, 3-3-06, 3-8-05

Mr. Garcia presented DOT's submittal recommending that the Board authorize DOT to convey the fee title to the County of Kauai, subject to 4 conditions.

Unanimously approved as submitted (McCrorry/Inouye).

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

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

Respectfully submitted,



Kimberly C. Keliioomalu

Approval for submittal:


TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources

