

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

DATE: FRIDAY, JULY 23, 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 9:27 a.m. The following were in attendance:

**MEMBERS:**

Mr. Timothy Johns  
Ms. Kathryn Inouye

Mr. Colbert Matsumoto  
Mr. Russell Kokubun

**STAFF:**

Mr. Dean Uchida, Land Division  
Mr. Alton Miyasaka, Division of Aquatic Resources  
Mr. Nelson Ayers, Division of Forestry and Wildlife  
Mr. Dan Quinn, Division of State Parks  
Mr. Gary Moniz, Division of Conservation and Resource Enforcement  
Mr. Jim Schoocraft, Division of Boating and Ocean Recreation  
Mr. Steven Thompson, Division of Boating and Ocean Recreation

**OTHERS:**

Ms. Josephine Chang, Department of the  
Attorney General  
Mr. Peter Garcia, Department of Transportation  
Mr. James Cash, D-7  
Mr. Benjamin Alonzo Sr., D-11  
Mr. Kevin Rapozo, D-10  
Mr. Lawrence Conklin, D-10  
Mr. Elia Long, E-1

Ms. Pamela Matsukawa, Department of the  
Attorney General  
Ms. Rachel Haili, D-13  
Mr. Donald Amano, D-11  
Ms. Beth Fujimoto, D-3  
Ms. Tara Callison, D-10  
Mr. Kyle Soares, D-12  
Mr. Bruce Morita, J-1

**ITEM A-1: MINUTES OF JUNE 10, 1999**

Deferred – lack of quorum.

**ITEM D-13: FORFEITURE OF GENERAL LEASE (GL) NO. S-5498, MS. RACHEL KUULEI HAILI & MS. RACHEL CHING HAILI, LESSEE, WAIMANALO, KOOLAULO, OAHU, TMK: 4-1-10: 80**

Mr. Dean Uchida, Administrator of the Land Division said this is a request to forfeit GL No. S-5498 to Ms. Rachel Haili. The lessee was informed of a notice of default for delinquent rent and failure to have a performance bond and conservation plan. The lessee has subsequently paid the rent but there is still no performance bond or conservation plan. Staff recommended that the Board authorize the cancellation of GL No. S-5498, subject to 4 conditions.

Ms. Rachel Haili indicated that they are working with the Natural Resource Conservation Service (NRCS) in having their conservation plan prepared. She was told by NRCS that they would write a letter to DLNR, telling DLNR that their request was being processed, however, because of the backload of work, it may be some time before it's completed. She mentioned that they can obtain a performance bond, but with the current down economy they are requesting a waiver of the bond requirement as the money could be better used in their business.

The Board agreed to defer this item to allow staff time to work on alternatives for lessees to secure performance bonds.

**Unanimously approved to defer (Inouye/Matsumoto).**

**ITEM D-7: FORFEITURE OF GL NO. S-3757, MR. JOHN A.K. OKAMURA, LESSEE, WAIMANALO, KOOLAULO, OAHU, TMK: 4-1-10: 40**

Mr. Uchida said this is a request to forfeit GL No. S-3757 to Mr. John Okamura. The lessee was informed of a notice of default for delinquent rent and failure to have a performance bond. The lessee has subsequently paid the rent but there is still no performance bond. Staff recommended that the Board also defer this item (similar to Item D-13 above) to allow staff time to work on alternatives for lessees to secure performance bonds.

Mr. James Cash, representing Mr. John Okamura, brought in a cashiers check to cover the performance bond and requested that this item be withdrawn.

**Unanimously approved to withdraw (Inouye/Matsumoto).**

**ITEM D-11: EXTENSION OF LEASE TERM AND CONSENT TO MORTGAGE, GL NO. S-5015, KEAAU SERVICE STATION, INC., LESSEE, KURTISTOWN, OLAA, PUNA, HAWAII, TMK: 3<sup>RD</sup>/1-7-1-63**

Mr. Uchida presented the staff submittal recommending that the Board authorize the extension of GL No. S-5015, consent to the mortgage between Keaau Service Station, Inc., and Bank of Hawaii, and if a mortgage is not deemed necessary by the Department of the Attorney General to grant the extension, the lessee shall provide any other documentation that they may deem appropriate to grant the extension.

Mr. Donald Amano introduced his client Mr. Benjamin Alonzo, President of Keaau Service Station. They were both present to answer any questions the Board might have.

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

**ITEM B-1: REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS ON AMENDMENT TO HAWAII ADMINISTRATIVE RULES, CHAPTER 13-74, LICENSE AND PERMIT PROVISIONS AND FEES FOR FISHING, FISH, AND FISH PRODUCTS**

Mr. Alton Miyasaka, Aquatic Biologist for the Division of Aquatic Resources presented the staff submittal recommending that the Board approve the holding of public meetings and hearings for the amendment of the Hawaii Administrative Rules, Chapter 13-74, relating to license and permit provisions for fishing, fish and fish products.

Chairperson Johns detected a typo on page 2 of the Ramseyer Draft in which commercial was misspelled as commerical.

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

**ITEM C-1: REQUEST APPROVAL OF CONTRACT WITH MS. TERESA TRUEMAN-MADRIAGA TO COORDINATE THE FEDERAL FUNDED URBAN AND COMMUNITY FORESTRY PROGRAM FOR THE DIVISION OF FORESTRY AND WILDLIFE**

Mr. Nelson Ayers, Service Forester for the Division of Forestry and Wildlife presented the staff submittal recommending that the Board approve the contract with Ms. Teresa Trueman-Madriaga to coordinate the Urban and Community Forestry Program for the State of Hawaii.

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

**ITEM D-1: CONSENT TO ASSIGN GL NO. S-3832, MR. MICHAEL W. WARRINER**

**AND MRS. LINDA J. HARDING WARRINER, AS ASSIGNOR, TO MRS. LINDA J. HARDING WARRINER, AS ASSIGNEE, PORTION OF THE GOVERNMENT (CROWN) LAND OF KAPAA, ADJACENT TO THE EAST SIDE OF MOIKEHA CANAL AND EXTENDING FROM KUHIO HIGHWAY TO KAPAA PARK, KAPAA, KAWAIIHAU (PUNA), KAUAI, TMK: 4-5-11: 46**

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-3832 from Mr. Michael Warriner and Mrs. Linda Warriner, as Assignor, to Mrs. Warriner, divorced, as Assignee, subject to 3 conditions.

Chairperson Johns suggested that a notice be sent to Mr. Warriner of the Board's action because technically Mr. Warriner is still a lessee.

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

**ITEM D-2: CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 266, SET ASIDE TO THE DEPARTMENT OF PUBLIC INSTRUCTION (NOW KNOWN AS DEPARTMENT OF EDUCATION) AS THE SITE FOR THE ALAE SCHOOL, HAUKALUA 2, SOUTH KONA, HAWAII, TMK: 3<sup>RD</sup>/8-7-05: 09**

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor cancellation of Governor's Executive Order No. 266, subject to conditions.

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

**ITEM D-3: CANCELLATION OF REVOCABLE PERMIT NO. S-7099 AND ISSUANCE OF REVOCABLE PERMIT TO TIME WARNER ENTERTAINMENT COMPANY, L.P., DBA OCEANIC CABLE, HANA AIRPORT, HANA, MAUI, TMK: (2) 1-3-03: 37**

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of Revocable Permit No. S-7099, and issuance of a new revocable permit to Time Warner Entertainment Company, subject to 3 conditions.

Ms. Beth Fujimoto, representing the applicant, was present to answer questions.

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

**ITEM D-4: SALE OF TWO INTENSIVE AGRICULTURE AND ONE PASTURE LEASES AT PUBLIC AUCTION, AND ISSUANCE OF REVOCABLE PERMITS**

**UPON EXPIRATION OF LEASE, TMKs: VARIOUS, KAUAI**

Mr. Uchida presented the staff submittal recommending that the Board authorize the sale of 2 intensive agriculture leases and 1 pasture lease and upon expiration of the existing leases, issue month-to-month revocable permits, until such time that a lease is sold at public auction.

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

**ITEM D-10: ISSUANCE OF RIGHT-OF-ENTRY TO THE GARDEN ISLE RACING ASSOCIATION (GIRA) FOR INTERMITTENT USE OF THE KAUAI RACEWAY PARK FACILITY, MANA, KAUAI, TMK: 1-2-2: POR. 40**

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a right-of-entry for automobile racing and ancillary purposes to GIAA, subject to 6 conditions. He explained that there was a second group requesting a right-of-entry but GIRA was the first entity to come forward with all the necessary documents in a timely manner.

Mr. Kevin Rapozo, President of GIRA, explained that their organization was formed after a general meeting by the racing community who voted for a new organization to take over the racing track on Kauai. He said the former organization that ran the racing track, Kauai Racing Association (KRA), came out to the racing community in January 1999 and said they can no longer provide the proper paper work to DLNR for the use of lands. He said GIRA has come forward with all the necessary documents on a timely basis and understands that this is more than enough to grant the right-of-entry. He expressed concerns raised, on behalf of the racing community, that they have a lot of money tied in their cars, they have the love for the sport, and they want to see this moved forward.

Ms. Tara Callison, representing KRA, explained that they recently went under new management but the organization still exists and is still active. She said the Land Division closed the race track because there was a dispute with the drivers and the people running it prior to them and for some reason their request for a right-of-entry got delayed by the Land Division. She said there would be a lot of problems in having 2 groups run the race track and requested a continuance of their permit for dates that are almost identical to GIRA.

Mr. Lawrence Conklin, Vice President of GIRA, said it would be difficult for the community to support more than one race per month because of the vast amount of volunteer work necessary to put on a race, and the limited number of participants to generate the monies that are necessary to pay for the insurance and everything else. He stated that the racing community was told, by KRA earlier this year, that they are not able to meet the requirements.

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

**ITEM D-12: ISSUANCE OF ONE REVOCABLE PERMIT TO BK LIVESTOCK CO., INC. AT KAU, HAWAII, TMKs: (3) 9-5-19-2 & -17**

Mr. Uchida presented the staff submittal recommending that the Board authorize the issuance of a revocable permit to BK Livestock Co., Inc., subject to 9 conditions.

Mr. Kyle Soares, President of BK Livestock Co., Inc., testified in favor of staff recommendation. He also suggested some ideas on how the State could better manage the lands that are under pasture leases.

Member Matsumoto wanted to be sure that better management practices be appropriately followed on the lease lands because of the Parker Ranch situation where they over grazed in a drought situation.

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

**ITEM D-5: FORFEITURE OF GL NO. S-5048, MR. MALCOM S. SMITH, LESSEE, WAIMEA, KAUAI, TMK: 1-4-04: 50**

Mr. Uchida requested that this item be withdrawn. The applicant has paid off the delinquency.

**Unanimously approved to withdraw (Matsumoto/Inouye).**

**ITEM D-6: RESUBMITTAL: RESCISSION OF PRIOR BOARD ACTION OF FEBRUARY 24, 1995 (AGENDA ITEM F-1-B), ISSUANCE OF REVOCABLE PERMIT TO A.E. UNIVERSAL DBA KEY CONSTRUCTION, KEEHI INDUSTRIAL LOTS SITUATE KEEHI LAGOON, KALIHI-KAI, HONOLULU, OAHU, TMK: 1-2-23: 69**

Mr. Uchida presented the staff submittal recommending that the Board rescind its prior action of February 24, 1995.

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

**ITEM D-8: CONSERVATION DISTRICT USE PERMIT APPLICATION HA-2924 FOR THE CONSOLIDATION OF SIX PARCELS INTO ONE LOT AND IMPROVEMENTS TO HOOKENA BEACH PARK, KAUHAKO, SOUTH KONA, HAWAII, TMKs: (3) 8-6-13: 20-25, 28, AND 47**

Mr. Uchida presented the staff submittal recommending that the Board approve this application for the proposed improvements and to consolidate into one lot for Hookena Beach Park, subject to 15 conditions.

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

**ITEM D-9: AMEND PRIOR BOARD ACTION OF APRIL 9, 1998 (AGENDA ITEM D-36), CANCELLATION OF GL NOS. S-3844, S-3918, S-4196, S-4240, S-4579 AND S-4854 ISSUED TO THE UNIVERSITY OF HAWAII ENCUMBERING STATE LANDS ON THE ISLANDS 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 AND THE PROPOSED SITE OF THE HAWAII COMMUNITY COLLEGE**

Mr. Uchida requested, based on consultation with the Attorney General's Office, that staff submittal be amended to read: "That the Board amend its prior action of April 9, 1998, under agenda item D-36, by rescinding its action on [deleting all reference to] the Waimea Agriculture Experiment Station situated at Waimea, South Kohala, Hawaii, TMK 6-6-3: 07."

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

**ITEM D-14: CONSENT TO ASSIGN GL NO. S-4459, MR. PAUL JEROME BALBERDE AND MS. CERILA BALBERDE, ASSIGNOR, TO MR. DELBERT K. ROSEHILL AND MRS. FERNE M. ROSEHILL, ASSIGNEE, WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-2-56: 18**

Mr. Uchida said the assignee asked that this item be withdrawn.

**Unanimously approved to withdraw (Kokubun/Matsumoto).**

**ITEM D-15: REQUEST AN EXTENSION ON A NOTICE OF DEFAULT FOR GL NO. S-4296, MR. ERNEST AND MRS. DONNA CARLBOM, LESSEES, WAIMANALO, KOOLAULOA, OAHU, TMK: 4-1-10: 07**

Mr. Uchida presented the staff submittal recommending that the Board approve a 30-day extension for GL No. S-4296 to secure a performance bond.

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

**ITEM D-16: CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NOS. 3716 & 3717 TO THE CITY & COUNTY OF HONOLULU; WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 384 TO THE CITY & COUNTY OF HONOLULU; SET ASIDE TO THE CITY & COUNTY OF HONOLULU FOR ADDITION TO KAPIOLANI PARK AND A MANAGEMENT RIGHT-**

**OF-ENTRY, KAPAHULU, OAHU, TMK: (1) 3-1-43: 2**

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order Nos. 3716 and 3717; approve of and recommend to the Governor issuance of an executive order withdrawing 48,058 square feet from Governor's Executive Order No. 384; approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the City & County of Honolulu; and authorize a management right-of-entry to the City & County of Honolulu, subject to conditions.

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

**ITEM E-1: APPROVAL OF FRIENDS OF IOLANI PALACE REQUEST RELATING TO ADMISSION FEES, HONOLULU, HAWAII**

Mr. Dan Quinn, Assistant State Parks Administrator presented the staff submittal recommending that the Board approve the requested increase to the Iolani Palace tour admission fees as proposed, effective August 1999.

Mr. Elia Long, President of the Friends of Iolani Palace testified in favor of staff recommendation.

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

**ITEM I-1: REQUEST APPROVAL TO RENEW EXISTING MEMORANDUM OF UNDERSTANDING WITH THE HAWAII DEPARTMENT OF DEFENSE, COUNTER DRUG SUPPORT PROGRAM**

Mr. Gary Moniz, Acting Administrator for the Division of Conservation and Resource Enforcement presented the staff submittal recommending that the Board approve the Memorandum of Understanding provided that the final document is amended to include recommendations from the Attorney General, and "Final Approval as to form" is received from the Attorney General.

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

**ITEM J-1: BOARD OF LAND AND NATURAL RESOURCES REQUEST TO REVIEW WINDWARD SEA YACHT CHARTERS REQUEST FOR A COMMERCIAL PERMIT FOR KANEOHE BAY**

Mr. Jim Schoocraft, Acting Administrator for the Division of Boating and Ocean Recreation (DOBOR) presented the staff submittal recommending that the Board authorize DOBOR additional time for legal review.



Mr. Bruce Morita, owner of Windward Sea Yacht Charters said he had no notice of what the legal review was about. He requested that the Board issue him a temporary or conditional permit without jet skis because of the financial hardship he's experienced in not being able to operate. He said he hasn't had any violations presented to him and the investigation of the jet skis is over, finding no negligence on his part.

Mr. Steve Thompson, Oahu District Manager for DOBOR said he met with Mr. Morita a few days ago to go over many issues, some including the fact that there are 2 citations issued to Mr. Morita that are still outstanding, and the fact that the 2 jet skis involved in the accident were not properly registered or insured by his company. He said the Kaneohe Bay Regional Council (KBRC) was not knowledgeable of these issues when a decision was made at the July 7, 1999 KBRC meeting. DOBOR is requesting additional time for legal review as a result of these issues.

Mr. Morita said he had just found out that the 2 outstanding (equipment) citations were issued under his name and that he can pay that off right away. He said as far as the insurance coverage, this particular issue was an oversight on his part.

Member Matsumoto felt that the applicant should have cleared up the citations in a more timely manner and requested that it be taken care of right away. He suggested, and the Board agreed, to have an executive session at the end of the agenda to consult with legal council on this matter. (continuation of Item J-1 on page 10.)

**ITEM K-1: CONSTRUCTION RIGHT-OF-ENTRY, HONOLULU INTERNATIONAL AIRPORT, OAHU (CANADIAN AIRLINES INTERNATIONAL, LTD. AND QANTAS AIRWAYS, LTD.) TMK: (1)-1-1-03**

Mr. Peter Garcia, Property Management Officer for the Department of Transportation (DOT) briefed the Board and recommended that the Board authorize the granting of the construction right-of-entry to Canadian Airlines International Ltd., and Qantas Airway, Ltd., subject to 9 terms and conditions.

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

**ITEM K-2: ISSUANCE OF LEASE BY NEGOTIATION, TOGETHER WITH A CONSTRUCTION RIGHT-OF-ENTRY, NAWILIWILI HARBOR, LIHUE, KAUAI (YOUNG BROTHERS, LTD.) TMK: (4)-3-2-03-07**

Mr. Garcia amended the Land Board submittal by deleting recommendation no. 1 that reads: [Find the area to be an economic unit in terms of the intended use.] He requested that the Board approve the issuance of the constructions right-of-entry and a 35-year lease.

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

**Unanimously approved to move into executive session for Item J-1. (Matsumoto/Inouye). The meeting was reconvened at 12:05 p.m.**

The Board agreed to authorize DOBOR additional time (2 weeks) for legal review and to also continue discussions with the applicant on issues that have been discovered regarding insurance, permitting, and registration of the vessels.

**Item J-1, unanimously approved as submitted (Inouye/Kokubun).**

There being no further business, Chairperson Johns adjourned the meeting at 12:15 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,



Kimberly C. Kelihoomalū

Approval for submittal:

  
TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources