

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

DATE: FRIDAY, AUGUST 13, 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 9:18 a.m. The following were in attendance:

MEMBERS:

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

Mr. William Kennison
Ms. Lynn McCrory

STAFF:

Mr. Dean Uchida, Land Division
Mr. Jim Schoocraft, Division of Boating and Ocean Recreation
Mr. Steve Thompson, Division of Boating and Ocean Recreation
Mr. Sam Lemmo, Land Division

OTHERS:

Ms. Linden Joesting, Department of the
Attorney General
Mr. Walton Hong, D-8
Mr. Bruce Morita, J-1
Ms. Kim Harris, D-14
Mr. Steven Helela, D-6
Mr. John Talkington, D-6
Ms. Karen Chun, D-6
Mr. Ronald Ching, D-13

Mr. Peter Garcia, Department of
Transportation
Mr. Chipper Wichman, D-17
Mr. Francis Shimanuki, J-1
Colonel Richard Young, D-11
Ms. Laulani Teale, D-6
Ms. Fawn Ching, D-6
Mr. Clark Lipscomb, D-19
Mr. Mary Loo Woo, D-16

ITEM A-1: MINUTES OF JUNE 10, 1999

Member McCrory made the following amendments to Page 5, Item E-3:

“Member McCrory suggested that the permittees agree to assist State Parks in the maintenance of this area by[.] picking up 1 bay of garbage per day, [bringing in dried leaves to facilitate the composting cycle of the toilets,] supplying toilet paper and contributing to the installation and maintenance of the composting toilets as the primary use of the area was from the permittees passengers. The permittees agreed.”

The amended staff recommendation was revised as follows:

- “8) Permittees shall assist (financially, transportation, manpower, etc.) the State Parks Division in installing the available composting toilet unit for Nualolo Kai. The installation is to be completed by July 10, 1999. Should this not be feasible, at least repair the existing onsite composting toilet by July 10, 1999.
- 9) If a permittee is not operating any vessels, which use Nualolo Kai, they will not need to abide by conditions 1) through 8).

One of the composting toilets in No. 2 above, shall have been acquired by the affected Permittees before December 31, 1999 and intended for Nualolo Kai installation, as soon as practical for the summer 2000 season. [The other composting toilet’s location and timetable shall be determined at the Board meeting convened to consider extensions for calendar year 2000.]”

Unanimously approved as amended (McCrory/Kennison).

ITEM A-2: MINUTES OF JUNE 25, 1999

Chairperson Johns made the following amendments:

Page 7, 1st paragraph, Item D-10: “..... staff recommendation A. as follows: “Authorize the negotiation[s] for the acquisition[s] of the Honokohau Ditch.....”

Page 11, 3rd paragraph, Item J-1: “In response to Mr. Reppun’s question regarding whether the Board is allowed to take action if someone requested a contested case hearing, Chairperson Johns explained that they would need to go into executive session to get advi[s]ce from legal counsel as to whether or not the matter [that the] in question is eligible for a contested case hearing [was requested for has standing]. If it is ineligible for a contested case hearing [does not have standing] then the Board can take action on it, however, if it is so eligible [it’s decided that it does have standing] then the Board would not act until [the] a standing determination has been made.” Chairperson Johns wanted to clarify the difference between the 2-step process and determining whether a contested case is available, and then whether standing has been determined.

Member Matsumoto made the following amendments to Page 7, 3rd paragraph, Item D-10: "There was some discussion among the Board members, Member Matsumoto commented on a letter that was copied to the Board from the President of Amfac Land Company, Ltd. He said the letter was hostile to the proposed action and seemed [seems] to state that PMCL..."

Member McCrory amended Page 10, by adding a sentence after the 2nd paragraph to read: "Member McCrory was excused from the meeting." She recused herself from these minutes.

Unanimously approved as amended (Matsumoto/Kokubun).

ITEM D-8: ALLEGED UNAUTHORIZED CONSTRUCTION OF A STAIRWAY AND UNAUTHORIZED CLEARING AND TREE CUTTING AT KILAUEA, KAUAI, TMK: 5-2-005: 036

Mr. Dean Uchida, Administrator for the Land Division briefed the Board and recommended that the Board find that Mr. Steven Cohen violated the provisions of Title 13-5 Hawaii Administrative Rules (HAR), and Chapter 183C, Hawaii Revised Statutes (HRS) by failing to obtain the appropriate approvals for the construction of a stairway; that the Board impose a fine of \$2,000 plus \$500 for administrative costs; that the owner of the parcel, Mr. Henry Kane, immediately notify the abutting landowners in writing that no work, including tree cutting or trail building is permitted on the subject land, copies of the letters shall be provided to DLNR; that upon payment of the fine by the alleged within 30 days of the date of the Board's action, the alleged or the landowner shall submit a completed Conservation District Use Application (CDUA) for the stairway with 60 days of the Board's action to determine its final disposition; and that in the event of failure of the alleged to comply, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Mr. Walton Hong, representing Mr. Cohen explained that his client accepts full responsibility for his actions and accepts staff recommendation.

A representative of Mr. Kane testified that Mr. Kane gave the running landowners a right-of-entry but it did not include the construction of any improvements. He said they also accept the staff's recommendations and will be sending out the letters that staff had recommended to all the adjoining landowners.

Unanimously approved as submitted (McCrory/Kennison).

ITEM D-17: CDUA KA-2927 FOR LIMAHULI GARDEN LOI RESTORATION PROJECT, HAENA, KAUAI, TMK: (4) 5-9-3: 39 & 41

Mr. Uchida presented the staff submittal recommending that the Board approve this application to restore the lo'i at the Limahuli Gardens, subject to 16 conditions.

Mr. Chipper Wichman, Director of the Limahuli Garden and Preserve, provided information regarding the project to the Board.

Unanimously approved as submitted (McCroly/Matsumoto).

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) introduced Mr. Stephen Thompson, Oahu District Manager for DOBOR. Mr. Thompson amended staff recommendation to read: "Because Windward Sea Yacht Charters, Inc. has not provided the Department with satisfactory documentation that demonstrates that the two vessels involved in the November 12, 1998 accident were insured that the Board deny Windward Sea Yacht Charters, Inc.'s application and not authorize a small full service commercial use permit for Kaneohe Bay for Windward Sea Yacht Charters, Inc. and that the Department offer Windward Sea Yacht Charters, Inc. the opportunity for an administrative hearing in accordance with Sections 13-231-31 and 13-231-32, HAR. Should Windward Sea Yacht Charters, Inc. provide the department satisfactory documentation which demonstrates that the two vessels involved in the November 12, 1998 accident were insured that the Board authorize the issuance of a small full service commercial use permit for Kaneohe Bay restricted from operating thrill craft or conducting water sledding (high speed towing) to Windward Sea Yacht Charters, Inc." The original staff recommendation had asked Mr. Morita to provide the Department satisfactory documentation which demonstrates that the 2 citations issued to him have been settled and that the 2 vessels involved in the November 12, 1998 accident were insured. Mr. Morita has since demonstrated to the department that he has settled the 2 citations but has not yet provided evidence of insurance.

Mr. Bruce Morita, President of Windward Sea Yacht Charters explained that he cannot legally represent Dina Morita & Associates but can provide some background information. He said one of the jet skis that was involved in the accident was rented from Morning Star and insured through Marine Specialties, Inc. The other jet ski was made up of parts from an insured and a not insured jet ski, and he would need legal representation authorized by Dina Morita & Associates to clarify this point with the Insurer. He also explained that he bought Windward Sea Yacht Charters in 1989 and hoped that the 2 companies (Windward Sea Yacht Charters and Dina Morita & Associates) could be separated, but in 1992 when the master plan went into force, the 2 companies were combined and they had no choice but to operate under 1 permit. He said Windward Sea Yacht Charters did not own the jet ski but figured that the permit would be transferred over to Windward Sea Yacht Charters after Dina Morita & Associates went out of business. He questioned how the non-compliance of 1 company, could effect the company that is in compliance because Windward Sea Yacht Charters is in full compliance of all the permit requirements and does not have any violations.

Mr. Francis Shimanuki, testified on behalf of the "Commercial Operators" of the Kaneohe Bay Regional Council (KBRC) - not representing the entire council. He stated that at the last KBRC

meeting the council took a position to recommend the non-continuance of thrillcraft activities for Windward Sea Yacht Charters. The council took it upon themselves to impose the attrition rule, and the attrition rule in the master plan is very vague. He said he voted against this because the council took a position of trying to interpret the master plan. He felt that the council should not be putting forth their recommendation on that, yet it passed with a vote of 4 in favor and 2 against.

Member Matsumoto was concerned about staff's amended recommendation that the application be denied to Windward Sea Yacht Charters. He said it was not clear that the 2 uninsured jet skis that were involved in the accident were necessarily the responsibility of Windward Sea Yacht Charters. He felt that there would be a certain degree of inequity in penalizing the joint permittee that is not involved. He stated that he was not in favor of staff's recommendation because the facts don't seem to support the basis for the denial of the permit to Windward Sea Yacht Charters.

A motion was made at 10:17 a.m. to meet in executive session to consult with legal counsel.

Unanimously approved to move into executive session (McCrory/Kennison).

The meeting was reconvened at 10:55 a.m.

Member Matsumoto commented that the fact that the 2 entities, Dina Morita & Associates and Windward Sea Yacht Charters, were joined on 1 permit created a circumstance where it would not be equitable to visit the sins of the sister company on to the brother company. He stated that while Dina Morita & Associates should not be issued a permit because their permit had expired and there had been no application for renewal, a new permit should be issued to Windward Sea Yacht Charters who did make a timely request for a renewal of the application. The permit issued to Windward Sea Yacht Charters should allow them to engage in the same activities that they previously had engaged in and Windward Sea Yacht Charters should not be able to conduct the activities that were allowed to Dina Morita & Associates prior to the master plan.

Member Matsumoto made a motion to direct DOBOR to issue a new permit to Windward Sea Yacht Charters, but that the permit should not include high speed towing, jet skiing or thrillcraft activities. The permit should be issued at the earliest convenience for DOBOR, and the permit should end contemporaneous with the other permits that have been issued for operators in Kaneohe Bay. Member Kokubun seconded.

Member McCrory disagreed with the motion. She believed that the permit was issued in 1 name, Dina Morita & Associates/Windward Sea Yacht Charters, and it was basically operated by the same person, and that all the violations that were in effect to any one of those entities, even if they were separate corporations, were still with one permit, and therefore the permit should be denied.

Approved as amended.

Vote: 4 in favor (Matsumoto/Kokubun/Kennison/Johns)

1 opposed (McCrory)

Mr. Morita stressed that Windward Sea Yacht Charters was registered to do high speed towing before the moratorium in 1989. He said the only difference is that the jet skis were under Dina Morita & Associates.

Chairperson Johns advised Mr. Morita that the Board is well aware of all the facts in the record and that the Board has made its decision.

ITEM D-14: REQUEST FOR RIGHT-OF-ENTRY BY THE NATURE CONSERVANCY (TNC) AND THE SCIENTIFIC CONSULTING SERVICES, INC., (SCS) FOR PURPOSES OF CONDUCTING ARCHAEOLOGICAL RECONNAISSANCE SURVEY AT PUUWAAWAA, SOUTH KONA, HAWAII, TMK: 3RD/7-1-01: 04, 7-1-01: 06, 7-1-02: 13, 7-1-03: 16, AND 7-1-04: 18

Mr. Uchida said this is a request for a right-of-entry on lands that are presently encumbered by lease to Mr. F. Newell Bohnett. Staff's recommendation is that the Board authorize the issuance of a right-of-entry to TNC and SCS for the purposes of conducting an archeological reconnaissance survey, subject to 16 conditions.

Member Kokubun noticed a discrepancy in the staff submittal. On page 2, the right-of-entry date ends on October 31, 1999, and condition no. 5 says the term of the right-of-entry is for 3 months.

Ms. Kim Harris, representing TNC of Hawaii testified in support of staff recommendation. She suggested that the term of the right-of-entry be for 3 months and explained that her understanding from SCS is that they intend to have the study completed by October 31, 1999, but if for some reason it goes over, it would be easier to get an extension from Mr. Bohnett without having to come back to the Board.

The Board amended recommendation no. 5 to read as follows:

5. The term of the right-of-entry is for three (3) months, effective from the date of issuance by the Board of Land and Natural Resources; provided that the right-of-entry may be extended with the prior written concurrence from the lessee.

Unanimously approved as amended (Kokubun/Matsumoto).

ITEM D-11: RESUBMITTAL SET ASIDE TO THE STATE OF HAWAII, DEPARTMENT OF DEFENSE FOR A ROAD RIGHT-OF-WAY, CONSTRUCTION AND MANAGEMENT RIGHT-OF-ENTRY, WAIMANALO, OAHU, TMK: (1) 4-1-9: 276

Mr. Uchida amended the 2nd page of the staff submittal by deleting the last sentence of the 3rd paragraph. Staff's recommendation is that the Board approve of and recommend to the

Governor issuance of an executive order setting aside the subject lands to the State of Hawaii, Department of Defense.

Colonel Richard Young, Staff Engineer for the Army National Guard testified in support of staff's recommendation.

Unanimously approved as amended (Matsumoto/Kennison).

ITEM D-6: REQUEST FOR A CONTESTED CASE HEARING ON CDUA OA-1405A FOR THE RETENTION OF THE H-3 FREEWAY CONSTRUCTION ACCESS ROAD, HALAWA VALLEY, OAHU

Mr. Uchida requested that this item be deferred. Staff has had discussions with 2 of the 3 petitioners, and 2 of the 3 in attendance have agreed to go through the mediation process. The action on the contested case hearing can be deferred until the mediation process works itself out.

Mr. Sam Lemmo, Staff Planner for the Land Division explained that this item is requested to be deferred and that the Department of Transportation (DOT) has agreed to hire a mediator. The mediator must be mutually acceptable by both parties and the guidelines and rules will be set up during the mediation process. He requested that the decision on standing for the 3 petitioners be postponed for 3-6 months until some issues are resolved. He clarified that the mediation will not change whether the petitioners have standing for a contested case hearing.

Chairperson Johns pointed out a typo, in staff recommendation no. 3 Mr. [Steven] Talkington should be listed as Mr. John Talkington.

Mr. Steven Helela, Petitioner, stated that what staff was relating to the Board was untrue. The original recommendation was what they had agreed on, but deferring the decision on standing was not talked about. He felt that the decision on standing should be something that should be decided first for their safeguard because if it's decided that they do have standing, and then they accept the mediation, their route to a contested case will be protected. If they go into mediation with DOT and have no legal standing, there will be no leverage.

Ms. Laulani Teale, Petitioner, stated that she does not want to see DOT withdraw from the mediation on the basis that their standing is in questions. She wanted to see some determination made on their standing because from what was written in the staff report, it seems clear that staff acknowledges their standing.

Mr. John Talkington, Petitioner, said he understands that they may be taking a risk as to what the votes will be regarding standing but in the staff's analysis it's pretty clear that all 3 petitioners have demonstrated as cultural practitioners within the areas that would be affected by DOT's actions. He felt that it would be more to their advantage to have standing. He petitioned the Board to make a decision on standing for their protection.

Ms. Fawn Ching, Deputy AG for DOT, introduced Ms. Karen Chun, Engineer for DOT Highways Division. She was in support and encouraged the mediation. She said she had spoken briefly with 2 of the petitioners and they were more than willing to go into mediation to resolve or at least brush out some of the issues at that time. Ms. Ching said they would object to standing, that the petitioners have not demonstrated interest that would directly and immediately effect DOT retaining the road.

Member Kokubun suggested that a report on the mediation be submitted to the Board.

A motion was made at 11:47 a.m. to meet in executive session to consult with legal counsel.

Unanimously approved to move into executive session (Matsumoto/Kokubun).

The meeting was reconvened at 12:40 p.m.

Member McCrory suggested the following amendments to staff's recommendation: the Board find that there is a basis to hold a contested case hearing; the Board recommend mediation to all the parties, and the mediation be completed in 60 days; a final report on the mediation shall be presented to the Board in 90 days; the Board not make a decision on standing, until staff presents to the Board, within 30 days, an analysis and recommendation on the standing of the 3 petitioners in the contested case hearing; within 30 days, the petitioners and DOT shall present a status report on the mediation process to the Board.

Mr. Talkington asked if there would be any detrimental effect to the status of their standing if the mediation goes on before the decision of standing. Chairperson Johns said based upon the AG's opinion to the Board, it would not have a negative effect. Mr. Talkington requested that a complete CDUA be provided to him by staff before the mediation begins.

Mr. Talkington was concerned that if the Board decides that a contested case hearing is available, it might trigger other timeframes (i.e. intervenors, other parties requesting to participate). Ms. Fawn Ching said as far as other people being able to intervene as petitioners, it should not trigger any other kinds of deadlines if the Board decides that a contested case hearing is available. Her understanding is that the 10-day period to file a written petition is the only time to intervene. Ms. Joesting clarified that it will not trigger any other timeframes unless a date is set for the hearing.

Mr. Talkington thanked the Board for trying to preserve the intent of what was written in the original staff opinion. He said they will move forward in good faith to try and get the mediation going.

Mr. Heleja also thanked the Board. He said he is willing to compromise to mediation since it's in everybody's best interest, as long as their rights are protected.

Ms. Chun stated that they will work in good faith also.

The Board amended staff recommendation as follows:

- A. The Board find that based on the information provided, there is a basis to hold a contested case hearing;
- B. The 3 petitioners and DOT all immediately begin mediation, which shall be completed within 60 days of this decision;
- C. A report on the mediation shall be submitted, after the mediation has been completed, within 90 days of this decision;
- D. Within 30 days of this decision, the staff is to present to the Board an analysis and recommendation on the standing of the 3 petitioners in the contested case hearing;
- E. Within 30 days, the petitioners and DOT shall present a status report on the mediation process to the Board.

Unanimously approved as amended (McCrorry/Kokubun).

ITEM D-19: ALLEGED UNAUTHORIZED CLEARING/TREE CUTTING AT MOLOAA BAY RANCH, MOLOAA BAY, KAUAI, TMK: 4-9-011: 001

Mr. Uchida presented the staff submittal recommending that the Board find that the alleged violated the provision of Title 13-5 HAR and Chapter 183C, HRS; impose a fine of \$2,000 plus \$1,000 to cover administrative cost; that the fine be paid within 30 days of the date of the Board's action; and that the Division of Conservation and Resources Enforcement conduct a detailed investigation on the remaining branch properties that are in the conservation district for any additional violations.

Mr. Clark Lipscomb, representing Moloaa Bay Ranch apologized for not following the rules and promised that they will be followed in the future. He said depending on the archeological study, he is hoping to complete the CDUA in 2 months. He asked for the Board's consideration in allowing him, instead of paying the fine, spend the money on the agricultural side in terms of replanting things and following through with the plan that he and staff has been in discussions with.

Member McCrorry preferred to leave the fines as it stands and not make an exception.

Unanimously approved as submitted (McCory/Kennison).

ITEM D-13: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE, WATER METER BOX EASEMENT TO THE WATER COMMISSION OF THE COUNTY OF HAWAII, SITUATE AT PIHONUA, SOUTH HILO, ISLAND OF HAWAII, TMK: (3) 2-3-23: 5

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale of a perpetual, non-exclusive easement to the Water Commission of the County of Hawaii, and authorize a construction right-of-entry, subject to conditions.

Mr. Ronald Ching, representing the Public Works Division of the Department of Accounting and General Services testified that they are asking the Board to approve granting the easement to the County of Hawaii.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-16: GL NO. S-4300: CONSENT TO ASSIGNMENT OF LEASE, MARY LOO WOO, BANKRUPTCY TRUSTEE, FOR MR. JACK L. AYERS, JR., TRUSTEE AND MS. ELSIE M. AYERS, TRUSTEE, ASSIGNOR, TO MR. WILLIAM A. MILLER, ASSIGNEE; CONSENT TO MORTGAGE FROM FIRST HAWAIIAN BANK TO MR. WILLIAM A. MILLER FOR THE PURCHASE OF THE BUILDINGS AND LEASEHOLD; CONSENT TO VARIOUS SUBLEASES AND SUB-SUBLEASES; CONSENT TO ASSIGNMENT OF VARIOUS SUBLEASES. LOT 1-A, HILO INDUSTRIAL DEVELOPMENT, POHAKU STREET SECTION, SITUATED AT WAIAKEA, SOUTH HILO, HAWAII, TMK: 3RD/2-2-58: 35 & 40

Mr. Uchida presented the staff submittal recommending that the Board consent to assignment of GL No. S-4300, consent to the mortgage from First Hawaiian Bank to Mr. William Miller, consent to various subleases and sub-subleases, and also consent to the assignment of the various subleases, subject to conditions.

Ms. Mary Loo Woo, Bankruptcy Trustee, testified that she has bankruptcy court approval and that the delinquent rent will be paid at the time of closing.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-12: CONSENT TO ASSIGNMENT OF GL NO. S-5187 FROM TEXACO REFINING AND MARKETING, INC. AND ALOHA PETROLEUM, LTD., AS ASSIGNORS, TO EQUILON ENTERPRISES LLC AND ALOHA PETROLEUM, LTD., AS ASSIGNEES, SITUATE AT WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, TMK: (3) 2-1-09: 42

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-5187 from Texaco Refining and Marketing, Inc. and Aloha Petroleum, Ltd., Equilon Enterprises, LLC and Aloha Petroleum, Ltd., subject to 3 conditions.

A representative from Texaco Refining and Marketing, Inc./Equilon Enterprises LLC testified in favor of staff recommendation.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-18: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY TO MR. WILLIAM AND MRS. AILEEN CHINEN FOR WATERLINE PURPOSES OVER AND ACROSS GOVERNMENT LAND SITUATE AT WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-010: PORTION OF 96

Mr. Uchida presented the staff submittal recommending that the Board authorize the direct sale of a perpetual, non-exclusive easement to Mr. William Chinen and Ms. Aileen Chinen, and authorize the issuance of an immediate construction right-of-entry for waterline purposes, subject to conditions.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-1: REQUEST CONSENT FOR ISSUANCE OF REVOCABLE PERMIT TO COMMUNITY CLINIC OF MAUI, INC. FROM THE DEPARTMENT OF HEALTH, WAHIKULI, LAHAINA, MAUI, TMK: 4-5-21: 16

Mr. Uchida presented the staff submittal recommending that the Board consent to the issuance of a revocable permit to the Community Clinic of Maui, Inc. for the Lahaina Comprehensive Health Center, subject to 3 conditions.

Unanimously approved as submitted (Kennison/McCrory).

ITEM D-2: SET ASIDE TO DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE FOR ADDITION TO THE HONOLULU FOREST RESERVE, KAHAUKI, HONOLULU, OAHU, TMK: 1-1-08: 13

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 subject lands to the Division of Forestry and Wildlife for forest reserve, and authorize the issuance of a right-of-entry to the Division of Forestry and Wildlife for the purpose of management and access, subject to conditions.

Chairperson Johns asked Land Division to contact the Division of Forestry and Wildlife and ask them to clarify their statement that they want to protect the habitat for "introduced species" such as the wallaby.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-3: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT JOB NO. 80-HP-T1, RECONSTRUCTION OF EVENTS PAVILION, OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII

Mr. Uchida presented the staff submittal recommending that the Board award the contract for Job No. 8-HP-T1 to Certified Construction, Inc. for their low bid of \$137,154.00.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-4: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (KONA, WEST OAHU, MOLOKAI-LANAI)

Mr. Uchida presented the staff submittal recommending that the Board appoint Directors and certify the elections of Directors for a term ending June 30, 2002.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-5: AMEND PREVIOUS BOARD ACTION FOR ISSUANCE OF A REVOCABLE PERMIT TO CEATECH USA, INC., POR. KEKAHA, WAIMEA, KAUAI, TMK: 1-2-2: POR. 1

Mr. Uchida presented the staff submittal recommending that the Board amend previous Board action for issuance of a revocable permit by revising the name and clarifying the status of the property as unencumbered.

Unanimously approved as submitted (McCrorry/Matsumoto).

ITEM D-7: RENEWAL OF REVOCABLE PERMIT NO. S-7164 TO HKK INC., KAILUA-KONA, HAWAII, TMK: (3) 7-5-6: PORTION OF 22

Mr. Uchida presented the staff submittal recommending that the Board approve the continuation of revocable permit to HKK Inc., on a month-to-month basis.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-9: ALLEGED UNAUTHORIZED CONSTRUCTION OF A SHORELINE STRUCTURE AT WAIALUA, MOLOKAI, TMK: SEAWARD OF 5-7-001: 001

Mr. Uchida requested that this item be deferred to allow staff more time to gather pictures to present to the Board.

Member McCory asked staff to check on why the staff submittal did not include administrative costs and a payment deadline.

Unanimously approved to defer (Kennison/McCrory).

ITEM D-10: RESCIND PRIOR BOARD ACTION FOR THE DIRECT SALE OF REMNANT AT AUWAIOLIMU, OAHU, TMK: (1) 2-2-3: 95

Mr. Uchida presented the staff submittal recommending that the Board rescind its action of May 22, 1992 and August 28, 1992.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-15: CONSENT TO ASSIGN GL NO. S-5196, MS. WINIFRED HARM GOYA, BY HER PERSONAL REPRESENTATIVE, MR. JETON LEE ALLEN, ASSIGNOR, TO CASTLE MEDICAL CENTER, ASSIGNEE; CASTLE MEDICAL CENTER, ASSIGNOR, TO MR. RANDALL BUNG CHOY CHANG, ASSIGNEE, KALUANUI, OAHU, TMK: (1) 5-3-8: SEAWARD OF 18

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-5196 from Ms. Winifred Goya to Castle Medical Center, and from Castle Medical Center to Mr. Randall Chang, subject to conditions.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-20: RESCIND PRIOR BOARD ACTION FOR CONSENT TO ASSIGNMENT OF GL NO. S-3769 AT WAIMANALO, OAHU, TMK: (1) 4-1-27: 16

Mr. Uchida presented the staff submittal recommending that the Board rescind Board consent of June 8, 1990.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM K-1: ISSUANCE OF LEASE BY DIRECT NEGOTIATION, PIER 18, HONOLULU HARBOR, OAHU (LEO OHAI) TMK: 1-5-39-21P

Mr. Peter Garcia, Property Management Officer for the Department of Transportation briefed the Board and recommended approval of the issuance of a lease by direct negotiation, subject to terms and conditions.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM K-2: ISSUANCE OF REVOCABLE PERMIT, NEAR PIER 32, HONOLULU HARBOR, OAHU (H & W DISTRIBUTORS, INC.) TMK: 1-5-35-9

Mr. Garcia briefed the Board and recommended that the Board authorize the issuance of a revocable permit to H & W Distributors, Inc.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM K-3: ISSUANCE OF REVOCABLE PERMIT, ADJACENT TO PIER 60, HONOLULU HARBOR, OAHU (HAWAII PAINTING & WALLCOVERING, INC.) TMK: (1)-1-2-23-46

Mr. Garcia briefed the Board and recommended that the Board authorize the issuance of a revocable permit to Hawaii Painting & Wallcovering, Inc.

Unanimously approved as submitted (Matsumoto/Kokubun).

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

Mr. Garcia said this item does not require any Board action.

ITEM K-5: DIRECT ISSUANCE OF A LEASE FOR A NON-EXCLUSIVE SUBSURFACE PIPELINE EASEMENT, HILO HARBOR, ISLAND OF HAWAII (CHEVRON, U.S.A., INC.) TMK: (3)-2-1-09

Mr. Garcia briefed the Board and recommended that the Board consent to the issuance of a direct lease of a non-exclusive subsurface pipeline easement to Chevron, U.S.A., Inc.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM K-6: ISSUANCE OF REVOCABLE PERMIT, PIER 1, HILO HARBOR, ISLAND OF HAWAII (MERLIN KEAULANA-DYBALL) TMK: (3)-2-1-09

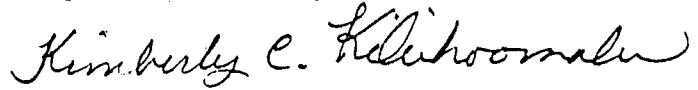
Mr. Garcia briefed the Board and recommended that the Board authorize the Director of Transportation to issue a revocable permit to Mr. Merlin Keaulana-Dyball.

Unanimously approved as submitted (Kokubun/Matsumoto).

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

