

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

DATE: FRIDAY, NOVEMBER 19, 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 9:13 a.m. The following were in attendance:

**MEMBERS:**

Mr. Timothy Johns	Mr. William Kennison
Mr. Colbert Matsumoto (excused at 1:00 p.m.)	Ms. Lynn McCrory
Ms. Kathryn Inouye	Mr. Russell Kokubun

**STAFF:**

Mr. Michael Buck, Division of Forestry and Wildlife (DOFAW)	Mr. Bill Devick, Division of Aquatic Resources
Mr. Patrick Costales, DOFAW	Mr. Howard Gehring, Division of Boating and Ocean Recreation
Mr. Dean Uchida, Land Division	

**OTHERS:**

Ms. Pamela Matsukawa, Department of the Attorney General (AG)	Mr. Peter Garcia, Department of Transportation
Ms. Laura Thompson, Discussion	Mr. Douglas Smith, Discussion
Mr. Jim Frazier, D-20	Mr. Bradley Mossman, D-20
Mr. Michael Eddie, D-20	Mr. Steven Kubota, D-20
Ms. Lynn Otaguro, AG, B-1	Mr. Jody Bright, B-1
Mr. Dennis Niles, J-1	Mr. Robert Butler, J-1
Mr. Michael Sheehan, J-1	Mrs. Stephanie Butler, J-1
Mr. Wes Nohara, D-24	Mr. Michael Jones, D-37
Mr. Gary Baldwin, D-37	Ms. Julie Tulang, D-33
Mr. Robert Garcia, D-36	Mr. and Mrs. Noboru Kobayashi, D-44
Mr. John Alford, D-44	Mr. Doug Arnott, D-44

Mr. Ron Koehler, D-44  
Ms. Mary Alice Evans, D-27  
Mr. Steven Fernandes, D-12  
Ms. Fredda Stroup, D-42  
Mr. Al Rogers, D-4, D-5 & D-6

Mr. Robert Smolenski, D-40  
Ms. Iris Abreu, D-23  
Mr. Ernest Kimoto, D-35  
Mr. Rodney Kim, D-7  
Ms. Debbie Gorai, D-4, D-5 & D-6

**DISCUSSION: NEW PARTNERS FOR KOOLAU MOUNTAINS WATERSHED PARTNERSHIP**

Mr. Michael Buck, Administrator of DOFAW, gave some background information on the continuing progress in working towards Watershed Partnerships throughout the State. He explained that DOFAW would like to recognize, in a public form, the participation of new landowners that have joined the Koolau Mountain Watershed Partnership. Mr. Patrick Costales, Oahu District Manager for DOFAW, introduced 2 of the 4 new landowners. Present for the signing ceremony were Ms. Laura Thompson of Tiana Partners, and Mr. Doug Smith of Manana Valley Farms, LLC., who were both acknowledged for agreeing to join the partnership.

**No Board action.**

**ITEM A-1: APPROVAL OF THE AUGUST 27, 1999 MINUTES**

**Unanimously approved as submitted (McCrorry/Kennison).**

**ITEM A-2: APPROVAL OF THE SEPTEMBER 10, 1999 MINUTES**

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

**ITEM A-3: APPROVAL OF THE SEPTEMBER 24, 1999 MINUTES**

Member McCrorry recused herself.

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

**ITEM A-4: APPROVAL OF THE OCTOBER 8, 1999 MINUTES**

**Unanimously approved as submitted (McCrorry/Kennison).**

**ITEM D-20: CANCELLATION OF GENERAL LEASE (GL) NOS. S-4717 AND S-5157; CANCELLATION OF EXECUTIVE ORDER NO. 3282; AND DIRECT**

**ISSUANCE OF A NEW LEASE TO NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY (NELHA) AT KONA, HAWAII, TMK: 7-3-43: 3 AND 42; AND 7-3-9: 23 AND 24**

Mr. Dean Uchida, Administrator of the Land Division, briefed the Board and recommended that the Board: 1) Cancel GL Nos. S-4717 and S-5157, effective date to be determined by the Chairperson; 2) Request the Governor to cancel Executive Order No. 3282; 3) Authorize the direct issuance of a lease to NELHA for the parcels previously encumbered by GL Nos. S-4717, S-5157, and Executive Order No. 3282, under the standard terms and conditions of the most current general lease from previously listed and incorporated by reference herein; 4) Authorize the prior consent of subleases under the new master lease by NELHA to its users, subject to review and approval by the Department of the AG; 5) Require NELHA to submit an annual report of its revenues and expenses with its Net Operating Income (NOI) calculations; and 6) Authorize other terms and conditions as may be prescribed by the Chairperson.

Member Matsumoto was concerned regarding the use of the NOI calculations in dealing with non-profit or government agencies because it seemed that there would be no incentive for NELHA to generate anything more than the cost to cover their operation. Mr. Uchida explained that they are trying to get NELHA moving in the right direction and to prove that it is economically viable. He said they are also trying to balance the need for revenue generation with the need to realize the amount of money the State has invested in the project. Member Matsumoto preferred that the rent be set at a straight dollar amount, however, supported the staff submittal and suggested perhaps at some future date the rent be revised at some other level.

Mr. Bradley Mossman, Deputy Director of the Department of Business Economic Development and Tourism, stated that their first priority is to reduce the State's subsidy, and then get a reasonable return from the assets that the State has put in, particularly with respect to the commercial enterprises.

Mr. Jim Frazier, Executive Director for NELHA, stated that their first point of motivation is getting off of the general fund. The requirement to submit an annual report of their revenues and expenses with its NOI calculations would allow the Board a chance to look at the efficiencies of the operation. He indicated that there are potential tenants that are ready to go and that this proposal would give NELHA the flexibility to work with these people and move quickly to get them on the land.

Member Inouye was supportive of NELHA's efforts, however, was concerned about how long it would take before some decision is made on the economic viability of these projects. She asked if there was going to be some plan or projection of their future cash flow that would provide the State with information to make a decision on how much longer NELHA would be subsidized. Mr. Mossman said there will be a subsidy plan but that specific date has not yet been determined.

Mr. Michael Eddie, President of the Big Island Abalone Corporation stated that their company and other tenants of NELHA are interested in seeing control over the master lease under the NELHA administration.

Chairperson Johns noticed that this lease involves ceded lands. He requested that a condition be added that the lease, if approved, be reviewed by the AG to specifically look at the issue of the OHA entitlements.

Members Inouye and McCrory amended condition no. 5 to read: "Require NELHA to submit an annual report of its revenues and expenses with its NOI calculations, with a comparison against projections and a 5 year projection;". The intent of this amendment was to see at some point, whether or not the State will be getting any share of an NOI.

Member Kokubun suggested that the lease term be set at a 10-year reopening. The Board agreed, and decided to have the Chairperson determine the initial lease term.

Chairperson Johns noted that testimony was received from Mr. Alena Kaiokekoa in opposition to staff's recommendation.

Mr. Steven Kubota, Ahupuaa Alliance, requested that the Board also look at environmental impacts, and impacts on cultural resources in the area.

The Board amended the staff recommendation to read as follows:

5. Require NELHA to submit an annual report of its revenues and expenses with its NOI calculations, with a comparison against projections and a 5 year projection; [and]
7. The new master lease document is subject to review and approval by the Department of the AG, with specific instructions to look at the OHA entitlements;
8. Initial lease term to be determined by the Chairperson; and
9. The master lease shall have ten (10) year reopening.

Unanimously approved as amended (Kokubun/McCrory).

**ITEM B-1: REQUEST FOR ADOPTION OF HAWAII ADMINISTRATIVE RULES (HAR), CHAPTER 13-60.3, WEST HAWAII REGIONAL FISHERIES MANAGEMENT AREA, HAWAII**

Mr. Bill Devick, Administrator of the Division of Aquatic Resources, said this is a request for consideration and approval to re-adopt HAR, Chapter 13-60.3, relating to West Hawaii Regional Fisheries Management Area, Hawaii. The AG, after reviewing the rules, indicated that the changes made to the proposed rules after the public hearing, in response to testimonies at the hearing, exceeded the authority granted under the Chapter 91, Hawaii Revised Statutes rule-making procedures. To correct this in accordance with the advice of the AG and to move the process ahead in a timely manner, the following amendments were recommended to the draft rules: 1) Delete subsection (g) in section 13-60.3-3 regarding the possession of aquatic life and gear within designated

areas; 2) Delete section 13-60.3-6 relating to control date; and 3) Delete section 13-60.3-7, regarding vessel designation. Mr. Devick added an additional amendment to the draft rule that was not included in the staff submittal that read: "4) Delete section 13-60.3-3F, Posting of signs." The basic intent of the rule, to establish protected fish replenishment areas in West Hawaii, will not be affected by these deletions. The deleted sections were designed to facilitate management and enforcement in the fish replenishment areas. The intent was to ask the Board's approval to take these rules back to Kona for another public hearing in the near future. Staff's recommendation is that the Board re-adopt the proposed HAR Chapter 13-60.3, West Hawaii Regional Fisheries Management Area, Hawaii.

Chairperson Johns encouraged better communication between the Division and the AG's Office. He asked the Division to work closely with the AG in regards to bringing the rules to the Board and being clear as to exactly what the next steps would be once the rules are brought to the Board for action.

Mr. Jody Bright, President of the Hawaii Conservation Association, testified in support of the second time passage of HAR, Chapter 13-60.3. He relayed a point of view from the Kona community that political maneuverism, apparent stalling, and deception obstructed the process. He urged the Board to re-adopt the rules and put the articles of enforcement on the fast track and get them reinstated as soon as possible.

Deputy AG Lynn Otaguro mentioned to the Board, that they could move into executive session at the end of the meeting if they feel they need clarification on the opinion.. The Board didn't feel that an executive session was necessary. Member Kokubun stated that at some point in the future, the concept on the rules and rulemaking should be discussed. Member Matsumoto requested copies of the AG's opinions dated October 7, 1991 and October 27, 1999.

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

**ITEM J-1: REQUEST PRELIMINARY APPROVAL TO CONDUCT PUBLIC HEARING TO AMEND HAR, SECTION 13-256-36, USE OF COMMERCIAL VESSELS AT THE HANAIEI RIVER MOUTH AND ANINI BEACH LAUNCHING RAMP**

Member McCrory recused herself.

Mr. Howard Gehring, Acting Administrator for the Division of Boating and Ocean Recreation, briefed the Board and recommended that the Board: (1) Grant preliminary approval to conduct a public hearing on the proposed amendments to the HAR; (2) Affirm 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 (3) Authorize the Chairperson to appoint a hearing master to conduct a public hearing and receive written and verbal testimony.

Mr. Dennis Niles, representing 2 of the 3 existing Hanalei Bay commercial boat operators, testified

in opposition to staff's recommendation to conduct a public hearing on the proposed amendments to the HAR. He felt that the staff's proposal was premature because it lacked justification as to why the permits were being eliminated. He questioned why the operators were not allowed to respond to the amendments.

Mr. Robert Butler, Hanalei Bay commercial boat operator testified against staff recommendation. He was supportive of the regulations being brought back to the HEMP levels and felt that staff's proposal for zero boats is not the answer because it closes the door on the economic opportunity for Hanalei Bay.

Mr. Michael Sheehan, gave some background information about the boating launch facility that he was asked to provide by the State and County a number of years ago. He suggested, instead of holding another public hearing, instruct DOBOR to follow the existing rules which provide a minimum of 15 commercial motorized permits selected from the formal pool of individuals who had previously existing permits.

Mrs. Stephanie Butler, spouse of Mr. Robert Butler, testified against staff recommendation. She felt that the Board should converse with the people of Hanalei before going to public hearing with the proposed zero boat limit.

**A motion was made to defer this item until later on the agenda, to allow the Board to move into executive session to consult with legal counsel (Matsumoto/Inouye).**

**Continuation of Item J-1 on page 8.**

**ITEM D-24: ISSUANCE OF REVOCABLE PERMIT TO MAUI PINEAPPLE CO., LTD.  
HANAKA OO & HONOKOWAI, LAHAINA, MAUI, TMK: 4-4-04: 02 AND  
4-5-21: PORTION 03**

Mr. Uchida briefed the Board and amended the staff recommendation to read: "That the Board authorize the issuance of a revocable permit to Maui Pineapple Co., Ltd. covering the subject area for diversified agriculture purposes under the ...." This amendment was to allow Maui Land and Pineapple use of RETA funds for other diversified agricultural crops on State lands.

Mr. Wes Nohara, Plantation Superintendent of Maui Pineapple Co., Ltd., was present to answer questions..

Member Kennison commended staff and Maui Pineapple Co., Ltd., for working diligently on this issue.

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

**ITEM D-37: USA, DEPARTMENT OF THE NAVY, PACIFIC DIVISION, REQUEST**

**AMENDMENT OF GL NO. S-5352 (LEASE OF EXCLUSIVE EASEMENT),  
WAIMEA (KONA), KAUAI, TMK: 1-2-02: POR. 1 AND 24**

Mr. Uchida briefed the Board and distributed testimonies from Mr. Michael Jones and Mr. Gary Baldwin. Staff's recommendation is that the Board authorize amendments to GL No. S-5352, subject to conditions.

Mr. Michael Jones raised some concerns about the State proceeding forward with this request. He felt that the State should take a position on either having a new or supplemental EIS done for this particular program.

Mr. Gary Baldwin, President and CEO of the Kauai Economic Development Board, read through his written testimony that was in strong support of the Board granting the extension of GL No. S-5352.

**Unanimously approved as amended (McCrary/Inouye).**

**ITEM D-18: SET ASIDE TO THE DEPARTMENT OF DEFENSE FOR A COMBINED  
VETERANS CENTER, VETERANS HOUSING AND OTHER RELATED  
PURPOSES AND A MANAGEMENT RIGHT-OF-ENTRY AT WAIAKEA,  
SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-4-57: 01 (PORTION)**

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor, issuance of an executive order setting aside 4.888 acres, to the Department of Defense, and authorize the management right-of-entry, subject to our standard conditions.

Member Kokubun requested that staff inform the applicant that they will need to obtain the proper zoning and subdivision approvals from the County of Hawaii as a part of this set aside.

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

**ITEM D-33: WITHDRAWAL OF 0.862 ACRE FROM LAND LICENSE BEARING GL NO.  
S-4670, SET ASIDE OF 0.862 ACRES TO THE COUNTY OF HAWAII FOR  
ADDITION TO PARKS MAINTENANCE BASEYARD PURPOSES, SET  
ASIDE OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE WATER  
COMMISSION OF THE COUNTY OF HAWAII FOR WATER PIPELINE  
PURPOSES AND MANAGEMENT RIGHT-OF-ENTRY TO PORTIONS OF  
THE MANA QUARRY SITE SITUATE AT WAIAKEA, SOUTH HILO,  
HILO, HAWAII, TMK: 3<sup>RD</sup>/2-1-12: 04 (PORTION)**

Mr. Uchida briefed the Board and recommended that the Board withdraw 0.862 acres from the license, set it aside to the County of Hawaii for addition to baseyard purposes, authorize a right-of-entry to the County of Hawaii, approve of and recommend to the Governor issuance of an executive order setting aside 0.975 acres to the Water Commission of the County of Hawaii, and authorize a

management right-of-entry to the Water Commission of the County of Hawaii.

Ms. Julie Tulang, County of Hawaii Department of Parks and Recreation, testified in support of staff's recommendation.

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

**ITEM D-36: CONSENT TO VARIOUS SUBLEASES AND ASSIGNMENT OF GL NO. S-4359, WILLIAM T. WHITE, III, TRUSTEE OF THE WILLIAM T. WHITE, III REVOCABLE TRUST UNDER THE DECLARATION OF TRUST EXECUTED ON SEPTEMBER 7, 1988, ASSIGNOR, TO MR. MICHAEL NAKASHIMA, ASSIGNEE, LOT 3, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-2-37: 88**

Mr. Uchida briefed the Board and recommended that the Board consent to various subleases under GL No. S-4359, authorize consent to the assignment of GL No. S-4359 from the White Revocable Trust to Mr. Michael Nakashima, authorize the consent to assignment of the sublease to HIE Holdings, Inc. from the Assignor to the Assignee, authorize all of the consents and actions subject to the Assignor paying to the State, the total cumulative sublease sandwich profits collected based on the worksheet by the staff appraiser, and such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Chairperson Johns noticed a typo on page 5, staff recommendation 1.b), should be HIE Holdings, Inc., instead of [HEI] Holdings, Inc.

Mr. Robert Garcia, Attorney for the Applicant, requested that the Board reduce his clients sandwich profit by 50% or off-set the total amount of sandwich profit owed by the calculated value that was shown by the staff appraiser in the staff report for certain years (January 1995-December 1995, January 1997-January 1998, and April 1998-1999). His reason was that his client, a good tenant and steward of the land, has put substantial improvements on the property.

Member Kokubun suggested deferring this item until staff had a chance to brief the Board on re-evaluating the sublease sandwich profit policy, scheduled for December 9, 1999. Mr. Garcia agreed.

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

**Item J-1: Continuation from Page 6.**

A motion was made at 12:35 p.m. to move into executive session.

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



The meeting was reconvened at 12:55 p.m.

Member Inouye stated that although she is not fully comfortable with the determination to eliminate the commercial vessel activities with the exception of kayaks, the issue has taken so many years and there still hasn't been a resolution. She made a motion to approve the staff submittal with the understanding that the option that is being provided is to send it out to public hearing, get public input and to see what the outcome is from that.

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

**ITEM D-13: REQUEST FOR CONSENT TO DEPARTMENT OF BUSINESS ECONOMIC DEVELOPMENT AND TOURISM REVOCABLE PERMIT NO. 018 TO THE BAYWATCH PRODUCTION COMPANY, PORTION OF THE HAWAII FILM STUDIO SITUATE AT KAPAHULU, WAIKIKI, OAHU, HAWAII, TMK: 1<sup>ST</sup>/3-1-42: 09 (PORTION)**

Mr. Uchida presented the staff submittal recommending that the Board consent to the permit issued by the Department of Business Economic Development and Tourism, to Baywatch Production Company, subject to standard conditions.

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

**ITEM D-44: ADDITIONAL RESTRICTIONS AND ISSUANCE OF MAUNA KEA COMMERCIAL PERMITS TO VARIOUS APPLICANTS AT KAOHE, HAMAKUA, HAWAII, TMK: 3<sup>RD</sup>/4-4-15: 9 & 12**

Mr. Uchida presented the staff submittal recommending that the Board: 1) Authorize the issuance of "Hale Pohaku Only" Mauna Kea Commercial Revocable Permits to the following applicants: a) K-Leap Tour Company, b) Kona I.T.S., c) The Safety Service Travel, Inc., and d) Clark Russell Carr dba Island RV; 2) Deny the permit application by Ohana Adventure Tours of Hawaii, Inc. dba Bike Hawaii; 3) Authorize the addition of the following restriction to all existing and new Mauna Kea Commercial permits commencing January 1, 2000: "Except for handicap restroom access, in emergencies or with special approval of the University of Hawaii, Mauna Kea Support Services, permittees shall restrict their customers from accessing the Ellison Onizuka Center facility after 6:00 p.m." Mr. Uchida said condition no. 3 would provide an incentive for all of the existing and new permittee's to work together in setting up alternative viewing sites as opposed to impacting the public facilities that are being provided.

Mr. Noboru Kobayashi, Owner of K-Leap Corporation Company, indicated that his firm provides tours for the physically challenged and those with special medical conditions. He stated that he has waited a long time for a license and requested that the Board not delay this anymore.

Mr. John Alford, President of Ohana Adventure Tours of Hawaii dba Bike Hawaii, submitted written

testimony and letters of support. He pointed out that their request is not for a daily use permit but a special access permit to utilize the summit road approximately 2 to 6 times per year for a "Summit to Sea Bike Tour". He asked the Board to consider his request as a potential positive applicant.

Mr. Doug Arnott, Secretary of the Mauna Kea Commercial Operators Association and current permittee, indicated that the current critical overcrowding of the Mauna Kea Visitor Information Station and it's surroundings is the subject of ongoing action between the current permittees. He recommended that the new permits be approved, but because of the current capacity problem, that the discretion as to when the permits begin be left to the General Manager of the Mauna Kea Support Services. In response to testimony heard earlier by Mr. Alford, he had no objections to the biking company bringing in people 2 to 6 times a year. He stated that the association is currently in the process of discussing either the usage of the current existing toilet facilities in the domes below the Onizuka Visitor Center, or bringing in their own toilet facilities. The new applicants need to know that there may be some cost involved, should they decide to bring in their own toilets.

Mr. Ron Koehler, General Manager of Mauna Kea Support Services, recommended that no new permits be issued unless some kind of arrangement be made to solve the overcrowding problem, and that a limit be established by the Board on the number of commercial permits issued. In response to testimony heard earlier by Mr. Alford, he stated that the fact that the proposed bike tour was only going to be occasional made the whole concept much more acceptable but needs to be looked into as far as what their restrictions and authorities will be.

There was some discussion by the Board. Member Inouye commended staff for promoting these businesses but stated that before the permits can be granted there needs to be a plan for constructing, funding, operating, and maintaining an alternative site for use by the commercial operators. She was concerned that the State is trying to move a little bit faster than Mauna Kea is ready for. Member McCrory concurred with Member Inouye. She also supported condition no. 3 and felt that it would give the existing permittees an incentive to work out the terms for an alternative site. Chairperson Johns shared the same concern about issuing new commercial permits knowing that the facilities are not sufficient.

The Board amended the staff recommendation by deleting all of recommendation 1 and 2, changing recommendation 3 to number 1 and adding recommendations number 2 and 3 to read as follows:

2. All existing and proposed permittees discuss infrastructure needs and develop a plan for constructing, funding, operating, and maintaining an alternative site for use by the commercial operators.
3. All permits, new and existing, are subject to the results of the final master planning efforts currently being done by the University of Hawaii.

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

**ITEM D-40: TIME EXTENSION REQUEST FOR CONSERVATION DISTRICT USE**

**PERMIT (CDUP) HA-637A TO CONTINUE EXCAVATION AND QUARRY USE AT HONOKOHAU, NORTH KONA, HAWAII, TMK: 7-4-08: PORS. 26 AND 49 (LOTS 7A AND 7B)**

Mr. Uchida presented the staff submittal recommending that the Board approve the request for a time extension of 3 years to CDUP HA-637A for McClean Honokohau Properties to continue the quarrying and excavation use on Increment II until September 9, 2002, subject to 4 conditions.

Mr. Robert Smolenski, Attorney for McClean Honokohau Properties, introduced the McClean family and testified in favor of staff's recommendations.

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

**ITEM D-27: CONSENT TO SUBLEASE GL NO. S-5468, WAIMANALO TEEN PROJECT, SUBLESSOR, TO CASTLE MEDICAL CENTER, SUBLESSEE, WAIMANALO, OAHU, TMK: (1) 4-1-9-PORION OF 1**

Mr. Uchida presented the staff submittal and mentioned that Member Inouye had indicated a discrepancy in the sandwich rental calculations. He suggested deferring this item, based on concerns raised by other Board Members, until the Board Briefing scheduled for December 9, 1999, to discuss the Assignment and Sublease Policy, and the Annual Review of the Revocable Permits.

Ms. Mary Alice Evans, Board Secretary of the Waimanalo Teen Project, accepted the rent as calculated and indicated a need to get Castle Medical Center onto the property.

The Board amended the staff recommendation condition no. 4 to read: "...reopening of GL No. S-5468, or change in the policy."

**Unanimously approved as amended (Inouye/McCrory).**

**ITEM D-23: REAFFIRM LAND BOARD'S JUNE 25, 1999, ITEM D-1, FORFEITURE OF REVOCABLE PERMIT NO. S-5761 ISSUED TO MR. JOSEPH K. ABREU AND MRS. IRIS E. ABREU AT WAIMANALO, OAHU, TMK: (1) 4-1-8: 74**

Mr. Uchida said this is a request to reaffirm the Land Board's decision of June 25, 1999, forfeiting Revocable Permit No. S-5761, issued to Mr. Joseph Abreu and Mrs. Iris Abreu of Waimanalo for residential purposes. Mr. Abreu was informed of the forfeiture and the Board took action terminating Revocable Permit No. S-5761. Mrs. Abreu came forward and indicated she was unaware of her ex-husbands problems and had at that point wanted to get a separate permit issued to her. Staff has done extensive research and has found a history of late rental payments, numerous notification letters requesting proof of liability insurance coverage, and also checks written by Mrs. Abreu that had bounced. Staff, in looking at Section 171-13 of the Hawaii Revised Statutes has found that no persons shall be eligible to get state property if they had a permit cancelled within the last 5 years.

Based on that, staff's recommendation is that a new permit not be issued to Mrs. Abreu, and that the Board proceed on canceling the permit. Mr. Uchida showed photos of the property that appeared to show a basic automotive repair operation occurring on the property. Staff's recommendation is that the Board reaffirm the termination of Revocable Permit No. S-5761 as approved at the Land Board meeting of June 25, 1999, and Revocable Permit No. S-5761 owes rent up to this Land Board meeting date; authorize Land Division staff to process and conduct the eviction of Revocable Permit No. S-5761 immediately; and such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

There was some confusion on what action was before the Board. The Board questioned why it was necessary to reaffirm a termination action. The Deputy AG indicated that the action was viewed as a reconsideration and since it was already listed for the agenda and the applicant was present, the Board should consider taking testimony.

Mrs. Iris Abreu testified that she was unaware of her ex-husband's problems with the Department. She stated that she takes full responsibility for the bounced checks and requested that the Board give her another chance to show good faith.

The Board approved staff's recommendation based on the long history of defaults by the permittees.

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

**ITEM D-25: AMENDMENT TO GL NO. S-3900, HAWAIIAN ELECTRIC COMPANY, INC. AND HAWAIIAN TELEPHONE COMPANY, KAPALAMA-KAI, HONOLULU, TMK: 1-5-12: POR. OF 14 & 1-5-42: POR. OF 02 (FORMERLY 1-5-16: 17 & PORTION OF 05)**

**ITEM D-26: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC. AND GTE HAWAIIAN TELEPHONE COMPANY, INCORPORATED, KAPALAMA-KAI, HONOLULU, TMK: 1-5-20; POR. OF 04 & 1-5-42: POR. OF 02 (FORMERLY 1-5-16: 17 & PORTION OF 05)**

Mr. Uchida requested that Items D-25 and D-26 be taken together. Staff's recommendation for Item D-25 and D-26 is to amend GL No. S-3900 by withdrawing 4,460 square feet from the leased area, subject to standard conditions, and authorize the direct sale of a perpetual, non-exclusive easement to GTE Hawaiian Telephone Company.

**Items D-25 and D-26 were unanimously approved as submitted (Inouye/Kennison).**

**ITEM D-12: WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 3504 AND SET ASIDE TO THE JUDICIARY FOR A DISTRICT COURTHOUSE AND OTHER ALLIED PURPOSES, AND IMMEDIATE RIGHT-OF-ENTRY,**

**KEAAHALA, KANEOHE, KOOLAUPOKO, OAHU, TMK: 4-5-23: POR. 02**

Mr. Uchida briefed the Board and recommended that the Board approve of and recommend to the Governor issuance of an executive order withdrawing 2.00 acres from the Governor's Executive Order No. 3504; approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Judiciary; and authorize the issuance of a construction right-of-entry to the Department of Accounting and General Services, Division of Public Works and/or its agent for the purpose of designing and constructing the new Koolaupoko Courthouse, subject to standard conditions.

Mr. Steven Fernandes, on behalf of Mr. Clyde Namuo, Deputy Administrative Director of the Courts for The Judiciary, testified in support of staff's recommendation.

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

**ITEM D-35: AFTER-THE-FACT CONSENT TO SUBLEASE GL NO. S-5478, OFFICE OF HAWAIIAN AFFAIRS, SUBLESSOR, TO KE OLA MAMO NATIVE HAWAIIAN HEALTH CARE SYSTEM – OAHU, SUBLESSEE, WAILUA, OAHU, TMK: (1) 6-6-9:23**

Mr. Uchida briefed the Board recommending that the Board consent to the sublease between the Office of Hawaiian Affairs and Ke Ola Mamo Native Hawaiian Health Care System, subject to conditions.

Mr. Ernest Kimoto, Contracts Attorney for the Office of Hawaiian Affairs, concurred with staff's recommendation.

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

**ITEM D-42: AMEND GL NO. S-5353 ASSIGNED TO MS. FREDDA STROUP, TRUSTEE OF THE FREDDA A. STROUP REVOCABLE LINING TRUST, WAIMANALO, OAHU, TMK: (1) 4-1-8: 76**

Mr. Uchida briefed the Board and recommended that the Board, subject to the Lessee submitting proof of liability insurance coverage, amend GL No. S-5353 by deleting the residential use provision; prohibiting residential use of the property; and adjust the rent based on the new character of use, subject to conditions.

Ms. Fredda Stroup was present to answer questions..

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

**ITEM D-7: AMEND GL NO. S-5261 ISSUED TO THE SAND ISLAND BUSINESS ASSOCIATION (SIBA) AT SAND ISLAND, OAHU, TMK: (1) 1-5-41: VARIOUS**

Mr. Uchida briefed the Board and recommended that the Board amend GL No. S-5261, under the new tenants section as follows: 1) Replace reference to BLNR with SIBA, 2) Delete any reference to Exhibit C, 3) Add adequate wording that SIBA can add or delete names on the Sand Island List of Applicants, 4) Add adequate wording that SIBA shall comply with Schedule 3 – Policy Regarding Waiting List of Eligible Person, 5) Add adequate wording that SIBA shall submit on the lease anniversary (July 1<sup>st</sup>) to the Land Division a report titled Sand Island List of Applicants as of (year), 6) Add adequate wording that should the DLNR receive a complaint that SIBA did not notify an interested person(s) the Land Division has the right to audit SIBA files within 30 days of a written notice, 7) add adequate wording that require the DLNR to notify SIBA in writing to put the interested person(s) name on the Sand Island List of Applicants, and 8) add adequate wording that SIBA shall immediately mail the most current Notice of Availability to the interested person(s), subject to review and approval by the Department of the AG.

Member Inouye requested that condition no. 7 be deleted because it seemed unnecessary to have staff notify SIBA in writing. SIBA is required to put the names on the list anyway according to condition no. 3., and they are also required to send it out.

Mr. Rodney Kim, Executive Director of SIBA, concurred with the amended staff recommendation.

Motion made to amend staff recommendation by deleting condition no. 7.

**Unanimously approved as amended (Inouye/McCrory).**

**ITEM D-2: FORFEITURE OF REVOCABLE PERMIT NO. S-6266, TO MR. SUN WO KAM, PERMITTEE, KAHANA VALLEY, OAHU, TMK: 5-2-02: POR. 01**

**ITEM D-3: FORFEITURE OF REVOCABLE PERMIT NO. S-6251, TO PEPE AT SAN, PERMITTEE, KAHANA VALLEY, OAHU, TMK: 5-2-03**

Items D-2 and D-3 were taken together. Mr. Uchida made a request to withdraw both of these items based on the insurance obtained from the permittees.

**Unanimously approved to withdraw Items D-2 and D-3 (Kokubun/Inouye).**

**ITEM D-4: FORFEITURE OF REVOCABLE PERMIT NO. S-6264, TO MR. JAMES & MRS. ESTHER DOMINGUES, PERMITTEE, KAHANA VALLEY, OAHU, TMK: 5-2-03**

**ITEM D-5: FORFEITURE OF REVOCABLE PERMIT NO. S-6274, TO MR. CHARLES**

**A. VIERRA, PERMITTEE, KAHANA VALLEY, OAHU, TMK: 5-2-02: POR.  
01**

**ITEM D-6: FORFEITURE OF REVOCABLE PERMIT NO. S-6270, TO FANUPO AND  
MAFA PEAPEALALO, LESSEE, KAHANA VALLEY, OAHU, TMK: 5-2-03**

Items D-4, D-5 and D-6 were taken together. Mr. Uchida requested that the Board cancel these revocable permits based on the following: Revocable Permit Nos. S-6264 and S-6274 for failure to post required liability insurance policy, and Revocable Permit No. S-6270 for failure to keep lease rental payments current and post required collateral security deposit.

Ms. Debbie Gorai, Representative of the Kahana Valley Resident, stated that they are in the process of obtaining liability insurance for Items D-4 and D-5. She distributed a letter from the Queen Liliuokalani Children's Center stating that they will assist the permittees in obtaining funds for insurance. For Item D-6, payment in full was mailed to the department on the 12<sup>th</sup> of November. She requested that the Board defer these items to allow her to get this resolved.

The Board decided to defer these items for 60 days.

**Unanimously approved to defer Items D-4, D-5, and D-6 for 60 days (Inouye/Kennison).**

**ITEM D-1: AMEND PRIOR BOARD ACTION FOR EXTENSION OF LEASE TERM  
AND CONSENT TO MORTGAGE ON GL NO. 4-3859 ASSIGNED TO MS.  
FAITH OKABE AT WAIMANALO, OAHU, TMK: (1) 4-1-25: 22 AND 23**

Mr. Uchida briefed the Board and recommended that the Board amend the reopening dates.

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

**ITEM D-8: ALLEGED UNAUTHORIZED CONSTRUCTION OF A STONEWALL AT  
SOUTH KONA, HAWAII, TMK: 8-3-006: 013**

Mr. Uchida requested that this item be withdrawn.

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

**ITEM D-9: CONSENT TO ASSIGN GL NO. S-4330, TEHO, VILLA, ET. AL., ASSIGNOR,  
TO MR. MICHAEL T. NAKASHIMA AND MRS. JANIS Y. NAKASHIMA,  
ASSIGNEE; AFTER-THE-FACT CONSENT TO VARIOUS SUBLEASES  
UNDER GL NO. S-4330; LOT 4, HILO INDUSTRIAL DEVELOPMENT,  
LEILANI STREET SECTION, WAIAKEA, SOUTH HILO, HAWAII, TMK:  
3<sup>RD</sup>/2-2-37: 122**

Mr. Uchida suggested deferring this item until the Board Briefing scheduled for December 9, 1999, to discuss the Assignment and Sublease Policy, and the Annual Review of the Revocable Permits.

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

**ITEM D-10: ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO MR. JOHN AND MRS. GORDEAN BAILEY, TMK: 2-2-08: PORTION 02, PORTION OF WAIAKOA, MAKAWAO, MAUI**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a perpetual, non-exclusive utility easement to this parcel that is landlocked, subject to standard conditions.

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

**ITEM D-11: CONSENT TO ASSIGN GL NO. S-3716, ESTATE OF MASARU SHINDO, ASSIGNOR, TO TAMAE SHINDO, CALVIN K. SHINDO, HOWARD R. SHINDO AND SANDRA M. DELEON, ASSIGNEE, LOT 1-A, KANOELEHUA INDUSTRIAL LOTS, TMK: 3<sup>RD</sup>/2-2-50: 15**

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of GL No. S-3716.

Member Kokubun pointed out a typo on page 1, under location and area. The area should be 24,200 square feet instead of acres.

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

**ITEM D-14: TIME EXTENSION REQUEST FOR CDUP KA-2870 FOR A SINGLE-FAMILY RESIDENCE AT WAIOLI VALLEY, HANAIEI, KAUAI, TMK: (4) 5-5-08: 06**

Mr. Uchida briefed the Board recommending that the Board approve an extension of 1-year to CDUP KA-2870, subject to conditions.

**Unanimously approved as submitted (McCrorry/Kennison).**

**ITEM D-15: SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, FOR KAPAA BYPASS HIGHWAY, POR. KAPAA RICE & KULA LOTS, KAWAIIHAU, KAUAI, TMK: 4-5-15: 35**



Mr. Uchida briefed the Board recommending that the Board approve of and recommend to the Governor issuance of an executive order setting aside the subject lands to the Department of Transportation (DOT), Highways Division, and authorize the issuance of a management right-of-entry to DOT Highways. He noted that the parcel on Exhibit A should be parcel 35, instead of 41.

**Unanimously approved as submitted (McCrorry/Kennison).**

**ITEM D-16: AUTHORIZATION TO ENTER INTO AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE STATE OF HAWAII AND THE HONOLULU BOARD OF WATER SUPPLY REGARDING THE PURCHASE OF WATER ALLOCATION CREDITS FROM THE WAIPAHU WELLS IV DEVELOPMENT FOR STATE PROJECTS**

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to sign the Inter-governmental Agreement for the purchase of water allocation credits from Waipahu Wells IV.

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

**ITEM D-17: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO. 16-MC-D, LAHAINA (MAHINAHINA) DEEP MONITOR WELL, MAUI, HAWAII**

Mr. Uchida briefed the Board and recommended that the Board award the contract for the Lahaina (Mahinahina) Deep Monitor Well to Beylik Drilling, Inc., for \$325,999.00 and authorize the Chairperson to sign the necessary documents to implement the project.

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

**ITEM D-19: ISSUANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO MS. MARGARET ANN HECHT, TMK: 1-6-08: PORTION 04, PORTION KIKOO-POPOLOA, KIPAHULU, HANA, MAUI**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a perpetual, non-exclusive easement to Ms. Margaret Ann Hecht, subject to standard conditions.

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

**ITEM D-21: SET ASIDE TO DEPARTMENT OF EDUCATION (DOE) FOR SCHOOL, PUBLIC LIBRARY, AND OTHER EDUCATION-RELATED PURPOSES, AND CONVEYANCE OF DRAINAGE CHANNEL TO THE CITY AND COUNTY OF HONOLULU, SITUATE AT THE FORMER NANAKULI**

**MILITARY RESERVATION (CAMP ANDREWS), NANAKULI, WAIANAE,  
OAHU – TMK: (1) 8-9-02: PORTIONS OF 1**

Mr. Uchida briefed the Board and recommended that the Board approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the DOE, authorize the issuance of a quitclaim deed of the drainage channel to the City and County of Honolulu, authorize the cancellation of Revocable Permit No. S-6818 to the Honolulu Community Action Program for the Nanakuli Head Start Program, authorize the issuance of an immediate right-of-entry to the DOE for site control purposes, and authorize the issuance of an immediate right-of-entry to the Department of Hawaiian Home Lands for control and management purposes, subject to standard conditions.

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

**ITEM D-22: RESUBMITTAL – AMENDMENT OF PREVIOUS BOARD ACTION DATED JULY 24, 1998, ITEM D-20, NON –EXCLUSIVE EASEMENT TO PRIMECO PERSONAL COMMUNICATIONS, L.P., WAIMANALO-KAILUA CORPORATION YARD, CITY AND COUNTY OF HONOLULU, TMK: 4-2-98: 47**

Mr. Uchida briefed the Board and recommended that the Board approve the changes in the area of the facility from 125 square feet to 193 square feet, and the annual rental from \$4,200.00 to \$8,400.00 with all the conditions and provisions of the previous Board actions remaining the same.

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

**ITEM D-28: PERMISSION TO HIRE CONSULTANT FOR JOB NO. S-HW-M1, LALAMILO DISTRIBUTION PIPELINE, WAIMEA IRRIGATION SYSTEM, WAIMEA, HAWAII**

Mr. Uchida briefed the Board and recommended that the Board authorize the hiring of a consultant for the project and authorize the Chairperson to sign the necessary documents pertaining to the project.

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

**ITEM D-29: FORFEITURE OF GL NO. S-4007, ALOFA CORPORATION, LESSEE, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-27: 23 & 24**

Mr. Uchida briefed the Board and recommended that the Board authorize the cancellation of GL No. S-4007, subject to standard conditions.

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

**ITEM D-30: FORFEITURE OF GL NO. S-3779, SHARON'S PLANTS, LTD., LESSEE,  
WAIMANALO, KOOKAUPOKO, OAHU, TMK: 4-1-27: 06**

Mr. Uchida requested that this item be deferred for 60 days. A letter was faxed from the lessee's insurance agent indicating that they are in the process of getting the necessary performance bond.

The Board decided to automatically forfeit this lease if the requirements aren't met in 60 days.

**Unanimously approved to defer for 60 days (Inouye/McCrory).**

**ITEM D-31: REQUEST TO AMEND BOARD'S ACTION OF SEPTEMBER 13, 1996,  
AUTHORIZING THE CANCELLATION OF REVOCABLE PERMIT NO. S-  
6916 AND ISSUANCE OF NEW REVOCABLE PERMIT ON STATE LANDS  
AT KAHAKULOA, WAILUKU, MAUI, TMK: (2) 3-1-04: 46, 56, 59, AND 61**

Mr. Uchida briefed the Board and recommended that the Board amend its prior action of September 13, 1996, subject to standard conditions.

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

**ITEM D-32: AUTHORIZATION TO EXECUTE RIGHT-OF-ENTRIES WITH VARIOUS  
DAM OWNERS**

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to execute a right-of-entry document with various dam owners, subject to the AG's approval.

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

**ITEM D-34: SET ASIDE TO THE UNIVERSITY OF HAWAII FOR AQUACULTURAL  
AND COASTAL EDUCATION, RESEARCH AND RELATED EXTENSION  
PURPOSES, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-1-09: 01 & 41**

Mr. Uchida briefed the Board and recommended that the Board approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the University of Hawaii at Hilo, subject to standard conditions.

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

**ITEM D-38: CANCELLATION OF REVOCABLE PERMIT NO. S-1159, ISSUANCE OF A REVOCABLE PERMIT TO MR. HEINE W. ARUDA, AND QUALIFY FOR PERMIT TO LEASE CONVERSION, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-13: 41**

Mr. Uchida briefed the Board and recommended that the Board authorize the cancellation of Revocable Permit No. S-1159 to Mr. Joseph Aruda effective May 17, 1984, authorize the issuance of a revocable permit to Mr. Heine Aruda, and pursuant to Act 257, SLH 1996 find the applicant qualified for the permit to lease conversion, subject to standard conditions.

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

**ITEM D-39: FORFEITURE OF GL NO. S-4639, MR. THOMAS KASECKY, LESSEE, FORMER KA'APAHU SCHOOL, KA'APAHU, HAMAKUA, HAWAII, TMK: 3<sup>RD</sup>/4-4-11: 33**

Mr. Uchida briefed the Board and recommended that the Board authorize the cancellation of GL No. S-4639, subject to standard conditions.

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

**ITEM D-41: RESCIND PRIOR BOARD ACTION FOR ISSUANCE OF A REVOCABLE PERMIT TO MR. ALLEN HOE AND MR. ROBERT F. MILLER FOR PASTURE/HORSE TRAINING PURPOSES AT WAIMANALO, OAHU, TMK: (1) 4-1-8: 44**

Mr. Uchida briefed the Board and recommended that the Board rescind Board approval of November 18, 1994, subject to standard conditions.

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

**ITEM D-43: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE CITY AND COUNTY OF HONOLULU FOR SEWER LINE AND METER BOX PURPOSES AND A CONSTRUCTION RIGHT-OF-ENTRY AT WAIKIKI, OAHU, TMK: (1) 3-1-31: PORTION OF 40**

Mr. Uchida briefed the Board and recommended that the Board authorize the direct sale of a perpetual, non-exclusive easement to the City & County of Honolulu, and authorize a construction right-of-entry, subject to standard conditions.

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

**ITEM C-1: PROPOSED FUTURE DIRECTION AND FEE INCREASES FOR SEEDLINGS FROM THE DIVISION OF FORESTRY AND WILDLIFE'S KAMUELA CENTRAL TREE NURSERY (KCTN) AND BRANCH NURSERIES**

Mr. Buck briefed the Board and recommended that the Board approve the proposed policy directions that have been developed to address the stated multiple objective and guide needed actions for the KCTN and DOFAW branch nurseries; and the proposed fee increase for the sale of seedlings from the KCTN and DOFAW branch nurseries.

Member McCrory amended staff recommendation by adding a condition:

- 3) any future fee increases could be approved by the Chairperson.

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

**ITEM K-1: OFFICE LEASE, MAIN TERMINAL, HONOLULU INTERNATIONAL AIRPORT, OAHU (FEDERAL AVIATION ADMINISTRATION) TMK: (4)-3-5-01-8P**

Mr. Peter Garcia, Property Management Officer for DOT, briefed the Board and recommended that the Board approve the lease.

Member Inouye pointed out that the agenda lists the location as Honolulu International Airport, and the submittal as Lihue Airport. The Board decided to defer this item based on this discrepancy.

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

**ITEM K-2: CONSTRUCTION RIGHT-OF-ENTRY, KAHULUI AIRPORT, MAUI (COUNTY OF MAUI) TMK: (2)-3-8-01**

Mr. Garcia briefed the Board and recommended that the Board approve the construction right-of-entry for the County of Maui.

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

**ITEM K-3: ISSUANCE OF LEASE BY DIRECT NEGOTIATION, BUILDING NO. 915, KAPALAMA MILITARY RESERVATION, KALIHI-KAI, HONOLULU, OAHU (INTERNATIONAL EXPRESS, INC.) TMK: 1-2-25-50**

Mr. Garcia briefed the Board and recommended that the Board approve the lease by direct

negotiation, subject to terms and conditions.

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

**ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, KEEHI INDUSTRIAL LOTS, KALIHI-KAI, HONOLULU, OAHU (ABRAHAM KASSEBEER, JR.) TMK: 1-2-23-62**

Mr. Garcia briefed the Board and recommended that the Board authorize the Director of Transportation to issue the applicant a revocable permit, subject to terms and conditions.

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

**ITEM K-5: ISSUANCE OF REVOCABLE PERMIT, PIER 42, HONOLULU HARBOR, OAHU (MOANALUA EXCHANGE, LTD.) TMK: 1-2-25-11P**

Mr. Garcia briefed the Board and recommended that the Board authorize the Director of Transportation to issue the applicant a revocable permit.

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

**ITEM K-6: AUTHORIZATION TO NEGOTIATE FOR ACQUISITION OF PRIVATELY-OWNED LAND, INCLUDING THE EXERCISE OF EMINENT DOMAIN, FOR THE KAMEHAMEHA HIGHWAY INTERSECTION IMPROVEMENT AT PUPUKEA ROAD, PROJECT NO. 83B-01-98, SITUATE AT PUPUKEA, OAHU; AND SUBSEQUENT SET ASIDE AND TRANSFER OF EASEMENT 100 BY GOVERNOR'S EXECUTIVE ORDER TO DOT, HIGHWAYS DIVISION, FOR TRAFFIC SIGNAL PURPOSES, TMK: (1)-5-9-11-16**

Mr. Garcia briefed the Board and recommended that the Board authorize the DOT to negotiate the acquisition, obtain rights-of-entry, and upon completion of the acquisition, approve of the issuance of an executive order setting aside the easement to the DOT for management and control purposes for the project.

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

**ITEM K-7: AUTHORIZING THE DOT TO DISPOSE OF HIGHWAY REMAINDER PARCEL NOS. 18 AND 19, KALANIANA'OLE HIGHWAY, FAP NO. 072-1(3), EAST HALEMAUMAU STREET TO KEAHOLE STREET, HONOLULU, OAHU, TMK: (1)-3-7-02-18 AND TMK: (1)-3-7-02-77**

Mr. Garcia briefed the Board and recommended that the Board authorize the DOT to dispose of remainder parcel nos. 18 and 19, and sell these lots at fair market value for the reimbursement of the

Federal Aid Project, subject to conditions.

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

**ITEM K-8: AUTHORIZING THE DOT TO DISPOSE OF HIGHWAY REMNANTS R-1, R-2, R-3 AND R-4, KAUAI BELT ROAD, FAP NO. F-056-1-31, PRINCEVILLE TO KALIHUWAI, HANAIEI, KAUAI (PRINCEVILLE CORPORATION), PORTIONS OF "OLD" KUHIO HIGHWAY BETWEEN TMK: (4)-5-3-01 AND (4)-5-3-06**

Mr. Garcia amended page 1 of the staff report by changing "A 13,026 square feet (or 3.054 acres)...", to "A 13,026 square feet ( or 0.299 acres)...". DOT's recommendation is that the Board authorize the DOT to convey the fee title to Princeville Corporation in accordance with Section 171-52, HRS, subject to standard reservation and consolidation requirement.

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

**ITEM K-9: REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DOT FOR CONSISTENT USES**

Mr. Garcia stated that no action is required by the Board for this item.

**No Board action taken.**

There being no further business, Chairperson Johns adjourned the meeting at 4:00 p.m.

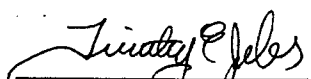
Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Kimberly C. Keliioomalu

Approval for submittal:

  
TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources

