

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

DATE: FRIDAY, JANUARY 28, 2000
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 9:10 a.m. The following were in attendance:

MEMBERS:

Mr. Timothy Johns (left at 12:10 p.m.)	Mr. William Kennison
Mr. Colbert Matsumoto (from 9:30 a.m.)	Ms. Lynn McCrory
Ms. Kathryn Inouye (from 10:25 a.m.)	Mr. Russell Kokubun

STAFF:

Mr. Curt Cottrell, Division of Forestry and Wildlife (DOFAW)	Mr. Dean Uchida, Land Division
Mr. Michael Buck, DOFAW	Mr. Ralston Nagata, Division of State Parks
Mr. Nelson Ayers, DOFAW	Ms. Martha Yent, Division of State Parks
Mr. Carol Terry, DOFAW	Mr. Howard Gehring, Division of Boating and Ocean Recreation (DOBOR)
Mr. Paul Conry, DOFAW	

OTHERS:

Mr. Alan Kawada, Department of the Attorney General	Mr. Peter Garcia, Department of Transportation	Mr. Michael Belles, D-13
Mr. Richard Schenkel, D-3	Mr. Michael Hopkins, D-21	Mr. Eric Maehara, D-5
Mr. Douglas Gayagas, D-21	Mr. Chipper Wichman, E-2	Mr. Francis Keao, D-21
Mr. Dennis Niles, E-3	Ms. Mary Kagawa, E-3	Mr. Carlos Andrade, E-2
Mr. Clarence Greff, E-3	Mr. Tom Hagerty, E-3	Ms. Susan Matsuura, E-3
Mr. Michael Sheehan, E-3	Ms. Edwina Jo Snow, E-3	Ms. Ronnie Grover, E-3
Mr. Clayton Ching, D-14	Mrs. Yaeko Miyata, D-17	Mr. Lee Sichter, D-14
Mr. Kenneth Nakamura, D-17	Mrs. Jane Nakamura, D-17	Ms. Gail Miyata, D-17
		Ms. Claire Nakamura, D-17

ADDED

ITEM D-23: EXTENSION OF THE 180-DAY PROCESSING PERIOD-CONSERVATION DISTRICT USE APPLICATION (CDUA) OA-2935 FOR MAUNALUA BAY DREDGING PROJECT AT HAWAII KAI, EAST HONOLULU

Motion made to add Item D-23 to the agenda (Kennison/McCrory).

Continuation of Item D-23 on page 13.

ITEM D-13: CDUA NO. KA-2946 FOR GREENAN SINGLE FAMILY RESIDENCE, HAENA HUI, KAUAI, TMK: (4) 5-9-02: 50

Mr. Dean Uchida, Administrator of the Land Division, briefed the Board and recommended that the Board approve this application to construct the Greenan Single Family Residence, subject to 20 conditions. He distributed a letter including revised construction plans from the applicant showing an elevator being installed and explained that the elevator structure will not increase the square footage of the property. Attached to the applicant's letter were comments from the Hanalei Community Association clarifying a statement that was made regarding the painting of the structure.

Mr. Michael Belles, representing the applicant, urged the Board to approve the staff recommendation.

In response to a question raised by Member McCrory regarding The Hanalei Community Association's request that outdoor lighting be kept to a minimum to preserve the rural atmosphere and to protect the sheerwaters, Mr. Belles said his client will adhere to that.

Unanimously approved as submitted (McCrory/Kennison).

ITEM D-5: REQUEST TO ABANDON TWO GOVERNMENT EASEMENTS WITH MAUI PRINCE HOTEL CORP., TMK: 2-1-08: PORTION 78, PAPAANUI, MAKENA, MAKAWAO, MAUI

Mr. Uchida briefed the Board and recommended that the Board find that the subject State easements are not necessary for the development of public access in the area, and authorize the abandonment of the easements to the Maui Prince Hotel Corp., subject to 5 conditions.

Mr. Eric Maehara, Attorney for the Maui Prince Hotel Corp., was present to answer questions.

Unanimously approved as submitted (Kennison/McCrory).

ITEM D-3: ISSUANCE OF REVOCABLE PERMIT TO KONA PALISADES ESTATES COMMUNITY ASSOCIATION, AT KALAOA, NORTH KONA, HAWAII, TMK: (3) 7-3-10: POR. 42

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a revocable permit to the Kona Palisades Estates Community Association for parking lot purposes, subject to 8 conditions.

Mr. Richard Schenkel, General Manager of the Kona Palisades Estates Community Association, requested that the Board act favorably on their request.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-21: DOFAW AND THE DIVISION OF STATE PARKS REQUEST FOR CANCELLATION OF REVOCABLE PERMIT (RP) NO. S-6074, TO KAUAI MOUNTAIN TOURS (KMT), INC., WAIMEA, KAUAI

Chairperson Johns noted that the Board received a packet containing additional written testimony in support of KMT's activities.

Mr. Uchida said this is a request to cancel a revocable permit issued to KMT for 4-wheel drive tours in the Kokee State Park and Na Pali-Kona Forest Reserve. Recently, the Board adopted rules regarding commercial use. Within those rules was a hierarchy of priorities to insure that the resources are protected; in summary putting the "resources" first, the "public use" second, and "commercial" use third. DOFAW, through its Na Ala Hele (NAH) program, instituted a permitting process whereby commercial operators could secure permits to use various trails and open areas in the State system. The NAH Citizens Advisory Council came up with a list of roads and trails considered appropriate for commercial activity. The roads covered under the present KMT permit were not offered. Both DOFAW and the Division of State Parks who control the land affected by KMT's permit, have requested termination of the permit because of the substantial cost for repair and maintenance of the road system. Staff feels, with the general public and DLNR's own internal use of the road, a commercial user would put a burden on the State's resources to maintain the road in a safe condition. Staff's recommendation is that the Board authorize the cancellation of RP No. S-6074 in the manner specified by law, with the effective date of cancellation to be July 31, 2000.

Mr. Michael Hopkins, owner of KMT, requested that they be allowed to look at alternate solutions other than revoking their permit which has been in existence since 1983. He asked that they be a part of the solution to the problem by contributing to the care and maintenance of the resource. He stated that if there are other restrictions or conditions that the Board would like to impose to minimize the impact, he would be more than willing to discuss them.

There was some discussion by the Board. Member McCrory suggested amending staff recommendation no. 1., to change the effective date of cancellation from July 31, 2000 to "September 30, 2000." Chairperson Johns concurred with Member McCrory, on the condition that the Department continue to work with the applicant to try and come up with another solution within the next 9 months. Member Kennison was concerned about shutting down a viable company and felt that other solutions should be looked at before taking a stand in canceling the permit. Member Kokubun

stated that there is a lot of support from businesses and individuals based on written testimony received. He said the permittee seems to be willing to negotiate and work something out, and agreed that 9 months would give the parties a timeframe for negotiations. The Board didn't feel that the State should pay to upkeep the road to allow private gain from the use of a public asset.

Member McCrory made a motion to amend staff recommendation no. 1., to change the effective date of cancellation from July 31, 2000 to September 30, 2000. Staff was instructed to have the parties [KMT, DOFAW and the Division of State Parks] explore other alternatives and report back to the Board in 9 months.

Unanimously approved as amended (McCrory/Kokubun).

ITEM E-2: ESTABLISHMENT OF CURATOR AGREEMENTS FOR NUALOLO KAI, NA PALI COAST STATE PARK AND THE TARO LOI AT HAENA STATE PARK, KAUAI

Mr. Ralston Nagata, Administrator for the Division of State Parks, briefed the Board and recommended that the Na Pali Coast Ohana be approved as the curators for Nualolo Kai, Na Pali Coast State Park for a 5-year term with an option for extension, and that Hui Makaainana O Makana be approved as the curators for the taro loi at Haena State Park for a 2-year term.

Chairperson Johns noted that written testimony was received in support of staff's recommendation from Ms. Ann Leighton, Vice-President of the Na Pali Coast Ohana.

Mr. Chipper Wichman, Vice-President of Hui Makaainana O Makana, gave some background information about this newly formed organization, an organization dedicated to the resources within the Haena State Park. He complimented staff for their cooperation and support in creating a situation that has allowed the community to work compatibly with them in a non-controversial way.

Mr. Carlos Andrade, Treasurer of Hui Makaainana O Makana, appreciated the fact that they are given the chance to show what they can do, and prove that they can work together and do something that's beneficial both for the State as well as the community.

Unanimously approved as submitted (McCrory/Kennison).

ITEM E-3: REQUEST FOR A ONE-YEAR EXTENSION FOR 3 SPECIAL USE PERMITS TO MAKE COMMERCIAL TOUR BOAT LANDINGS AT THE NA PALI COAST STATE PARK, KAUAI

Mr. Nagata stated that this is an annual request for 3 Special Use Permits to make commercial tour boat landings along the Na Pali Coast State Park. Mr. Clancy Greff's and Lady Ann Cruises, Inc.'s operations are contingent on complying with DOBOR's permitting requirements and being fully operational in servicing Na Pali Coast State Park by June 1, 2000. In the event that either one or both

companies do not meet the conditions, then the Department shall issue the respective landing permits to alternate operators by bid or other appropriate methods. Kauai Sea Tours has been issued DOBOR's permits. In concert with the Department's efforts to further improve the management of the Na Pali Coast State Park, the issuance of the Special Use Permits shall be contingent on 5 additional conditions. Mr. Nagata requested that additional condition no. 4 be amended to read: "... The Department of Education, Kauai District Superintendent's office shall prioritize such student usage." Staff's recommendation is that the Board extend the 3 Special Use Permits with the conditions that are applicable to commercial tour boat landings at the Na Pali Coast State Park; provided that issuance of an extended Special Use Permit to each operator is to occur only if the respective operator has a current Commercial Use Permit to conduct operations within the Na Pali ocean waters as issued by DOBOR.

Mr. Clarence Greff, on behalf of his son Clancy, testified in favor of the Board approving the extension of the landing permits. In consequence, he expressed the frustration and hardship his son has had in not being able to operate his business since losing his launching permit.

Ms. Mary Kagawa and Ms. Susan Matsuura of Lady Ann Cruises, Inc., gave an update regarding the installation of the restrooms, a condition imposed the last time this issue came before the Board.

Mr. Tom Hagerty, Kauai Sea Tours, indicated that they along with Lady Ann Cruises, Inc., have purchased the composting toilet that was requested, and that it should be delivered in 5-6 weeks. He asked, if a second new composting toilet is needed, that the Board consider the commercial use by the kayak companies that use the facilities, to help supply some facilities for their passengers as well. In a personal note, he provided support, concern, and hope that something can be worked out for Mr. Greff.

Ms. Ronnie Grover, Kauai Sea Tours, provided written and oral testimony in support of the special use permit renewal. In regards to the additional condition of providing complimentary tours to public school students and chaperons, they were thrilled to share their service, however, requested at least one weeks prior notice be given so that they can schedule their trips accordingly. Regarding the additional condition that the permittees install 10 moorings at Nualolo Kai, their understanding was that the organization TORCH held the permit from DLNR for installing the mooring pins.

Mr. Howard Gehring, Acting Administrator for DOBOR, clarified that money was authorized to install 300 mooring pins statewide, that there are mooring pins pre-approved for the North Shore of Kauai, that funds are available for the hardware and that volunteers would be doing the installation. He indicated that DOBOR's District Manager will take requests to procure additional hardware for those that are already pre-authorized in the 300 inventory.

Mr. Michael Sheehan testified in favor of re-issuing the landing permits, and asked the Board to direct DOBOR to re-issue Mr. Greff all the permits necessary to operate.

Ms. Edwina Jo Snow provided written and oral testimony in support of zodiac boat landings at Kalalau Beach.

Member McCrory made a motion to amend the staff report as follows:

Page 1, last paragraph, amend by deleting [Mr. Greff's and].

Page 2, additional condition no. 4 to read: "Each permittee shall provide up to twenty (20) Kauai public school students plus chaperons gratis Nualolo Kai tours. Chaperons will be allowed gratis on a one chaperon to five students ratio. The Department of Education, Kauai District Superintendent's office, shall prioritize such student usage. The permittees shall be given at least two weeks prior notice.

Unanimously approved as amended (McCrory/Kennison).

**ITEM E-1: ACCEPTANCE OF REPORT ON INTERPRETIVE PROGRAMS FOR
KAHANA VALLEY STATE PARK BY THE KAHANA ADVISORY
COMMITTEE**

Mr. Nagata briefed the Board and recommended that the Board accept the report on Kahana's interpretive programs by the Kahana Advisory Committee and approve implementation of the recommendations by the Division of State Parks.

Ms. Martha Yent, Archeologist for the Division of State Parks, read a statement on behalf of a Kahana Advisory Committee member: "The years of work coordinating the wishes and skills of the residents with the needs and the requirements of State Parks, are reflected in this report. Thirty-one resident families of Kahana have approved this. I would appreciate the Board's consideration, and hope that you will review it and give it your enthusiastic acceptance."

Unanimously approved as submitted (Inouye/McCrory).

**ITEM D-14: CDUA NO. OA-2954 FOR A 700-FOOT LONG SEGMENT OF A PROPOSED
20-INCH NON-POTABLE IRRIGATION LINE AT WAIPIO PENINSULA,
OAHU, TMKs: 9-3-01: 21 & 22, AND 9-3-02: 29**

Mr. Uchida briefed the Board and recommended that the Board approve this application for a 700-foot long segment of a proposed 20-inch, non-potable irrigation waterline, subject to 21 conditions.

Mr. Lee Sichter of Belt Collins Hawaii, Ltd., representing the City and County of Honolulu, introduced Mr. Clayton Ching of the City and County of Honolulu, Department of Design and Construction. He testified in concurrence with the staff report and all the conditions recommended.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-17: REQUEST TO AMEND GENERAL LEASE (GL) NO. S-5355, MR. NORMAN AND MRS. YAEKO MIYATA, AND EXTEND THE DEADLINE TO CLOSE ESCROW AT WAIMANALO, OAHU, TMK: 1ST/4-1-10: 46

Mr. Uchida said this is a follow up on an action taken by the Board on October 22, 1999. The Board approved a condition at the last Board meeting that in granting its consent and assignment, if the execution of the mortgage documents and the submittal of a performance bond are not fulfilled within 60 days, all approvals by the Land Board shall be considered rescinded. A mortgage was thought to be in place at this time. By letter dated December 22, 1999 by the mortgage company, it was discovered that the mortgage company has been unable to obtain loan approval from local or mainland mortgage lenders, due to two conditions on the lease prohibiting primary residential use on the property. The Department's position has always been that agricultural leases should be for agricultural purposes, not residential. Rescinding the conditions, would put this in a residential lease category. Staff's recommendation is that the Board: 1) deny the request to amend GL No. S-5355; and 2) deny the request to extend the deadline for Ms. Claire Nakamura to qualify for a loan. The Land Board authorizes the cancellation of GL No. S-5355, in the manner specified by law and without the need for any further action by the Land Board.

A representative of the Miyata's testified that the Miyata's were recently made aware that the Nakamura's were unable to get a loan because of the conditions on the lease. He said if the Board is not going to make an exception by eliminating these conditions, the Miyata's would agree to give the Nakamura's an extension of 60-days to try and obtain another loan, with the understanding that if they cannot get the loan, the Nakamura's would voluntarily surrender the place back to the Miyata's, and the Miyata's would bring everything into compliance.

Mr. Kenneth Nakamura, testified on behalf of his daughter Ms. Claire Nakamura, proposed assignee of the lessee. He appealed to the Board to change the requirement so that residential use is allowed.

Member Matsumoto was concerned about allowing the exception of residential use on agricultural leases because it will increase the value of the property and the rental expense connected with it. If the Board starts to do that, what will happen to qualified farmers who want to use this kind of property for farming. He was also concerned that the Miyata's may lose their property rights because of the Nakamura's actions. He again encouraged the Miyata's of his suggestion the first time this came before the Board that they hire an attorney to represent them and protect their interest in these proceedings. He made a motion to amend staff's recommendation by deferring action on the cancellation of the lease for 60 days to allow the Miyata's and the Nakamura's to work out a solution.

The Board amended staff recommendation to read as follows:

- A. Deny the request to amend GL No. S-5355.
- B. Deny the request to extend the deadline for Ms. Claire Nakamura to qualify for a loan.
- C. Defer cancellation of GL No. S-5355 for 60 days to allow the Miyata's and Nakamura's to work out a solution.

Unanimously approved as amended (Matsumoto/Inouye).

Chairperson Johns was excused from the meeting.

ITEM C-1: REQUEST FOR APPROVAL TO RELEASE FOR PUBLIC REVIEW THE DRAFT SAFE HARBOR AGREEMENT AND INCIDENTAL TAKE PERMIT FOR THE REINTRODUCTION OF THE NENE TO PUU O HOKU RANCH, ISLAND OF MOLOKAI

Mr. Michael Buck, Administrator of DOFAW, presented the staff submittal recommending that the Board authorize the release for public review of the Draft Safe Harbor Agreement and Incidental Take Permit for the Reintroduction of the Nene to Puu O'Hoku Ranch, Island of Molokai.

Unanimously approved as submitted (Matsumoto/Kokubun)

ITEM D-18: REQUEST TO CANCEL RP NO. S-6827 AND ISSUANCE OF REVOCABLE PERMIT TO RAYCOM NATIONAL, INC., WAIAKOA AND PAPAANUI, POR. KULA, MAKAWAO, MAUI, TMK: (2) 2-2-7: POR. 05

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of RP No. S-6827 and issuance of a revocable permit to Raycom National, Inc., for television translator, shelter and tower facility purposes subject to terms and conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-12: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC. SITUATE AT MAEMAE ELEMENTARY SCHOOL, NUUANU, HONOLULU, OAHU, TMK: 1-8-05: PORS. OF 08 & 12 AND MAEMAE LANE

Mr. Uchida amended the staff recommendation by including the following:

Authorize a construction right of entry to Hawaiian Electric Company, Inc. for the purposes explained above, subject to the following terms and conditions:

1. Standard indemnity clause in favor of the State of Hawaii.
2. Should historic sites, including human burials be uncovered, all work must stop and contact must be made with the Historic Preservation Division at 587-0047.

3. The applicant shall provide Maemae Elementary School at least 24 hours prior notice of actual construction.
4. The applicant shall provide survey maps and metes and bounds descriptions of the site together with its necessary easements.
5. Other terms and conditions required by the Chairperson.

Unanimously approved as amended (Inouye/McCrory).

ITEM D-1: GRANT AN 18.30-YEAR TERM, NON-EXCLUSIVE EASEMENT (FORMERLY NO. S-4248), TO MR. GILL T. CAUSEY, FOR ROADWAY AND UTILITY PURPOSES, AT KOKOIKI, NORTH KOHALA, HAWAII, TMK: (3) 5-5-05: 19

Mr. Uchida presented the staff submittal recommending that the Board authorize the Term Grant of Easement (formerly No. S-4248) subject to terms and conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-2: RESCIND PRIOR BOARD ACTION FOR THE DIRECT SALE OF EASEMENT TO HAWAII ELECTRIC LIGHT COMPANY AT HONOKAIA, HAMAKUA, HAWAII, TMKs: 3RD/4-6-11: 42 & 44

Mr. Uchida presented the staff submittal recommending that the Board rescind its action of August 23, 1996, Agenda Item D-14, that Hawaii Electric Light Company pay for actual appraisal fee of \$1,600 to Lawrence Appraisal Group Hawaii, Inc. for services rendered, and recommending such other terms and conditions as may be imposed by the Chairperson.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-4: CONSENT TO ASSIGN GL NO. S-4197, A&B HAWAII, INC., ASSIGNOR, TO ALEXANDER & BALDWIN, INC. (A&B, INC.), ASSIGNEE, PULEHUNUI AND WAIKAPU, WAILUKU, MAUI, TMK: 3-8-08: 01

Mr. Uchida presented the staff submittal recommending that the Board consent to the assignment of GL No. S-4197 from A&B-Hawaii, Inc., as Assignor, to Alexander & Baldwin, Inc. (A&B, Inc.), as Assignee, subject to conditions. He noted that a fax was received from Maui Mayor Apana raising a concern that the proposed action would not negatively affect their forthcoming request for the use of a portion of these lands. Mr. Uchida advised the Board that the assignment of the lease would not impact the request from the County, which the Board had already approved in the master plan.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-6: REQUEST TO AMEND PREVIOUS BOARD ACTION OF JUNE 10, 1999, AGENDA ITEM D-12, INVOLVING THE NAHIKU LICENSE AREA, TMK: 1-2-04: 05 AND 07, KOOLAU FOREST RESERVE, NAHIKU, HANA, MAUI

Mr. Uchida presented the staff submittal recommending that the Board amend their action of June 10, 1999, Agenda Item D-12, by replacing A&B Hawaii, Inc. with Alexander & Baldwin, Inc. (A&B, Inc.) as the permit holder for the "Nahiku License" area.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM D-7: SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE PURPOSES AND ISSUANCE OF REVOCABLE PERMIT TO RICHARD P. CORR AND FRANCIS P. MISSION, LOTS 12-A-2 AND 13-A (COMBINED), HANAPEPE RICE AND KULA LOTS, HANAPEPE, WAIMEA (KONA), KAUAI, TMK: 1-9-3: 10

Mr. Uchida presented the staff submittal recommending that the Board authorize the sale of a lease at public auction for intensive agricultural purposes, and authorize the issuance of a revocable permit to Mr. Richard Corr and Mr. Francis Missions Sr. for intensive agriculture purpose, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Inouye).

ITEM D-8: SET ASIDE TO THE COUNTY OF KAUAI, FOR PARKING & BEAUTIFICATION PURPOSES, POR. HANAPEPE TOWN LOTS (1ST SERIES), WAIMEA, KAUAI, HAWAII, TMK: 1-9-4: 5

Mr. Uchida presented the staff submittal recommending that the Board approve of and recommend to the Governor issuance of an executive order setting aside the subject land to the County of Kauai, and authorize the issuance of an immediate management right-of-entry to the County of Kauai, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Matsumoto).

ITEM D-9: SALE OF FOUR (4) TWENTY (20) YEAR PASTURE LEASES AT PUBLIC AUCTION, AND ISSUANCE OF REVOCABLE PERMITS UPON EXPIRATION OF LEASES, TMKs: 4-2-3: 3; 4-6-9: 46; 4-1-9: 8; AND 5-4-2: 33 & 42, KAUAI

Mr. Uchida presented the staff submittal recommending that the Board authorize the sale by public auction of 4 leases for pasture purposes, and upon expiration of said leases, authorize the issuance of a month-to-month revocable permit, subject to standard conditions.

Unanimously approved as submitted McCrory/Kokubun).

ITEM D-10: FORFEITURE OF RP NO. S-6271, TO DUKE KAHALA, PERMITTEE, KAHANA VALLEY, OAHU, TMK: 5-2-02: POR. 01

Mr. Uchida presented the staff submittal recommending that the Board authorize the cancellation of RP No. S-6271, subject to standard conditions.

Unanimously approved as submitted (McCrory/Inouye).

ITEM D-11: AMEND PRIOR BOARD ACTION OF JUNE 19, 1998 (AGENDA ITEM D-22), MILOLII COMMUNITY DEVELOPMENT CORPORATION'S REQUEST FOR A DIRECT LEASE FOR A FISH OUTLET AND ICE HOUSE FACILITY, MILOLII-HOOPULO, SO. KONA, HAWAII, TMK: 8-9-04: 7

Mr. Uchida presented the staff submittal recommending that the Board amend its prior action of June 19, 1998, under agenda item D-22, by deleting all under IMPROVEMENT REQUIREMENT and replace with: "Construction of the Facility shall be in accordance with the community's regulations for Residential Construction, where applicable, as disclosed, beginning on page 47, in the Milolii-Hoopuloa Community Development Plan, and that the Facility meet the minimum requirements for health and safety." All other conditions contained in agenda item D-22 of the Board's June 19, 1998 meeting remain unchanged.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-15: REQUEST FOR RIGHT OF ENTRY BY THE DEPARTMENT OF TRANSPORTATION (DOT), HIGHWAYS DIVISION, FOR PURPOSES OF CONDUCTING SURVEYS AND STAKEOUTS FOR ITS PROPOSED SADDLE ROAD PROJECT AT NORTH HILO, HAMAKUA, AND NORTH KONA, HAWAII, TMK: 3RD/3-1-08: 01; 4-4-15: 04 & 08; 4-4-16: 03, 05 & 06; AND 7-1-03: 01

Mr. Uchida presented the staff submittal and requested that an amendment be made by deleting condition no. 5.

Member Kokubun preferred to have the condition remain as he was concerned about how this project will unfold. He wanted to make sure that all parties understood that there were several levels of approvals necessary for this project and that this condition made it clear on what the Board's

intentions were.

Unanimously approved as submitted (Kokubun/Matsumoto).

**ITEM D-16: CONSENT TO LICENSE BETWEEN STATE OF HAWAII, DLNR AND USA
BY AND THROUGH THE U.S. GEOLOGICAL SURVEY, U.S.
DEPARTMENT OF THE INTERIOR AT SOUTH KOHALA DISTRICT,
HAWAII, TMK: 3RD/6-3-01: 4**

Mr. Uchida presented the staff submittal recommending that the Board consent to the license, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

**ITEM D-19: ESTABLISHMENT OF POLICY REGARDING SPECIAL INSTALLMENT
AGREEMENTS**

This item was a follow-up on a Board Briefing held on Thursday, January 27, 2000, regarding the proposed special installment agreement policy for the Land Division. Mr. Uchida requested that the staff report be replaced in its entirety with an amended copy that he distributed to the Board.

The Board made changes to the amended staff report on page 10, by numbering the top paragraph as "2. Provided that the Board....", and changing the numbers 2 to "3", and 3 to "4".

Unanimously approved as amended (Inouye/McCrory).

**ITEM D-20: AMENDMENT TO PRIOR BOARD ACTION FOR ISSUANCE OF
GOVERNOR'S EXECUTIVE ORDER TO CANCEL GOVERNOR'S
EXECUTIVE ORDER NO. 1432 AND RE-SET ASIDE ALONG WITH
ADDITIONAL UNENCUMBERED LAND TO THE DEPARTMENT OF
ACCOUNTING AND GENERAL SERVICES, STATE OF HAWAII, FOR
GOVERNMENT BUILDINGS AND FACILITIES; CONVEYANCE TO THE
CITY AND COUNTY OF HONOLULU FOR PUNCHBOWL ROAD
EXPANSION AND THE IMMEDIATE CONSTRUCTION RIGHT-OF-
ENTRY, HONOLULU, OAHU, TMK: 2-1-18: 46 & 47**

Mr. Uchida presented the staff submittal recommending that the Board amend its prior Board action of May 8, 1998, Item D-16, approve the conveyance to the City and County of Honolulu for the widening of Punchbowl Street, and authorize the issuance of a construction right-of-entry to the City and County of Honolulu and/or its agent for construction purposes, subject to standard conditions.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM D-22: DEPARTMENT OF AGRICULTURE REQUESTS FOR DESIGNATION, SET ASIDE FOR ADDITION TO THE KALAELOA AGRICULTURAL PARK AND A MANAGEMENT RIGHT OF ENTRY AT HONOULIULI, OAHU, TMK: (1) 9-1-31: PORTION OF 1

Mr. Uchida presented the staff submittal recommending that the Board designate the subject lands for an agricultural park, approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to the Department of Agriculture, and authorize a management right-of-entry, subject to conditions.

Written testimony was received in opposition from Animal Rights Hawaii.

Unanimously approved as submitted (Inouye/McCrory).

ADDED

ITEM D-23: EXTENSION OF THE 180-DAY PROCESSING PERIOD – CDUA NO. OA-2935 FOR MAUNALUA BAY DREDGING PROJECT AT HAWAII KAI, EAST HONOLULU

Motion to add Item D-23 to the agenda is on page 2.

Mr. Uchida presented the staff submittal recommending: "That the Board of Land and Natural Resources approve an extension of one year to the processing period of the subject CDUA, such that the new 180-day expiration date is February 2, 2001."

The Board amended staff recommendation by deleting [180-day] from the staff's recommendation.

Unanimously approved as amended (Inouye/McCrory).

ITEM K-1: CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (JAPAN AIR LINES COMPANY, LTD./JALWAYS COMPANY, LTD.) TMK: (1)-1-1-03-17P

Mr. Peter Garcia, Property Management Officer for DOT presented the submittal and recommended that the Board consent to a Sublease of Lease No. A-62-14, between Japan Air Lines Company, Ltd. as Lessee/Sublessor, and Jalways Company, Ltd. as Sublessee, subject to terms and conditions.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-2: SECOND AMENDMENT TO HARBOR LEASE NO. H-98-2, NEAR PIER 32, HONOLULU HARBOR, OAHU, (AALA PRODUCE, INC., DBA AALA SHIP SERVICE) TMK: 1-5-35-12

Mr. Garcia presented the submittal and recommended that the Board approve the second amendment, subject to terms and conditions.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-3: ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY AGREEMENT AND NON-EXCLUSIVE EASEMENT, KALAELOA BARBERS POINT, OAHU (PHOENICIAN, LLC) TMK: 9-1-14-24P

Mr. Garcia presented the submittal and recommended that the Board approve the issuance of a construction right-of-entry agreement and a non-exclusive easement, subject to terms and conditions.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, ENTRANCE TO PIERS 1 AND 2, HILO HARBOR, ISLAND OF HAWAII (LUCIO AND NAOMI CABUS, JR.) TMK: (3)-2-1-9-7P

Mr. Garcia presented the staff submittal recommending that the Board authorize the Director of Transportation to issue the applicant a revocable permit to operate a lunch wagon, subject to terms and conditions.

Unanimously approved as submitted (Kokubun/Inouye).

ITEM K-5: REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DEPARTMENT OF TRANSPORTATION FOR CONSISTENT USES

Mr. Garcia said this is a report for the Board's information.

No Board action.

ITEM K-6: AUTHORIZATION TO REQUEST SEALED BIDS FOR 5 RENT-A-CAR CONCESSION LEASES AND DIRECT ISSUANCE OF 5 RENT-A-CAR BASEYARD LEASES, HONOLULU INTERNATIONAL AIRPORT, OAHU TMK: 1-1-03

Mr. Garcia presented the staff submittal and recommended approval of the Board to seek sealed bids from qualified rent-a-car operators leading to the award of 5 rent-a-car concession leases at Honolulu International Airport via public advertisement of a Notice to Bidders, and to issue each of the qualified and successful bidders a direct rent-a-car baseyard lease at Honolulu International Airport.

Unanimously approved as submitted (Inouye/Matsumoto).

There being no further business, Chairperson Johns adjourned the meeting at 12:50 p.m.

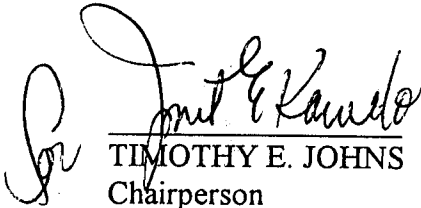
Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Kimberly C. Keliioomalu

Approval for submittal:



TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources

