

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

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

MEMBERS:

Mr. Timothy Johns
Mr. Colbert Matsumoto
Ms. Kathryn Inouye

Mr. William Kennison
Ms. Lynn McCrory
Mr. Russell Kokubun

STAFF:

Mr. Ralston Nagata, Division of State Parks
Mr. Randy Kennedy, Division of Forestry and
Wildlife (DOFAW)
Mr. Michael Buck, DOFAW
Mr. Bill Devick, Division of Aquatic Resources

Mr. Howard Gehring, Division of Boating
and Ocean Recreation (DOBOR)
Mr. Dean Uchida, Land Division
Mr. Anne Furuuchi, Administrative Services
Office

OTHERS:

Ms. Pam Matsukawa, Department of the
Attorney General
Mrs. Martha Laxson, D-13
Mr. Jerry King, D-20
Mr. Benjamin Kudo, D-22
Mr. Michael Matsukawa, D-22
Mr. Bobby Yanabu, D-12
Mr. Bruce Meyers, D-12
Mrs. Kathleen Collins, D-23
Mr. Tamotsu Tanaka, D-2

Ms. Ronnie Grover, E-1
Mr. Rex Johnson, C-1, C-2 & C-3
Ms. Sandy Padaken, D-11
Mr. Alfred Galimba, D-18
Mr. Warren Lee, D-22
Ms. Sandra-Ann Wong, D-22
Mr. Richard Wurdeman, D-12
Mr. Gregory Lee, D-15
Ms. Coco Batalona, D-10

ADDED

ITEM D-23: REQUEST TO CANCEL MEMORANDUM OF LEASE DATED FEBRUARY 22, 2000, HAUULA, OAHU, TMK: (1) 5-4-14: 3

Unanimously approved to add this item to the agenda (Kennison/McCrory).

Continuation on page 7.

ITEM A-1: APPROVAL OF THE APRIL 14, 2000 MINUTES

Unanimously approved as submitted (McCrory/Kennison).

ITEM A-2: APPROVAL OF THE APRIL 28, 2000 MINUTES

Unanimously approved as submitted (McCrory/Kennison).

ITEM A-3: APPROVAL OF THE MAY 12, 2000 MINUTES

Member McCrory recused herself.

Unanimously approved as submitted (Inouye/Kennison).

ITEM E-1: REQUEST BY KAUAI SEA TOURS TO AMEND SPECIAL USE PERMIT FOR COMMERCIAL TOUR BOAT LANDINGS AT NA PALI COAST STATE PARK, KAUAI

Mr. Ralston Nagata, Administrator for the Division of State Parks, briefed the Board and recommended that Kauai Sea Tours' second permitted landing of 15 passengers for day use at Nualolo Kai occur by the shuttling of up to 15 passengers from the larger vessel being put into service in early summer, provided that the larger vessel conforms to all operational requirements of DOBOR.

Ms. Ronnie Grover, Kauai Sea Tours, submitted written testimony requesting an amendment to their permit to substitute their current catamaran (Amalua) with a new larger vessel (Lucky Lady) that was recently completed. She indicated that they will not increase the number of passengers allowed per day to land, that it will remain at 30-passengers.

In response to a question raised by Member McCrory regarding DOBOR's position on the new larger vessel, Mr. Howard Gehring, Acting Administrator for DOBOR, was in support, as the vessel will not be inside the demarcation line for Nualolo Kai.

Unanimously approved as submitted (McCrory/Kennison).

ITEM C-1: KAMAKOU PRESERVE/NATURAL AREA PARTNERSHIP

ITEM C-2: MOOMOMI PRESERVE/NATURAL AREA PARTNERSHIP

ITEM C-3: WAIKAMOI PRESERVE/NATURAL AREA PARTNERSHIP

Mr. Michael Buck, Administrator for DOFAW, presented Items C-1, C-2, and C-3 together. Staff's recommendation is that the Board: 1) grant a permit to the applicants designating the project as a permitted government use within the Conservation District to support the programs of DOFAW that are consistent with the objectives of the Protective subzone; 2) reauthorize the continued funding for the Kamakou, Moomomi, and Waikamoi Preserve projects as part of the Natural Area Partnership Program; and 3) direct DOFAW to enter into the appropriate legal documents with The Nature Conservancy with the following conditions: a) The Long Range Management Plan (FY 2001 – FY 2006) is accepted for a six-year period. b) Funding is authorized for the full six-year period as described in the agreement. Mr. Buck introduced Mr. Rex Johnson of The Nature Conservancy, and Mr. Randy Kennedy, Natural Area Reserves Systems Manager for DOFAW, who were available to answer questions.

The Board decided to defer this item because of concerns about the term of the agreement. In particular, Attachment 2 of the staff report, page 5, reads: "2.2 Automatic One-Year Renewals – Each July 1 of each year during which this agreement shall be in effect shall be deemed to be the annual renewal date of this agreement. On each such annual renewal date, a year shall be added automatically to the initial term of this agreement; the term of this agreement shall be thereby renewed and extended annually, with the result that there shall always be 6 years remaining under the term of this agreement as of July 1 of each year,..." There was some confusion, because of this automatic 1-year renewal clause, as to what the actual term of the agreement was.

Unanimously approved as defer (Matsumoto/Kokubun).

ITEM C-4: REQUEST FOR APPROVAL TO BEGIN SOLE SOURCE PROCESS FOR THE ZOOLOGICAL SOCIETY OF SAN DIEGO TO PROVIDE SERVICES TO OPERATE THE ENDANGERED BIRD CAPTIVE PROPAGATION FACILITIES ON MAUI

Mr. Buck briefed the Board and recommended that the Board allow DOFAW to request a sole source approval for the Zoological Society of San Diego to operate the Maui Bird Conservation Center for a 2-year period, from July 1, 2000 to June 30, 2002, under a contract and property lease, subject to approval by the Board.

Unanimously approved as submitted (Kennison/McCrory).

ITEM D-13: GRANT OF TERM, NON-EXCLUSIVE EASEMENT FOR AFTER-THE-FACT SEAWALL PURPOSES, LOT 73, PUAKO BEACH LOTS, SOUTH KOHALA, HAWAII, TMK: 6-9-03: SEAWARD OF PARCEL 12

Mr. Uchida amended the staff submittal and recommendation, by deleting any reference to Mr. David Laxson who has recently passed away. Staff's recommendation is that the Board authorize the issuance of a term easement to Mrs. Martha Laxson, subject to 4 conditions.

Mrs. Laxson was present to answer questions.

Unanimously approved as amended (Kokubun/Matsumoto).

ITEM D-11: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY TO GTE HAWAIIAN TELEPHONE COMPANY FOR UTILITY PURPOSES AT KAOHE, HAMAKUA, HAWAII, TMK: (3) 4-4-16: PORTION OF 05 AND 06

Mr. Uchida briefed the Board and recommended that the Board authorize the sale of a perpetual non-exclusive easement, and authorize an immediate construction right-of-entry, subject to conditions.

Ms. Sandy Padaken, Henkels & McCoy, Inc., was present to answer questions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-20: DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF AN IMMEDIATE RIGHT-OF-ENTRY TO PUUWAAWAA RANCH, INC., MR. JERRY R. KING, A DESIGNATED ASSOCIATION OR PUUWAAWAA RANCH, INC. FOR ROADWAY ACCESS PURPOSES AT PUUANAHULU, NORTH KONA, HAWAII, TMK: 3RD/7-1-01: 01 & 06

Mr. Uchida briefed the Board and recommended that the Board authorize the sale of a perpetual non-exclusive easement and authorize the immediate right-of-entry to Puuwaawaa Ranch, Inc., Mr. Jerry King, or a designated association, subject to conditions.

Mr. King was present to answer questions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-18: ISSUANCE OF REVOCABLE PERMIT, GRANT OF EASEMENT AND RIGHT-OF-ENTRY TO KUAHIWI CONTRACTORS, INC. TO TAKE WATER FROM THE MOUNTAIN HOUSE TUNNEL AND TRANSPORT SAME OVER STATE LANDS SITUATED AT KAU, HAWAII, TMK: 9-7-01: 1 AND 15

Mr. Uchida amended the staff submittal by deleting "Grant of Easement" from the title, and replacing "perpetual, non-exclusive easement" with revocable permit in staff recommendation B. He briefed the Board and recommended that the Board authorize the issuance of a revocable permit to take water from the abandoned Mountain House Tunnel for agricultural processing purposes, authorize the issuance of a revocable permit for use of the easement areas, and grant a right-of-entry onto State land situated in a portion of the Kau Forest Reserve, to Kuahiwi Contractors, Inc., subject to conditions.

Mr. Alfred Galimba, President of Kuahiwi Contractors, Inc., went over some discrepancies he found in the staff submittal. On page 4, 2nd paragraph, the rate of water flow should be 110,000 gallons per day rather than 14,000 gallons per day. Staff recommendation no. 4, that states water should be available to other ranchers and farmers in the vicinity of the applicants pipeline, was not discussed.

The Board asked that this matter to be taken up later on in the agenda to allow Mr. Uchida time to speak to staff about the inconsistencies raised by Mr. Galimba.

Continued on page 11.

ITEM D-22: RESUBMITTAL - DIRECT LEASE OF WATER RIGHTS TO HAWAII ELECTRIC LIGHT COMPANY, INC. (HECO) FOR THE NON-CONSUMPTIVE USE OF GROUNDWATER TAKEN FROM WITHIN THE KEAUHOU AQUIFER SYSTEM FOR USE AT ITS KEAHOE GENERATOR PLANT SITUATED AT KEAHOE, NORTH KONA, HAWAII, TMK: 7-3-49: 36

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a direct lease to HECO for the non-consumptive use of groundwater, subject to 7 conditions. He noted that written testimony was received from Ms. Sandra-Ann Wong on behalf of Waimana Enterprises, Inc., Natural Energy Laboratory of Hawaii, Department of Hawaiian Home Lands (DHHL), Ms. Peggy Ratliff, and Mr. Michael Matsukawa.

Mr. Benjamin Kudo, Attorney for HECO, introduced Mr. Warren Lee, President of HECO. He addressed some of the issues raised in Mr. Matsukawa's written testimony regarding Chapters 171-58 and 171-95, HRS, and "consumptive" versus "non-consumptive" use. He believed that the staff report is correct in that the statute that is applicable in this situation is Chapter 171-95, HRS, which deals with disposition of land to utility companies. He asked the Board to approve staff recommendation, and in addition approve a right-of-entry to allow HECO to proceed with construction as soon as possible.

Mr. Matsukawa testified in opposition to staff's recommendation. He went over the history of Chapters 171-58 and 171-95, HRS, and believed that Chapter 171-58, HRS, applies to this particular situation. He also believed the character of use to be "consumptive", rather than "non-consumptive" as described by HECO.

Ms. Wong was concerned that there were still to many unanswered questions regarding DHHL's adjacent property. She asked that the Board deny the staff recommendation, or in the alternative, defer it to do further investigation, and to have more dialogue with DHHL. She wanted to make sure that all the questions were answered, and that the Board felt comfortable with making the proper decision.

In response to a concern raised in Mr. Matsukawa's written testimony regarding sunshine law requirements, Mr. Uchida said the Board's meeting agendas are not required to be published in the newspaper, but its required to be posted at the Lt. Governor's office and that requirement was met.

Unanimously approved to move into executive session to consult with legal counsel (Kokubun/Kennison).

The Board deferred action on this request pending a response from the Department of the Attorney General, within 30 days, on the following:

1. the applicability of Chapter 171-58 HRS, versus Chapter 171-95 HRS, and
2. the issue regarding consumptive versus non-consumptive use of the water.

Unanimously approved to defer (Kokubun/Matsumoto).

ITEM D-12: SALE OF RIGHT-OF-WAYS FOR PUAINAKO STREET EXTENSION; GRANT OF EASEMENT; AND IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY TO THE COUNTY OF HAWAII; WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 3814; WITHDRAWAL FROM GENERAL LEASE (GL) NO. S-4919; WAIAKEA AND KAUMANA, SOUTH HILO, HAWAII, TMK: 3RD/2-4-01: POR. OF 10, 122 & 12; 3RD/2-5-03: POR. OF 20; 3RD/2-5-055: POR. OF 47; 3RD/2-4-01: POR. 43 (EASEMENT)

Mr. Uchida briefed the Board and recommended that the Board authorize the withdrawal of lands from Governor's Executive Order No. 3814, withdrawal of lands from GL No. S-4919, authorize the sale of parcels 1, 2, 37, 32, 33, 34 and 36, authorize the granting of easement for road purposes labeled as Easement 40, and authorize the immediate construction right-of-entry for all parcels to the County of Hawaii, subject to conditions.

Mr. Bobby Yanabu, Director of the Public Works, County of Hawaii, introduced Mr. Richard Wurdeman, Corporation Counsel, County of Hawaii, and Mr. Bruce Meyers, Project Engineer. They were all available to answer questions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-15: DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO BOARD OF WATER SUPPLY FOR UTILITY PURPOSES AND CONSTRUCTION RIGHT OF ENTRY, KANEOHE, OAHU, TMKs: 4-5-23:

PORTIONS OF 02 & 14 AND 4-6-37: 126

Mr. Uchida briefed the Board and amended the staff report page 3, third paragraph, by deleting the 3rd sentence and amending the 4th, to read: "...will be implemented in the future. [Engineering Branch is requesting that BWS provide a tee and butterfly or gate valve on the proposed 16" line to accommodate their future Windward Well Development project.] A set of construction plans (phase II and III only) is requested for review and approval." He also amended the recommendation section by deleting condition no. A.7.

Mr. Gregory Lee, Board of Water Supply, was present to answer questions.

Unanimously approved as amended (Inouye/McCrory).

ADDED

ITEM D-23: REQUEST TO CANCEL MEMORANDUM OF LEASE DATED FEBRUARY 22, 2000, HAUULA, OAHU, TMK: (1) 5-4-14: 3

Continued from page 2.

Mr. Uchida briefed the Board and recommended that the Board consent to the cancellation of Memorandum of Lease dated February 22, 2000 between the State of Hawaii and Mr. Dan and Mrs. Kathleen Collins and instruct Fiscal to reimburse all monies (\$10,722.44) paid by Mr. and Mrs. Collins on February 22, 2000.

Mrs. Collins agreed with staff recommendation, however, felt that they were treated unfairly because of the untimely submission of other applications that were given the opportunity to bid on the lease. She also felt that the incompleteness of their application was something that was not appropriately her responsibility.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-10: FORFEITURE OF GL NO. S-4887, MS. WINONA B. MAKI AND MR. SIMEON KANILA MAKI, LESSEES, MAUNALAHA HOMESITES, OPU, MAKIKI, OAHU, TMK: 2-5-24: 27

Mr. Uchida briefed the Board and recommended that the Board cancel GL No. S-4887, subject to standard conditions.

Ms. Coco Batalona, President of the Maunalaha Valley Community Association, testified on behalf of the Maka's who are both elderly and ill. She requested a deferral of 60 days to allow time for her to contact family of the Maka's to cure the breach.

Unanimously approved to defer for 60 days (Inoyue/Matsumoto).

ITEM D-1: WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 2594, RESET ASIDE, AND SET ASIDE OF STATE LANDS TO THE DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION FOR ROAD PURPOSES, KAHULUI AIRPORT, MAUI, VARIOUS TAX MAP KEYS

Mr. Uchida briefed the Board and recommended that the Board authorize the withdrawal of 2.952 acres from Governor's Executive Order No. 2594, and set aside to the Department of Transportation, Highways Division, subject to standard conditions.

Unanimously approved as submitted (Kennison/Matsumoto).

ITEM D-2: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY TO HANA BEACHFRONT ASSOCIATES FOR ACCESS AND UTILITY PURPOSES, PORTION HANEEO & HAMOA, HANA, MAUI, TMK: 1-4-07: PORTION 09

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a perpetual easement to Hana Beachfront Associates for access and utility purposes, subject to conditions.

Mr. Tamotsu Tanaka was present to answer questions.

Unanimously approved as submitted (Kennison/Matsumoto).

ITEM D-9: FORFEITURE OF GL NO. S-5031, MR. DAVID M. HAGINO AND MS. LOO ANN GUANSON, LOT 64, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, HAWAII, TMK: 1-4-4: 40

Mr. Uchida requested that this item be withdrawn based on a fax received from Mr. Hagino containing his liability insurance.

Unanimously approved to withdraw (McCrary/Matsumoto).

ITEM D-16: AMENDMENT OF AUTHORIZATION TO ENTER A GRANT-IN-AID AGREEMENT TO IMPLEMENT THE ALA WAI CANAL WATERSHED IMPROVEMENT PROJECTS

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to enter a Grant-in-Aid Agreement with the Center for a Sustainable Future, Inc. for the implementation of the Ala Wai Canal watershed improvement projects and to sign the necessary documents pertaining to the work.

A representative of the Ala Wai Watershed Association was present to answer questions.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM D-3: REQUEST FOR RIGHT-OF-ENTRY BY THE FEDERAL HIGHWAY ADMINISTRATION AND OKAHARA & ASSOCIATES, INC., FOR SURVEY WORK AT NORTH HILO, HAMAKUA, AND NORTH KONA, HAWAII, TMKs: 3RD/3-8-01: 01, 07, 08 & 13; 4-4-15: 04 & 08; 4-4-16: 03, 05 & 06; AND 7-1-03: 01

Mr. Uchida briefed the Board and requested an amendment to the staff submittal to remove all reference to the Federal Highway Administration as the applicant, and in the recommendation and conditions of the right-of-entry. The amendments were made to conditions 1, 2, 3, 4, 5, 8, 10, 11, 12, and 13.

Unanimously approved as amended (Kokubun/Matsumoto).

ITEM D-4: AMEND PRIOR BOARD ACTION OF JANUARY 23, 1981, ITEM F-2, DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE EASEMENT AT WAIMEA, SOUTH KOHALA, HAWAII, TMK: 3RD/6-7-02: 11

Mr. Uchida briefed the Board and recommended that the Board amend its actions of January 23, 1981, by deleting the easement for the pole and overhead transmission lines, and obtain concurrence from the Governor on the set aside of Executive Order No. 995.

Unanimously approved as submitted (Kokubun/Inouye).

ITEM D-5: CONSENT TO ASSIGN GL NO. S-5550, HAMAKUA/NORTH HILO AGRICULTURAL COOPERATIVE (HNHAC), ASSIGNOR, TO TRIPLE D RANCH, INC., ASSIGNEE, HONOKAIA, HAMAKUA, ISLAND OF HAWAII, TMK: (3) 4-6-4: 01, 2, 3, 5 & 6

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of GL No. S-5550 from Hamakua/North Hilo Agricultural Cooperative, to Triple D Ranch, subject to standard conditions.

Unanimously approved as submitted (Kokubun/McCrory).

ITEM D-6: RESCIND PRIOR BOARD ACTION OF APRIL 28, 2000, AGENDA ITEM D-8, FOR THE FORFEITURE OF GL NO. S-5043, LOT 88, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, HAWAII, TMK: 1-4-4: 53

Mr. Uchida briefed the Board and recommended that the Board rescind its action of April 28, 2000, and reinstate the lease.

Unanimously approved as submitted (McCrorry/Kokubun).

ITEM D-7: CONSENT TO ASSIGN GL NO. S-4986, MS. DEZMA ALEC DUNN (DECEASED) AND MS. PAULINE DOROTHY CLARK, AS JOINT TENANTS, ASSIGNORS, TO MR. ERIK PAUL COOPERSMITH, SINGLE, ASSIGNEE, LOT 29, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, HAWAII, TMK: 1-4-4: 21

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of GL No. S-4986, subject to conditions.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM D-8: FORFEITURE OF GL NO. S-4436, TENRIKYO TAIHEIYO KYOKAI, LOTS 2 AND 3, BLOCK 5, KAPAA TOWN LOTS, FIRST SERIES, KAPAA, KAWAIHAU (PUNA), KAUAI, HAWAII, TMK: 4-5-8: 8

Mr. Uchida requested withdrawal of this item, the lessee has brought in the liability insurance.

The Board allowed the withdrawal, on the condition that the lessee replace its existing personal surety with a cash bond within 60 days.

Unanimously approved to withdraw (McCrorry/Kennison).

ITEM D-14: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (WEST KAUAI)

Mr. Uchida briefed the Board and recommended that the Board certify the election of Mr. Keith A. Smith as director of the West Kauai Soil and Water Conservation District, and that the Board affirm the appointment of Mr. Kimo Falconer to the West Maui Soil and Water Conservation District.

Unanimously approved as submitted (McCrorry/Kokubun).

ITEM D-17: CONSERVATION DISTRICT USE APPLICATION (HA-2970B) FOR AFTER-THE-FACT ROAD IMPROVEMENTS AND AGRICULTURAL USES AT KAHENA, NORTH KOHALA, HAWAII, TMK: 5-8-01: 09

Mr. Uchida recommended that this item be withdrawn based on a letter of June 6, 2000 requesting that the subject CDUA be withdrawn without prejudice.

Unanimously approved to withdraw (Kokubun/Kennison).

ITEM D-19: REQUEST BY HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII FOR A RIGHT-OF-ENTRY, HONOLULU, OAHU: (1) 1-5-7: VARIOUS

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a right-of-entry to the Housing and Community Development Corporation of Hawaii to conduct feasibility and due diligence studies, subject to conditions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-21: LEASE - PUBLIC AUCTION FOR PASTURE AND INTENSIVE AGRICULTURE PURPOSES, AND ISSUANCE OF REVOCABLE PERMIT TO MR. HOSEA LOVELL, POR. ANAHOLA, KAWAIHAU, KAUAI, HAWAII, TMK: 4-8-6: 21

Mr. Uchida briefed the Board and recommended that the Board authorize the sale of a lease at public auction for pasture and intensive agriculture purposes, and authorize the issuance of a revocable permit for pasture and home gardening purposes, subject to standard conditions.

Unanimously approved as submitted (McCrory/Inouye).

ITEM D-18: ISSUANCE OF REVOCABLE PERMIT, GRANT OF EASEMENT AND RIGHT-OF-ENTRY TO KUAHIWI CONTRACTORS, INC. TO TAKE WATER FROM THE MOUNTAIN HOUSE TUNNEL AND TRANSPORT SAME OVER STATE LANDS SITUATED AT KAU, HAWAII, TMK: 9-7-01: 1 AND 15

Continued from page 5.

Mr. Uchida, after talking with staff, indicated that staff has been dealing with Mr. Galimba's daughter who was agreeable to all the conditions in the staff report. The water flow of 14,000 gallons per day was what Mr. Galimba's daughter had represented to staff. Regarding condition no. 4, he requested that this condition be deleted because staff has checked other Kau and Wood Valley leases and this was never put in as a condition.

The Board amended the submittal title by deleting "Grant of Easement". The Recommendation section was also amended by deleting condition A. 4. Also, Recommendation B was amended to read as follows:

- B. Authorize the issuance of a revocable permit [perpetual, non-exclusive easement] to Kuahiwi Contractors, Inc., granting..."

Unanimously approved as amended (Kokubun/Matsumto).

ITEM H-1: APPROVAL TO PROCEED WITH THE SINGLE AUDIT OF THE DEPARTMENT'S FEDERAL AID PROGRAMS

Mr. Anne Furuuchi, Fiscal Management Officer for the Administrative Services Office, briefed the Board and recommended that the Board authorize the Chairperson to obtain the assistance of the State Comptroller to proceed with the Single Audit of our department for fiscal years ending June 30, 2001, 2002 and 2003.

Unanimously approved as submitted (Inouye/Kennison).

ITEM B-1: REQUEST FOR RE-APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS TO ESTABLISH HAWAII ADMINISTRATIVE RULES, CHAPTER 13-60.5, NORTHWESTERN HAWAIIAN ISLANDS FISHERIES MANAGEMENT AREA

Mr. Bill Devick, Administrator of the Division of Aquatic Resources, briefed the Board and recommended that the Board approve the holding of public meetings and hearings for the establishment of Hawaii Administrative Rules, Chapter 13-60.5, Northwestern Hawaiian Islands Fisheries Management Area.

Unanimously approved as submitted (Matsumoto/Kokubun).

ITEM J-1: REQUEST TO AMEND PRIOR BOARD ACTION AND DENY KAYAK ADVENTURES, INC.'S AMENDED PETITION FOR THE INITIATION OF RULE-MAKING PROCEEDINGS TO ALLOW COMMERCIAL KAYAK OPERATIONS FROM ANINI BEACH LAUNCH RAMP AND ANINI BEACH OCEAN WATERS FILED ON MAY 15, 2000

Mr. Howard Gehring, Acting Administrator for DOBOR, briefed the Board and recommended that the Board deny this amended "petition to amend" as it is essentially the same petition previously acted upon by the Land Board in March 1999, and amend the prior Land Board action of March, 1999, to "initiate rule-making proceedings to the limited extent that proposed rule changes for Anini Beach Launch Ramp and Anini Beach Ocean Waters would allow the operation of non-motorized vessels", e.g., kayaks to further add "when drafting rules for the entire North Shore Kauai ORMA" to the action.

Unanimously approved as submitted (McCrary/Kennison).

There being no further business, Chairperson Johns adjourned the meeting at 11:35 a.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

