

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

DATE: FRIDAY, JUNE 23, 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 9:17 a.m. The following were in attendance:

MEMBERS:

Mr. Timothy Johns
Ms. Lynn McCrory
Mr. Russell Kokubun

Mr. William Kennison
Ms. Kathryn Inouye

STAFF:

Mr. Dean Uchida, Land Division
Mr. Nelson Ayers, Division of Forestry,
and Wildlife
Mr. Howard Gehring, Division of Boating
and Ocean Recreation (DOBOR)

Mr. Bill Devick, Division of Aquatic Resources
Mr. Ralston Nagata, Division of State Parks
Mr. Al Rogers, Division of State Parks
Mr. Stephen Thompson, DOBOR
Mr. David Eckert, Division of Aquatic Resources

OTHERS:

Ms. Dawn Chang, Department of the
Attorney General
Mr. Randy Vitousek, D-12
Ms. Mary Cooke, K-5
Mr. Vernon Sato, B-1
Mr. Ralph Portmore, D-6
Mr. Manabu Tagomori, D-18
Mr. Keith Palmer, D-18
Mr. Steve Kim, D-18
Mr. Ervin Kahala, D-19
Mr. Moses Kahala, D-19
Mrs. Malama Vierra, D-19
Ms. Gwen Kim, D-19

Mr. Peter Garcia, Department of
Transportation
Mr. George Robertson, D-12
Mr. Phillip Hauret, D-4
Dr. Stephen Coles, B-2
Mr. Gary Takeuchi, D-6
Mr. Patrick Rorie, D-18
Ms. Mabel Kikina, D-18
Ms. Sunny Greer, D-19
Ms. Ipo Malepe, D-19
Mr. Ben Shafer, D-19
Ms. Ululani Beirne, D-19
Mr. Joseph & Mrs. Tamara Ryan, D-15

ITEM D-12: CONSERVATION DISTRICT USE APPLICATION (CDUA) NO. HA-2960 FOR PROPOSED SUBDIVISION OF STATE LAND, CONSTRUCTION OF A CARETAKER'S SINGLE FAMILY RESIDENCE AND RELATED SITE IMPROVEMENTS, AND REALIGNMENT OF AN EXISTING ROAD EASEMENT, KIHOLE BAY, HAWAII

Mr. Dean Uchida, Administrator of the Land Division, briefed the Board and recommended that the Board approve the applicant's request for a subdivision, construction of a caretaker's residence, realignment of an access road, and accessory uses at Kiholo Bay, subject to 31 conditions. He indicated that other issues for this project regarding access, ceded lands, and land exchange valuation, will be brought back to the Board and addressed as part of the land exchange.

Mr. Randy Vitousek, Attorney for the Applicant, Dr. Earl Bakken, distributed a letter from the Architect, Mr. Clemson Lam, which discussed existing construction standards. He requested that an amendment be made to condition no. 14 that would allow the caretaker's residence to be built slab on grade, rather than on a post and pier foundation. He also requested that their proposed floor area of 3,835 square feet be approved, rather than the no greater than 3,000 square feet as required in condition no. 23. He indicated that the intent of the caretaker's residence is to provide a home for people who can live there full-time and be available to care for the Bakken's and the property.

Mr. George Robertson, resident of the Big Island, asked that the Board consider the generous contributions given by the Bakken's to the community, and that the Board approve the caretaker's residence as proposed by their Architect, Mr. Lam.

Because of the new building requirements, the Board decided to amend condition no. 14, by replacing "on post and pier foundation to", with "in a manner that".

There was some discussion about condition no. 23. Member Inouye felt that the applicant's proposed floor area of 3,835 square feet for a caretaker's residence was much larger than need be. Member Kokubun was concerned about the kind of precedence this will set should the Board approve the proposed floor area. He felt that staff had taken a compromise position in this regard and supported the condition as recommended by staff. He commented that the Bakken's have been exceptional citizens of the Big Island, and that notwithstanding the language in condition no. 23, he felt confident that the Architect, Mr. Lam, would be able to work something out.

Member Kokubun amended condition no. 14 of the staff recommendation to read as follows:

14. The caretaker's residence shall be built in a manner that [on a post and pier foundation to] avoids unnecessary grubbing and grading;

Unanimously approved as amended (Kokubun/Kennison).

ITEM K-5: AUTHORIZATION TO NEGOTIATE FOR ACQUISITION OF PRIVATELY-OWNED AND COUNTY-OWNED LANDS, INCLUDING THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN, FOR KUHIO HIGHWAY, MANOA STREAM

FORD CROSSING AT HAENA, HALELEA, KAUAI, HAWAII, PROJECT NO. 560A-02-99, AND SUBSEQUENT SET ASIDE AND TRANSFER OF DRAINAGE EASEMENT 1, DRAINAGE EASEMENT 2, DRAINAGE EASEMENT 3, AND DRAINAGE EASEMENT 4 BY GOVERNOR'S EXECUTIVE ORDER TO THE DEPARTMENT OF TRANSPORTATION (DOT), HIGHWAYS DIVISION, FOR STREAM FORD CROSSING IMPROVEMENTS

Mr. Peter Garcia, Property Management Officer for DOT, briefed the Board and recommended that the Board: A) Authorize the DOT to negotiate the acquisition of privately-owned and county-owned lands designated as Drainage Easement 1 and Drainage Easement 3 with the County of Kauai, Drainage Easement 2 with Robert J. Marvick Family Trust and Drainage Easement 4 with Carol M. Koplin, or if necessary, by eminent domain proceedings, for the Kuhio Highway Manoa Stream Ford Crossing Improvement Project; B) Authorize the DOT to obtain rights-of-entry from the land owners for site inspection, engineering and design studies, topographic, test boring and land boundary surveys, appraisal, construction and other related purposes; and C) Upon completion of the subject land acquisition, approve of the issuance of an executive order setting aside the subject parcels of the project for highway purposes, to be under the control and management of DOT. Mr. Garcia explained that there were 2 community meetings held regarding this project in which there was positive support. Unfortunately, there was misinformation when this project was announced in the OEQC Bulletin. DOT's Oahu staff did not realize the project was substantially scaled back because of environmental concerns. DOT intend to republish within the OEQC Bulletin, and the new publication will reflect the scaled back version of what was agreed to at the community meetings.

Ms. Mary Cooke of Keiki O'Kauai, and Board Member for the Natural Trust for Historic Preservation, presented pictures of the Manoa Stream Ford Crossing, and urged the Board to postpone their decision. Her concerns, which also included concerns of Mr. Chipper Wichman, were that people from the Haena were not present at the community meetings, that the dip in the road is a natural traffic calmer that should be kept, that all the road needs is a new layer of concrete, and that decision by the Board would be premature because of the misinformation in the OEQC Bulletin. She read a letter that she received from Mr. Dan Marriott, Director of the National Trust Rural Heritage Program, that urged the Board to direct DOT to maintain and repair the Manoa Stream Crossing as a Ford.

Member McCrory understood that the last 2 community meetings were held in Hanalei, and were both noticed in the newspaper. She requested that DOT specifically send, to Ms. Cooke, a notice of the next community meeting. Ms. Cooke asked that everyone who wrote DOT expressing concerns about this project be notified of the upcoming community meeting.

Member McCrory proposed that DOT move forward with looking at negotiating the property rights. However, the construction not occur until the community meeting, the republication in the OEQC Bulletin, and the Special Management Area approval is completed and brought back to the Board. She suggested removing the word "construction" from condition B., and deleting condition C. in its entirety.

The Board decided to delete condition A., as it would be premature to authorize the acquisition, because of the misinformation published in the OEQC Bulletin.

Member McCrory amended the recommendation by deleting in its entirety conditions A. and C., and amending condition B. by deleting the word "construction".

Unanimously approved as amended (McCrorry/Kennison).

ITEM K-1: LEASE, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (COX AVIATION, INC.) TMK: (1)-1-1-03-1P

Mr. Garcia briefed the Board and recommended that the Board approve the issuance of a lease to Cox Aviation, Inc.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-2: AMENDED AND RESTATED LEASE, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (CONTINENTAL AIRLINES, INC.) TMK: (1)-1-1-03-1P

Mr. Garcia briefed the Board and recommended that the Board approve the issuance of the amended and restated lease between the State and Continental Airlines, Inc.

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-3: AUTHORIZATION TO ACQUIRE PRIVATELY OWNED LAND TOGETHER WITH IMPROVEMENTS AT KAUMALAPAU HARBOR AND SUBSEQUENT SET ASIDE BY GOVERNOR'S EXECUTIVE ORDER TO DOT, HARBORS DIVISION (CASTLE AND COOKE, INC. AND LANAI COMPANY, INC.) TMK: (2)-4-9-02-1P

Mr. Garcia briefed the Board and recommended that the Board authorize the acquisition of the parcel of land together with improvements by DOT, authorize DOT to obtain a right-of-entry from the land owner for site inspection, engineering and design studies, topographic and land boundary surveys, appraisal, construction and other related purposes, and upon completion of the land acquisition, approval of and recommend to the Governor the issuance of an executive order setting aside the land to DOT for maritime, marine and related purposes.

Unanimously approved as submitted (Kennison/Inouye).

ITEM K-4: ISSUANCE OF REVOCABLE PERMIT NEAR PIER 34, HONOLULU HARBOR, OAHU (RSD, INC., DBA TOW JAMS) TMK: (1)-5-35-7P

Mr. Garcia briefed the Board and recommended that the Board authorize the Director of Transportation to issue a revocable permit to RSD, Inc., dba Tow Jams.

Unanimously approved as submitted (Inouye/Kennison).

ITEM D-4: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC. (HECO) AND GTE HAWAIIAN TELEPHONE COMPANY, INC. (GTE) FOR UTILITY PURPOSES, AUWAIOLIMU AND TANTALUS, HONOLULU, OAHU, TMKs: 2-2-53: 02 & 03 AND 2-5-10: 01 & 03 AND CANCELLATION OF LAND LICENSE BEARING GENERAL LEASE (GL) NO. 1755 TO THE HAWAIIAN ELECTRIC COMPANY, LIMITED, SAME PURPOSE AND LOCATION AS ABOVE

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a perpetual non-exclusive easement to HECO and GTE, subject to standard conditions, and cancel the existing GL No. 1755.

Mr. Phillip Hauret, HECO, was present to answer questions.

Unanimously approved as submitted (Inouye/Kennison).

ITEM B-1: REQUEST FOR APPROVAL TO AMEND AN AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII FOR "KAHUKU EXPANSION OF INVESTIGATIONS 'KAMAU' FOR INSHORE FISHERIES IN THE STATE OF HAWAII (KEIKIFISH)" UNDER THE MHI-MRI

Mr. Bill Devick, Administrator of the Division of Aquatic Resources, briefed the Board and recommended that the Board authorize the Chairperson to negotiate and execute, subject to the Governor's approval, the subject amendment with the Research Corporation of the University of Hawaii for Fiscal Year 2000-2001.

Mr. Vernon Sato was present to answer questions.

The Board asked that in the future, the supplemental agreement be included in the staff report, and any type of land tenure agreement that might be attached.

Member Inouye amended the staff recommendation as follows:

"The Board authorize the Chairperson to negotiate and execute, subject to the Governor's approval, the subject amendment with the Research Corporation of the University of Hawaii for Fiscal Year 2000-2001, and to provide the proposed agreement to the Board at a later date, prior to execution."

Unanimously approved as submitted (Inouye/McCrory).

ITEM B-2: REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE BERNICE P. BISHOP MUSEUM

Mr. Devick briefed the Board and recommended that the Board authorize the Chairperson to negotiate and, subject to necessary approvals, execute the subject agreement with the Bernice P. Bishop museum.

Dr. Stephen Coles, Bishop Museum, was present to answer questions.

Unanimously approved as submitted (Inouye/Kennison).

ITEM D-6: EXTENSION OF PROCESSING PERIOD – CDUA NO. OA-2957 FOR IMPROVEMENTS TO HANAUMA BAY NATURE PRESERVE, EAST HONOLULU, OAHU, TMKS: 1/3-9-12: PORTIONS OF 2, 10, 12, 14 & 16

Mr. Uchida briefed the Board and recommended that the Board approve an extension of 180-days to the processing period for the subject CDUA.

Mr. Ralph Portmore of Group 70 International, Agents for the City and County, Department of Design and Construction, introduced Mr. Gary Takeuchi of the City and County, Department of the Corporation Counsel. They were both present to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-18: CDUA NO. OA-2973 FOR OPAELU WATERSHED PROTECTION PROJECT, UPPER KOOLAU MOUNTAINS, OAHU, TMK: 1-6-3: 01 (PORTION)

Mr. Uchida briefed the Board and recommended that the Board approve this application for Opaelu Watershed Protection Project, subject to 17 conditions. He noted that concerns regarding the pig hunters and the construction of the fence are identified in condition nos. 12 and 13.

Mr. Manabu Tagomori, Kamehameha Schools/Bishop Estate, stated that this is a joint project that brings together private and public agencies in response to DLNR's initiative to accelerate watershed partnership programs that address the threats to watersheds, and protect native and endangered plants. He supported staff's recommendation and indicated that they intend to enlist the aid of the hunters to assist them should any hunting efforts be necessary to eliminate pigs from the area, and that there will be a step over in the area where the fence crosses the Koolau Summit Trail.

Mr. Patrick Rorie, President of the Hawaii Trail and Mountain Club (HTMC), emphasized that the Koolau Summit Trail is a historic trail that was built with Government funding in the 30's for public enjoyment, and is still being used by the public today. He indicated that the club is all for the conservation aspect of this project, however, felt it reasonable that the fence be moved approximately 10 or more feet to preserve the trail. He supported the fence crossing the trail, but was opposed to the fence crossing right in the corridor.

Mr. Keith Palmer, Member of HTMC and the Sierra Club, had similar concerns raised by Mr. Rorie.

Ms. Mabel Kikina, Member of HTMC, Chairperson for the Trail Maintenance Crew, stated that she has on the average about 35 volunteers who show up every Sunday to help maintain trails on Oahu. She believed that Mr. Rorie would concur, that her crew would be more than willing to help in building the fence away from the main corridor.

Mr. Steve Kim, U.S. Army, Natural Resources Program, believed that by moving the fence 10 feet, it would destroy quite a bit of native vegetation and would eventually create a second corridor for the pigs.

The Board requested that a representative of HTMC be contacted to review plans for the location of the fence along the Koolau Summit Trail. The applicants agreed.

Member Inouye amended condition no. 12 of the staff recommendation to read as follows:

“The applicant shall ensure that the fence is constructed in a manner that does not block or impede access along the Koolau Summit Trail. The applicant shall contact a representative from the Hawaii Trail and Mountain Club to review plans for the location of the fence along the Koolau Summit Trail.”

Unanimously approved as amended (Inouye/McCrory).

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

Mr. Nelson Ayers, Service Forester for the Division of Forestry and Wildlife, briefed the Board and recommended that the Board approve a 2-year contract with Ms. Madriaga to coordinate the Urban and Community Forestry Program for the State of Hawaii.

Member Inouye amended page 2 of the staff report, 2nd paragraph, last sentence, to read: “...state to Ms. Trueman-Madriaga subject to appropriation[shall be appropriated] on an annual basis in the amount of \$59,979.” Likewise, on Attachment 3, Compensation and Payment Schedule, page 1, 1st paragraph, last sentence, to read: “All funds to be paid by the STATE to the CONTRACTOR subject to appropriation [shall be appropriated] on an annual basis...”

Unanimously approved as amended (Inouye/Kokubun).

ITEM C-2: REQUEST APPROVAL OF CONTRACT WITH MS. JACQUELINE RALYA TO COORDINATE THE FEDERAL FUNDED VOLUNTEER/TECHNICAL ASSISTANCE FUNCTION OF THE URBAN AND COMMUNITY FORESTRY PROGRAM FOR THE DIVISION OF FORESTRY AND WILDLIFE

Mr. Ayers briefed the Board and recommended that the Board approve a 2-year contract with Ms. Ralya to coordinate volunteer/technical assistance function of the Urban and Community Forestry Program for the State of Hawaii. He indicated, like the previous contract with Ms. Madriaga, that they would make the specific change from “shall be appropriated” to “subject to appropriation”.

Unanimously approved as amended (Inouye/Kokubun).

ITEM D-19: CANCELLATION OF SIX (6) AND ISSUANCE OF THREE (3) KAHANA STATE PARK REVOCABLE PERMITS, OAHU, TMK: 5-2-03

Mr. Uchida revised the title of the staff report by replacing "CANCELLATION OF SIX (6)", with "CANCELLATION OF SEVEN (7)". These permits were issued pending the issuance of long-term leases that the legislature authorized in 1987. Staff is recommending that some of these permits be cancelled, as residences have been constructed under the new lease. In certain instances, staff is recommending the issuance of 3 revocable permits, to allow consideration for any forfeited leases, and to complete construction of a residence. Staff's recommendation is that the Board authorize the cancellation of 7, and the issuance of 3 Kahana Valley State Park Revocable Permits, subject to 5 conditions.

Ms. Sunny Greer, stated that in 1985 there was a master development plan prepared by the Kahana Advisory Committee that was not approved, nor implemented by the Board. The possibility of having families displaced could have been prevented if a master plan was created. She said perhaps the question that should be asked is not should we expand leases or continue revocable permits, the question should be how do we create a better mechanism to address an ahupua'a. She recommended, if needed, doing a moratorium on whether or not to do revocable permits. She urged the Board to take it back to the community, take it back to the stakeholders of Kahana, and do the master plan process.

Mr. Ervin Kahala, and sister Ms. Ipo Malepe, 2 of the lessees under 6-month consideration for a revocable permit, hoped to get a resolution within that time. Mr. Kahala's concern was that should he have to relocate, would he still be eligible if a lease comes available.

Mr. Moses Kahala, older brother of Ervin and Ipo, and co-lessee of their parents, Mr. Hiram and Mrs. Kapeka Kahala's lease, was concerned that he was not mentioned in the staff report.

Mrs. Puanani Martinez's daughter, currently residing on the revocable permit parcel with her husband and children, requested that the Board not cancel Revocable Permit No. S-6487. She mentioned that her Ohana has roots planted there for the past 50 years.

Mr. Ben Shafer, Mrs. Martinez's son, brought up 3 issues: 1) that their family has been on the property for 50 plus years, 2) the problems in trying to build a canoe halau; and 3) the need for a comprehensive master plan. He said the Kahana Community Association and the Friends of Kahana, would work together in trying to get a comprehensive master plan to the Board for the whole ahupua'a.

Mrs. Malama Vierra, Mr. Steward Vierra's wife, asked the Board for more time to build their new house, that the reasons they could not build was because of personal and domestic problems.

Ms. Ululani Beirne, distributed written testimony, and requested that the Board not cancel her families Revocable Permit No. S-6487, as her Ohana has been the caretakers of the property for over 50 years. She felt that the residents should get together and start updating the master plan because of the suffering experienced from piece-meal action. She supported the process of opening up more leases to accommodate the overflow of families, however, impossible without legislative action. She indicated that the Native Hawaiian Legal Corporation would be representing the families that testified against the cancellation of their permits.

Ms. Gwen Kim, Queen Liliokalani Center, gave the Board some background on the history of her involvement, and honored the Kupunas that are no longer here, who were deeply involved in this difficult issue. She clarified that Mr. Moses Kahala is living in the original Kahala compound, and she was confused as to why his name was not listed. She recommended that the Board judicially and with compassion support this situation, as she believed that it could be handled given the vacant infrastructure lots that exist.

Mr. Ralston Nagata, Administrator of the Division of State Parks, indicated that the Pepe Ah San family, Fanupo and Mafa Peapealalo family, and a portion of the Sun Wo Kam family residences are vacant. He clarified that Act 5 did not specify the number of leases at 31, that it was done through Board action, and consideration was not expected, that as the families grow larger additional leases would be issued. The provisions in Act 5 were extinguished when the 31 leases were provided for, and any leases beyond the 31 require legislative authority. He explained that there are 34 lots, however, the department only has authority to issue 31 leases.

There was some confusion as to who was representing the community. Ms. Beirne explained that she is the President of the Kahana Community Association, Mr. Shafer is President for the Friends of Kahana, and Ms. Greer is representing the Kahana Advisory Committee. Ms. Greer clarified that the Kahana Advisory Council is a DLNR Advisory Committee appointed by the past Chairperson. It comprises of 7 members, 4 are residents and 3 are not. The Friends of Kahana is a 501(c)(3) organization.

A motion was made at 1:12 p.m. to move into executive session. The meeting was reconvened at 2:00 p.m. (Kennison/McCrory).

The Board amended the staff recommendation by deleting the entire recommendation section and inserting the following:

“The Board finds that the initial intent of the legislation was to allow for the residents to use the permit areas until their houses were constructed on their lease properties. Upon completion of construction, the permits would be cancelled and the structures on the permit areas demolished. Given this intent, the Boards finds that with respect to the following permittees:

- 1) Pepe Ah San [S-6251];
- 2) Sun Wo Kim [S-6266];
- 3) Fanupo and Mafa Peapealalo [S-6270];
- 4) Charles A. Vierra [S-6274];
- 5) Duke Kahala [S-6271];
- 6) Kapeka and Hiram Kahala [S-6265];
- 7) Danielle Von Hiram and Puanani Martinez [S-6487],

the Board does the following:

1. Authorize cancellation of the above listed revocable permits in a manner specified by law.
2. Instruct the Division of State Parks to immediately demolish the structures on lands formerly covered by revocable permits S-6251 and S-6270 [numbers 1 and 3 above].

3. Authorize the issuance of new revocable permits, subject to all standard conditions and any other conditions deemed appropriate by the Chairperson, for one residence each on portions of lands formerly covered by revocable permits S-6266 and S-6274 [numbers 2 and 4 above].
4. Authorize new revocable permits, subject to all standard conditions and any other conditions deemed appropriate by the Chairperson, for one residence each on lands formerly covered by revocable permits S-6271, S-6265 and S-6287 [numbers 5, 6 and 7 above].
5. The new revocable permits issued for land formerly covered by revocable permits S-6274, S-6271, S-6265 and S-6287 [numbers 4, 5, 6 and 7 above] shall contain language that will terminate the permits on July 1, 2001, without further Board action. This would allow the residents using these permits time to develop alternative plans given the July 1, 2001 deadline.
6. Immediately after July 1, 2001, or upon termination of the permits, whichever is sooner, the Division of State Parks is instructed to demolish all structures covered by the four permits listed in condition 5 above.
7. The Division of State Parks is instructed that in the case of all of the interim revocable permits, the permits will automatically terminate 30 days after the permittee completes their move into the new structure constructed on the lease property. State Parks is instructed to remove all structures on the permit property immediately upon termination of the permit.
8. That within ninety (90) days, the Division of State Parks is directed to prepare a comprehensive analysis, with immediate, short-term and long-term policy recommendations for the Board's consideration regarding the transition from permits to leases for all of the residents in the Kahana State Park."

Unanimously approved as amended (McCrory/Kokubun).

ITEM D-13: REQUEST FOR AN IMMEDIATE RIGHT-OF-ENTRY BY SPRINT PCS, ONTO PORTIONS OF GOVERNMENT LANDS AT PUANAHULU, NORTH KONA, HAWAII, TMK: 3RD/7-1-03: PORTIONS OF 1 AND 16

Mr. Uchida briefed the Board and recommended that the Board authorize an immediate right-of-entry to Sprint PCS, subject to 17 conditions.

Member McCrory asked that the applicant provide pictures of the site and proposed antenna when this item is brought back to the Board.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-15: REQUEST BY GL NO. S-4133 ASSIGNED TO MR. JOSEPH AND MRS. TAMARA RYAN, JR. FOR A NEGOTIATED RENTAL REOPENING, WAIMANALO, OAHU, TMK: (1) 4-1-26: 15

Mr. Uchida briefed the Board and recommended that the Board deny the Lessee's request for a "negotiated" rental reopening, and ask that the Lessee either accept the rent or go through an arbitration process. If the Lessee does not comply, the rent will be set at \$4,800 per year as previously determined.

Mr. Ryan argued that the Unisyn operation on the adjacent property created an "easement" over his property, and that the Board, under the terms of the lease, can adjust the rent base on the easement being placed on his lease. He proposed that the rent adjustment be based on the easement and factored into the rental reopening process.

A motion was made at 2:30 p.m. to move into executive session. The meeting was reconvened at 2:40 p.m. (McCrorry/Kennison).

After consultation with legal counsel, the Board decided to accept staff's recommendation.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM J-1: RECONSIDERATION OF MAY 26, 2000 BOARD ACTION ON REQUEST FOR PERMISSION TO ISSUE A COMMERCIAL PERMIT TO NORTH BAY BOAT CLUB TO CONTINUE OPERATING ON KANEOHE BAY, OAHU

Mr. Howard Gehring, Acting Administrator of the Division of Boating and Ocean Recreation, briefed the Board and recommended that the Board approve the issuance of a commercial permit for the currently permitted Kaneohe Bay commercial operator, North Bay Boat Club, in accordance with terms and conditions.

As requested by the Board at its meeting of May 26, 2000, Mr. David Eckert, Aquatic Biologist for the Division of Aquatic Resources, was present to respond on the results of the divisions reef study for Checker Reef or other reefs somehow impacted by the current level and location of commercial activity.

The Board requested a briefing by the Land Division on the status of the Kualoa Ranch accreted land issue.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM J-2: REQUEST THAT THE BOARD REVERSE ITS DECISION FOR PRELIMINARY APPROVAL TO ADOPT HAWAII ADMINISTRATIVE RULES, SECTION 13-256-56, SOUTH SHORE KAUAI OFFSHORE PARASAIL AREAS AND ASK PERMISSION FROM THE GOVERNOR TO ALLOW THE DIVISION TO CONDUCT A PUBLIC HEARING ON KAUAI

Mr. Gehring briefed the Board and recommended that the Board withdraw its prior recommendation to proceed to a public hearing on Kauai due to an overwhelming lack of support for parasailing off the south shore of Kauai.

Unanimously approved as submitted (McCrary/Kennison).

ITEM D-1: WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 3697 TO THE COUNTY OF HAWAII FOR DRAINAGE AND ACCESS EASEMENTS PURPOSES, KEALAKEHE, NORTH KONA, HAWAII, TMK: 7-4-21: POR. 12

Mr. Uchida amended staff recommendation A. to read: "Approve of and recommend to the Governor issuance of an executive order withdrawing the County of Hawaii from part B Governor's Executive Order..."

Unanimously approved as amended (Kokubun/Kennison).

ITEM D-2: GRANT OF TERM, NON-EXCLUSIVE EASEMENT FOR AFTER-THE-FACT SEAWALL PURPOSES, LOT 52, KANEOHE, OAHU, TMK: (1) 4-5-47: SEAWARD OF PARCEL 46

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a 55-year term, non-exclusive easement for after-the-fact seawall construction, subject to 4 conditions.

Unanimously approved as submitted (Kennison/McCrary).

ITEM D-3: AMEND PRIOR BOARD ACTION FOR SET ASIDE TO DOT FOR ROAD WIDENING PURPOSES, HALAWA, OAHU, TMK: (1) 9-9-3: PORTION 71

Mr. Uchida briefed the Board and recommended that the Board amend its approval of May 23, 1997, replacing TMK: 9-9-3-portion 71, with TMK: 9-9-3-portion 70.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-5: RESCIND PRIOR BOARD ACTION FOR FORFEITURE OF GL NO. S-3774 ASSIGNED TO MASHITA, INC. AT WAIMANALO, OAHU, TMK: (1) 4-1-27: 10

Mr. Uchida briefed the Board and recommended that the Board rescind its prior action of March 10, 2000, subject to conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-7: RESCISSION OF PRIOR BOARD ACTION APPROVING SET ASIDE TO DEPARTMENT OF HEALTH FOR GROUP HOME AND DAY CARE FACILITY, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3RD/2-4-57: PORTION OF 1

Mr. Uchida briefed the Board and recommended that the Board rescind its prior action of September 11, 1998, setting aside the subject property to the Department of Health.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-8: RESCISSION OF PRIOR BOARD ACTION APPROVING SET ASIDE TO DEPARTMENT OF HEALTH FOR GROUP HOME PURPOSES, MAKUALA-OOMA-1ST. NORTH KONA, HAWAII, TMK: 3RD/7-3-10: PORTION OF 2

Mr. Uchida briefed the Board and recommended that the Board rescind its prior action of October 12, 1999, setting aside the subject property to the Department of Health.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-9: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO. 80-MP-K1, PALAAU STATE PARK NEW WATER SERVICE, PALAAU, MOLOKAI, HAWAII

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to proceed with the award of the contract, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-10: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO. 40-MB-5 REPAIR FUEL DOCK, LAHAINA SMALL BOAT HARBOR, LAHAINA, MAUI, HAWAII

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to sign the necessary documents pertaining to the project.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-11: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO. 40-OB-19 REPAIR PIER C, PHASE 1. WAIANAE SMALL BOAT HARBOR, WAIANAE, OAHU

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to sign the necessary documents pertaining to this project.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-14: RESCIND PRIOR BOARD ACTION FOR THE ISSUANCE OF A REVOCABLE PERMIT TO MR. AND MRS. ISAAC KEKAHUNA FOR AGRICULTURE AND PASTURE PURPOSES AT WAIMANALO, OAHU, TMK: (1) 4-1-8: PORTION 10

Mr. Uchida briefed the Board and recommended that the Board rescind its prior action of July 28, 1989, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-16: CONSENT TO ASSIGNMENT OF GRANT OF ACCESS AND UTILITY EASEMENT BEARING LAND OFFICE DEED NO. S-28,354, GAIL KOSIOREK, GRAEME MANKELow AND FRANK MACALI, ASSIGNORS, ASSOCIATION OF CONDOMINIUM OWNERS OF 54-074 KAMEHAMEHA HIGHWAY CONDOMINIUM, ASSIGNEE, HAUULA, KOOLAULO, OAHU, TMK: 5-4-01: PORTION OF 21

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of access and utility easement, Land Office Deed No. S-28,354, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-17: CONSENT TO ASSIGN GRANT OF EASEMENT NO. 5123, ARK BUILDING U.S.A., ASSIGNOR, TO MR. DONALD EOVIINO AND MR. CARL PICK, ASSIGNEES, HONOLULU, OAHU, TMK: (1) 3-1-35: PORTION 23

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of easement no. 5123, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-20: FORFEITURE OF GL NO. S-4665, H. HARADA CONTRACTOR, INC., LESSEE, LOTS 6 & 8, BLK. 40, WAIAKEA INDUSTRIAL LOTS, SOUTH HILO, HAWAII, TMK: 3RD/2-2-37: 98

Mr. Uchida requested withdrawal of this item, based on information provided by the lessee.

Unanimously approved to withdraw (Kokubun/Kennison).

ITEM D-21: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO. 40-OB-18 REPAIR FINGER PIERS, HALEIWA SMALL BOAT HARBOR, HALEIWA, OAHU, HAWAII

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to sign the necessary documents pertaining to the project.

Unanimously approved as submitted (Kennison/Kokubun).

There being no further business, Chairperson Johns adjourned the meeting at 3:05 p.m.

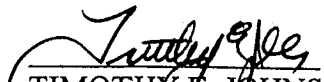
Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Kimberly C. Kelihoomalu

Approval for submittal:


TIMOTHY E. JOHNS
Chairperson

Board of Land and Natural Resources

