

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

DATE: FRIDAY, AUGUST 11, 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 9:20 a.m. The following were in attendance:

MEMBERS:

Mr. Timothy Johns
Ms. Lynn McCrory

Mr. William Kennison
Mr. Russell Kokubun

STAFF:

Mr. Michael Buck, Division of Forestry
and Wildlife

Mr. Dean Uchida, Land Division

OTHERS:

Ms. Dawn Chang, Department of the
Attorney General
Ms. Melissa Dumaran, D-9
Mr. John Cates, D-10

Mr. Rex Johnson, C-1, C-2 & C-3
Ms. Julie Tulang, D-11 & D-13
Ms. Dawn Wasson, D-10 & D-15
Mr. Barry Usagawa, D-16

ITEM A-1: APPROVAL OF THE JUNE 23, 2000 MINUTES

Unanimously approved as submitted (McCrory/Kennison).

ITEM C-1: KAMAMOU 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 the Division of Forestry and Wildlife, briefed the Board on Items C-1, C-2, and C-3. He amended all 3 items by deleting in Attachment 2, Section 2.2 Automatic One-Year Renewals. He also amended, Item C-2 only, Attachment 3, page 7, bottom right table, by changing 404,615 to 201,846.

In response to a question raised by Member McCrory, Mr. Buck indicated that Attachment 1, Section 3.5 Changes to the Management Plan – Automatic One-Year Extension, would also need to be amended in relation to the concept that there would not be an automatic renewal. Chairperson Johns did not want to change the long-term planning perspective approach, regardless of whether the agreement itself is legally automatically extended.

Mr. Rex Johnson, The Nature Conservancy of Hawaii, was in favor of the staff's amended recommendations.

Unanimously approved as amended (Kennison/McCrory).

ITEM D-11: SET ASIDE TO THE COUNTY OF HAWAII FOR ADDITION TO LILIUOKALANI GARDENS FOR PARKS AND RECREATION PURPOSES AND AUTHORIZATION OF A MANAGEMENT RIGHT-OF-ENTRY TO LOT 8, WAILOA LEASE LOTS SITUATE AT WAIAKEA, SOUTH HILO, HAWAII, TMK: 3RD/2-1-03: 17

Mr. Dean Uchida, Administrator for the Land Division, briefed the Board and recommended that the Board approve of and recommend to the Governor, issuance of an executive order setting aside .483 acres to the County of Hawaii, and grant the County of Hawaii a management right-of-entry, subject to standard conditions.

Ms. Julie Tulang, Director of the County of Hawaii, Department of Parks and Recreation, indicated that this will add continuity to the last phase that they are developing in the area, and will be an asset to the recreational area.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-13: CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2886, WITHDRAWAL OF 0.100 ACRE FROM GENERAL LEASE NO. S-4786, SET ASIDE OF 1.430 ACRES TO THE COUNTY OF HAWAII, AUTHORIZATION OF A MANAGEMENT RIGHT-OF-ENTRY TO THE COUNTY OF HAWAII, AND FINDINGS THAT PARAGRAPH 41 OF GENERAL LEASE NO. S-4786 TO BE NULL AND VOID, PORTION OF THE GOVERNMENT (CROWN) LAND OF WAIAKEA, WAIAKEA, SOUTH HILO, HAWAII, TMKs: 3RD/2-1-03: 13 AND 08 (PORTION)

Mr. Uchida briefed the Board and recommended that the Board cancel Governor's Executive Order No. 2886, withdraw 0.100 acres from General Lease No. S-4786, set aside of 1.430 acres to the County of Hawaii, authorize a management right-of-entry to the County of Hawaii, and findings that paragraph 41 of General Lease No. S-4786 be null and void upon final completion of the documentation process for the set-aside of the Happiness Garden Park site to the County of Hawaii, subject to standard conditions.

Member Kokubun suggested, and Ms. Tulang agreed, that the Board be given a tour of the area the next time the Board meeting is scheduled to be held in Hilo.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-9: CONSERVATION DISTRICT USE PERMIT APPLICATION NO. MA-2983 TO SUBDIVIDE PUBLIC LANDS TO BE SET ASIDE BY EXECUTIVE ORDER FOR MILITARY PURPOSES TO THE HAWAII ARMY NATIONAL GUARD, MAKAWAO, MAUI, TMK: (2) 2-1-02: 01

Mr. Uchida briefed the Board and recommended that the Board approve the subdivision of the parcel into 2 lots, subject to standard conditions.

Ms. Melissa Dumarán, Hawaii Army National Guard, was present to answer questions.

Unanimously approved as submitted (Kennison/McCrory).

ITEM D-10: DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO APPOINT A HEARING OFFICER TO CONSIDER THE PETITION FOR A CONTESTED CASE HEARING FOR CONSERVATION DISTRICT USE APPLICATION NO. OA-2989 AND REQUEST FOR A LEASE FOR MARINE ACTIVITIES IN STATE MARINE WATERS: OFFSHORE FISH FARM – FINFISH, OPEN OCEAN, CAGE AQUACULTURE FACILITY, OFFSHORE OF EWA BEACH, OAHU

Mr. Uchida briefed the Board and recommended that the Board authorize the appointment of a hearing officer to conduct all the hearings relevant to the subject Petition for a Contested Case Hearing, and further, that the Board delegate the selection of the hearing officer to the Chairperson.

Ms. Dawn Wasson provided written testimony suggesting 2 names as potential hearing officers regarding this application, Judges Ed King and Patrick Yim. She submitted a petition from the Ewa Beach Community of over 120 signatures supporting the contested case hearing.

Mr. John Cates, Cates International, Inc., was in support of this being appointed to a Judge, and hoped this process would be able to move on with no delays.

Unanimously approved as submitted (McCrorry/Kokubun).

ITEM D-15: APPOINTMENT AND SELECTION OF HEARING OFFICERS TO CONDUCT ALL HEARINGS FOR VARIOUS PETITIONS FOR A CONTESTED CASE HEARING (DOCKET NOS. OO-MA-10, OO-OA-11, AND OO-MA-13)

Mr. Uchida briefed the Board and recommended that the Board authorize the appointment of a hearing officer to conduct all the hearings relevant to each of the subject Petitions for a Contested Case Hearing, and that the Board delegate the selection of the hearing officers to the Chairperson.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-16: CONSERVATION DISTRICT USE APPLICATION NO. OA-2974 FOR THE SUBDIVISION, CONSOLIDATION AND SET ASIDE OF STATE LAND AND THE CONSTRUCTION OF A 4.0 MILLION GALLON, REINFORCED CONCRETE RESERVOIR AND RELATED IMPROVEMENTS AT KALAE O KAIWA RIDGE, KAWAIILOA, KAILUA, KOOLAUPOKO, OAHU

Mr. Uchida briefed the Board and recommended that the Board approve this application for the subdivision, consolidation and set aside of state land and the construction of a 4.0 million gallon, reinforced concrete reservoir, subject to 16 conditions.

Mr. Barry Usagawa, Board of Water Supply, concurred with the staff's recommendation and displayed pictures to the Board showing no visual impacts.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-1: ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 238-N, APANA 1, TO KAUWIIKA TMK: 4-9-14: 5, ANAHOLA, KAUAI

Mr. Uchida briefed the Board and recommended that the Board authorize issuance of a Land Patent in confirmation of Land Commission No. 238-N, Apana 1, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM D-2: CANCELLATION OF REVOCABLE PERMIT NO. S-7047 AND ISSUANCE OF REVOCABLE PERMIT TO MR. FRANK AND MRS. ABIGAIL SANTOS, POR. OF HANAPEPE, WAIMEA, KAUAI, TMK: 1-9-7: PORTIONS OF 5, 7, AND 28; 29 AND 30 (PROPOSED LOTS A AND C)

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a revocable permit to Mr. and Mrs. Santos, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM D-3: FORFEITURE OF GENERAL LEASE NO. S-5098, HANA NEERINGS, LESSEE, KAUAI, TMK: 1-4-2: 81

Mr. Uchida briefed the Board and recommended that the Board authorize the cancellation of General Lease No. S-5098, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM D-4: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF A PORTION OF LAND COMMISSION AWARD NO. 7716, APANA 5 TO R. KEELIKOLANI, LOCATED AT HIENALOLI 2ND, NORTH KONA, ISLAND OF HAWAII, TMK: (3) 7-5-10: 14

Mr. Uchida briefed the Board and recommended that the Board consent to the issuance of a Land Patent in confirmation of a Land Commission Award No. 7716, Apana 5, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-5: REQUEST BY THE DEPARTMENT OF TRANSPORTATION FOR A RIGHT-OF-ENTRY, WAIKELE, OAHU, TMKS: (1) 9-3-1: PORTION OF 4 AND 9-4-11: PORTION OF 23

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a right-of-entry to the Department of Transportation to conduct a topographic survey, subject to terms and conditions.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-6: WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 2210 AND SET ASIDE TO DEPARTMENT OF HEALTH FOR VECTOR CONTROL FACILITY AND ANCILLARY PURPOSES AND A MANAGEMENT RIGHT-OF-ENTRY, HALAWA, OAHU, TMK: (1) 9-9-10: PORTION 34

Mr. Uchida briefed the Board and amended page 2 to include the following under Applicant Requirements:

2) Process and obtain subdivision approvals at applicant's own cost.

Unanimously approved as amended (Kokubun/Kennison).

ITEM D-7: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO. H09-C-F54-A, WAILUA RIVER STATE PARK SEWER SYSTEM IMPROVEMENTS, WAILUA, KAUAI, HAWAII

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to proceed with awarding the contract for Job No. H09-C-F54-A, Wailua River State Park, Sewer System Improvements, Wailua, Kauai, Hawaii, to Trenchless Engineering Corporation for the negotiated low bid of \$279,600.00, and sign the necessary documents to implement the project.

Mr. Uchida indicated that a memo will be coming out to the Board, addressing questions raised at the last Board meeting.

Unanimously approved as submitted (McCrary/Kennison).

ITEM D-8: RESCIND PRIOR BOARD ACTIONS FOR THE ISSUANCE OF A DIRECT LEASE FOR A TEMPORARY RELOCATION FACILITY AND A SET ASIDE FOR PARK PURPOSES AT HONOLULU, OAHU, TMK: (1) 2-1-60: 3, 8, 11, 12, 14, 15 AND 16

Mr. Uchida briefed the Board and recommended that the Board rescind its action of October 24, 1986 and August 25, 1989.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-12: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (HANA)

Mr. Uchida briefed the Board and recommended that the Board affirm the appointment of Ms. Joloyce Kaia to serve as a District Director of the Hana Soil and Water Conservation District for the term ending June 30, 2003.

Unanimously approved as submitted (Kennison/Kokubun).

ITEM D-14: CONSENT TO DEPARTMENT OF AGRICULTURE REQUEST TO ENTER INTO A *PRO FORMA* REVOCABLE PERMIT AGREEMENT WITH HAWAII AGRICULTURE RESEARCH CENTER AT KAILUA, OAHU, TMK: (1) 4-2-10: 4

Mr. Uchida briefed the Board and recommended that the Board consent to the Department of Agriculture request to enter into a Pro Forma Revocable Permit Agreement with Hawaii Agriculture Research Center, subject to 3 conditions.

Unanimously approved as submitted (Kennison/Kokubun).

There being no further business, Chairperson Johns adjourned the meeting at 10:12 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

