

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

DATE: FRIDAY, SEPTEMBER 8, 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 9:15 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. John Hino, Division of Boating and
Ocean Recreation

Mr. Michael Buck, Division of Forestry
and Wildlife
Mr. Andrew Monden, Land Division

OTHERS:

Ms. Lynn Otaguro, Department of the
Attorney General
Mr. Max W. J. Graham Jr., D-18
Mr. Michael Hopkins, D-3
Mr. Bob Schneider, K-4, K-5, D-14 & D-15
Ms. Nickie Hines, D-10
Mr. Roger Moseley, D-23
Mr. William Perry, D-23
Mr. Bob Mon, D-23
Mr. S.K. Djou, D-23
Ms. Amy Luerson, D-23
Mr. John Reppun, D-23
Mr. Kurt Mench, D-23
Mr. Richard Knake, D-23
Mr. George Marantz, D-23
Mrs. Paulette Meldahl, D-23

Mr. Peter Garcia, Department of
Transportation
Mr. Peter Boucher, D-4 & D-20
Mr. Bruce Castor, K-4, K-5, D-14 & D-15
Mr. Jim Muratsuchi, D-7
Mr. Craig Furusho, D-10
Senator Bob Nakata, D-23
Mr. Daniel Bender, D-23
Mr. David Knox, D-23
Mr. John Goody, D-23
Mr. Robin Foster, D-23
Mr. Peter Meldahl, D-23
Mr. David Hazama, D-23
Mrs. Elizabeth Knake, D-23
Mr. Dick Korsak, D-23

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

Chairperson Johns noted, on page 6, continuation of Item J-1, that a clarification was made that the Board's action was primarily based upon their reading of Act 168, particularly Section (b)(3), that deals with the change in economic conditions or other relevant factors justifying a change, or consideration of a change, for the purpose of the rules. This clarification was added to the end of Item J-1.

Unanimously approved as amended (McCrorry/Kennison).

ITEM A-2: APPROVAL OF THE AUGUST 25, 2000 MINUTES

Member Inouye made a correction to page 8, Item D-10, to include:

"TESTIMONIES: None.

BOARD MOTION: To approve staff's recommendation.

BOARD ACTION: Unanimously approved (Inouye/McCrory)."

Unanimously approved as amended (Inouye/Kokubun).

ITEM D-18: CONSENT TO ASSIGN GENERAL LEASE (GL) NO. S-5116, SEVEN PILLARS, INC., ASSIGNOR, TO FALCO PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ASSIGNEE, KAPAA, KAWAIHAU, KAUAI, TMK: 4-6-09: 46 AND CANCELLATION OF REVOCABLE PERMIT NO. S-6715 TO SEVEN PILLARS, INC. AND ISSUANCE OF A NEW PERMIT TO FALCO PARTNERS, LLC, COVERING TMK: 4-6-09: POR. 44 AND 45, KAPAA, KAUAI

Mr. Dean Uchida, Administrator of the Land Division, briefed the Board and recommended that the Board consent to the assignment of GL No. S-5116 from Seven Pillars, Inc., to Falko Partners, LLC, and authorize the cancellation of Revocable Permit No. S-6715, and issue a new permit to Falko Partners, LLC, subject to standard conditions.

Mr. Max W.J. Graham Jr., representing Falko Partners, LLC, was present to answer questions.

Unanimously approved as submitted (McCrorry/Kennison).

ITEM D-4: COUNTY OF HAWAII REQUEST FOR SET ASIDE OF STATE LAND FOR ADDITION TO GOVERNOR'S EXECUTIVE ORDER NO. 3560 ISSUED TO THE COUNTY OF HAWAII, DEPARTMENT OF PUBLIC WORKS AND

**GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR
IRRIGATION PURPOSES, KEALAKEHE, NORTH KONA, HAWAII, TMK:
7-4-08: 58**

Mr. Uchida briefed the Board and recommended that the Board authorize and recommend to the Governor the issuance of an executive order, and authorize the issuance of a perpetual, non-exclusive easement to the County of Hawaii, Department of Public Works, for irrigation purposes, subject to standard conditions.

Mr. Peter Boucher, Wastewater Division Chief of the County of Hawaii, Department of Public Works, was present to answer questions.

Unanimously approved as submitted (Kokubun/McCrory).

**ITEM D-20: AMENDMENT OF PRIOR BOARD ACTION – GRANT OF ADDITIONAL
EASEMENTS AND IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY TO
THE COUNTY OF HAWAII IN CONNECTION WITH PUAINAKO STREET
EXTENSION, WAIAKEA AND KAUMANA, SOUTH HILO, HAWAII,
TMKs: 3RD/2-4-01: 7, 10, 11, 12 & 122; 3RD/2-5-03: 20**

Mr. Uchida briefed the Board and recommended that the Board amend prior Board action of June 9, 2000, and authorize the issuance of a revised immediate construction right-of-entry to reflect the new properties that are being added.

Unanimously approved as submitted (Kokubun/Kennison).

**ITEM D-3: DIVISION OF FORESTRY AND WILDLIFE, AND DIVISION OF STATE
PARKS, REQUEST FOR EXTENSION OF REVOCABLE PERMIT NO. S-
6074 TO KAUAI MOUNTAIN TOURS, INC., WAIMEA, KAUAI**

Mr. Uchida briefed the Board and recommended that the Board continue Revocable Permit No. S-6074 until 30 days after the Division of Forestry and Wildlife is capable of issuing commercial permits under the revised Na Ala Hele commercial permitting system, and other terms required by the Chairperson.

Mr. Michael Hopkins, Owner of Kauai Mountain Tours, Inc., submitted written testimony and asked for an extension of their permit until the Kokee Master Plan is developed. He addressed the staff report, that they do intend on participating in the revised Na Ala Hele commercial permitting system, however, did not agree to the cancellation of their existing permit. He commented on the Na Ala Hele trail access program, that although it's an improved effort from the initial one, it still has considerable flaws, particularly with the reservation booking process. He asked, should the Board not approve his request for an extension until the Kokee Master Plan is developed, that he be given a 90 day notice period rather than the 30 days as recommended by staff.

The Board decided to amend the staff recommendation to give the permittee 60 days after the Na Ala Hele commercial permitting system is operational.

Unanimously approved as amended (McCrorry/Kokubun).

**ITEM J-1: ISSUANCE OF A REVOCABLE PERMIT TO HONE HEKE CORPORATION
DBA EXPEDITIONS AT THE LAHAINA SMALL BOAT HARBOR, ISLAND
OF MAUI**

Mr. John Hino, Property Manager for the Division of Boating and Ocean Recreation, briefed the Board and recommended that the Board approve the revocable permit as requested.

Unanimously approved as submitted (Inouye/Kokubun).

**ITEM D-13: RESUBMITTAL: AUTHORIZATION TO ENTER INTO A FEASIBILITY
COST SHARING AGREEMENT BETWEEN THE U.S. DEPARTMENT OF
ARMY REGARDING THE ALA WAI WATERSHED FEASIBILITY STUDY**

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to sign the Feasibility Cost Sharing Agreement for the Ala Wai Watershed Feasibility Study and other necessary documents pertaining to the study, subject to the Deputy Attorney General's approval as to form and Governor's release of funds.

Member Inouye amended the staff recommendation adding the following condition:

1. That the Engineering Branch, provide a quarterly report on the status of the project's budget and schedule.

Unanimously approved as amended (Inouye/McCrory).

**ITEM K-1: GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR
ELECTRICAL TRANSMISSION AND UTILITY LINES TOGETHER WITH
CONSTRUCTION RIGHT-OF-ENTRY, KALAELOA BARBERS POINT
HARBOR, OAHU (HAWAIIAN ELECTRIC COMPANY, INC.) TMK: (1) 9-
1-14**

Mr. Peter Garcia, Property Management Officer for the Department of Transportation, briefed the Board and recommended that the Board approve the granting of the perpetual non-exclusive easement for electrical transmission and utility purposes to Hawaiian Electric Company, Inc., together with a construction right-of-entry.

Unanimously approved as submitted (Inouye/Kennison).

ITEM K-2: ISSUANCE OF REVOCABLE PERMIT, PIER 19, HONOLULU HARBOR, OAHU (SHAKA ENGINEERING, INC.) TMK: (1)-1-5-39-63P

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

Unanimously approved as submitted (Inouye/Kokubun).

ITEM K-3: AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF REMNANT PARCEL B, KAUAI BELT ROAD, FAP NO. F-056-1(3), PAPAA TO PILAA AT HANAIEI AND KAWAIHAU, KAUAI, TMK: (4)-5-1-04-34P

Mr. Garcia briefed the Board and recommended that the Board authorize the Department of Transportation to convey the fee title to Mr. John William Miller in accordance with Section 171-52, Hawaii Revised Statutes, subject to conditions. He amended the staff recommendation to add: "Subject to the Governor's approval."

Unanimously approved as amended (McCrorry/Kennison).

ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, HONOLULU INTERNATIONAL AIRPORT, OAHU (CHEVRON USA, INC) TMK: (1)-1-1-03-1P

Mr. Garcia briefed the Board and recommended that the Board approve the issuance of a revocable permit to Chevron U.S.A., Inc.

Representatives of Chevron U.S.A., Inc., were present to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM K-5: ISSUANCE OF REVOCABLE PERMIT FOR AN EASEMENT FOR A SUBSURFACE PIPELINE EASEMENT AT KAPALAMA AND KEEHI LAGOON (CHEVRON USA, INC.) HONOLULU, OAHU, TMK: (1)-1-5-34 & 42, (1)-1-1-05 & (1)-2-23

Mr. Garcia briefed the Board and amended the submittal. The Commencement Date should read: "To be determined mutually between the Chairperson and the Director of Transportation." Part I, the Rental should read: "\$1,432.00 for a total of 28" in diameter of pipeline. (Base Rental \$818.00, Additional Rental \$614,000)." Part II, the Rental should read: "\$120.00 per month for a total of 28" in diameter of pipeline. (Base Rental \$69.00, Additional Rental \$52.00)." For Part III, the Total Permit Rental should read: "\$3,532.00 per month". DOT's recommendation is that the Board authorize the Director of Transportation to issue the applicant a revocable permit.

Unanimously approved as amended (Inouye/McCrory).

ITEM D-14: TERMINATE REVOCABLE PERMIT NO. S-3942 ISSUED TO STANDARD OIL COMPANY OF CALIFORNIA, ISSUANCE OF REVOCABLE PERMIT TO CHEVRON U.S.A. INC. AND A RIGHT-OF-ENTRY, HONOLULU, OAHU, TMK: 1-1-3: PORTION 6

ITEM D-15: RESCIND PREVIOUS BOARD APPROVAL AND GRANT OF TERM, NON-EXCLUSIVE EASEMENT TO CHEVRON U.S.A. INC. FOR PIPELINE PURPOSES AT HONOLULU, OAHU, TMK: 1-1-3: PORTION 6

Mr. Uchida briefed the Board on Item's D-14 & D-15, and recommended that the Board cancel the old revocable permit, replace it on an interim basis with a newer permit document, cancel prior Board actions, and authorize the issuance of a 55-year term, non-exclusive easement for pipeline purposes.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-7: AUTHORIZATION TO ENTER A GRANT-IN-AID AGREEMENT FOR FEED MILL LABORATORY, HAWAII

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to enter a Grant-in-Aid Agreement with The Oceanic Institute for the development of a feed mill laboratory at the Panaewa Agricultural Park, subject to standard conditions.

Mr. Jim Muratsuchi, Director of Engineering Services for The Oceanic Institute, was present to answer questions.

Unanimously approved as submitted (Kokubun/McCrory).

ITEM D-10: RESUBMITTAL: FORFEITURE OF GL NO. S-5387, MR. FALEAGAFULU M. TUAOLO, LESSEE, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-10: 26

Mr. Uchida said the staff report has a chronology of events regarding this lease which is quite extensive as far as the number of defaults and the opportunity the Board has given the lessee to try and cure the defaults. The lessee is still delinquent on rent, posting the insurance and performance bond, and submitting the conservation plan. Staff understands that Mr. Tuaolo has had some personal hardships, but over the course of 2 years, staff believes that the Lessee has had ample opportunities to cure the problems under the lease, or assign the lease. Staff's recommendation is that the Board authorize the cancellation of GL No. S-5387, subject to standard conditions.

Ms. Nickie Hines, on behalf of Representative Kenny Goodenow, informed the Board of a phone call they've received from Mr. Tuaolo's younger brother from Minnesota, indicating his interest in retaining the lease in the family. She indicated that the younger Tuaolo is willing to take over the lease that has been in the family for many years, and to bring everything up to date.

Mr. Craig Furusho, Attorney for Mr. Faleagafulu Tuaolo, explained the reasons for his client's defaults, and indicated that they are very close, within a matter of 30 days, in getting an assignment of the lease. He mentioned that Mr. Tuaolo is willing to, in an effort to assure the Board that he can hold on to the lease and is able to meet his commitment, make an advance 6-month payment, while he either works out the issue of the assignment of the lease, or acquire a performance bond. He asked that Mr. Tuaolo be given an opportunity to carry out his game plan, and that the Board extend this consideration to him. He indicated that their negotiations for the assignment of the lease have been outside of the family because they were not aware of this effort on the part of the younger Tuaolo to try and take it over.

The Board had concerns about providing an extension to the lessee given the past history of non-compliance within the last two years. The Board decided to amend the staff's recommendation as follows:

"A. That the Board allow the lessee 30 days to submit an executed assignment document for the subject lease;

B. If the assignment of lease request is submitted within 30 days, the Board will have 30 days to review and approve the assignment of the subject lease;

C. If the assignment of lease request is not submitted within 30 days of this meeting [October 8, 2000], then the Board:

1. Authorize the cancellation of General Lease No. S-5387 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under....."

Unanimously approved as amended (Inouye/McCrory).

ITEM D-23: CONSERVATION DISTRICT USE APPLICATION NO. OA-2964 FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT LULANI STREET, MAELIELI RIDGE, KAHALUU, OAHU, TMK: (1) 4-7-45: 21

Mr. Uchida presented the staff submittal. The application, previously withdrawn on July 28, 1999 because of problems in completing the final environmental assessment on time, was officially accepted for processing on April 3, 2000, with a 180-day expiration date of September 30, 2000. The application was sent around for comments and there has been extensively public comments from neighbors and adjoining landowners regarding visual impacts, runoff, aesthetics, and appropriateness of a single family residence in the conservation portion of this split urban/conservation zoned lot. Staff's position is that jurisdiction is limited to the conservation zoned portion of the property. There

is a concern about urbanization and proliferation of houses in the conservation district, especially when a property owner could conceivably have reasonable use of their property by building their residence in the non-conservation portion. Staff believes that other concerns raised could be properly mitigated or addressed, but the visual impact, grading issue, and proposed appropriate mitigation measures for the Board to consider is something they are not comfortable with moving forward on. The re-assignment of this application within the division may have contributed to the delay in bringing this matter before the Board, however, the applicant was notified in 1999 concerning the need for information and had been notified several times very recently. Staff's recommendation is that the Board deny this application for a single family residence use at Lulani Street, Maelieli Ridge, Kahaluu, Oahu.

Mr. Roger Moseley, Attorney for the Applicants, Mr. Richard and Mrs. Elizabeth Knake, explained the history and confusion of re-submitting the application. He argued that that the application was automatically approved by operation of statute and rule, 180 days after the acceptance date of March 9, 1999. He also argued, as he believed that a public hearing was taking place, that proper public notice and publication had not been given.

The Board recessed at 11:15 a.m. The meeting was reconvened at 11:25 a.m.

Chairperson Johns noted that written testimony was received from Mayor Jeremy Harris, the City and County of Honolulu Department of Planning and Permitting, and phone messages from Ms. Loren Lasher, Ms. Shirley Schick, and Ms. Jan Estioko, all in opposition to the application.

Senator Bob Nakata gave some historical background of the community, and recommended that the Board deny the application with prejudice. He suggested that the Board adopt a policy on split zoned lots to prevent construction of dwellings in the conservation district.

Mr. William Perry testified in opposition to the application.

Mr. Daniel Bender, Chairperson of the Kahaluu Neighborhood Board No. 29, indicated that their motion to deny was 12-1, and reads as follows: "The Kahaluu Neighborhood Board No. 29 calls on the Board of Land and Natural Resources to deny this request for a Conservation District Use Permit at 47-422 Lulani Street, Koolaupoko, Oahu."

Mr. Bob Mon of Council Member Steve Holmes Office, read through Mayor Jeremy Harris' testimony in opposition to the approval of the application.

Mr. David Knox, Architect, General Contractor, and Resident of Lulani St., gave a presentation and expressed his professional opinion and concerns in opposition to the application. He recommended that the Board deny the application with prejudice.

Mr. S.K. Djou, Registered Civil Engineer and Former Head of Dames & Moore, concurred with staff's analysis and recommendation.

Mr. John Goody, Engineer, Land Use Planner, Former Chairperson of the Kaneohe Bay Task Force, and Resident of Lulani Street, supported staff's recommendation and requested that the Board deny the application with prejudice for lack of fundamental merits for use in the conservation district.

Ms. Amy Luerson, Planner, and Vice-Chair of the Kahaluu Neighborhood Board No. 29, submitted written testimony and asked that the Board deny the application with prejudice. She felt that by approving this application, it would set a precedent for all the split zoned lots throughout the ridge.

Mr. Robin Foster, Professional Planning Consultant for Plan Pacific, submitted a letter dated July 11, 2000 to the Board, addressing 8 criteria's with reasons on why this application does not meet the criteria of approval for conservation district use rules. He supported Senator Nakata, in that there is a need for a policy on the issue of split zoned lots, and asked that the Board deny the application with prejudice.

Mr. John Reppun, Member of the Kahaluu Neighborhood Board, submitted a petition of over 200 signatures that supports the motion of the Kahaluu Neighborhood Board No. 29 to deny the application. His concern was the setting of a precedent should the application be approved. He encouraged the Board to deny this application with prejudice.

Mr. Peter Meldahl, President of the Lulani Street Association and Neighbor of the Applicant, testified in opposition to the application.

Mr. Kurt Mench, Neighbor of the Applicant, testified on the runoff problems and requested that the Board deny the application.

Mr. David Hazama, Neighbor of the Applicant, requested that the Board not allow people to build on conservation lands.

The Board recessed at 12:40 p.m. The meeting was reconvened 12:50 p.m.

Mr. Moseley submitted written testimony, and explained 9 conditions that his clients have agreed to, for approval of their application, some of which were suggested by the staff. He indicated that the only other major objection was not to build in the conservation district, and that the legislature had determined that it is a permissible use subject to the Board's approval and review.

Mr. Knake explained how they propose to control the runoff problems.

Mrs. Knake, in response to opposing neighbors claiming they have never received notice of their application, distributed letters from other adjoining and adjacent neighbors stating that they were aware of this application. She indicated that they didn't realize a Kahaluu Neighborhood Board existed, until going through this process.

Mr. George Marantz, Resident of Lulani Street, testified in opposition to the applicants building on conservation land for numerous reasons.

Mr. Dick Korsak, Resident of Lulani Street, questioned the accuracy of the topography map.

Mrs. Paulette Meldahl, Neighbor of the Applicant, testified on the erosion problem caused by slides when heavy rains occur.

A motion was made at 2:10 p.m. to move into executive session to consult with legal counsel (Kokubun/Inouye). The meeting was reconvened at 2:45 p.m.

There was some discussion by the Board:

Member Inouye made a motion to accept staff's recommendation to deny the application. She felt that the technical issues that have yet to be addressed could be properly addressed by the Applicant's Architect. She understood the current administrative rule on single family residences that reads, "Not more than one single family residence shall be authorized within the conservation district on a legal lot of record", means 1 dwelling permitted on that independent lot. Furthermore, when the Land Use Commission designated the portion of the lots along the ridge to be conservation, it was probably their intent that there should not be any development along the conservation line. She voted to deny the application, based on its inappropriateness for the particular lot.

Member McCrory felt that the applicant did not meet the burden of proof on establishing that all the criteria's have been met for allowing this issue within the conservation district. The 9 conditions that the Attorney agreed to on behalf of his clients should have all been addressed in the initial application. It should have gone through the process and the input placed out as a complete plan in front of everyone. Her main concern is that there are too many "unknowns" to do anything else but deny.

Member Kokubun pointed out that there are other remedies available to the applicant which include subdivision or a boundary amendment. He concurred with Members Inouye and McCrory that the application should be denied.

Member Kennison concurred with Member Inouye's position to deny the application.

Chairperson Johns informed those in the audience of their rights to a Contested Case Hearing. That a verbal request would need to be made by the close of the meeting, and followed up with a written confirmation in a timely manner.

Unanimously approved as submitted (Inouye/McCrory).

Mr. Moseley requested, pursuant to Section 13-1-29, Hawaii Administrative Rules, a Contested Case Hearing on this matter, and stated that he will follow-up with a written petition within 10 days.

ITEM D-1: RESUBMITTAL: FORFEITURE OF GL NO. S-3780, NAPUANANAI FARMS, LESSEE, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-26:

19

Mr. Uchida requested that this item be withdrawn, the lessee has cured the default.

Unanimously approved to withdrawn (Kokubun/McCrory).

**ITEM D-2: ISSUANCE OF REVOCABLE PERMIT TO PUUKAKANIHIA, L.L.C.,
KAMUELA, SOUTH KOHALA, HAWAII, TMK: 3RD/6-4-1: 57**

Mr. Uchida briefed the Board and recommended that the Board issue a revocable permit, subject to standard conditions.

Member Kokubun amended the staff recommendation by deleting condition no. 3.

Unanimously approved as amended (Kokubun/Kennison).

**ITEM D-5: RESCIND PRIOR BOARD ACTION OF MAY 28, 1999, AGENDA ITEM D-7;
CONSENT TO ASSIGN PERPETUAL NON-EXCLUSIVE ACCESS AND
UTILITY EASEMENT [L.O.D. NO. S-28093], HOOLAWA-MOKUPAPA,
MAKAWAO, MAUI, TMK: (2) 2-9-003: POR. 016, 017, 020 & 039**

Mr. Uchida amended the staff recommendation to read: "A. Rescind its prior approval of May 28, 1999, Item D-7. Consent to the assignment of"

Unanimously approved as amended (Kennison/Kokubun).

**ITEM D-6: WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 1997,
KAPAHULU, OAHU, TMK: (1) 3-1-42: 32, 35 AND PORTION OF 19**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of an executive order withdrawing approximately 17.322 acres from Governor's Executive Order No. 1997, subject to standard conditions.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM D-8: FORFEITURE OF GL NO. S-3915, THE ASSOCIATION OF APARTMENT
OWNERS OF SEA VIEW, LESSEE, KEWALO, HONOLULU, OAHU, TMK:
2-2-04: 65**

Mr. Uchida briefed the Board and recommended that the Board terminate GL No. S-3915, subject to standard conditions.

Unanimously approved as submitted (McCrory/Inouye).

ITEM D-9: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (WEST MAUI, PUNA, KAU, WAIAKEA)

Mr. Uchida briefed the Board and recommended that the Board certify the elections to serve as directors of Soil and Water Conservation Districts for the term ending June 30, 2003.

Unanimously approved as submitted (Kennison/McCrory).

ITEM D-11: AMEND PRIOR BOARD ACTION FOR REQUEST TO ENTER INTO A LICENSE WITH THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL ON BEHALF OF THE DEPARTMENT OF HEALTH AT HONOULIULI, OAHU, TMK: (1) 9-1-75: PORTION OF 39

Mr. Uchida briefed the Board and recommended that the Board amend Land Board approval of April 14, 2000, by changing the annual license rental from \$1,920 to \$2,000, subject to standard conditions.

Unanimously approved as submitted (Inouye/Kennison).

ITEM D-12: AMEND PRIOR BOARD ACTION FOR GL NO. S-3756, NORMAN AND ADELINE THOMAS, LESSEE, WAIMANALO, OAHU, TMK: (1) 4-1-10: 34

Mr. Uchida briefed the Board and recommended that the Board amend Land Board approval of April 14, 2000, by changing the lender from Countrywide Home Loans, Inc. to First Magnus Financial Corporation.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-16: ISSUANCE OF DEED TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY PURSUANT TO ACT 86, SESSION LAWS OF HAWAII 1990 AT HONOLULU, OAHU, TMKs: (1) 2-1-15: 19, 2-1-60: 2, 3, 4, 5, 6, 8, 9, 11, 12, 14, 15 AND 16

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a deed to Hawaii Community Development Authority covering the subject property, subject to standard conditions.

Unanimously approved as submitted (Inouye/Kennison).

ITEM D-17: RESUBMITTAL TO RESCIND PRIOR LAND BOARD APPROVALS FOR THE ISSUANCE OF REVOCABLE PERMITS TO PACIFIC DAIRY, FEED

**& FARM, INC., AMERON HC&D, AND PACIFIC AIRLIFT AT KAPOLEI,
OAHU, TMK: (1) 9-1-31: PORTION OF 1, 25, 37**

Mr. Uchida briefed the Board and recommended that the Board rescind Land Board approval of April 11, 1997, and April 9, 1998, subject to standard conditions.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM D-19: SALE OF PORTION ABANDONED DITCH RIGHT-OF-WAY AS REMNANT
TO MS. SARAH NAKAMURA, PORTION KAPAA HOMESTEADS, 4TH
SERIES, KAPAA, KAUAI, TMK: 4-6-28: POR. 15**

Mr. Uchida briefed the Board and recommended that the Board authorize the sale of the remnant to Ms. Nakamura, subject to standard conditions.

Unanimously approved as submitted (McCrorry/Kennison).

**ITEM D-21: CANCELLATION OF GL NO. S-4329, WAIAHOLE IRRIGATION
COMPANY, LTD., SET ASIDE TO DEPARTMENT OF AGRICULTURE
FOR THE CAPTURE, COLLECTION AND TRANSPORTATION OF
WATER AND USES INCIDENTAL THERETO, INCLUDING WITHOUT
LIMITATION, THE USE OF THE EXISTING CAMP SITE IN WAIAHOLE
VALLEY AND THE AQUEDUCT SYSTEM IN KAHANA VALLEY AND A
MANAGEMENT RIGHT-OF-ENTRY, WAIAHOLE AND KAHANA, OAHU,
TMKs: (1) 4-8-13: PORTION OF 1 & 19 AND 5-2-1: PORTION 1**

Mr. Uchida requested that this item be withdrawn because of issues regarding legal questions that need to be consulted with the Attorney General's Office.

Unanimously approved to withdraw (Inouye/Kennison).

**ITEM D-22: CONSENT TO DEPARTMENT OF DEFENSE REQUEST TO EXTEND
FEDERAL AVIATION ADMINISTRATION LEASE NO. 1-62 AT
HONOLULU, OAHU, TMK: 3-1-42: PORTION 6**

Mr. Uchida briefed the Board and recommended that the Board consent to the Department of Defense request to extend the Federal Aviation Administration lease, subject to standard conditions.

Unanimously approved as submitted (Inouye/McCrory).

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