

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

DATE: FRIDAY, NOVEMBER 17, 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 9:39 a.m. The following were in attendance:

MEMBERS:

Mr. Timothy Johns	Mr. William Kennison
Mr. Colbert Matsumoto	Ms. Lynn McCrory
Ms. Kathryn Inouye	Mr. Russell Kokubun

STAFF:

Mr. Michael Buck, Division of Forestry and Wildlife (DOFAW)	Mr. Dean Uchida, Land Division
Mr. Ralston Nagata, Division of State Parks	Mr. Paul Conry, DOFAW
	Mr. Al Rogers, Division of State Parks

OTHERS:

Mr. Ray Enos, Department of the Attorney General	Mr. Peter Garcia, Department of Transportation
Mr. Alan Lieberman, C-1 & C-2	Mr. Gregory Mooers, D-11
Mr. Presley Pang, D-21	Mr. Alvin Maeda, D-23
Mr. Roy Yanagihara, D-23	Ms. Kellie Inouye, D-23
Mr. Alvin Lum, D-23	Mr. Wallace Lum, D-23
Mr. Burt Kaminaka, D-23	Mr. Wadsworth Yee, D-23
Mr. James Togami, D-23	Mr. Dennis McCann, D-23
Mr. Leonard Jaffe, D-23	Mr. Jeff Mikulina, D-20
Mr. Bob Stuit, D-20	Mr. David Chee, D-20
Mr. Ben Kudo, D-20	Mr. Carl Christensen, D-18
Mr. Leighton Yuen, D-18	Mr. John Jubinsky, D-18
Mr. Fred Nunes, D-19	Mr. John Larsen, D-5
Ms. Eleanor Aoki, D-5	Mr. Ralph Portmore, D-6

ITEM A-1: APPROVAL OF THE OCTOBER 13, 2000 MINUTES

Member McCrory recused herself.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM C-1: REQUEST FOR APPROVAL OF A 2-YEAR CONTRACT WITH THE ZOOLOGICAL SOCIETY OF SAN DIEGO, TO PROVIDE SERVICES TO OPERATE ENDANGERED BIRD CAPTIVE PROPAGATION FACILITIES ON MAUI AND CONDUCT RELATED FOREST BIRD PROPAGATION PROJECTS THROUGHOUT THE STATE

ITEM C-2: CONSENT TO ASSIGN GENERAL LEASE (GL) NO. S-5490, THE PEREGRINE FUND, INC., ASSIGNOR TO THE ZOOLOGICAL SOCIETY OF SAN DIEGO, ASSIGNEE, MAKAWAO, OLINDA, MAUI, TMK: 2-4-13: 4 & 53

Mr. Michael Buck, Administrator of DOFAW, briefed the Board on Items C-1 & C-2. Staff's recommendation for Item C-1 is that the Board authorize the Chairperson to execute the subject Contract for Services for two years in the amount of \$600,000 with the Zoological Society of San Diego subject to: 1) the appropriation and allotment of Year 2 funds; 2) approval of the Year 2 Work plan by the Chairperson; and 3) approval of the contract by the Attorney General's Office. Staff's recommendation for Item C-2 is that the Board consent to the assignment of GL No. S-5490 from The Peregrine Fund, Inc., as Assignor, to the Zoological Society of San Diego, as Assignee, subject to terms and conditions.

Mr. Buck indicated, concerning an issue raised at last years contract request regarding operations and public communication aspects, that their major issue is to make the annual work plan public (i.e. press release, web page, etc).

Mr. Alan Lieberman, San Diego Zoo, was present to answer questions.

Items C-1 & C-2 were unanimously approved as submitted (Kennison/Inouye).

ITEM D-11: CONSERVATION DISTRICT USE APPLICATION (CDUA) NO. HA-2990 FOR THE DEMOLITION OF AN EXISTING RESIDENCE AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, SWIMMING POOL AND RELATED IMPROVEMENTS AT KAHAULOA 2ND, SOUTH KONA, COUNTY OF HAWAII, TMK: (3) 8-3-5: 6

Mr. Dean Uchida, Administrator of the Land Division, briefed the Board and recommended that the Board approve this application for the demolition of an existing residence and construction of a single-family residence, subject to 23 conditions.

In response to a concern raised by Member McCrory regarding the carport not being included in the footage, Mr. Gregory Mooers indicated that there was an error by the architect in not calculating the square footage correctly to include the carport, the plans have been revised and resubmitted. He also assured the Board that the applicants have no intention of utilizing the property as a bed and breakfast or for any other commercial purposes.

Unanimously approved as submitted (Kokubun/Kennison).

ITEM D-21: ACQUISITION OF LANDS FROM ESTATE OF JAMES CAMPBELL AND SET ASIDE TO HAWAII STATE PUBLIC SYSTEM, SITUATE AT HONOULIULI, EWA, OAHU, TMK: 9-1-88: POR. 12 (TO BE DISTRIBUTED)

Mr. Uchida briefed the Board and recommended that the Board accept the conveyance from the Estate of James Campbell, authorize the Chairperson to enter into and execute such documents as may be required with approval by the Department of the Attorney General, recommend to the Governor the issuance of an executive order setting aside the subject property to the Department of Education, Hawaii State Public Library System for the Kapolei Public Library, and authorize the issuance of an immediate construction right-of-entry to the Department of Accounting and General Services.

Mr. Presley Pang of the Department of the Attorney General, and Representatives of the Estate of James Campbell, were present to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

ADDED

ITEM D-23: METHODOLOGY FOR DETERMINING LEASE RENT FOR THE KANEOHE BAY RECREATIONAL PIERS AT KANEOHE BAY, OAHU

Motion made to add this item to the agenda (Kennison/Kokubun).

Mr. Uchida explained the 4 different methodologies presented in the staff report. Staff's recommendation is that the Board adopt alternative Methodology 1 for determining the appropriate lease rental rates for private non-commercial residential piers at Kaneohe Bay, Oahu.

Mr. Alvin Maeda, Acting Chair, Protect Our Shoreline Ohana (POSO), distributed written testimony in opposition to staff's recommendation. He raised some legal issues regarding Methodology 1, and asked the Board to delay decision until staff has time to review and study their new proposal, and at the same time give them a chance to meet and study staff's proposal which they just received yesterday. He mentioned 3 acts of negligence: 1) the unfair practice of only 10% of pier owners paying rent; 2) overcharge of rent; and 3) failure to correct defective formula which may even be

unlawful because an appraisal was never taken according to Section 171-17, Hawaii Revised Statute. He requested that the Department of the Attorney General review the legal ramifications, and that staff join them in their next POSO meeting.

Mr. Roy Yanagihara, Pier Owner and Member of POSO, testified on his own individual capacity. He stated that he supports the conclusions reached and recommended by staff, however, the methodology as suggested by Mr. Maeda invites rebuttal because of the possibility of unduly delaying the final resolution to this problem. He recommended, to minimize confusion and delay in resolving this problem, a methodology similar to what is currently employed by DOBOR that would invite the least possible amount of confusion and rebuttal.

Ms. Kellie Inouye, POSO, supported Mr. Maeda's suggestions.

Motion made at 10:37 a.m. to move into executive session to consult with legal counsel (Inouye/Kennison). The meeting was reconvened at 10:52 a.m.

Member Inouye moved to defer this item because of the short time frame given to review it. She asked that staff re-examine the formula, discuss the methodology with POSO, and bring it back to the Board by January 2001.

Deferred (Inouye/Kokubun).

ITEM D-2: QUITCLAIM OF STATE'S INTEREST IN A PORTION OF OCHIRO ROAD (PAPAALOA STONE ROAD) TO THE COUNTY OF HAWAII, PORTION OF KIHALANI AND MANOWAIOPAE HOMESTEADS, NORTH HILO, HAWAII, TMK: (3) 3-5-04 PORTION OF ROAD

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a quitclaim deed from the State to the County of Hawaii, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-20: HOKULIA SHORELINE PARK – CDUA NO. HA-2977 AND MANAGEMENT PLAN FOR THE SET ASIDE OF STATE LAND, AND AN APPROXIMATELY 157-ACRE, PUBLICLY ACCESSIBLE, PRIVATE SHORELINE PARK, LANDSCAPING, TRAIL AND RELATED IMPROVEMENTS TO BE IMPLEMENTED OVER FIFTEEN YEARS AT NORTH AND SOUTH KONA, ISLAND OF HAWAII

Mr. Uchida briefed the Board and amended the staff recommendation to read:

3. "The applicant shall comply with all applicable Department of Health administrative rules. Except during the construction period, [T]he use of..."

6. "...pursuant to the approved management plan. The one-year period should not commence until the other approvals as set forth in conditions no. 5, 18, and 19 are obtained. Changes to the approved..."
19. "...state owned parcel. The preservation plan may be done in phases. The plan should..."
"...park until the preservation plan, for that area, has been accepted. The Historic Preservation..."
20. Delete this condition.
21. The applicant shall not prohibit pedestrian access to the ..."

Chairperson Johns noted that a fax was received from Mr. Robert Kim that included an Order Granting Motion for Temporary Restraining Order (TRO) that expired on Monday, November 13, 2000. Testimony from the Sierra Club Hawaii Chapter, Ms. Nita Isherwood, and Mr. David Maddox were also received.

Based on written testimony from the Sierra Club, Member Kokubun requested an opportunity to consult with legal counsel on whether or not he could participate on this issue.

Motion made at 11:06 a.m. to move into executive session (Kokubun/Kennison). The meeting was reconvened 11:30 a.m.

The matter of Member Kokubun's participation was discussed. Mr. Jeff Mikulina, Director of the Sierra Club Hawaii Chapter, asked that Member Kokubun recuse himself because of a conflict of interest. His request was based on Member Kokubun's capacity as Deputy Planning Director for the County of Hawaii and not because of financial interest with regard to the proposed application or developer. Chairperson Johns found that there was no conflict under the Board of Land and Natural Resources rules, therefore, did not require Member Kokubun to recuse himself based on matters raised by the Sierra Club. Member Kokubun agreed that there is no conflict, however, felt it appropriate to request an opinion from the State Ethics Commission with respect to his future participation on this issue. He decided to take more of an observer role in today's proceeding with respect to this particular item, and wait for a formal response from the State Ethics Commission.

Mr. Bob Stuit, representing the Applicant, 1250 Oceanside Partners, summarized the park uses being proposed and believed it will be consistent with the purposes of the conservation district for the subject area. He indicated that they are seeking to conserve, protect, preserve the resources, and to balance that with proper management and proper provision for access by the public. He agreed with staff's amended recommendations, and wanted to make sure that the conditions would be contingent upon them gaining the approval to do the lease of the State parcel. Mr. Ben Kudo, Attorney for the Applicant, indicated that the condition states that they have an obligation to obtain the lease from the State but it does not address the applicability of the rest of the conditions to the park in the event they don't get the State property. He suggested amending the staff recommendation at the end of the first paragraph to read: "...Island of Hawaii, subject to the following conditions provided that all of the

conditions applicable to the state lands shall be subject to the applicant obtaining a lease from the State.”

Mr. David Chee, Attorney for the Applicant, addressed the litigation issue, that the Judge ordered an extension of the TRO until November 24, 2000. Hearings on the preliminary injunction are scheduled to begin on November 22, 2000. His understanding is that the TRO would not apply to this particular CDUA, the subject parcel is separate and apart from the golf course and residential development, they do not relate. The process for the shoreline park would still need other permits before they commence.

Mr. Mikulina disagreed that these are separate issues and asked the Board to defer any decision making until the legal matters are worked out. He requested that the conditions outlined in his written testimony regarding, *Threat to Class AA Waters, Approval of the Plan by the Soil and Water Conservation District and the U.S. Department of Agriculture's Natural Resources Conservation Service, Annual Reports on the Quality of the Near Shore Marine Environment, Threat from Sewage, and Threat to Public Access*, be incorporated in staff's recommendation.

There was some discussion about the conditions suggested by Mr. Mikulina. Chairperson Johns stated that the Board may end up in a default entitlement if this item is deferred. In response to a concern raised by Member Inouye regarding the condition to expose no more than 100 square yards of soil at any one time because of the *Threat to Class AA Waters*, Mr. Mikulina said they can be flexible, but that it be noted that the absolute minimum be exposed. There was some concern by the Board regarding the *Approval of the Plan by the Soil and Water Conservation District and the U.S. Department of Agriculture* because it may be something that is required at the County level. Mr. Stuit addressed some of the conditions. In regards to the *Annual Reports on the Quality of the Near Shore Marine Environment*, Mr. Stuit agreed to a condition that would require a quarterly Water Quality Monitoring Report submitted to the Department for review, since this is already done as part of their other permits. He agreed to the condition addressing the *Threat from Sewage*, and did not feel that the *Threat to Public Access* condition was reasonable. Member Matsumoto asked, regarding the *Threat to Public Access*, that a condition be added having affirmative requirements for public access subject to similar restrictions. Mr. Kudo had some suggested language: “The applicant shall permit public access to the park, provided that reasonable restrictions may be imposed to protect the park from overuse and activities prohibited by law. Public access to the park shall be opened from dawn to dusk provided that access during periods of time outside of the sunrise to sunset shall be by permit.”

The Board amended the staff recommendation as follows:

“STAFF RECOMMENDATION:

That the Board of Land and Natural Resources approve this application, Island of Hawaii, subject to the following conditions provided that all of the conditions applicable to the state lands shall be subject to the applicant obtaining a lease from the state:”

3. "The applicant shall comply with all applicable Department of Health administrative rules. The wastewater from the restroom shall be handled by the Hokulia Waste Water Treatment Plant. Except during the construction period, [T]the use of portable..."
6. "...pursuant to the approved management plan. The one-year period should not commence until the other approvals as set forth in conditions no. 5, 18, and 19 are obtained. Changes to the approved use shall require additional CDUA. Any work or construction to be done on the lands in accordance with construction plans that have been signed by the Chairperson, and unless otherwise authorized, shall be completed within fifteen (15) years of the approval of such use. The applicant shall..."
12. "...pathways acceptable to the department. The Na Ala Hele program shall approve/disapprove any changes or disposition of the alignment on Cart Road, Government Road and the Coastal Trail;
19. "...state owned parcel. The preservation plan may be done in phases. The plan should..."
"...park until the preservation plan, for that area, has been accepted. The Historic Preservation..."
20. Delete this condition and replace with: "The applicant's quarterly Water Quality Monitoring Report shall also be submitted to this Department for review.
21. "The applicant shall not prohibit pedestrian access to the ..."
26. The applicant shall provide for public access to the park at no charge; provided that reasonable restrictions may be imposed on such access to protect the park from overuse and activities prohibited by law. Public access to the park shall be available from dawn to dusk; provided that, after dusk and before dawn, access shall be available on a controlled basis and allowed by permit unless otherwise provided for in this approval.

Unanimously approved as amended (Inouye/Matsumoto).

ITEM D-18: APPROVAL IN PRINCIPLE TO PURSUE LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND LANPAR/HTL ASSOCIATES, FOR PORTION OF STATE-OWNED SUBMERGED LANDS IDENTIFIED AS OFFSHORE OF TMK: (3) 6-9-7: 14 AND LANPAR/HTL ASSOCIATES-OWNED PROPERTY

Chairperson Johns noted that written testimony was received from Mr. Michael Varney, and requests received, including one from the Governor's Liaison in Kona, to defer this item.

Deferred (Kokubun/Kennison).

ITEM D-19: ISSUANCE OF REVOCABLE PERMIT AND CONSTRUCTION RIGHT-OF-ENTRY TO THE DEPARTMENT OF TRANSPORTATION (DOT), HARBORS DIVISION, HONOLULU, OAHU, TMK: (1) 1-5-41: PORTION OF 22

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a revocable permit and interim construction right-of-entry to DOT, covering the subject area for Matson and/or CSX Lines to continue container yard operations, subject to 8 conditions.

Mr. Fred Nunes, DOT, Harbor Division, explained that they will not be generating any revenues from the property, that this is an interim use while they construct the container yard.

Member Matsumoto was concerned that DOT will be using the property to accommodate their existing tenants with respect to improvements on land that the tenants are paying rent on. He felt that DLNR should be entitled to some compensation because of the value that is being derived.

There was some discussion about fee negotiations. Mr. Uchida explained that there was an attempt to try and do a land exchange between the departments, no response was received from DOT. A Representative of Matson indicated that rent fees were not addressed at the July 27, 2000 Board Briefing, that it was never their intent or understanding that fees were going to be paid, and that the purpose is to prevent increase cost to consumers in Hawaii.

Approved as Submitted.

**Vote: 5 in favor (Inouye/Kennison/Johns/McCrory/Kokubun).
1 opposed (Matsumoto).**

ITEM D-5: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO MRS. KIYOKO AOKI AND MS. ELEANOR Y. AOKI, AND CANCELLATION OF LAND OFFICE DEED NO. S-27,162, PAUOA VALLEY, HONOLULU, TMK: 2-2-16: 64 AND 6

Mr. Uchida briefed the Board and recommended that the Board issue a perpetual, non-exclusive easement for access and utility purposes, and cancel Land Office Deed No. S-27,162, subject to standard conditions.

Mr. John Larsen requested that this be deferred until he can come to some kind of mutual agreement with the Aoki's. The Aoki's have a perpetual easement over his lease and he has been trying to negotiate a maintenance agreement with them. Right now Mr. Larsen pays all the maintenance.

The Board deferred this item to allow staff time to work with the parties.

Deferred (Inouye/Matsumoto).

ITEM D-7: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF A MANAGEMENT AND CONSTRUCTION RIGHT-OF-ENTRY TO HAWAIIAN ELECTRIC COMPANY, INC. AND VERIZON HAWAII, INC. FOR UTILITY PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-13: PORTIONS OF 01, 18, 19, 21 & 23 AND RESCIND PRIOR BOARD ACTIONS OF SEPTEMBER 13, 1985 AND DECEMBER 15, 1989

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of the perpetual, non-exclusive easement, and management and construction right-of-entry, to Hawaiian Electric Company, Inc. and Verizon Hawaii, Inc., subject to conditions.

Unanimously approved as submitted (Inouye/Matsumoto).

ITEM D-8: AFTER-THE-FACT GRANT OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC. AND VERIZON HAWAII, INC., FOR UTILITY PURPOSES AT AUWAIOLIMU LOTS, HONOLULU, OAHU, TMK: 2-1-37: PORTION OF 40

Mr. Uchida amended the staff report under the Consideration Section from "Gratis" to "Fair Market Value". Staff's recommendation is that the Board authorize the issuance of a perpetual, non-exclusive easement to Hawaiian Electric Company, Inc., and Verizon Hawaii, Inc., subject to standard conditions.

Unanimously approved as amended (Inouye/Matsumoto).

ITEM D-6: ADDITIONAL EXTENSION OF THE 180-DAY PROCESSING PERIOD – CDUA OA-2957 FOR IMPROVEMENTS TO HANAUMA BAY NATURE PRESERVE, OAHU; TMK: 3-9-12: PORTIONS, 2, 10, 12, 14, AND 16

Mr. Uchida briefed the Board and recommended that the Board approve this additional extension, for 90 days after the Board's decision on standing, if standing is not granted, or through the entire administrative hearing and contested case process and for 90 days after the findings of fact and conclusions of law decision and order is finalized.

The Board was concerned that 90-days would not be sufficient time to review and analyze the proposal after the Contested Case Hearing process was complete. The Board amended the time extension to "180-days".

Mr. Ralph Portmore, Group 70 International, Agent for the City & County of Honolulu on the Hanauma Bay Project, gave an update on their discussions with community groups.

A Representative of the East Honolulu Community Coalition, echoed Mr. Portmore, in that there has been no negotiations with the City & County of Honolulu on this project.

Unanimously approved as amended (Inouye/Matsumoto).

ITEM D-22: SET ASIDE AND ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY TO UNITED STATES COAST GUARD FOR DIFFERENTIAL GLOBAL POSITIONING SITE, KEONEPOKO NUI, PAHOA, PUNA, HAWAII, TMK: 3RD/1-5-10: 13 & PORTION OF 3 (TO BE DISTRIBUTED)

Mr. Uchida briefed the Board and recommended that the Board approve a set aside of the subject lands, and authorize the issuance of an immediate construction right-of-entry, to the United States Coast Guard, subject to conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-1: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 7941 TO KAELEMAKULE, LOCATED AT OKOE 2, SOUTH KONA, ISLAND OF HAWAII, TMK: (3) 8-9-02: 23

Mr. Uchida briefed the Board and recommended that the Board consent to the issuance of a Land Patent in confirmation of Land Commission Award No. 7941, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-3: RESCIND PRIOR BOARD ACTION OF JULY 14, 2000, AGENDA ITEM D-8, CONSENT TO LEASE OF PRIVATE PROPERTY AGREEMENT BETWEEN MS. HERMINIGILDA M. SMITH, LESSOR, AND THE STATE OF HAWAII, BY ITS BOARD OF LAND AND NATURAL RESOURCES, ON BEHALF OF AND FOR THE DEPARTMENT OF HEALTH, LESSEE, COVERING A GEOTHERMAL MONITORING STATION SITE KEAHIALAKA, (DESCRIBED AS PAHOA IN LEASE AGREEMENT), PUNA, ISLAND OF HAWAII, TMK: (3) 1-3-46: POR. 72

Mr. Uchida briefed the Board and recommended that the Board rescind prior action of July 14, 2000, subject to standard conditions.

Unanimously approved as submitted (Kokubun/Matsumoto).

ITEM D-4: SALE OF REMNANT TO MR. ROBERT SHIMOKAWA, MR. WAYNE SHIMOKAWA, MS. VICKI TSUHAKO, MR. SIDNEY SHIMOKAWA, MS.

**KAREN KOBAYASHI, MS. AUDREY YONESHIGE AND WITHDRAWAL
FROM GOVERNOR'S EXECUTIVE ORDER NO. 1598, WAIMANALO,
OAHU, TMK: (1) 4-1-25-DITCH BETWEEN PARCELS 33 AND 34**

Mr. Uchida briefed the Board and recommended that the Board authorize the sale of the site as a remnant to the property owners, approve of and recommend to the Governor issuance of an executive order withdrawing .226 acres from Executive Order No. 1598, subject to standard conditions.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM D-9: SET ASIDE TO THE DEPARTMENT OF EDUCATION FOR PUBLIC
EDUCATION PURPOSES AND A MANAGEMENT RIGHT-OF-ENTRY,
KAPAHULU, OAHU, TMK: (1) 3-1-42: PORTION OF 35**

Mr. Uchida briefed the Board and recommended that the Board authorize an executive order for the site, and authorize an immediate management right-of-entry to the Department of Education, subject to standard conditions.

Unanimously approved as submitted (Inouye/Kennison).

**ITEM D-10: LAND DONATION TO THE STATE OF HAWAII AND SET ASIDE TO THE
DEPARTMENT OF EDUCATION FOR ADDITION TO LAHAINA
INTERMEDIATE SCHOOL, SITUATE AT KELAWEA, LAHAINA, MAUI,
TMK: (2) 4-5-34: 35**

Mr. Uchida briefed the Board and recommended that the Board approve the authorization to accept the property, upon acceptance set aside to the Department of Education, and upon acquisition of the property grant the Department of Education immediate right-of-entry to the site, subject to standard conditions.

Unanimously approved as submitted (Kennison/McCrory).

**ITEM D-12: APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT – JOB NO.
F57A620A, REMOVAL OF ROAD BERM, KAHANA VALLEY STATE
PARK, OAHU, HAWAII**

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

Unanimously approved as submitted (Inouye/Kennison).

ITEM D-13: CONSENT TO ASSIGN GL NO. S-5501, MR. EDWIN PATRICK NAKI, ASSIGNOR, TO MR. EDWIN PATRICK NAKI, SR. AS TRUSTEE UNDER AN UNRECORDED EDWIN P. NAKI SR. REVOCABLE LIVING TRUST AGREEMENT DATED SEPTEMBER 22, 2000, ASSIGNEE, WAIMANALO, OAHU, TMK: (1) 4-1-10: 29

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of GL No. S-5501 from the Naki's to their Living Trust, subject to standard conditions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-14: CDUA NO. KA-2993B FOR MCBEATH SINGLE FAMILY RESIDENCE AT HAENA, KAUAI, TMK: (4) 5-9-02: 66 & 68

Mr. Uchida briefed the Board and recommended that the Board approve the application for a single-family residence, subject to 22 conditions.

Member McCrory asked staff to call the applicant and make it clear that the single family residence use does not allow for rentals. She amended the staff recommendation by amending condition no. 18, to read:

"18. No in-stream work is authorized by this approval, nor is any obstruction of any natural or artificial drainage way.

Unanimously approved as amended (McCrory/Kennison).

ITEM D-15: REQUEST FOR TIME EXTENSION FOR CDUA NO. HA-487A

Withdrawn (Inouye/Matsumoto).

ITEM D-16: REQUEST FOR AUTHORIZATION TO ACQUIRE ONE (1) HOUSELOT, TOGETHER WITH IMPROVEMENTS THEREON, AND SUBSEQUENT SET ASIDE TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DOFAW, WAIOMAO, PALOLO, OAHU, TMK: 3-4-15: 27

Mr. Uchida briefed the Board and recommended that the Board authorize the acquisition of the property with improvements, approve of and recommend the set aside of the area once its acquired to DOFAW as an addition to the Honolulu Watershed Forest Reserve, subject to standard conditions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-17: RESCISSION OF PRIOR BOARD ACTION (AGENDA ITEM D-2, MAY 9, 1997), AND ISSUANCE OF REVOCABLE PERMIT TO DEL MAR PACIFIC MAUI 288 PARTNERS, LLC, LAHAINA, ISLAND OF MAUI, TMK: (2) 4-4-01: POR. 106

Mr. Uchida briefed the Board and recommended that the Board rescind its prior action of May 9, 1997, and issue a new permit, subject to standard conditions.

Unanimously approved as submitted (Kennison/Kokubun).

The Board recessed at 1:30 p.m. The meeting was reconvened at 1:40 p.m.

ITEM E-1: PERMISSION TO SOLICIT BIDS FOR A LUNCHWAGON OPERATOR AT POLIHALE STATE PARK, KAUAI

Mr. Ralston Nagata, Administrator of the Division of State Parks, briefed the Board and recommended that the Board concur with the inclusion of Polihale State Park among the other State Park areas approved previously for lunchwagon concessions via the sealed bid process and authorize the Chairperson and another Board Member to execute contract documents on behalf of the Board.

Mr. Nagata, at the request of Member Matsumoto, indicated that he will provide specific information regarding the exact date of when the bids will be received, and the names of the other State Parks involved.

Unanimously approved as submitted (McCrorry/Matsumoto).

ITEM E-2: REQUEST FOR A DEFINITE DEADLINE FOR THE COMPLETION OF NEW HOUSES FOR THE PRESENT LESSEES OF KAHANA VALLEY STATE PARK, OAHU

Mr. Nagata recommended that the Board set an automatic deadline of July 1, 2001 for the completion of new homes by 4 lessees: Mr. Delquist Domingues, Ms. Sharon Keaweehu, Mr. John Mainaupo, Jr., and Ms. Sheila Sherman. He amended the staff submittal to include 2 more lessees: Ms. Valerie Barruga, and Mr. Keith George.

Mr. Rogers indicated that the 4 lessees listed in the staff submittal have started some construction that vary from one extreme to the other. Ms. Barruga has not been able to get a mortgage, and Mr. George is living in a house that needs to be brought up to code.

There were some concerns raised by the Board. The Board felt that the automatic deadline of July 1, 2001 was impractical. The Board asked that an absolute deadline be set, and that it not come back to the Board for action after this deadline. Chairperson Johns requested that a paper trail be created

by sending monthly notices to the lessees reminding them of this deadline. Member Inouye wanted a plan of action with interim deadlines in place that the State fully intends to implement. She suggested that staff meet with the lessees to inform them of this plan, and that the lessees understand that come the date of the absolute deadline, that there will be an automatic cancellation with no extensions.

Withdrawn (Inouye/Kennison).

ITEM E-3: REQUEST FOR A NEW LEASE FOR THE LAND FORMERLY COVERED BY GL NO. S-5307, KAHANA VALLEY STATE PARK, OAHU

Mr. Nagata briefed the Board and recommended that the Board authorize the issuance of new lease to Mr. Ervin Kahala, and the automatic cancellation date of July 1, 2001, be extended to January 1, 2002.

Member Inouye amended staff's recommendation by adding: "The lessee will be given interim milestones to meet."

Unanimously approved as amended (Inouye/Kokubun).

ITEM E-4: REQUEST TO CHANGE PARK NAME FROM "KAHANA VALLEY STATE PARK" TO "AHUPUAA O KAHANA" STATE PARK, OAHU

Mr. Nagata recommended that the Board authorize the name change.

Unanimously approved as submitted (Inouye/Kennison).

ITEM K-1: LEASE OF OFFICE SPACES TO U.S. GOVERNMENT, GENERAL SERVICES ADMINISTRATION, ON BEHALF OF U.S. DRUG ENFORCEMENT ADMINISTRATION, AT HONOLULU INTERNATIONAL AIRPORT, OAHU, TMK: (1)-1-1-03-5P

Mr. Peter Garcia, Property Management Officer of DOT, amended the submittal by changing the Legal Reference from Section 171-99, to Section 171-95. Recommendation is that the Board authorize DOT to enter into a new office space lease, and issue a construction right-of-entry to the Government of the United States of America for a period not exceeding thirty-one (31) calendar days for the purpose of performing office renovation and refurbishment work activities.

Unanimously approved as amended (Inouye/Kokubun).

ITEM K-2: ISSUANCE OF REVOCABLE PERMIT TO CONCRETE CORING

COMPANY OF HAWAII, INC. HONOLULU, OAHU, TMK: (1)-1-2-23-61 & 62

Mr. Garcia briefed the Board and recommended that the Board authorize the issuance of a revocable permit to Concrete Coring Company of Hawaii, Inc., in accordance with the terms and conditions.

Unanimously approved as submitted (Inouye/Kennison).

ITEM K-3: ISSUANCE OF A REVOCABLE PERMIT TO THE SALVATION ARMY AT WAREHOUSE NO. 6, PIER 20, HONOLULU HARBOR, OAHU, TMK: (1)-1-5-39-26P

Mr. Garcia briefed the Board and recommended that the Board authorize the Harbors Division to issue a revocable permit to The Salvation Army.

Unanimously approved as submitted (Inouye/McCrory).

ITEM K-4: REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DOT, AIRPORTS DIVISION, FOR CONSISTENT USES, NOVEMBER, 2000

ITEM K-5: REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DOT, HARBORS DIVISION, FOR CONSISTENT USES, NOVEMBER, 2000

Mr. Garcia indicated that Items K-4 & K-5 are reports for the Board's review.

No action.

ITEM K-6: CONSENT TO SUBLEASE, LEASE NO. DOT-A-95-21 (FOREIGN EXCHANGE SERVICES AND BUSINESS CENTER CONCESSION), THOMAS COOK CURRENCY SERVICES, INC., LESSEE/SUBLESSOR, TO PARACOM, INC., SUBLESSEE, CENTRAL WAITING LOBBY (BUILDING 342), OVERSEAS TERMINAL, HONOLULU, INTERNATIONAL TERMINAL, OAHU, TMK: (1)-1-1-03-51P

Mr. Garcia briefed the Board and recommended that the Board consent to a Sublease of DOT-A-95-21, subject to review and approval by the Department of the Attorney General, and other terms and conditions as may be prescribed by the Director of Transportation.

Unanimously approved as submitted (Matsumoto/Kokubun).

There being no further business, Chairperson Johns adjourned the meeting at 2:15 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

Kimberly C. Kelihoomalu

Approval for submittal:


TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources