

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

DATE: THURSDAY, APRIL 12, 2001  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

Chairperson Gilbert Coloma-Agaran 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. Gilbert Coloma-Agaran  
Ms. Lynn McCrory

Mr. William Kennison  
Dr. Fred Holschuh

**STAFF:**

Mr. Dan Quinn, Division of State Parks  
Mr. Michael Buck, Division of Forestry  
and Wildlife (DOFAW)  
Mr. Gary Moniz, Division of Conservation  
and Resources Enforcement

Mr. Dean Uchida, Land Division  
Mr. Jon Giffen, DOFAW  
Mr. Carl Masaki, DOFAW

**OTHERS:**

Ms. Dawn Shigezawa, Department of the  
Attorney General  
Mr. Sidney Fuke, E-1  
Mr. Felix Ibarra, D-23  
Mr. Garrick Goo, D-22  
Mrs. Mary Spies, D-3  
Mr. Garret Okui, D-1  
Mr. George Yokoyama, D-18  
Mr. Steven Araujo, D-15  
Ms. Hannah Springer, D-15  
Mr. John Carroll, D-15  
Mr. Jerry King, D-15  
Mr. Christopher Yuen, D-15  
Ms. Debralee Kailiwai-Ray, D-15  
Mr. Antone Mederios, D-15

Mr. Derrick Lining, Department of  
Transportation  
Ms. Sharron Ackles, E-2  
Mr. Sydney Andrade, D-23  
Mr. Jonathan Spies, D-3  
Mr. Raymond Izuno, D-19  
Ms. Ululani Sherlock, D-16  
Mr. Robert Garcia, D-15  
Mr. Lloyd Case, D-15  
Mr. Clyde Beaudet, D-15  
Mr. Richard Hoeflinger, D-15  
Mr. Randy Vitousek, D-15  
Ms. Kuulei Keakealani, D-15  
Ms. Deborah Ward, D-15  
Mr. Jack Ewel, D-15

Mr. Mashuri Waite, D-15  
Dr. Bruce Kaimiloa Chrisman, D-15  
Mr. Rick Warshauer, D-15  
Ms. Emma Yuen, D-15  
Ms. Sally Rice, D-15  
Dr. Jim Anthony, D-15 & C-1  
Mr. Donald Bryan, C-1  
Ms. Alice Suncloud, C-1  
Mr. James Friday, C-1  
Mr. Dominic Yagong, C-1  
Mr. Larry Sinkin, C-1

Rep of Ms. Ellen Okuma, D-15  
Mr. Steve Hunt, D-15  
Mr. Mikio Kato, D-15  
Ms. Heather Cole, D-15  
Mr. J. Curtis Tyler III, D-15  
Ms. Marjorie Ziegler, D-15  
Mr. William Kalawainui, C-1  
Ms. Andrea Gill, C-1  
Ms. Mary Begier, C-1  
Mrs. Mary-Rose Sinkin, C-1  
Mr. Steve Baczkiewicz, C-1

**ADDED**

**ITEM D-26: AMEND PRIOR BOARD ACTIONS OF JULY 22, 1994, ITEM NO. F-3, AND OF OCTOBER 13, 2000, ITEM NO. D-20 DIRECT SALE TO MS. BEATRICE NEILSON OF PERPETUAL, NON-EXCLUSIVE WATERLINE EASEMENTS AT MAKAWAO, MAUI, TMK: 2-4-13: POR. 78**

Member Kennison made a motion to add this item to the agenda. (Continuation on page 12.)

**Unanimously approved to add Item D-26 to the agenda (Kennison/Holschuh).**

**ITEM A-1: APPROVAL OF THE FEBRUARY 23, 2001 MINUTES**

Member Holschuh amended page 7, last paragraph, 3<sup>rd</sup> line from the bottom, by deleting: "... was reluctant to not further explore this, and".

**Unanimously approved as amended (McCrary/Holschuh).**

**ITEM E-1: RESUBMITTAL – APPROVAL OF MANINIOWALI EQUITY COMPANY, LLC (MEC) PROPOSAL FOR IMPROVEMENTS TO THE MANINIOWALI-KUKIO SECTION OF KEKAHA KAI STATE PARK, KONA, HAWAII**

Mr. Dan Quinn, Acting Administrator of the Division of State Parks, briefed the Board and recommended that the Board: A) Authorize the MEC to have its primary or secondary access to its project via the proposed public coastal access road as depicted in the Kekaha Kai State Park Conceptual Master Plan, dated June 1998. B) Approve, in principle, the issuance of an access easement in favor of MEC over the proposed Kua Bay access road, with the understanding that the final alignment will be determined during the road design phase with adjustments for

topography and archaeological sites. C) Approve the MEC proposal to extend the sum of \$2.5 million for planning and improvements for the Maniniowali-Kukio Section of the Kekaha Kai State Park, Kona, Hawaii, in satisfaction of the obligation incurred at the time of the land exchange with the State of Hawaii, subject to conditions. Authorize the Chairperson to approve other terms and conditions.

Mr. Sidney Fuke, Planning Consultant representing MEC, was present to answer questions.

**Unanimously approved as submitted (Holschuh/McCrory).**

**ITEM E-2: REQUEST FROM THE IRONMAN TRIATHLON WORLD CHAMPIONSHIP FOR USE OF THE OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII, FOR IRONMAN HAWAII COMPETITION**

Mr. Quinn briefed the Board and recommended that the Board approve the issuance of a Special Use Permit to the Ironman Triathlon World Championship to utilize the Old Kona Airport State Recreation Area for the Ironman Hawaii Competition, subject to 3 conditions.

Ms. Sharron Ackles, Race Director for the Ironman Triathlon World Championship, was present to answer questions.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM K-1: ISSUANCE OF REVOCABLE PERMIT TO J.P. AUTOMOBILES, INC., DBA PFLUEGER HONDA, NEAR PIER 23, HONOLULU HARBOR, HONOLULU, IWILEI, OAHU, TMK: 1<sup>ST</sup>/1-5-39: PORTION 17**

Mr. Derrick Lining, Property Manager for the Department of Transportation, Harbors Division, briefed the Board and recommended that the Board authorize the issuance of a revocable permit for storage purposes subject to terms and conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM K-2: AMENDMENT TO PRIOR LAND BOARD ACTION OF JULY 23, 1999, UNDER AGENDA ITEM K-2 REGARDING THE ISSUANCE OF A LEASE BY DIRECT NEGOTIATION TO YOUNG BROTHERS, LTD., TOGETHER WITH A CONSTRUCTION RIGHT-OF-ENTRY, AT NAWILIWILI HARBOR, LIHUE KAUAI**

Mr. Lining briefed the Board and recommended that the Board amend its action of July 23, 1999, by amending the area of the leasehold lot to 2,273 square feet, together with amending the annual rental to \$2,864.00, subject to terms and conditions.

**Unanimously approved as submitted (McCroory/Holschuh) .**

**ITEM K-3: REPORT ON REVOCABLE PERMITS ISSUED OR RENEWED BY THE DEPARTMENT OF TRANSPORTATION FOR CONSISTENT USES**

No action.

**ITEM D-23: ISSUANCE OF REVOCABLE PERMITS TO:**

1. MR. FELIX IBARRA, WAIOHINU, KAU, HAWAII, TMK: (3) 9-5-005: POR. 003
2. S & S DAIRY INC., WAIOHINU, KAU, HAWAII, TMK: (3) 9-5-005: POR. 003
3. DELEICO RANCH, WAIOHINU, KAU, HAWAII, TMK: 9-5-005: POR. 003 & KAUNAMANO, KAU, HAWAII, TMK: (3) 9-5-013: POR. 001
4. MR. SYDNEY ANDRADE, WAIOHINU, KAU, HAWAII, TMK: (3) 9-5-005: POR. 003

Mr. Dean Uchida, Administrator of the Land Division, briefed the Board and recommended that the Board authorize the issuance of the revocable permits, subject to conditions.

Mr. Felix Ibarra, and Mr. Sydney Andrade, were present to answer questions.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM D-22: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 311 TO MR. FREEMAN CASWELL, LOCATED ULUMALU, HAMAKUALOA, MAKAWAO, ISLAND OF MAUI, TMK: (2) 2-8-03: 06 AND 07 (PORTION)**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a Land Patent in confirmation of Land Commission Award No. 311, subject to standard conditions.

Mr. Garrick Goo, Attorney representing Papa Niho, LLC, the current fee simple owner, was present to answer questions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM D-3: FORFEITURE OF GENERAL LEASE (GL) NO. S-4453, MR. JONATHAN P. AND MRS. MARY NANI SPIES, LESSEE LOT 24, PANAWEA FARM LOTS, 2<sup>ND</sup> SERIES, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-4-49: 08**

Mr. Uchida briefed the Board and recommended that the Board authorize the cancellation of GL No. S-4453, subject to standard conditions.

Mr. Jonathan Spies, explained the setback of construction on the property after the fire that occurred in 1998. He assured the Board that they should have the permit to start construction within a week, and that there will be no other delays.

Mrs. Mary Spies indicated that all the materials have been purchased for the construction.

Member McCrory was concerned about the cost to the State in having to constantly send out default notices. She commented that one of the Board's responsibilities is to have good tenants on the property, and it shouldn't be the department's responsibility to keep sending out these notices.

Staff recommended deferring action on this item to give the applicant one week to get their building permit and initiate construction. The Board decided to defer action on this item as recommended by staff.

**Deferred (Holschuh/McCrory).**

**ITEM D-19: CONSENT TO ASSIGN GL NO. S-3594, MR. ELTON F. KAKU, ASSIGNOR, TO MR. RAYMOND T. IZUMO, ASSIGNEE, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-2-50: 83**

Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of GL No. S-3594, subject to standard conditions.

Mr. Raymond Izuno, was present to answer questions.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM C-2: REQUEST FOR APPROVAL TO RELEASE FOR PUBLIC REVIEW THE DRAFT SAFE HARBOR AGREEMENT AND HABITAT MANAGEMENT PLAN FOR KOLOA (HAWAIIAN DUCK) AND NENE (HAWAIIAN**

**GOOSE) ON UMIKOA RANCH, ISLAND OF HAWAII AND  
ACCOMPANYING DRAFT INCIDENTAL TAKE PERMIT**

Mr. Michael Buck, Administrator of DOFAW, briefed the Board and recommended that the Board authorize the release for public review of the Draft Safe Harbor Agreement and Habitat Management Plan for Koloa (Hawaiian Duck) and Nene (Hawaiian Goose) on Umikoa Ranch, Island of Hawaii and accompanying Draft Incidental Take Permit.

**Unanimously approved as submitted (Holschuh/McCrory).**

**ITEM D-1: DIRECT SALE OF REMNANT AT WAIAKEA HOMESTEADS, 1<sup>ST</sup>  
SERIES, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-4-41: 01**

Mr. Uchida briefed the Board and recommended that the Board authorize the subdivision and consolidation of the subject remnant by the Applicants, and authorize the sale of the subject remnant to the property owners, subject to standard conditions.

Mr. Garret Okui, Applicant, explained the purpose for this request.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM D-2: RESCIND PRIOR BOARD ACTION OF APRIL 14, 1989 (ITEM F-1-A),  
AND GRANT OF GENERAL LEASE TO MR. KEITH MAKOTO  
ISHIBASHI, TRUSTEE OF THE KEITH MAKOTO ISHIBASHI  
REVOCABLE TRUST DATED OCTOBER 1, 1999 AND MS. TAMMY  
AKEMI ISHIBASHI, TRUSTEE OF THE TAMMY AKEMI ISHIBASHI  
REVOCABLE TRUST DATED OCTOBER 1, 1999, AS TENANTS IN  
COMMON, FOR PRIVATE RESIDENTIAL NON-COMMERCIAL PIER  
PURPOSES, KANEOHE, KOOLAUPOKO, OAHU, TMK: 1<sup>ST</sup>/4-6-022: 130**

Mr. Uchida briefed the Board and recommended that the Board rescind previous Board action, authorize the Department to accept a deposit in the amount of \$4,500.00 from the Applicant, subject to terms and conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM D-4: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND  
ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY TO HAWAIIAN  
ELECTRIC COMPANY, INC. AND VERIZON HAWAII, INC. FOR  
UTILITY PURPOSES, PUUNUI, NUUANU VALLEY, HONOLULU,  
OAHU, TMK: 1-8-26: 06**

Mr. Uchida briefed the Board and recommended 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 submitted (McCrary/Holschuh).**

**ITEM D-5: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 8673 TO KAOO, LOCATED AT PAHOEHOE, S. KONA, ISLAND OF HAWAII, TMK: (3) 8-7-05: PORTION OF 2**

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. 8673 to Kaoo, subject to standard conditions.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM D-6: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 9702 TO PIMOE, LOCATED AT KEAUFHOU 1<sup>ST</sup>, N. KONA, ISLAND OF HAWAII, TMK: (3) 7-8-11: 9**

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. 9702 to Pimoe, subject to standard conditions.

**Unanimously approved as submitted (Holschuh/McCrary).**

**ITEM D-7: GRANT OF TERM, NON-EXCLUSIVE EASEMENT TO CASTLE FAMILY LIMITED PARTNERSHIP AND WINDWARD T & C II FOR TILE WALL AND CONCRETE CURB PURPOSES, KAILUA, OAHU, TMK: (1) 4-2-3: PORTION 30**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a non-exclusive easement to the Castle Family Limited Partnership and Windward T & C II, subject to standard conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM D-8: SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION FOR AIRPORT-RELATED PURPOSES AND A MANAGEMENT RIGHT-OF-ENTRY, MOANALUA, OAHU, TMKs: (1) 1-1-4: 11, 10, 7, 12, 9, 6, 5, 2, 1, 8, 3, 19, 18, 17, 14, 13, 15 AND 1-1-14: 2, 1, 4, 5, 7, 10, 8, 21, 18, 24, 11, 15**

Mr. Uchida briefed the Board and recommended that the Board authorize the set aside of the lands, and authorize the issuance of a management right-of-entry, to the Department of Transportation, subject to standard conditions.

**Unanimously approved as submitted (Kennison/McCrory).**

**ITEM D-9: SET ASIDE TO DEPARTMENT OF TRANSPORTATION FOR AIRPORT PURPOSES, A MANAGEMENT AND CONSTRUCTION RIGHT-OF-ENTRY, MOANALUA AND HALAWA, TMKs: (1) 1-1-2: 2 AND 9-9-1: 13**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of an executive order setting aside the subject lands, and authorize the issuance of a management and construction right-of-entry, to the Department of Transportation, subject to standard conditions.

**Unanimously approved as submitted (Holschuh/McCrory).**

**ITEM D-10: AMEND PRIOR BOARD ACTION OF JUNE 24, 1997 (AGENDA ITEM D-9), APPROVAL OF A LAND EXCHANGE BETWEEN THE STATE OF HAWAII, BY ITS BOARD OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF HAWAIIAN HOME LANDS, BY ITS HAWAIIAN HOMES COMMISSION, HANAPEPE AND KEKAHA, KAUAI, TMK; 1-8-07: POR. 3 IN EXCHANGE FOR 1-2-02: 29**

Mr. Uchida briefed the Board and recommended that the Board amend its prior action by replacing the State land containing 1.966 acres, with State land containing 5.153 acres, subject to standard conditions.

**Unanimously approved as submitted (McCrory/Holschuh).**

**ITEM D-11: SET ASIDE TO THE DEPARTMENT OF TRANSPORTATION FOR AIRPORT-RELATED PURPOSES AND A MANAGEMENT RIGHT-OF-ENTRY, MOANALUA, OAHU, TMKs: (1) 1-1-4: LAGOON DRIVE AND 1-1-16: LAGOON DRIVE**

Mr. Uchida briefed the Board and recommended that the Board approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands, and authorize the



issuance of a management right-of-entry, to the Department of Transportation, subject to standard conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM D-12: CONSENT TO ENTER INTO LICENSE AGREEMENT BETWEEN THE COUNTY OF MAUI, LICENSOR, AND FRIENDS OF MOKUULA, INC., LICENSEE, ON STATE LANDS ENCUMBERED WITH GEO NOS. 52 AND 2889 AT LAHAINA, MAUI, TMK: (2) 4-6-007: POR. OF 002 AND 036**

Mr. Uchida briefed the Board and recommended that the Board consent to the License Agreement between the County of Maui, and Friends of Mokuula, Inc., subject to 4 conditions.

**Unanimously approved as submitted (Kennison/McCrory).**

**ITEM D-13: EXTENSION OF PROCESSING PERIOD – CONSERVATION DISTRICT USE APPLICATION NO. OA-2979 FOR THE POUHALA MARSH HABITAT RESTORATION PROJECT, PEARL HARBOR, OAHU**

Mr. Uchida briefed the Board and recommended that the Board approve an extension through the entire hearing process and for 90 days after the findings of fact, conclusions of law, and decision is finalized for the subject Conservation District Use Application.

**Unanimously approved as submitted (Kennison/McCrory).**

**ITEM D-14: CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NOS. 3216 AND 3431 AND SET ASIDE TO DEPARTMENT OF TRANSPORTATION FOR AIRPORT PURPOSES AND A MANAGEMENT RIGHT-OF-ENTRY, HONOLULU, OAHU, TMK: (1) 1-1-3: PORTION 1**

Mr. Uchida briefed the Board and recommended that the Board cancel existing Governor's Executive Order Nos. 3216 and 3431, set aside the subject lands, and authorize the issuance of a management right-of-entry, to the Department of Transportation, subject to standard conditions.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM D-16: HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII (HCDCH) REQUESTS 1) AUTHORIZATION TO CONSOLIDATE LOTS 2 AND 3 ON FILE PLAN 2128 AND RESUBDIVIDE INTO LOTS A, B, C, D, AND E, 2) ISSUANCE OF A**

**TEMPORARY USE PERMIT ONTO LOT D FOR CONSTRUCTION PURPOSES, AND 3) DEDICATION OF LOTS D AND E TO THE COUNTY OF HAWAII FOR ROADWAY AND UTILITY PURPOSES, VILLAGES OF LAIOPUA, KEALAKEHE, N. KONA, HAWAII, TMK: 7-4-20: 2 AND 3**

Mr. Uchida briefed the Board and recommended that the Board authorize the consolidation of Lots 2 and 3, authorize the issuance of a Temporary Use Permit to the developer, and authorize the conveyance in fee simple of Lots D and E to the County of Hawaii, subject to standard conditions.

The Project Manager for HCDCH, was present to answer questions.

Ms. Ululani Sherlock, presented testimony on behalf of Mr. Colin Kippen, Jr., Deputy Director, Hawaiian Rights Division, Office of Hawaiian Affairs (OHA), regarding the lawsuit initiated by OHA against the HCDCH which includes the villages of Laiopua, and which identifies numerous constitutional and legal improprieties in the transfer of ceded lands from DLNR to HCDCH.

In light of the concern raised by OHA, the Board decided to take action on this item subject to review by the Department of the Attorney General.

**Unanimously approved as submitted (Holschuh/Kennison).**

**ITEM D-17: TERMINATION OF REVOCABLE PERMIT NO. S-5641 AND ISSUANCE OF REVOCABLE PERMIT TO ROBERT'S CENTRAL LAUPAHOEHOE, INC. FOR PARKING OF BUSES PURPOSES, KALIHI-KAI, HONOLULU, OAHU, TMK: (1) 1-2-021: 041**

Mr. Uchida briefed the Board and recommended that the Board authorize the cancellation of Revocable Permit No. S-5641, and authorize the issuance of a revocable permit, subject to conditions.

Member McCrory amended the staff recommendation as follows:

2. a. "...shall be constructed along the perimeter of the permit area within six (6) months of this approval."

**Unanimously approved as amended (Holschuh/McCrory).**

**ITEM D-18: AMENDMENT AND CONSENT TO ONE YEAR HOLDOVER, GL NO. S-4726, HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL, LESSEE, PONAHAHAWAI, S. HILO, HAWAII, TMK: 3<sup>RD</sup>/2-5-06: 01 & 159**

Mr. Uchida briefed the Board and recommended that the Board authorize the amendment to GL No. S-4726 withdrawing the area previously granted to the County of Hawaii for the Mohouli Street Extension, and authorize a one-year holdover of GL No. S-4726 on the remaining area, subject to conditions.

Mr. George Yokoyama, Hawaii County Economic Opportunity Council, was present to answer questions.

**Unanimously approved as submitted (Holschuh/McCrory).**

**ITEM D-20: RESCIND PREVIOUS APPROVAL FOR FEE CONVEYANCE TO THE CITY AND COUNTY OF HONOLULU FOR ROADWAY PURPOSES, HONOLULU, OAHU, TMK: (1) 1-5-7: PORTION 14**

Mr. Uchida briefed the Board and recommended that the Board rescind its approval of April 10, 1992, subject to standard conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM D-21: RESULTS OF THE PUBLIC AUCTION SALES OF STATE OF HAWAII LEASES ON THE ISLAND OF MAUI, HAWAII, AND KAUAI, HELD ON MARCH 27, 28, AND 29, 2001, RESPECTIVELY**

Mr. Uchida explained the results of the public auction sales, and indicated this is a report for the Board's information and does not require Board action.

**No action.**

The Board recessed at 10:45 a.m. The meeting was reconvened at 11:00 a.m.

**ITEM D-24: AMEND PRIOR BOARD ACTION OF OCTOBER 28, 1994 (AGENDA ITEM H-6), AS AMENDED ON APRIL 9, 1998 (AGENDA ITEM D-24), AND FURTHER AMENDED ON SEPTEMBER 25, 1998 (AGENDA ITEM D-17), CONVEYANCE OF LAND FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO THE DEPARTMENT OF HAWAIIAN HOME LANDS, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-08:**

79

Mr. Uchida withdrew this item.

**Withdrawn (Kennison/Holschuh).**

**ITEM D-25: APPROVAL TO AWARD OF CONSTRUCTION CONTRACT – JOB 4-OW-E1, KAPAKAHI (AINA KOA WELL III) WELL DEVELOPMENT, OAHU, HAWAII**

Mr. Uchida briefed the Board and recommended that the Board authorize the Chairperson to proceed with awarding the contract to KD Construction, Inc., as the low bidder, subject to conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ADDED**

**ITEM D-26: AMEND PRIOR BOARD ACTIONS OF JULY 22, 1994, ITEM NO. F-3, AND OF OCTOBER 13, 2000, ITEM NO. D-20 DIRECT SALE TO MS. BEATRICE NEILSON OF PERPETUAL, NON-EXCLUSIVE WATERLINE EASEMENTS AT MAKAWAO, MAUI, TMK: 2-4-13: POR. 78**

(Continuation from page 2.)

Mr. Uchida briefed the Board and recommended that the Board amend its prior actions of July 22, 1994, and October 13, 2000, subject to standard conditions.

**Unanimously approved as submitted (Kennison/Holschuh).**

**ITEM D-15: SHORT-TERM AND LONG-TERM PLAN FOR THE GOVERNMENT LANDS AT PUUWAAWAA AND PUUANAHULU: SHORT-TERM PLAN GL NO. S-3589 – STAFF REPORT ON LEASE CONDITIONS; ISSUANCE OF VARIOUS REVOCABLE PERMITS FOR PASTURE AND RESIDENTIAL USE; AND DISCUSSION OF THE LONG-TERM USE OF PUBLIC LANDS AT PUUWAAWAA AND PUUANAHULU, N. KONA, HAWAII, TMKs: 3<sup>RD</sup>/7-1-01, 7-1-02, 7-1-03, AND 7-1-04**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a revocable permit to Mr. Ernest DeLuz, Mr. Stephen DeLuz, and Mr. Mikio Kato for pasture purposes commencing retroactively from August 15, 2000, authorize the issuance of a revocable permit to the Deluz's and Mr. Kato for Residential Structure Nos. 2 and 3, including the warehouse and hangar building, and authorize the issuance of revocable permit to Mr. Jerry King for Residential Structure Nos. 6, 7 & 8. In addition, authorize the Department of the Attorney

General to pursue the collection of unauthorized sublease rent collections, damages for unauthorized removal of redwood tanks, cleanup costs, and any other supportable liability claims pursuant to GL No. S-3589, and based on the multiple competing uses for this property, designate the Board member from the Island of Hawaii, with the support of relevant DLNR Divisions, to meet with the various hunting, ranching and environmental interests to discuss the long-term use of the lands at Puuwaawaa. Based on these meetings, the Department will provide specific direction and/or recommendations to the Board for the long-term disposition of subject lands.

Member Holschuh suggested the following amendments to staff's recommendation:

3. b. "The revocable permit shall include two residential homes and the hangar facility adjacent to the airstrip for [residential housing, and ]office and storage..."
4. b. "...map attached as Exhibit G for the purposes of employee housing, office and storage in connection with..."
5. "Based on the multiple competing uses for this property, designate the Board member from the Island of Hawaii, with the support of relevant DLNR Divisions, to meet with various hunting, ranching, cultural and environmental interests..."

Mr. Robert Garcia, representing the Deluz's and Mr. Kato, believed that ranching could co-exist in the area with other entities. He was in favor of allowing the Hawaii Board member to initiate discussion on the long-term use of the land before any proposal is accepted, and hoped that this meeting would be beneficial to both groups, the State, and the environment.

Mr. Steven Araujo, Vice-President of the Wildlife Conservation Association of Hawaii, one of the two proposals submitted for the management and development of the lands, requested that if the Board is going to bring these groups together, that some research be done (i.e. amount generated by the cattle industry to the State's devastated economy).

Mr. Lloyd Case, President of the Wildlife Conservation Association of Hawaii, and Native Hawaiian, felt that their proposed management plan would preserve the uniqueness, as well as the way of life for the people in the area.

Ms. Hannah Springer, President of Ka Ahahui O Puuwaawaa, the other proposal that was submitted for the management and development of the lands, gave some cultural history and explained her family ties to the area. She asked that the Board conduct this task in a timely manner, and make a decision based on the merits of the respected applications.

Mr. Clyde Beaudet, representing Hualalai Ranch, testified in support of the hunters, and explained his experience in fighting fires in the area and how cattle is needed to keep the grass down.

Mr. John Carroll, presented written and oral testimony in support of the application submitted by the Wildlife Conservation Association of Hawaii for a long-term lease of the area.

Mr. Richard Hoeflinger, President of the Pig Hunters of Hawaii, Officer of the Big Island Bird Hunters, and Officer on the Hawaii Hunting Advisory Council, presented written and oral testimony in support of the land management plan submitted by the Wildlife Conservation Association of Hawaii. He was in favor of delaying the selection of the proposals submitted, and pleased with the suggestion to meet with the various interest groups

Mr. Jerry King, Permittee, suggested amending condition no. 4. b., by replacing [pasture use], with his operation.

Mr. Randy Vitousek, Resident of Kamuela, and Member of Ka Ahahui O Puuwaawaa, gave some background information of their group and the subject area. He explained their goal, to share utilization of resources consistent with the way ahupuaa's were managed in the past by promoting the mutual best interest of the people in the area, and that this goal could be accomplished if everyone works together to try and move forward with a concept.

Mr. Christopher Yuen, Vice-President of Ka Ahahui O Puuwaawaa, explained their plans and recognized the State's tremendous asset and responsibility of the area. He urged the Board to favorably consider their request for long-term disposition, and indicated that he was not opposed to continuing discussions.

Ms. Kuulei Keakealani, Keakealani descendent, and Ms. Debralee Kailiwai-Ray, Hao descendent, were present on behalf of the native families of the area. Ms. Keakealani indicated that they are in support of the Ka Ahahui O Puuwaawaa proposal, which they have been part of since its beginning, and was in favor of the meeting with various interest groups to discuss the long-term use of the land. She gave some cultural history of the area, explained their ancestral ties to the place, and indicated that they want what is best for the land.

Ms. Deborah Ward, on behalf of the Sierra Club, testified in full support of the Ka Ahahui O Puuwaawaa proposal, to protect and enhance the native and cultural resources of the ahupuaa. She offered to participate in the discussions, and would like to be part of the long-term vision to protect the natural resources.

Mr. Antone Mederios, Pig Hunter, was concerned about lands being taken away from the hunters, which they depend on for their livelihood.

Mr. Jack Ewel, Director of the U.S. Forest Service, Institute of Pacific Islands Forestry, testified in support of the action proposed by Ka Ahahui O Puuwaawaa.

Mr. Mashuri Waite, testified in support of the proposal by Ka Ahahui O Puuwaawaa.

A representative of Ms. Ellen Okuma, Chairperson of the Faculty of the Environmental Hui at Hawaii Community College, read through written testimony in support of the Ka Ahahui O Puuwaawaa proposal for long-term use.

Dr. Bruce Kaimiloa Chrisman, presented written and oral testimony in favor of the lease proposal from the Wildlife Conservation Association of Hawaii, and stressed that he was in support of Hawaiian land management and cultural practices. He was in favor of the deferral to bring all the parties together, to discuss this across the table with everyone.

The Board recessed at 12:45 p.m. The meeting was reconvened at 1:00 p.m.

Mr. Steve Hunt, representing the Big Island Bird Hunters, testified in support of the proposal submitted by the Wildlife Conservation Association.

Mr. Rick Warshauer, Biologist, urged the Board to reject staff's recommendation that will continue ranching at Puuwaawaa, and approve the proposed concept by Ka Ahahui O Puuwaawaa.

Mr. Mikio Kato, Resident of Puuwaawaa Ranch, presented a fire history map of the area, and pointed out that the fire system situation needs to be addressed immediately.

Ms. Emma Yuen, testified in support of the Ka Ahahui O Puuwaawaa's proposal, and urged the Board to make a wise decision for the environment and community.

Ms. Heather Cole, The Nature Conservancy of Hawaii, testified in favor of Ka Ahahui O Puuwaawaa's plan, and felt that cultural and natural resources are in need of protection.

Ms. Sally Rice, Treasurer of Ka Ahahui O Puuwaawaa, respectfully requested that the Board consider their community-based plan for Puuwaawaa, as a means to maintain cattle ranching as a constructive and integrated element, rather than the main activity. In this manner the important historical and cultural aspects of cattle ranching could be continued, which could also be a very useful element in the management of Puuwaawaa.

Mr. J. Curtis Tyler III, Hawaii County Council Member, testified in support of the Ka Ahahui O Puuwaawaa proposal. He supported, and requested, that he be included in the discussions.

Dr. Jim Anthony, Executive Director of the Hawaii -Laieikawai Association Inc., was in support of the approach that would entail more communication between the parties, and indicated that he will request a contested case hearing if the Board were to make a decision that does not take into account the public trust doctrine.

Ms. Marjorie Ziegler, on behalf of Earthjustice Legal Defense Fund, and Conservation Council of Hawaii, testified in support of the Ka Ahahui O Puuwaawaa plan. She distributed a copy of "Puuwaawaa At The Crossroads", an insert to one of Environment Hawaii's newsletters, and indicated that its a comprehensive and accurate history of the area.

Member McCrory requested setting a response time to bring this back to the Board, and a business plan for the long-term use.

Member Holschuh amended the staff recommendation as follows:

- 3.b. "...the hangar facility adjacent to the airstrip for [residential housing, and ]office storage..."
- 4.b. "...map attached as Exhibit G for the purposes of employee housing, office and storage in connection with his operation [the pasture use]."
5. "Based on the multiple competing uses for this property, designate the Board member from the Island of Hawaii, with the support of relevant DLNR Divisions, to meet with various hunting, ranching, cultural, and environmental interests to discuss the long-term use of the lands at Puuwaawaa. The discussion will also include a representative who will prepare a detailed Business Plan identifying the cost to run the various natural resource management programs and the revenue sources identified to fund these programs. Based on these meetings, the Department will provide specific direction and/or recommendation to the Board, within six (6) months of this meeting or less, for the long-term disposition of subject lands."

**Unanimously approved as amended (Holschuh/Kennison).**

**ITEM C-1: REQUEST APPROVAL FOR THE ISSUANCE OF TIMBER LAND LICENSE NO. H-101 TO TRADEWINDS FOREST PRODUCTS LLC**

Mr. Buck presented the staff submittal and recommended that the Board approve the issuance of Timber Land License No. H-101 to Tradewinds Forest Products, L.L.C.

Member McCrory raised some concerns, one of which was whether there should be a requirement to provide proof of workers compensation, or some other type of insurance, because of workers that would be employed on the land. She also commented on the Speaker Pool and Scholarship Fund, that it's an incredibly wonderful and positive thing for this area.

Mr. William Kalawainui testified on claiming an ownership interest on the subject area. Chairperson Coloma-Agaran asked him to provide copies of all his documentation to staff.

The Board recessed at 3:35 p.m. The meeting was reconvened at 3:45p.m.

Chairperson Coloma-Agaran announced that the Board will be losing quorum at around 4:30 p.m., and that this matter would probably be deferred and scheduled back in Hilo for decision-making. The Board will continue taking testimony but will not be able to get through all the testimony before losing quorum.



Ms. Alice Suncloud, representing Ms. Bonnie Bator, read through written testimony requesting that the Board deny the issuance of the license, or defer judgment on the license until a comprehensive study regarding floodwaters can be undertaken.

Ms. Andrea Gill, Executive Director of the Hawaii Forest Industry Association, presented written and oral testimony in support of the harvesting license. She indicated that several members have also submitted written testimony in support of the project but could not stay.

Dr. Jim Anthony, testified against staff's recommendation, requested a contested case hearing, suggested crucial documents have not been submitted to the Board or made available to the public. He raised many concerns and requested that the Board reject the application and have the staff submittal be rewritten.

Mr. James Friday, on behalf of the Hawaii Society of American Foresters, submitted written and oral testimony in support of the proposed license.

Ms. Mary Begier, President of the Big Island Business Council, presented written and oral testimony in support of granting the state contract to Tradewinds Forest Products, LLC.

Mr. Dominic Yagong, Hawaii County Council Member, testified in support of the license to Tradewinds Forest Products, LLC.

Mrs. Mary-Rose and Mr. Larry Sinkin, both testified in opposition to the issuance of the license, and felt that this proposal needs a much broader approach, and that a comprehensive environment impact statement be done.

Mr. Steve Baczkiewicz, testified in support of the project.

The Board was unable to hear the following people who had signed up to testify for Item C-1:

Mr. Zachary Gibson	Mr. George Martin	Ms. Julie Jacobson
Mr. Bob Jacobson	Ms. Deborah Ward	Mr. G.B. Hajim
Mr. Duane Nelson	Mr. Jack Ewel	Mr. Mike Bass
Ms. Linda Lyerly	Ms. Anna St. Johns	Mr. Pat Linton
Ms. Kristen Hunt	Ms. Joan Maute	Ms. Marsha Tokarov
Ms. Veronica Rose	Ms. Ada Lamme	Ms. Carolyn Wong
Ms. Tammy Crabbe	Ms. Lisa Benton	Mr. Edward Winkle
Mr. Jay Warner	Mr. James Watt	Ms. Lisa Barton
Mr. Mashuri Waite	Ms. Rose Everly	Ms. Mililani Trask
Ms. Dolores Watson	Ms. Ruth Bass	Mr. Guy Cellier
Mr. Mike Robinson	Mr. Jim Albertini	Ms. Kathy Dorn
Mr. Richard Rego	Ms. Lucille Chung	Big Island Farm Bureau
Mr. Mark McNett	Mr. Alfred Wilson	Ms. Christine Kornet
Mr. Peter Mills	Mr. Steve Hunt	Mr. Bob Jacobsen

Mr. Keith Knell  
Mr. Erik Johnsen  
Mr. Jim Thain  
Ms. Barbara Hashimoto

Mr. David Caccia  
Ms. Joan A. Philipp  
Mr. Mark Dave  
Mr. Barry Taniguchi

Ms. Sandra McDonald  
Mr. Kama Dancil  
Mr. Johns Ray  
Mr. Richard West

Deferred (Kennison/McCrory).

**ITEM I-1: REQUEST BOARD APPROVAL TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, AND THE DEPARTMENT OF LIQUOR CONTROL, COUNTY OF HAWAII**

**ITEM I-2: REQUEST BOARD APPROVAL OF PROCEDURES FOR THE USE OF HELICOPTERS DURING MARIJUANA ERADICATION MISSIONS ON THE ISLAND OF HAWAII THAT ADDRESS THE CONCERNS OF THOSE LIVING IN THE AREAS OVER WHICH THE HELICOPTER FLY**

Item's I-1 and I-2 were both deferred - no quorum.

There being no further business, Chairperson Coloma-Agaran adjourned the meeting at 4:30 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. Keliioomalu

Approved for submittal:



GILBERT S. COLOMA-AGARAN

Chairperson

Board of Land and Natural Resources