

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

DATE: FRIDAY, JANUARY 11, 2002
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 9:05 a.m. The following were in attendance:

MEMBERS:

Mr. Gilbert Coloma-Agaran	Mr. Timothy Johns
Ms. Lynn McCrory	Ms. Kathryn Inouye
Dr. Fred Holschuh	Mr. Ted Yamamura

STAFF:

Mr. Harry Yada, Land Division	Mr. Sam Lemmo, Land Division
Ms. Sherrie Samuels, Division of State Parks	Mr. Al Rogers, Division of State Parks
Mr. Bill Devick, Division of Aquatic Resources	
Mr. Randy Honebrink, Division of Aquatic Resources	

OTHERS:

Ms. Dawn Shigezawa, Department of the Attorney General	Mr. Max Graham, D-29
Mr. Jerry Ornellas, D-29	Mr. Leslie Milnes, D-29
Mr. Michael Munekiyo, D-30	Rev. Arumugam Katir, D-29
Ms. Barbara Guild, D-27	Mr. Sidney Fuke, E-1
Ms. Yvonne Izu, D-28	Mr. Ivan Nishiki, D-28
Mr. Bill Tam, D-10 & D-17	Mr. Stan Fujimoto, D-7
Mr. Jimmy Iwai, D-26	Mr. Randy Sanborn, D-26
Mr. Henry Curtis, D-13	Ms. Naomi Kuwaye, D-13
Mr. Christopher McKenzie, D-22	Mr. Ken Morikami, D-13
Mr. Julius Ah Sam, D-34	Mr. John Rader, D-22
Mr. Troy Wallace, D-34	Ms. Ululani Beirne, D-34
Mr. Bumpy Kanahale, D-24	Ms. Kuuipo Malepe, D-34
	Mr. Logan White, D-19

{Note: language for deletion is [bracketed], new/added is underlined. }

ITEM A-1: APPROVAL OF THE OCTOBER 26, 2001 MINUTES

Member Holschuh amended page 19, Item B-1, last line, should read: "NAWILIWILI HARBOR, KAUAI [MAUI]".

Unanimously approved as amended (McCroory/Holschuh).

ITEM D-29: ISSUANCE OF REVOCABLE PERMIT TO EAST KAUAI WATER USERS COOPERATIVE (EKWUC); CONCEPTUAL APPROVAL OF THE ESTABLISHMENT AND OPERATION OF A PUBLIC FISHING AREA AND WILDLIFE SANCTUARY BY THE DIVISION OF AQUATIC RESOURCES (DAR) AND THE DIVISION OF FORESTRY AND WILDLIFE (DOFAW) AT THE WAILUA RESERVOIR (AKA SLOGETT RESERVOIR); PORTION OF GOVERNMENT LANDS AND WATER WITHIN THE DRAINAGE BASINS OF NORTH WAILUA AND KAPAA RIVERS KAWAIHAU, KAUAI, TMKS: VARIOUS; AND ISSUANCE OF IMMEDIATE RIGHT-OF-ENTRY TO EKWUC FOR MANAGEMENT PURPOSES

Mr. Harry Yada, Acting Administrator for the Land Division, briefed the Board and recommended that the Board authorize the issuance of a revocable permit and an immediate right-of-entry to EKWUC, and approve in concept the establishment and operation of a public fishing area and wildlife sanctuary by DAR and DOFAW at the Wailua Reservoir, in accordance with terms and conditions.

Mr. Max Graham, representing EKWUC, explained that the cooperative is formed of individual members engaged in agricultural pursuits of the area, who are willing to operate and maintain the irrigation system to prevent deterioration and loss, and who need the water to continue flowing in order to continue their agricultural ventures.

Mr. Leslie Milnes, Board Member of EKWUC, described the diversions and operation of the water system.

In response to a question raised by the Board regarding written testimony received from Mr. Peter Workman, Mr. Milnes described the location and how the Workmans would fit into the water system. Mr. Graham pointed out that the water the Workmans are enjoying result from the diversion and the operation of the water system. The EKWUC has welcomed and tried to draw everyone into the cooperative and will continue to do so. It is open to all users of the water, everyone is going to have to share in the available water use, and what the EKWUC is proposing runs to the benefit of everyone that is using water in the area. Member Johns asked that a letter be sent to Mr. Workman, notifying him of the next EKWUC meeting.

Mr. Jerry Onellas, President of EKWUC, and Rev. Arumugam Katir, Board Member of EKWUC, were also present to answer questions.

Unanimously approved as submitted (McCrary/Johns).

**ITEM D-4: GRANT OF A 55-YEAR TERM, NON-EXCLUSIVE EASEMENT TO
KONA INN SHOPPING VILLAGE FOR SEAWALL ENCROACHMENT
PURPOSES, AT HONUOLA AND HIENALOLI 1ST, NORTH KONA,
HAWAII, TMK: (3) 7-5-07: 21 SEAWARD**

Mr. Yada briefed the Board and recommended that the Board authorize the issuance of a term non-exclusive easement, in accordance with terms and conditions, including the imposition of a \$500 fine for encroachment.

Unanimously approved as submitted (Holschuh/Johns).

**ITEM D-30: CONSERVATION DISTRICT USE APPLICATION MA-3047 FOR
WASTEWATER RECLAMATION FACILITY MODIFICATIONS AT
WAILUKU, MAUI**

Mr. Sam Lemmo, Senior Staff Planner for the Land Division, briefed the Board and recommended that the Board approve the improvements to the Wailuku-Kahului Wastewater Reclamation Facility, subject to terms and conditions.

Mr. Michael Munekiyo, Department of Public Works, County of Maui, was present to answer questions.

There was some discussion regarding staff recommendation no. 9., regarding the applicant taking measures to minimize or eliminate, interference, nuisance, harm, or hazard. Member McCrary requested additional phrasing, that it be done within a timeframe and manner approved by the Chairperson. Member Inouye also requested that language be added, that the applicant indemnify the State from any claims.

The Board approved staff's recommendation with the following amendment:

- "9. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take appropriate corrective measures to minimize or eliminate the interference nuisance, harm, or hazard within a time frame and manner prescribed by the Chairperson. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents for any interference, nuisance, harm or hazard relating to or connected with the granting of this permit and relating to or connected with the implementation of corrective measures to minimize or eliminate the interference, nuisance, harm, or hazard;"

Unanimously approved as amended (Yamamura/Inouye).

ITEM E-1: AMENDMENT TO PRIOR BOARD ACTION OF APRIL 12, 2001, AGENDA ITEM E-1, APPROVAL OF MANINIOWALI EQUITY COMPANY (MEC), LLC PROPOSAL FOR IMPROVEMENTS TO THE MANINIOWALI-KUKIO SECTION OF KEKAHA KAI STATE PARK, KONA, HAWAII

Member Inouye recused herself from this item.

Ms. Sherrie Samuels, Planner for the Division of State Parks, briefed the Board and recommended that the Board amend its prior action of April 12, 2001, Agenda Item E-1, by amending Condition C.1. to read as follows: "That Maniniowali Equity Company, LLC expend a portion (to be approved by the Chairperson) of its \$2.5 million obligation for detailed planning and design, and preparation of an environmental impact statement for, the Maniniowali-Kukio section of Kekaha Kai State Park, including but not necessarily limited to, portions of Awakee and all of those areas fronting MEC's property."

Mr. Sidney Fuke, representing MEC, asked for the Board's favorable consideration of staff's recommendation.

Unanimously approved as submitted (Holschuh/Johns).

ITEM D-27: CONSERVATION DISTRICT USE APPLICATION NO. MA-3063B FOR BEACH NOURISHMENT AT SUGAR COVE, SPRECKELSVILLE, MAUI

Mr. Lemmo explained that the major concern of the Department is the quality of sand that will be used for this nourishment effort. The applicant is proposing to use material classified as select overburden. In their last round of nourishment activity, the select overburden material was not consistent, and it is not known if every truckload of material will meet the standards that have been set. The Department is suggesting that a higher quality material be used, and wants to avoid mistakes that may harm the biological resources in the marine environment in the initial stages of this nourishment effort. Staff's recommendation is that the Board approve this request for beach nourishment at Sugar Cove, that the work be initiated within 1-year and be completed within 5-years, and that the applicant use material classified as sand rather than material classified as overburden or select overburden, subject to various other conditions.

Ms. Barbara Guild, Sugar Cove Association of Apartment Owners, submitted a copy of a Department of Army Coastal Engineering Manual, Part III, and charts showing variability of beach replenishment sands and sieve analysis sediment distribution. She testified in opposition to condition no. 8 that requires the use of material classified as sand. She indicated that the material she is proposing to use, select overburden, is coarser than the existing beach sand, is more suitable for protection, will require less replenishing which means less environmental impact and turbidity, and would not make much difference in the water quality then the material the Department is proposing. She also indicated that the Department is proposing a finer sand than what exists on the beach, which may have negligible or questionable improvements in the turbidity, and may wash away very quickly.

In reference to the graph distributed by Ms. Guild showing samples of Ameron, Sugar Cove Beach, and the proposed beach replenishment sand, Mr. Lemmo commented that he was not sure of the quality of material chosen for the proposed beach replenishment sand, that the sampling could have been taken from some of the decent sand, as the select overburden material is very inconsistent as stated earlier.

In response to a question raised by the Board, Ms. Guild explained that the material in the previous beach nourishment activity probably came from a pocket or section of the sand-mining pit where there is extra soil. To prevent this from happening she is proposing to have every 1,000 tons monitored by sieve analysis, and the Pit Manager has assured her that they will put aside special sand to assist her in this beach nourishment activity.

Mr. Lemmo made a suggested, that a site visit be conducted to the quarries to meet with the technicians and get educated about the different types of sand, and then report back to the Chairperson or the Board with some findings and conclusions.

The Board approved staff's recommendation with an amendment that staff conduct a site visit to sand borrow sites on Maui to investigate if condition no. 8, the requirement to use material classified as sand, could be modified to allow the use of select overburden. Staff is to report back to the Board within 45-days.

Unanimously approved as amended (Yamamura/McCrory).

ITEM D-28: AUTHORIZATION TO PURCHASE APPROXIMATELY 2/3 INTEREST, MORE OR LESS, IN THE U.S. POST OFFICE - DOWNTOWN STATION, LAND AND BUILDING, BY CONDOMINIUM PROPERTY REGIME, AND SET ASIDE TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, FOR STATE OFFICES, SITUATED AT HONOLULU, OAHU, TMK: (1) 2-1-25: POR. 4

Mr. Yada briefed the Board and recommended that the Board authorize the fee simple acquisition of the subject land and building, upon determination of areas, property, and improvements, to be acquired by the State of Hawaii, and retained by the U.S. Postal Service, authorize initiation of the independent appraisal process, and approve and recommend to the Governor the issuance of an executive order setting aside the subject land and building to the Department of Accounting and General Services, for State Offices, in accordance with terms and conditions.

Mr. Ivan Nishiki, Department of Accounting and General Services, Public Works Division, and Ms. Yvonne Izu, Deputy Attorney General for the Department of Attorney General, Land Transportation Division, were both present to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

The Board clarified that their approval allows for the purchase of the total fee interest in the property subject to negotiations with the U.S. Postal Service.

ITEM D-7: GRANTS OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO THE COUNTY OF HAWAII AND THE COUNTY OF HAWAII, WATER COMMISSION FOR 1) PEDESTRIAN AND BICYCLE PURPOSES, AND 2) OPERATION, MAINTENANCE AND REPAIR OF WATER SYSTEM, RESPECTIVELY, WITHIN THE VILLAGES OF LAIOPUA, KEALAKEHE, NORTH KONA, HAWAII, TMK: 7-4-21: POR. 14

Mr. Yada briefed the Board and recommended that the Board authorize the issuance of a perpetual, non-exclusive easement to the County of Hawaii for pedestrian and bicycle purposes, and authorize the issuance of a perpetual, non-exclusive easement to the County of Hawaii, Water Commission for the operation maintenance and repair of a potable water system, in accordance with terms and conditions.

Mr. Stan Fujimoto, Project Manager for the Housing and Community Development Corporation of Hawaii, was present to answer questions.

Mayor Harry Kim, County of Hawaii, submitted written testimony in support of staff's recommendation.

Unanimously approved as submitted (Holschuh/Johns).

ITEM D-10: ISSUANCE OF GENERAL LEASE TO MR. PHILIPPE RICHARD KAHN AND MRS. SONIA LEE KAHN FOR PRIVATE RESIDENTIAL NON-COMMERCIAL PIER PURPOSES, WAILUPE, HONOLULU, OAHU, TMK: (1) 3-6-01: SEAWARD OF 38

Mr. Yada briefed the Board and recommended that the Board authorize the issuance of a direct lease pursuant to Act 261, SLH 2000, in accordance with terms and conditions.

Mr. Bill Tam, Alston Hunt Floyd and Ing, representing the Applicant, was present to answer questions.

Unanimously approved as submitted (Inouye/Holschuh).

ITEM D-17: RESCIND LAND BOARD APPROVAL OF SEPTEMBER 14, 2001, ITEM D-3: CONSENT TO ASSIGN GENERAL LEASE NOS. S-4878, S-4740, S-4645, S-4244, AND GRANT OF EASEMENTS BY LAND OFFICE DEED NO. S-27,442 AND S-12,850, WAILUA ASSOCIATES, ASSIGNOR, TO

COCO KAUI, LLC, ASSIGNEE; TERMINATION OF REVOCABLE PERMITS TO COCO KAUI, LLC, PORTION OF GOVERNMENT LANDS OF KAWAIIHAU, KAUI, HAWAII, TMK: 4-1-5: POR. 17; 4-1-3: PORS. OF 5, 17, 39, AND 44

Mr. Yada briefed the Board and recommended that the Board rescind its prior action of September 14, 2001, in accordance with terms and conditions.

Mr. Tam, Alston Hunt Floyd and Ing, was present to answer questions.

Unanimously approved as submitted (McCroory/Holschuh).

ITEM D-26: ISSUANCE OF REVOCABLE PERMIT TO MANU O KE KAI CANOE CLUB, HALEIWA, WAILUA, OAHU, TMK: 6-2-03: POR. 10

Mr. Yada briefed the Board and recommended that the Board authorize the issuance of a revocable permit to Manu O Ke Kai Canoe Club, in accordance with terms and conditions.

Mr. Randy Sanborn, President of Manu O Ke Kai Canoe Club, was present to answer questions.

Mr. Jimmy Awai testified in support of staff's recommendation.

Unanimously approved as submitted (Inouye/Yamamura).

ITEM D-12: CONSTRUCTION OF TWO OUTLET STRUCTURES RELATED TO DRAINAGE SYSTEM IMPROVEMENTS, DEPARTMENT OF HAWAIIAN HOME LANDS, WAIANAE, OAHU, TMK: (1) 8-9-06

Mr. Lemmo briefed the Board and recommended that the Board approve this application to construct two drainage outlet structures, subject to conditions.

Member Yamamura requested that the same language added to Item D-30, condition no. 9 (see page 3), also be added to condition no. 9 for this item.

The Board approved staff's recommendation with the following amendment:

- "9. Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take appropriate corrective measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard within a time frame and manner prescribed by the Chairperson. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents for any interference, nuisance, harm or hazard relating

to or connected with the granting of this permit and relating to or connected with the implementation of corrective measures to minimize or eliminate the interference, nuisance, harm, or hazard.”

Unanimously approved as amended (Inouye/Yamamura).

ITEM D-13: REQUEST TO EXTEND THE PROCESSING PERIOD FOR AN ADDITIONAL 90-DAYS FOR CONSERVATION DISTRICT USE APPLICATION OA-2801 FOR A 138KV TRANSMISSION LINE AT WAAHILA RIDGE, HONOLULU, HAWAII

Mr. Lemmo briefed the Board and recommended that the Board approve this request to extend the processing period for an additional 90-days, to May 14, 2002, to allow sufficient time to complete the contested case hearing process.

Ms. Naomi Kuwaye, Imanaka Kudo & Fujimoto, on behalf of Hawaiian Electric Company, Inc., testified in support of the 90-day extension.

Mr. Henry Curtis, Executive Director of Life of the Land, testified in support of staff's recommendation.

The Board decided to extend the processing period for an additional 60-days, beyond the 90-days.

Mr. Ken Morikami, Hawaiian Electric Company, Inc., agreed with the additional extension.

Unanimously approved as amended (Inouye/McCrory).

ITEM D-22: CONSERVATION DISTRICT ENFORCEMENT FILE NO. OA-02-33; ALLEGED CONSERVATION DISTRICT VIOLATION AT WAIKIKI BEACH, HONOLULU, OAHU, TMK: (1) 3-1-32: 31

Mr. Lemmo briefed the Board and recommended that the Board find the Outrigger Canoe Club in violation of Chapter 183C, Hawaii Revised Statutes and Hawaii Administrative Rules, and therefore subject to the following conditions: 1) Outrigger Canoe Club be fined \$2,000.00 for failure to obtain a Conservation District Use Permit for the concrete pilings; 2) Outrigger Canoe Club shall be fined an additional \$220.00 for administrative costs associated with the subject violations; 3) Outrigger Canoe Club shall submit an after-the-fact Conservation District Use Application for the concrete pilings to evaluate whether the pilings have an adverse effect on coastal processes, within 90-days of the final order; and 4) In the event Outrigger Canoe Club fails to comply with any of the above order, the matter shall be referred to the State Attorney General for final disposition.

Mr. Christopher McKenzie, Vice-President and Member of the Board of Directors for the Outrigger Canoe Club, requested that the fine be reduced to \$500. He explained that the club is a non-profit organization and a fine of \$2,000.00 would be very steep.

Mr. Lemmo explained that the main issue in imposing the maximum fine is because of the location, the alleged violation is within the Waikiki/Diamond Head Shoreline area in which there exists shoreline and sand resources important to the public.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-23: FORFEITURE OF GENERAL LEASE NO. S-4007, ALOFA CORPORATION, LESSEE, WAIMANALO, KOOLAUPOKO, OAHU, TMK: (1) 4-1-027: 023 AND 024

Mr. Yada briefed the Board and recommended that the Board authorize the cancellation of General Lease No. S-4007, in accordance with terms and conditions.

Mr. Julius Ah Sam, Alofa Corporation, explained certain things that they have been working on, trying their best through difficult situations, and requested that their lease continue.

The Board amended the staff submittal by adding the following conditions:

1. The Lessee shall bring all regular rent due current by January 27, 2002 by the cashing of the existing Certificate of Deposit of \$11,500 with the difference in cash.
2. The Lessee shall be allowed 60-days to provide an acceptable performance bond of the total amount of \$52,600.
3. Should the Lessee fail to comply with any of the foregoing conditions, the Board authorizes the cancellation of General Lease No. S-4007 pursuant to the recommendations of the submittal prior to amendment.

Unanimously approved as amended (Inouye/McCrory).

ITEM D-34: CANCELLATION OF REVOCABLE PERMIT NOS. S-7244 TO MS. KUUIPO MALEPE & MR. MOSES KAHALA, AND S-7245 TO MS. LENA SOLIVEN AND MR. TROY WALLACE, AND ISSUANCE OF TWO SEPARATE REVOCABLE PERMITS TO MS. LENA SOLIVEN AND MS. KUUIPO MALEPE, KAHANA VALLEY STATE PARK, OAHU, TMK: 5-2-02: POR. OF 01

Mr. Yada briefed the Board and recommended that the Board authorize the cancellation of Revocable Permit Nos. S-7244 and S-7245, and issuance of two new separate revocable permits to Ms. Soliven and Ms. Malepe individually, in accordance with terms and conditions.

Ms. Ululani Beirne, Kahana Community Association, indicated that a letter was suppose to be sent to the Board from the association recommending that the revocable permits be extended. On behalf of her son Mr. Wallace, she requested that the Board extend his revocable permit, in the same manner the permittees that have not completed building their homes were given. She also requested the same for Mr. Kahala.

Ms. Kuuipo Malepe testified in favor of the new revocable permit.

Mr. Yada clarified that the Department has not received the letter referred to by Ms. Beirne from the Kahana Community Association.

In response to questions raised by the Board, Mr. Al Rogers, Kahana Valley State Park Manager, Division of State Parks, explained that the notion of having a revocable permit, are for people who may get a lease in the future in case of any cancellations, the 2 co-permittees do not meet the statutory requirements for a lease. Mr. Kahala, who is way down on the priority list of eligible people, is not imminently qualified to receive a lease because he has not lived in the area continuously, and Mr. Wallace was never on the list because he did not apply for a lease

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-33: EXTENSION OF REVOCABLE PERMIT NO. S-7247 TO MR. MERVIN KAHALA AT KAHANA VALLEY STATE PARK, OAHU, TMK: (1) 5-2-02: POR. 01

Mr. Yada briefed the Board and recommended that the Board extend Revocable Permit No. S-7247, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Yamamura).

ITEM D-24: FORFEITURE OF GENERAL LEASE NO. S-5368, ALOHA FIRST, LESSEE, WAIMANALO, KOOLAUPOKO, OAHU, TMK: (1) 4-1-010: 096, 097, 098, 099 AND POR. 080

Mr. Yada briefed the Board and recommended that the Board authorize the cancellation of General Lease No. S-5368, in accordance with terms and conditions.

Mr. Bumpy Kanahale, Aloha First, explained their situation and requested an extension to allow them to cure the defaults.

The Board amended the submittal by adding the following conditions:

1. The Lessee shall be allowed 30-days to pay all rent due by way of cash or cashier's check.

2. The Lessee shall be allowed 30-days to apply for cooperator status with the local Soil and Water Conservation District and request the preparation of a conservation plan.
3. The Lessee shall be allowed 60-days within which to submit an acceptable performance bond.
4. Should the Lessee fail to comply with any of the foregoing conditions, the Board authorizes the cancellation of General Lease No. S-5368 pursuant to the recommendations of the submittal prior to amendment.

Unanimously approved as amended (Inouye/McCrory).

ITEM D-19: CONSTRUCTION OF A RESIDENTIAL GARAGE AND WATER STORAGE TANK AT 4059 ROUNDTOP DRIVE, HONOLULU, HAWAII

Mr. Lemmo briefed the Board and recommended that the Board approve the application to construct a residential garage and water storage tank, and approve the deviation from the standard residential setback, subject to conditions.

Mr. Logan White, Applicant, was present to answer questions.

The Board deferred the application and instructed staff to write to the abutting property owners and to the Tantalus Neighborhood Board to solicit their input on the proposed project and variance request. The Board instructed staff to allow a time frame of 30-days in which to receive comments from the date of the request for comments, and to return to the Board with a recommendation on February 22, 2002.

Deferred (Inouye/McCrory).

ITEM D-14: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

Mr. Lemmo briefed the Board and recommended that the Board certify the elections and appoint those persons recommended as directors of respective Soil and Water Conservation Districts, for the term ending June 30, 2004.

Unanimously approved as submitted (Yamamura/Holschuh).

ITEM D-1: SET ASIDE TO DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF STATE PARKS FOR PARK AND RESIDENTIAL PURPOSES, MALAEKAHANA, KOOLAULOA, OAHU, TMK: (1) 5-6-001: 023, 24, 45-47, 49, 51, 53-65B

Mr. Yada briefed the Board and recommended that the Board approve and recommend to the Governor the issuance of an executive order setting aside the subject lands, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Holschuh).

ITEM D-2: RESCIND PRIOR BOARD ACTION OF MAY 25, 1984 (AGENDA ITEM F-4), DIRECT GRANT OF EASEMENT TO DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AT KEAHUOLU, HAWAII, TMK: (3) 7-5-05: POR. 7

Mr. Yada briefed the Board and recommended that the Board rescind the prior Board action of May 25, 1984, in accordance with terms and conditions.

Unanimously approved as submitted (Holschuh/Johns).

ITEM D-3: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 9415 TO KAALOAKAUHI, SITUATE AT KANAUEUE, NORTH KONA, ISLAND OF HAWAII, TMK: (3) 7-9-11: PORS. OF 2, 31, 32, 41, ETC.

Mr. Yada briefed the Board and recommended that the Board consent to the issuance of a Land Patent confirmation of Land Commission Award No. 9415 to Kaaloakauhi, subject to terms and conditions.

Unanimously approved as submitted (Holschuh/Johns).

ITEM D-5: WITHDRAWAL FROM GENERAL LEASE NO. S-5551 AND SET ASIDE TO THE DEPARTMENT OF AGRICULTURE FOR RESERVOIR SITE AND ACCESS AND UTILITY EASEMENTS SITUATE AT HONOKAIA, HAMAKUA, HAWAII, TMK: (3) 4-6-03: PORS. OF 1, 2, AND 18

Mr. Yada briefed the Board and recommended that the Board authorize the withdrawal from General Lease No. S-5551, approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to the Department of Agriculture, grant the issuance of an immediate construction and maintenance right-of-entry to the Department of Agriculture, in accordance with terms and conditions.

Unanimously approved as submitted (Holschuh/Johns).

ITEM D-6: RESCIND PRIOR BOARD ACTION OF JUNE 9, 1995 (AGENDA ITEM F-7), SET ASIDE TO DEPARTMENT OF LAND AND NATURAL

**RESOURCES, DIVISION OF FORESTRY AND WILDLIFE FOR
OLOWALU GAME MANAGEMENT AREA, OLOWALU AND
LAHAINA, MAUI, TMK: (2) 4-8-02: 08 AND 4-8-03: 08, 40**

Mr. Yada briefed the Board and recommended that the Board rescind its prior Board action of June 9, 1995, approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Division of Forestry and Wildlife as a Game Management Area, in accordance with terms and conditions.

Unanimously approved as submitted (Yamamura/Holschuh).

**ITEM D-8: SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE
AGRICULTURE PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU,
TMK: (1) 4-1-010: 037**

Mr. Yada briefed the Board and recommended that the Board authorize the sale of a lease at public auction, in accordance with terms and conditions listed.

Unanimously approved as submitted (Inouye/McCrory).

**ITEM D-9: SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE
AGRICULTURE PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU,
TMK: (1) 4-1-027: 011**

Mr. Yada briefed the Board and recommended that the Board authorize the sale of a lease at public auction, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Yamamura).

**ITEM F-1: REQUEST FOR APPROVAL TO HOLD PUBLIC HEARINGS TO ADOPT
HAWAII ADMINISTRATIVE RULES, CHAPTER 13-74, SHARK
FEEDING**

Mr. Bill Devick, Administrator of the Division of Aquatic Resources, briefed the Board and recommended that the Board approve the holding of public hearings for the adoption of HAR, Chapter 13-76, relating to the establishment of regulations on the feeding of sharks.

In response to a question raised by Member Johns, Mr. Randy Honebrink, Education Coordinator V, Division of Aquatic Resources, clarified that there is consensus on this matter with the Members of the Shark Task Force.

Unanimously approved as submitted (Johns/Holschuh).

ITEM D-11: REQUEST FOR IMMEDIATE RIGHT-OF-ENTRY BY THE DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, FOR ITS PUAINAKO STREET IMPROVEMENT PROJECT AT WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-4-01: 05, 07, 15, 143 & 157 AND 2-4-52: 01, 20, 21 & 22

Mr. Yada briefed the Board and recommended that the Board approve the issuance of an immediate right-of-entry to the Department of Transportation, Highways Division, in accordance with terms and conditions.

Unanimously approved as submitted (Holschuh/Inouye).

ITEM D-15: AMEND PRIOR BOARD ACTION OF JUNE 19, 1998 (AGENDA ITEM D-16), DIRECT SALE OF A PORTION OF AN ABANDONED REMNANT DITCH RIGHT-OF-WAY AT HALEHOU-WAKALAUKAI HOMESTEADS, KANEOHE, OAHU, TMK: (1) 4-5-77: 59 POR.

Mr. Yada briefed the Board and recommended that the Board amend its prior action of June 19, 1998, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Holschuh).

ITEM D-16: AMEND PRIOR BOARD ACTION OF JULY 13, 2001 (ITEM D-30) ISSUANCE OF REVOCABLE PERMIT TO QUALITY PRECAST PRODUCTS, INC., HONOLULI, EWA, OAHU, TMK: (1) 9-1-031: POR. 001

Mr. Yada briefed the Board and recommended that the Board amend prior Board action of July 13, 2001, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Yamamura).

ITEM D-18: AMEND PRIOR BOARD ACTION OF SEPTEMBER 26, 1997, UNDER AGENDA ITEM D-5, DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO HAWAII ELECTRIC LIGHT COMPANY, INC., FOR ANCHOR PURPOSES, WAIAKEA, SOUTH HILO, HAWAII, TMK: (3) 2-4-41: POR. 69

Mr. Yada briefed the Board and recommended that the Board amend its action of September 26, 1997, in accordance with terms and conditions.

Unanimously approved as submitted (Holschuh/Inouye).

ITEM D-20: CONSENT TO A REVOCABLE PERMIT BETWEEN DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM AND SQUARE USA, FOR LANDS UNDER GOVERNOR'S EXECUTIVE ORDER NO. 3450, KAPAHULU, WAIKIKI, HONOLULU, OAHU, TMK: (1) 3-1-42: 09 POR.

Mr. Yada briefed the Board and recommended that the Board consent to the revocable permit between the Department of Business, Economic Development and Tourism and Square USA, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Yamamura).

ITEM D-21: RESCIND PRIOR BOARD ACTION OF NOVEMBER 16, 2001 (AGENDA ITEM D-4) CANCELLATION OF REVOCABLE PERMIT NO. S-6941, MR. JULIO RESURECCION, PERMITTEE, KEOPU 2, NORTH KONA, HAWAII, TMK: (3) 7-5-01: 22

Mr. Yada briefed the Board and recommended that the Board rescind its prior action of November 16, 2001, in accordance with terms and conditions.

Unanimously approved as submitted (Holschuh/Inouye).

ITEM D-25: AMEND PRIOR BOARD ACTION OF OCTOBER 11, 1996 (ITEM D-8); JULY 27, 2001 (ITEM D-8) SALE OF RECLAIMED LANDS TO MR. LEONARD A. JAFFE AND MR. MILES F. SHIRATORI, KANEOHE, KOOLAUPOKO, OAHU; TMK: (1) 4-4-22:06 SEAWARD

Mr. Yada briefed the Board and recommended that the Board amend prior Board action of October 11, 1996 and July 27, 2001, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Holschuh).

ITEM D-31: AFTER-THE-FACT GRANTS OF PERPETUAL, NON-EXCLUSIVE EASEMENTS TO COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY FOR WATER TANK SITE, WATER PIPELINE AND ACCESS ROADWAY PURPOSES, WAIOHULI-KEOKEA, MAKAWAO, MAUI, TMK: 2-2-04: POR. 18

Mr. Yada briefed the Board and recommended that the Board approve the issuance of the after-the-fact easements, in accordance with terms and conditions.

Unanimously approved as submitted (Yamamura/Inouye).

ITEM D-32: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT AND ISSUANCE OF MAINTENANCE RIGHT-OF-ENTRY TO HAWAIIAN ELECTRIC COMPANY, INC., (HECO) AND VERIZON HAWAII INC. (VERIZON) FOR UTILITY PURPOSES, MAKIKI & TANTALUS, HONOLULU, OAHU, TMK: 2-5-19: 08, 2-5-20: 04 AND 08, 2-5-24: 03 THROUGH 07, 10, 12, 14, 16 THROUGH 21 & 23

Mr. Yada briefed the Board and recommended that the Board authorize the issuance of a perpetual non-exclusive easement, in accordance with terms and conditions.

Unanimously approved as submitted (Inouye/Yamamura).

There being no further business, Chairperson Coloma-Agaran adjourned the meeting at 1:10 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. Kelihoomalua

Approved for submittal:



GILBERT S. COLOMA-AGARAN

Chairperson

Board of Land and Natural Resources