

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

DATE: FRIDAY, APRIL 26, 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 9:10 a.m. The following were in attendance:

MEMBERS:

Mr. Gilbert Coloma-Agaran
Ms. Kathryn Inouye
Mr. Timothy Johns

Ms. Lynn McCrory
Dr. Fred Holschuh (left at 9:45 a.m.)

STAFF:

Ms. Dede Mamiya, Land Division
Mr. Sam Lemmo, Land Division
Mr. Francis Onishi, Division of Aquatic Resources

Mr. Dan Quinn, Division of State Parks
Mr. Curt Cottrell, Division of Forestry and
Wildlife

OTHERS:

Ms. Linda Chow, Department of the
Attorney General
Mr. Ted Sakai, D-15
Mr. John Cates, D-13
Mr. Zoltan Rudolics, E-1
Mr. Randy Vitousek, E-1 & D-4
Mr. Fred Hood, D-14
Mr. Jerry Iwata, D-17

Mr. Peter Garcia, Department of
Transportation
Ms. Virginia Enos, D-13
Mr. Bumpy Kanahele, E-1
Mr. John Steelquist, E-1
Ms. Kari Wilhelm, D-16
Mr. Carl Jellings, F-1

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

ITEM A-1: APPROVAL OF THE MARCH 8, 2002 MINUTES

Unanimously approved as submitted (McCrory/Holschuh).

ITEM D-15: CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 3071 AND RESET ASIDE TO DEPARTMENT OF PUBLIC SAFETY FOR CORRECTIONAL FACILITY; AMEND PRIOR BOARD ACTION OF JANUARY 26, 1996 (ITEM F-12); HALAWA, EWA, OAHU, TMK: (1) 9-9-10: 28 & 30

Ms. Dede Mamiya, Administrator for the Land Division, briefed the Board and recommended that the Board amend prior Board action of January 26, 1996 by deleting Recommendations A and B, Approve of and recommend to the Governor issuance of an executive order canceling the remaining portion of Governor's Executive Order No. 3071, Approve of and recommend to the Governor the issuance of an executive order setting aside 20.225 acres of land, and Approve of and recommend to the Governor the issuance of an executive order setting aside 1.129 acres of land, subject to terms and conditions.

Mr. Ted Sakai, Department of Public Safety, was present to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-13: AMEND PRIOR BOARD ACTION OF MARCH 9, 2001 (AGENDA ITEM D-5), DIRECT ISSUANCE OF A LEASE FOR MARICULTURE PURPOSES TO CATES INTERNATIONAL, INC., EWA, OAHU, TMK: (1) 9-1-5: SEAWARD

Ms. Mamiya recalled, at the March 9, 2001 Board meeting there was concern raised by a former Board Member about the length of the lease for an activity that is new and untested, and the Board had approved, at that time, a shorter term of 15 years with an option to renew on the 10th year. Staff was informed by the Attorney General's office that a 10-year option to renew is not allowed under Section 171-36, Hawaii Revised Statutes and therefore was not able to finalize the lease document. Staff's recommendation is that the Board amend its prior action of March 9, 2001, Item D-5, by changing the lease term from 15 years to 30 years; adding rental reopenings at the end of the 10th and 20th years of the lease term; and deleting the provision for a 10-year option to renew on the condition that the rent be renegotiated (independent appraisal) at the time of the renewal.

Mr. John Cates, Cates International Inc., clarified that they are obtaining financing from the National Marine Fisheries Service (NMFS), and NMFS had responded to the State that it would be much easier to get additional financing, if needed, with a longer lease term. In response to a question raised by Member Inouye, Mr. Cates indicated that the minimum NMFS requires is a 15-year lease term.

Ms. Virginia Enos, Vice-President of Cates International Inc., indicated that they have checked into several local lenders and the term for conventional business loans in the State of Hawaii are generally much shorter but a lot more constraining and requires a lot more collateral and personal guarantees.

Member Inouye, because of the concern about this being such a new venture, and since she wasn't hearing that the loan would definitely be denied if the lease term were less than 30 years, suggested a term of 20 years. If the Applicant is unable to get additional financing during the term of the lease, they could come back to the Board and request for a lease extension. She asked that staff inform the Applicant on their ability to extend the lease.

The Board amended condition no. 1 of the staff's recommendation:

- "A. Change lease term from 15 years to [30]20 years,
- B. Add rental reopenings at the end of the 10th [20th] year[s] of the lease term."

Unanimously approved as amended (Inouye/McCrory).

ITEM E-1: REQUEST FOR APPROVAL TO ENTER DISCUSSIONS FOR EVENING OPERATION OF PUU UALAKAA STATE WAYSIDE, HONOLULU, OAHU

Mr. Dan Quinn, Administrator of the Division of State Parks, indicated that the Department has received a proposal from Aloha First, a non-profit organization, to operate the Puu Ualakaa State Wayside as a scenic overlook at night. The Manoa overlook, located below the park along Round Top Drive, has become a popular location for people viewing the Honolulu city lights at night. This includes organized tours in mini-buses and stretch limousines. Prior to September 11, 2001, congestion there, including issues related to the long limousines, created a problem for the community. As visitor levels are returning to pre-September 11 levels, Aloha First believes their concept is viable. The proposal outlines hours of operation, security, and the potential for the permittee contributing maintenance, park improvements and lease rent. Communication from the Tantalus Community Association and Senator Carol Fukunaga has been received expressing concerns, and indicating that more coordination is necessary. Staff's recommendation is that the Board approve discussion to consider a proposal for evening operation of Puu Ualakaa State Wayside, with final approval of any agreement subject to further Board action.

Mr. Bumpy Kanahele, representing Aloha First, a non-profit organization, explained that they are looking at entering into discussion involving the State, the Tantalus Community Association, the Neighborhood Board, and interested parties, to consider their proposal for evening operations of the park.

Mr. Zoltan Rudolics, Associate of Aloha First, and Resident adjacent to the Manoa lookout, went over parts of their proposal, and pointed out that they could absorb some of the maintenance costs to the State. In response to questions raised by the Board, he indicated that they plan on charging tour companies that enter the park an admission fee per head which would offset the maintenance expenses, and they plan to work out something with the City and County in having the tour companies go straight to the park and restrict them from parking at the lookout.

There was some discussion about direct negotiation versus the public bid process. Member Inouye was in favor of having another organization take care of the tour operations at the park but was concerned that this is not being sent out for public bid. Mr. Quinn explained that this has been an issue that was discussed in trying to find other venues for the city lights tours, and although it is not a State Parks issue, State Parks has been involved. From the Division's standpoint, they do not necessarily have the staff time, effort, and energy to create a Request-for Proposal (RFP) or document to put out to public bid. Member Inouye was concerned about the huge amount of profits being generated from this type of operation. Chairperson Coloma-Agaran mentioned the possibility of the Board requiring a more competitive process rather than direct negotiation. Mr. Rudolics was opposed to this and felt that their proposal solves the problem at the lookout and with the community, that there is a legal vehicle for the State to be able to negotiate directly with non-profits, and that they would be penalized should someone else come in and take their idea. Member Johns was concerned on how the State would protect the public trust in setting an appropriate price if there wasn't a competitive bidding process. He explained that a critical issue that Aloha First needs to know up front for their own protection, is whether the Board is willing to do a direct negotiation. Mr. Rudolics agreed and mentioned that they thought it was a fair solution to pick up the expenses to operate the park so that the State no longer has that downside. Member Inouye wanted to make sure that the intent to enter into a direct lease with non-profits (i.e. Boy Scouts, Church Organizations), is not being circumvented, because whether or not a non-profit is being used to conduct the tour operations, the public scrutiny will be that this is a possible commercial operation. She was in favor of the idea of privatizing the operation and perhaps having some benefit for a business entity, but was concerned about entering into a direct lease.

Mr. John Steelquist, Chairperson of the Makiki/Lower Punchbowl/Tantalus Neighborhood Board, provided written and verbal testimony, indicating that the Neighborhood Board passed a motion on April 16, 2002, stating that it does not support the project because of the need for more information. He clarified that there have been numerous meetings conducted and the idea of moving up to the park has been on the table for the public for several years, however, charging an admission fee is a new concept. He summarized concerns raised in a letter from the Tantalus Community Association dated April 9, 2002, an attachment to the staff submittal, that an RFP would seem reasonable because there is a public resource being given to a private company, that a traffic study be done to address the traffic concerns, and that the proposed lighting is an issue because it's in a conservation area.

Mr. Randy Vitousek, former Landowner and Resident of Round Top Drive, was concerned that the proposal did not appear to be for eleemosynary purposes but for profit motivation and personal concern regarding impact on existing residences. He hoped the Board would not imply any particular favor to this type of arrangement should discussions be allowed.

The Board decided to deny staff's recommendation.

Denied (Inouye/McCrory).

There was some discussion by the Board. Member Johns requested that further discussions take place to try and solve the issues that are presently at Tantalus, and that the Division of State Parks come back to the Board in the near future with a report on what the division could do to help contribute to the solution. He felt that the proposal was a good idea, but was uncomfortable with it being done via direct negotiation. Member McCrory preferred the public auction process or an RFP. Member Inouye supported the idea of privatizing the operations or maintenance of the park, and asked that staff come up with a recommendation on an RFP or public auction process, so that some basic perimeters could be set for operations, hours, admission fees, and revenues. A determination could then be made on where the monies should go towards in making improvements. Member McCrory suggested that the Kokee Master Plan be looked at because of the similarity.

**ITEM D-4: CONSERVATION DISTRICT ENFORCEMENT FILE NO. HA-01-22:
ALLEGED CONSERVATION DISTRICT VIOLATIONS AT
LAMALOLOA, NORTH KOHALA, HAWAII, TMK: 3RD/5-7-01: POR. 20**

Mr. Sam Lemmo, Senior Staff Planner for the Land Division, briefed the Board and recommended that the Board, based on staff's findings and conclusions, finds Mr. Dennis Gordy in violation of Chapter 183C, Hawaii Revised Statutes and Chapter 13-5, Hawaii Administrative Rules, subject to conditions: 1) Mr. Gordy shall be fined \$2,000.00 for these Conservation District violations; 2) Mr. Gordy shall be fined an additional \$825.00 for administrative costs associated with the subject violations (\$325.00 DOCARE; \$500.00 Planning Staff); 3) Mr. Gordy shall remit all fines within 30 days of issuance of the final order; 4) Mr. Gordy shall, at his own expense, submit for Chair approval a pedestrian access plan that contains a metes and bounds survey map with the projected location of state (ala loa) trail that has been approved by Na Ala Hele. The trail shall be ten (10) feet wide. This plan shall be submitted within 45 days of the final order. This plan shall be coordinated with the Department of Land and Natural Resources Na Ala Hele program, and the State Historic Preservation Division; and 5) In the event Mr. Gordy fails to comply with any of the above orders, the matter shall be referred to the State Attorney General for final disposition.

Mr. Randy Vitousek, on behalf of Mr. Gordy, accepted responsibility for the violations, and accepted the conditions proposed by staff with the exception of condition no. 4., the requirement to submit a pedestrian access plan within 45 days. He requested that this be changed to 120 days.

In response to a question raised by Member Inouye, Mr. Vitousek indicated that Mr. Gordy, in addition to paying for the surveying as referenced in condition no. 4, would also be paying for the cost of construction of the relocated pedestrian access on his property.

Member Johns requested an additional condition be added, that Mr. Gordy not be penalized if the processing of the pedestrian access plan through the Department (Na Ala Hele program and the Historic Preservation Division) creates delays.

Mr. Vitousek requested that once the fines are paid by Mr. Gordy that the violations be considered closed, and any non-compliance of condition no. 4 be treated as a new and separate violation.

The Board made the following amendments to staff's recommendations:

- “4. Mr. Gordy shall, at his own expense, submit for Chair approval a pedestrian access plan that contains a metes and bounds survey map with the projected location of state (ala loa) trail that has been approved by Na Ala Hele. The trail shall be ten (10) feet wide. This plan shall be submitted within [45]120 days of the final order. This plan shall be coordinated with the Department of Land and Natural Resources Na Ala Hele program, and the State Historic Preservation Division; [and]
5. Mr. Gordy shall pay for the cost of the trail construction for the portion on his property;
6. Upon payment of the fine, the violation shall be considered closed and any failure to comply with condition no. 4 will be treated as a separate violation and not part of the initial violation;
7. Any delays caused by the Department that result in the timeframe for submission of the trail plan to be exceeded, shall not cause Mr. Gordy to be in violation of that requirement; and,
8. In the event Mr. Gordy fails to comply with any of the above orders, the matter shall be referred to the State Attorney General for final disposition.”

Unanimously approved as amended (Johns/Inouye).

ITEM D-16: APPOINTMENT AND SELECTION OF A HEARING OFFICER TO CONDUCT ALL HEARINGS FOR A CONTESTED CASE HEARING (DOCKET NO. 02-06-HA. PETITIONS REQUESTING THE BOARD TO DENY CDUP APPLICATION HA-3065...)

Mr. Lemmo briefed the Board and recommended that the Board authorize the appointment of a Hearing Officer for CC 02-06-HA and let that Hearing Officer conduct all the hearings relevant to the subject petition for a Contested Case Hearing; and that the Board delegate the authority for selection of the Hearing Officer to the Chairperson.

Ms. Kari Wilhelm, University of Hawaii, was present to answer question.

Unanimously approved as submitted (Johns/Inouye).

ITEM D-14: CONSERVATION DISTRICT USE APPLICATION NO. MA-3080 FOR BEACH NOURISHMENT AT MAALAEA BAY, MAUI, TMK: ADJACENT TO (2) 3-8-014: 004 AND 005

Mr. Lemmo briefed the Board and recommended that the Board approve this request for beach nourishment at Maalaea Bay Beach for a period of 5 years, subject to conditions.

Mr. Fred Hood, Board Member of the Kanai A Nalu Association of Apartment Owners and Chairperson of the Kanai A Nalu Beach Nourishment Project, was present to answer questions.

The Board made the following amendments to staff's recommendation:

- "6) Any work or construction to be done on the land shall be initiated [within one (1) year of the approval of such use] by June 2003, and all work and construction must be completed [within five (5) years of the approval of such use] by June 2008."

Unanimously approved as amended (Johns/Inouye).

ITEM F-1: REQUEST FOR APPROVAL TO CONDUCT PUBLIC HEARINGS TO AMEND HAWAII ADMINISTRATIVE RULES, CHAPTER 13-34, PUPUKEA MARINE LIFE CONSERVATION DISTRICT, OAHU

Mr. Francis Oishi, Program Manager for the Division of Aquatic Resources, briefed the Board and recommended that the Board approve the request to hold public hearings to amend HAR, Chapter 13-34 relating to the Pupukea Marine Life Conservation District, Oahu.

Mr. Carl Jellings, Akule Fisherman, thanked the Board for considering the rule amendment.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-8: AMEND PRIOR BOARD ACTION OF MAY 11, 2001 (AGENDA ITEM D-17), RELATING TO THE KONA COMMUNITY HOSPITAL SITE SITUATE AT KANAUEUE 2ND, NORTH KONA, HAWAII, TMK: 7-9-13: 17

Ms. Mamiya briefed the Board and recommended that the Board amend its action of May 11, 2001, by including Governor's Executive Order No. 3322 in Recommendation B, subject to conditions.

Unanimously approved as submitted (Johns/Inouye).

ITEM D-17: REQUEST BY CITY AND COUNTY OF HONOLULU TO CANCEL GENERAL LEASE NO. S-5125 AND SET ASIDE FOR GOVERNMENT RELATED PURPOSES, AMENDMENT OF GENERAL LEASE NO. S-5125, HONOLULU, OAHU, TMK: (1) 2-1-02: 57

Ms. Mamiya briefed the Board and recommended that the Board authorize the amendment of General Lease No. S-5125 by changing the rent to \$1 per year effective as of January 1, 1997 and deleting all rental re-openings.

Mr. Jerry Iwata, City and County of Honolulu, Department of Design and Construction, was present to answer questions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM K-1: AMENDMENT NO. 1 TO LEASE NO. DOT-A-90-18, UNIVERSAL ENTERPRISES, INC., HONOLULU INTERNATIONAL AIRPORT, OAHU, TMK: (1) 1-1-03

Mr. Peter Garcia, Property Management Officer of the Department of Transportation, briefed the Board and recommended that the Board approve Amendment No. 1 to Lease No. DOT-A-90-18.

Unanimously approved as submitted (Inouye/McCrory).

ITEM K-2: ISSUANCE OF A CONSTRUCTION RIGHT OF ENTRY AND GRANT OF EASEMENT TO HAWAIIAN ELECTRIC COMPANY, INC., AND VERIZON HAWAII, INC., TO SERVE THE DEPARTMENT OF AGRICULTURE, FORMER KAPALAMA MILITARY RESERVATION, KALIHI-KAI, OAHU, TMK: (1) 1-2-25-11P

Mr. Garcia briefed the Board and recommended that the Board authorize the Harbors Division to issue the Applicants a construction right-of-entry, subject to conditions.

Unanimously approved as submitted (Inouye/Johns).

ITEM K-3: ISSUANCE OF REVOCABLE PERMIT TO JAPAN FOOD (HAWAII) INC. AT PIER 32, HONOLULU HARBOR, OAHU, TMK: (1) 1-5-39-9P

Mr. Garcia briefed the Board and recommended that the Board authorize the Harbors Division to issue the applicant a revocable permit, subject to conditions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-1: RESCIND LAND BOARD ACTION OF SEPTEMBER 10, 1999, AGENDA ITEM D-3: EXTENSION OF LEASE TERM AND CONSENT TO MORTGAGE, GENERAL LEASE NO. S-4942, MR. FRANK S. NONAKA, HANAPEPE, KAUAI, TMK: 1-9-12: 11, AND RESCIND LAND BOARD ACTION OF JANUARY 25, 2002, AGENDA ITEM D-2: CONSENT TO ASSIGN GENERAL LEASE NO. S-4942, MR. FRANK, S. NONAKA, ASSIGNOR, TO MR. SCOT J. NONAKA AND MS. SHARI T. NONAKA, ASSIGNEES, HANAPEPE, KAUAI, TMK: 1-9-12: 11, AND APPROVAL TO RESCIND PREVIOUS APPROVAL OF LAND BOARD AGENDA ITEM D-3, DATED AUGUST 24, 2001; AND SALE OF LEASE AT PUBLIC AUCTION FOR INTENSIVE AGRICULTURE PURPOSES AND ISSUANCE OF REVOCABLE PERMIT TO MR. SCOT J. NONAKA AND MS. SHARI T. NONAKA, HANAPEPE, KAUAI, TMK: 1-9-12: 11

Ms. Mamiya briefed the Board and recommended that the Board rescind its action of September 10, 1999 and January 25, 2002, and authorize the sale of a lease at public auction, subject to conditions.

Unanimously approved as submitted (McCroory/Inouye).

ITEM D-2: CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-3158, MR. RICHARD E. ALDERSON, TRUSTEE OF THE RICHARD E. ALDERSON 1987 INTERVIVOS TRUST, ASSIGNOR, TO I.C. MS. HAUNANI HENRY, ASSIGNEE, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3RD/2-1-07: 24

Ms. Mamiya briefed the Board and recommended that the Board consent to the assignment of General Lease No. S-3158 from the Richard Alderson Trust, to Ms. Haunani Henry, subject to conditions.

Unanimously approved as submitted (Johns/Inouye).

ITEM D-3: RESCIND PRIOR BOARD ACTION OF JANUARY 28, 1977, UNDER AGENDA ITEM F-8, DIRECT GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR ELECTRIC AND TELEPHONE INSTALLATIONS TO HAWAII ELECTRIC LIGHT COMPANY, INC. AND VERIZON HAWAII INC. (FORMERLY HAWAIIAN TELEPHONE COMPANY); PROPOSED KUKUIHAELE SCHOOL SITE HOUSELOTS SUBDIVISION, KANAHONUA, HAMAKUA, HAWAII, TMK: (3) 4-8-06:

10

Ms. Mamiya briefed the Board and recommended that the Board rescind its prior action of January 28, 1977, direct grant of perpetual, non-exclusive easements to Hawaii Electric Light Company, Inc., and Verizon Hawaii Inc., for electric and telephone installations situate at the

proposed Kukuihaele School Site Houselots Subdivision, Kanahonua, Hamakua, Hawaii, subject to conditions.

Unanimously approved as submitted (Inouye/McCrory).

ITEM D-5: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS (HANA AND EAST KAUAI)

Ms. Mamiya briefed the Board and recommended that the Board certify the elections and appointment of respective Soil and Water Conservation Districts, for the term ending June 30, 2004 or June 30, 2005.

Unanimously approved as submitted (McCrory/Inouye).

ITEM D-6: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 4452, APANA 2, TO H. KALAMA, SITUATE AT KAPALAALAEA, N. KONA, ISLAND OF HAWAII, TMK: (3) 7-7-08: POR. 11, 116, AND PORTIONS OF (3) 7-7-05; 06; 07; 10; 14; 17; 19

Ms. Mamiya briefed the Board and recommended that the Board consent to the issuance of a Land Patent in confirmation of Land Commission Award No. 4452, Apana 2, to H. Kalama, subject to conditions.

Unanimously approved as submitted (Johns/Inouye).

ITEM D-7: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 7716, APANA 4, TO R. KEELIKOLANI, SITUATE AT LAALOA, NORTH KONA, ISLAND OF HAWAII, TMK: (3) 7-7-08: POR. 11, 118, AND PORTIONS OF (3) 7-7-05; 06; 07; 10; 14; 17; 18; 19.

Ms. Mamiya briefed the Board and recommended that the Board consent to the issuance of a Land Patent in confirmation of Land Commission Award No. 7716, Apana 4, to R. Keelikolani, subject to conditions.

Unanimously approved as submitted (Johns/Inouye).

ITEM D-9: CANCELLATION OF ONE-YEAR HOLDOVER AND EXTENSION OF LEASE TERM OF GENERAL LEASE NO. S-4726, HAWAII COUNTY

**ECONOMIC OPPORTUNITY COUNCIL, LESSEE, PONAHAHAWAI,
SOUTH HILO, HAWAII, TMK: 3RD/2-5-06: 01 & 159**

Ms. Mamiya briefed the Board and recommended that the Board cancel the one-year holdover commencing May 1, 2001 and expiring on April 30, 2002; authorize the extension of General Lease No. S-4726 for 10 years, subject to conditions.

Member McCrory questioned the concept of extending the lease for 10 years without a reason and why this wasn't moved to a revocable permit. Ms. Mamiya believed the reason for the extension was to get funding to construct a new building. Member McCrory was concerned about setting a precedent in arbitrarily extending leases without a reason.

The Board decided to defer this item to allow the lessee time to provide a letter from the lender clarifying the need for extension.

Deferred (Johns/McCrory).

**ITEM D-10: AMEND PRIOR BOARD ACTION OF OCTOBER 27, 2000, ITEM D-17,
FOR THE ISSUANCE OF A REVOCABLE PERMIT TO MR. JERRY
EGAMI FOR PASTURE PURPOSES, MOAULA, KOPU & MAKAKA,
KAU, HAWAII, TMK: 3RD/9-6-02: 10, PORTION OF 05 & 13**

Ms. Mamiya briefed the Board and recommended that the Board amend its prior action of October 27, 2000, under Agenda Item D-17, subject to conditions.

Unanimously approved as submitted (Johns/McCrory).

**ITEM D-11: CONSERVATION DISTRICT USE APPLICATION NO. MA-3083 FOR
THE FLINN SINGLE-FAMILY RESIDENCE AT KAUPU, MAUI, TMK:
(2) 1-7-01: 49**

Mr. Lemmo briefed the Board and recommended that the Board approve this application to construct the Flinn Single-Family Residence, subject to conditions.

Unanimously approved as submitted (Johns/Inouye).

**ITEM D-12: AUTHORIZE ONE-YEAR HOLDOVER TERM FOR GENERAL LEASE
NO. S-4092, ISSUANCE OF REVOCABLE PERMIT UPON EXPIRATION
OF HOLDOVER PERIOD, AND SALE OF LEASE AT PUBLIC AUCTION
FOR PASTURE PURPOSES, PARCEL A & B OF THE WAILUA GAME
RESERVE, BEING PORTION OF THE GOVERNMENT LANDS OF
WAILUA, NORTH AND SOUTH OLOHENA, WAIPOULI AND KAPAA,
KAWAIIHAU (PUNA), KAUAI, TMKs: 4-2-1: 1 AND 4-4-1: 1**

Ms. Mamiya requested some amendments to staff's recommendation, that the lessee be required to submit a performance bond within 30 days of the Board meeting date, otherwise the Board's approval of paragraphs C and D are automatically rescinded, and that language be added from subparagraph D. 3. to paragraph E of the recommendation section.

Unanimously approved as amended (McCrorry/Johns).

ITEM D-18: IN ACCORDANCE WITH HAWAII REVISED STATUTES, SECTION 92-7, THE BOARD OF LAND AND NATURAL RESOURCES HEREBY GIVES NOTICE THAT IT WILL HOLD AN EXECUTIVE MEETING, CLOSED TO THE PUBLIC, FOR THE PURPOSE OF CONSULTING WITH THE BOARD'S ATTORNEYS ON QUESTIONS PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, AS ALLOWED UNDER HAWAII REVISED STATUTES. SECTION 92-5(a)(4), WITH RESPECT TO THE CASE CURRENTLY PENDING IN THE LAND COURT OF THE STATE OF HAWAII, APPLICATION OF HONOLULU CONSTRUCTION AND DRAYING COMPANY, LIMITED, APP. NO. 787.

Motion made at 11:45 a.m. to move into executive session (McCrorry/Johns). The meeting was reconvened at 12:20 p.m.

No action.

There being no further business, Chairperson Coloma-Agaran adjourned the meeting at 12:20 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