

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

DATE: FRIDAY, MAY 10, 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 9:15 a.m. The following were in attendance:

MEMBERS:

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

STAFF:

Ms. Dede Mamiya, Land Division	Mr. W. Mason Young, Division of Boating and Ocean Recreation (DOBOR)
Ms. Carol She', DOBOR	Mr. Michael Robinson, Division of Forestry and Wildlife
Mr. Don Hibbard, Historic Preservation Division	
Mr. Francis Oishi, Division of Aquatic Resources	

OTHERS:

Mr. Ray Enos, Department of the Attorney General	Mr. Peter Garcia, Department of Transportation
Mr. Anthony Pu, D-8	Ms. Susan Pu, D-8
Mr. Richard Kuitunen, D-10	Mr. Steve Hawkins, D-9
Mr. Dennis Niles, J-2 & J-4	Mr. James Coon, J-2 & J-4
Mr. Sidney Quintal, J-2 & J-4	Mr. Brian Lansing, J-4
Mr. Ralph Young, J-4	Mr. Bob Stuit, D-11
Mr. John DeFries, D-11	Ms. Sharla Manley, D-11
Ms. Melissa Seu, D-11	Ms. Zelei Abordo, J-3
Mr. Brian Barbata, J-3	Ms. Cheryl Connet, K-5

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

**ITEM A-1: APPROVAL OF THE MARCH 22, 2002 MINUTES**

Member Johns recused himself.

Member Holschuh amended page 6 to read: "Mr. Bill K[a]eno,..."

Member McCrory, in reference to page 8, Item D-16, section a., recalled that the Board decided to have the lessee continue paying rent and the amount would be applied toward the performance bond. The minutes were amended to read: "a. Either administratively or by amendment of lease, waive the lease rent for the period of July 1, 2002 through June 30, 2004, and apply that amount towards the performance bond."

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

**ITEM D-8: 1) CONSENT TO MORTGAGE AND EXTENSION OF LEASE TERM, GENERAL LEASE NO. S-4016, MAHEALANI FARMS, INC., LESSEE; 2) CANCELLATION OF ONE-YEAR HOLDOVER OF GENERAL LEASE NO. S-4016; AND 3) RESCIND PRIOR BOARD'S ACTION OF AUGUST 23, 1996 AND MAY 9, 1997, HANA, MAUI, TMK: (2) 1-3-004: 006 AND 020**

Ms. Dede Mamiya, Administrator of the Land Division, amended the dates of extension, to follow the dates of the original lease term, from August 1, 2001 and expiring on January 31, 2007, to October 17, 2001 and expiring on April 16, 2007, to reflect 5 years and 6 months. Staff's recommendation is that the Board consent to the mortgage between Mahealani Farms, Inc., and First Hawaiian Bank; authorize the extension of 5 years and 6 months; authorize the cancellation of the one-year holdover; and rescind previous Board actions of August 23, 1996 and May 9, 1997.

Mr. Anthony and Mrs. Susan Pu, Mahealani Farms, Inc., were present to answer questions.

Member Yamamura was concerned about the Applicant having to go through an appraisal process for just a 5-year extension. Ms. Mamiya suggested that the staff appraiser look at the appraisals that were done for the last rental reopening that occurred on October 17, 1991, and the Applicant's appraisal that was done on the property in 1995, to try and determine the rent for the extended lease term.

The Board amended the staff submittal by changing the effective dates of the extension from August 1, 2001 and expiring on January 31, 2007, to October 17, 2001 and expiring on April 16, 2007.

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

**ITEM D-10: SALE OF LEASE AT PUBLIC AUCTION FOR BUSINESS, COMMERCIAL OR INDUSTRIAL PURPOSES, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-2-32: 62 & 63**

Ms. Mamiya briefed the Board and recommended that the Board authorize the sale of the lease at public auction, pursuant to terms and conditions.

Mr. Richard Kuitunen was present to answer questions.

The Board amended staff's recommendation as follows:

"4.b. In event the winning bidder is unable to obtain SMA approval or an acceptable FONSI pursuant to Chapter 343, HRS within [12]18 months of the auction date, the lease may be terminated by either party."

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

**ITEM D-9: CONSERVATION DISTRICT USE APPLICATION (NO. HA-3069) FOR CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT NINOLE, NORTH HILO, HAWAII, TMK: (3) 3-2-04: 45**

Ms. Mamiya briefed the Board and recommended that the Board approve this application for a single-family residence and water catchment system, pursuant to conditions.

Mr. Steven Hawkins, Applicant, was present to answer questions.

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

**ITEM J-2: REQUEST FOR PRELIMINARY APPROVAL TO AMEND HAWAII ADMINISTRATIVE RULES, SECTIONS 13-231-58, 13-231-59, 13-241-8, 13-243-1, 13-244-36, 13-251-31, 13-251-58, 13-251-76, AND 13-235-109 AS THEY RELATE TO KAA NAPALI BEACH AND OCEAN WATERS, LAHAINA HARBOR, TECHNICAL CLARIFICATION OF SECTIONS 13-241-8 AND 13-243-1, OFFSHORE MOORING AREAS IN THE OCEAN WATERS AROUND MAUI AND MOORING OF RAFTS AND PLATFORMS AND THRILL CRAFT OPERATIONS WITHIN THE KAA NAPALI OCEAN RECREATION MANAGEMENT AREA**

Mr. W. Mason Young, Acting Administrator of DOBOR, amended page 2 of the rules, last paragraph, by changing subsection (d), to subsection (f). Staff's recommendation is that the Board grant preliminary approval to conduct a public hearing on the proposed amendments to the Hawaii Administrative Rules, Affirm to the Department to schedule the public hearing on this

rule as expeditiously as possible following the Governor's approval to conduct a public hearing, and Authorize the Chairperson to appoint a hearing master to conduct a public hearing to receive written and verbal testimony concerning the proposed amendments.

Ms. Carol She', Acting Maui District Manager for DOBOR, suggested and explained additional amendments to the rules that was based on public feedback:

Section 13-231-59 Delete this section from the submittal so that staff can have further discussions regarding the amendment with harbor users. While there was initial support for this amendment by many commercial operators, subsequent release of the rules has drawn question to the appropriateness of amending this rule until the ferry/cruise ship piers are constructed. After discussion with the Small Business Regulatory Review Board (SBRRB) representatives, the Division agrees that this section should be tabled until further input is obtained and the construction is completed.

Section 13-251-76 Amend to establish rules for Kaanapali beach uses and activities. This rule is being established in response to a legal challenge over jurisdictional boundaries of the beach area, to preclude solicitation on the beach, and other general rules for recreational activities on the beach. Staff recommends, after taking this out to the operators, that the Board amend Section 13-251-76, subsection (c), last sentence, to replace the term "must", to "shall", and amend subsection (g), paragraph 3 to delete the words "or wind" to allow wind surfing in Kaanapali ocean waters as it currently exists. This rule would have put a number of operators out of business that rent wind surfing equipment.

Section 13-256-109 Amend to change the designated thrill craft area to the correct location where this activity has been conducted for the past ten years. Staff recommends, based on feedback after the rules were released, that the Board amend subsection (b), sentence 8, by replacing the number "twelve" with the number "eighteen," to read, "no more than eighteen rental units and three safety units ...", to reflect current levels of use.

In response to a question raised by Member Holschuh regarding Sections 13-244-36 (a)(2) and 13-251-58 (a)(2), Mr. Young indicated that these sections should be amended to be consistent with agenda Item J-1, by prohibiting vessels from approaching within one hundred feet of a displayed diver's flag, instead of two hundred feet.

Mr. Dennis Niles, Attorney representing certain operators of Kaanapali, raised some concerns:

- 1) Section 13-244-36(a)(2) that reads: "No person shall navigate a motorboat in or on Kaanapali ocean waters within two hundred feet of the shoreline, diver's flag, or designated swimming area nor shall any person navigate a commercial motorboat within five hundred feet of the shoreline except within a designated ingress/egress corridor. Notwithstanding this paragraph, vessels engaged in fishing outside the designated

ingress/egress corridors are exempt from the two hundred foot shoreline restriction, provided that designated swimming areas are approached with caution and due care;". He understood moving from the two hundred to one hundred foot buffer, but wasn't sure if this means there would be a third category buffer, or whether it would be the one hundred feet or five hundred feet for those engaged in fishing. He suggested that this conflict be reconciled in some fashion.

- 2) Section 13-251-76 (d) that reads: "Selling, advertising or soliciting business of any kind on Kaanapali beach whether in written form, verbally, or through any other means or conduct, shall be prohibited." He felt the wording is doomed to have an enforcement problem, that it seems to be over broad and needs to be much more narrowly tailored, and that it should be referred to the Attorney General's and an opinion solicited about how something could be drafted that would pass muster under the first amendment.
- 3) Section 13-251-76 (g)(1) regarding the prohibition of ball throwing, frisbees, or other similar objects, he supported eliminating this section.

In response to a question raised by the Board regarding SBRRB's comment on Sections 13-244-36 (a)(7) and 13-251-58 (a)(7), that navigable waters of the State are not subject to unreasonable regulations of this type, Mr. Niles believed SBRRB's intentions were to make clear the purpose of the provision, which should allow registered vessels, and should not be a back door to a commercial activity permit that could possibly trigger a 2% user fee.

Mr. James Coon, representing the Ocean Tourism Coalition, thanked the Division for being sensitive to their concerns, which have already been addressed. In response to a question raised by the Board regarding the banning of ball throwing, frisbees, or other similar objects, he commented that this wasn't an issue or problem at Kaanapali, and that it should not be banned from the area.

Mr. Sidney Quintal, representing SBRRB, thanked the Division for working with them, accepting their comments, and trying to navigate through a number of issues that affect a number of people. He explained the written comment regarding navigable waters of the State are not subject to unreasonable regulations of this type, in that its more of a transient issue than commercial activity, and it shouldn't mean a commercial permit is needed to navigate or moor.

**Motion made at 10:10 a.m. to move into executive session to consult with legal counsel (Johns/McCrory). The meeting was reconvened at 10:25 a.m.**

The Board, after consulting with legal counsel, believed there were a number of areas in the rules where language needs to be developed and changed. The Board asked that staff look at concerns specifically dealing with: Sections 13-244-36 (a)(2) and 13-251-58 (a)(2), conflict on the third category buffer; Section 13-251-76 (g)(1), possible elimination of this subsection that bans throwing balls, frisbees, or other similar objects; Section 13-251-76 (d) address the first amendment concerns by using similar language that the Enforcement Task Force recommended for other divisions on commercial activities; Sections 13-244-36 (a)(7) and 13-251-58 (a)(7) clarify that a commercial permit will not be required just to transit through an ORMA. The

Board asked that the changed language be shared with some of the stakeholders to get comments, and that it be brought back to the Board before going out to public hearing.

**Deferred (Yamamura/McCrory).**

**ITEM J-4: REQUEST FOR PRELIMINARY APPROVAL TO AMEND HAWAII ADMINISTRATIVE RULES SECTIONS 13-231-67, 13-256-33, 13-256-36, AND 13-256-39 RELATING TO THE USE OF COMMERCIAL VESSELS AT HANAIEI AND ANINI BOAT LAUNCHING RAMP**

Member McCrory recused herself.

Mr. Young recommended some changes to the staff submittal, page 2, Discussion Section, Paragraphs 1, 3 and 4, to read as follows:

“Judge Gillmor’s decision effectively precludes the Department for either issuing or denying permits for commercial vessels to use or operate[d] on navigable waters under the joint jurisdiction of the State and the United States in the Hanalei area. The Department is concerned that the lack of ability to enforce the provisions of Section 13-256-36 may lead to the same excessive congestion, conflicting uses, and [displacement of local residents from the use] overcrowding of Black Pot Park and adjacent areas fronting the Hanalei River and Hanalei Pier that existed in the late 1980s when the administrative rules were first adopted to address these issues.

The proposed rule amendments have not yet been sent to either the Attorney General or to the Small Business Regulatory Review Board (SBRRB) for review. We presume that the Small Business Impact Statement for the proposed amendments may not change substantially from that submitted for the proposed adoption of amendments to Section 13-256-36.

The Division of Boating and Ocean Recreation (DOBOR) continues to receive many inquiries from commercial operators requesting permission to commence commercial vessel operations at Hanalei. We also continue to receive many comments of concerns from local residents that unregulated commercial use will result in unacceptable conflicts with recreational uses of the area. We believe that time is of the essence in initiating measures to address the Hanalei commercial vessel issues since the peak of the summer tourist season only a month away.”

Staff’s recommendation is that the Board grant preliminary approval to conduct a public hearing on the proposed amendments to Hawaii Administrative Rules, upon receipt of comments from the SBRRB, authorize DOBOR to submit the proposed amendments to the Governor for permission to schedule a public hearing on the proposed rule amendments, affirm to the Department to schedule the public hearing on the proposed rule amendments as expeditiously as possible following receipt of the Governor’s approval to conduct a public hearing, and authorize the Chairperson to appoint a hearing master to conduct the public hearing to receive oral and written testimony concerning the proposed amendment.

Mr. Niles testified against staff's recommendation, on behalf of 2 of the 3 commercial operators at Hanalei that would be affected by this rule change. His main concerns were, that the 3 operators should have been granted an exemption from the rule as suggested at a previous public hearing which could have prevented litigation and the ruling would not have been declared unconstitutional, and that the effect of the Judge's ruling revives the pre-existing rule and the entire regulatory scheme should revert back to what existed at the time.

Mr. Brian Lansing, representing Whitey's Boat Cruisers, in business for 25 years, testified against staff's recommendation. He addressed some concerns raised in the staff submittal, that the lack of ability to enforce is not a problem, that their clients do not use or need to use the facilities at Black Pot Park, that if the rules were changed to exempt them, there would not be a fear of unregulated commercial use because they are all regulated.

Mr. Ralph Young, representing Hanalei Sport Fishing, in business for 30 years, testified against staff's recommendation. He asked the Board to consider changing the maximum number of commercial permits for Hanalei from "none" to 3 or 4.

Mr. Coon testified against staff's recommendation, and in support of the 3 boating companies who are all members of the Ocean Tourism Coalition. He urged the Board to allow the operators to continue under some sort of grandfather clause, and that the Division comply with Act 168 and take the necessary steps that this Act requires.

Mr. Quintal requested that staff's recommendation to proceed to public hearing be disapproved, for the reason that the Small Business Impact Statement is incomplete. The Small Business Impact Statement must be amended to adequately address the requirements of Act 168 and Administrative Directive 99-2, which would include a section addressing the recommendations of the SBRRB and affected small businesses.

**Motion made at 11:45 a.m. to meet in executive session to consult with legal counsel (Johns/Holschuh). The meeting was reconvened at 12:25 p.m.**

Member Johns made a motion to amend staff's recommendation by deleting the recommended amendments to Section 13-256-36, by amending Section 13-256-39 (f) Ingress/Egress zones to clarify that the zones will not be adjacent to or on County or State lands, and that subsections (1), (2), and (3), that bar commercial operations, be deleted.

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

**ITEM C-1: REQUEST FOR APPROVAL OF A CONTRACT WITH THE HAWAII FOREST INDUSTRY ASSOCIATION TO CONDUCT SERVICES RELATING TO IMPLEMENTING PROJECTS OF THE STATE'S HAWAII FORESTRY AND COMMUNITIES INITIATIVES**

Mr. Michael Robinson, Hawaii Forestry and Communities Initiatives, Division of Forestry and Wildlife, briefed the Board and recommended that the Board authorize the Chairperson to execute the subject contract with the Hawaii Forest Industry Association in the amount of \$76,000., pending modification and approval as to form by the Attorney General's Office.

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

**ITEM D-11: SET ASIDE TO HISTORIC PRESERVATION DIVISION OF HOKUKANO VILLAGE HISTORIC SITE, AND ISSUANCE OF AND CONSENT TO A 65-YEAR NON-PROFIT LEASE TO HOKULIA COMMUNITY ASSOCIATION, INC., HOKUKANO, SOUTH KONA, ISLAND OF HAWAII, TMK: (3) 7-9-12: 3**

Ms. Mamiya briefed the Board and recommended that the Board: 1) Approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to Historic Preservation Division; 2) Authorize the issuance of a 65-year non-profit lease between the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division, as Lessor, and Hokuia Community Association, Inc., a domestic corporation non-profit, as Lessee; and, 3) Consent to the lease between the Historic Preservation Division and the Hokuia Community Association, Inc., subject to terms and conditions.

Mr. Don Hibbard, Administrator of the Historic Preservation Division, responded to written testimony received, that raised concerns of the possibility of other people being considered to operate the State parcel. He explained that the intension of establishing a lease with the non-profit is to have 1 management entity control the whole area and develop it as a historic preserve, open to the public. The historic property, on 2 parcels of land, extends on both State and 1250 Oceanside Partners property. Since the Conservation District Use Application and Special Management Area Use Permits were approved for this project, no one has come forward in a pro-active way to suggest that they were interested in the parcel. He also explained conditions in the staff submittal, that require an Archeological Survey be undertaken of the State parcel, a Preservation Plan be developed, and any plans that are developed that would require construction of any sort, must have approval of the Historic Preservation Division.

Mr. Hibbard made an amendment to the staff submittal by changing the name of the entity from "Hokuia Community Association", to Hokukano Historic Preserve Corporation (HHPC)".

Ms. Mamiya, in response to written testimony received by the Native Hawaiian Legal Corporation regarding the requirement for the Applicant to get 501(c)(3) status before the lease is issued, and also the public notice requirement, suggested that condition no. 2 be amended to read: "2. Subject to the Applicant fulfilling the Applicant requirements, and subject to the Historic Preservation Division publishing a public notice pursuant to Section 171-16(c), authorize the issuance of a 65-year Non-profit Lease....".

Mr. Bob Stuit, Vice-President of Planning for 1250 Oceanside Partners (Developers of the Hokuia project), agreed and endorsed staff's recommendations. He indicated that they have



already initiated, at the request of the State, an Archeological Inventory Survey on the State owned parcel, which should be completed by the end of May 2002, and they would like to get some indication on the lease, before getting various historic and cultural studies.

Mr. John DeFries, President of 1250 Oceanside Partners, President of the Hokulia Community Association Board, and President of the HHPC, indicated that in addition to the mandated Archeological Survey, they would also engage and seek the guidance of cultural practitioners and scholars, and would like to seek the departments permission to commence, if they deem it appropriate, to run concurrently with the Archeological survey.

Member McCrory questioned the timeframe on the completion of the Preservation Plan. Mr. Stuit indicated that they are ready to proceed as soon as possible, and guessed it would take about 90 days to complete. Mr. Hibbard indicated that a condition could be added.

Member Holschuh was concerned about written testimony received from people who want to participate in public meetings before the idea of the lease comes in front of the Board. Mr. DeFries was interested in meeting with the Individuals, along with Native Hawaiian groups, the Community, and Descendent Families who could trace their lineage back to the area, because the end result is to provide something for the community and for future generations. He was willing to move forward on the Executive Order and come back to the Board on the lease portion.

Ms. Sharla Manley, representing the Office of Hawaiian Affairs (OHA), provided written and verbal testimony in opposition to the proposed issuance of a 65-year lease. OHA's position, that the Board must apply the law and perform the required analysis before any decisions on the disposition of this land can be made, and that action be deferred until the required surveys and plans are completed in consultation with Native Hawaiians and until a fair process to select a lessee has been followed.

Ms. Melissa Seu, Staff Attorney for the Native Hawaiian Legal Corporation, representing Protect Keopuka Ohana, provided written and verbal testimony in opposition to staff's recommendation. Concerns raised were that HHPC has not yet been qualified as a 501(c)(3) tax exempt organization by the Internal Revenue Service, that there was no public notice of the negotiations between the State and HHPC, that other non-profit groups are being improperly denied the opportunity to submit lease applications, and that there is no Preservation Plan. She asked that the Board defer taking action on this agenda item.

**Motion made at 2:15 p.m. to move into executive session to consult with legal counsel (Johns/Holschuh). The meeting was reconvened at 2:30 p.m..**

Member Holschuh made a motion to accept staff recommendation no. 1, and deny staff recommendation nos. 2 and 3.

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

Member Holschuh asked that the Historic Preservation Division recommend that public hearings and the final disposition be held on the Big Island, and that the Historic Preservation Division bring back the discussion of the lease when this is settled and after the Preservation Plan is completed.

**ITEM J-1: REQUEST FOR PRELIMINARY APPROVAL TO AMEND HAWAII ADMINISTRATIVE RULES, SECTIONS 13-240-5, 13-243-1, 13-245-9, SECTION 13-256-16 AND SECTION 13-256-17 AS THEY RELATE TO BOATING AND OCEAN RECREATION SAFETY PRACTICES**

Mr. Young briefed the Board and recommended that the Board: 1) Grant preliminary approval to conduct a public hearing on the proposed amendments to the Hawaii Administrative Rules; 2) Affirm to the Department to schedule the public hearing on this rule as expeditiously as possible following the Governor's approval to conduct a public hearing; and, 3) Authorize the Chairperson to appoint a hearing master to conduct a public hearing to receive written and verbal testimony concerning the proposed amendments.

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

**ITEM J-3: AUTHORIZATION TO LEASE AT PUBLIC AUCTION A MARINE FUELING FACILITY SITUATED AT THE ALA WAI BOAT HARBOR, HONOLULU, ISLAND OF OAHU**

Mr. Young briefed the Board and recommended that the Board: A) Approve the sale of lease at public auction covering the subject area for marine fueling facility subject to terms and conditions. The lease and related documents will be submitted to the Department of the Attorney General for review and approval as to form. B) Approve of such other terms and conditions as may be imposed by the Chairperson.

Member McCroy questioned the performance bond requirement. Mr. Young requested that the staff submittal be amended to include the normal standard performance bond requirement under standard leases, of twice the annual rent.

Ms. Zelei Abordo, Attendee of the Ala Wai Marina Ad Hoc Committee meetings, requested that this matter be deferred. Her concern was that the committee meetings are still on-going and their report has not yet been finalized, which should be implemented into this lease.

Mr. Brian Barbata, Present Operator of the Marine Fueling Facility, testified on the serious need of repair, improvements and replacement of the fuel dock. He hoped they would be able to negotiate directly for the lease instead of going to public auction.

Member Johns preferred postponing this issue until the finished report by the committee is completed. He made a motion to defer this item until the May 24, 2002 Board meeting and asked that staff take this submittal back to the committee to get their comments.

**Deferred (Johns/Holschuh).**

**ITEM F-1: REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAII**

Mr. Francis Oishi, Program Manager for the Division of Aquatic Resources, briefed the Board and recommended that the Board authorize the Chairperson to negotiate and, subject to necessary approvals, enter into an Agreement with the University of Hawaii.

The Board was concerned about past work performed, for the State, by Mr. Michael Kido, of the University of Hawaii, Center for Conservation Research and Training. The Board deferred this item and asked that a history be provided of past work (including the Hanalei River situation), and whether the work was completed properly, and concerns, if any, by the Division.

**Deferred (McCrorry/Holschuh).**

**ITEM K-1: ISSUANCE OF REVOCABLE PERMIT TO COMMERCIAL SHELVING, INC., HONOLULU INTERNATIONAL AIRPORT, TMK: (1) 1-1-03-1P**

Mr. Peter Garcia, Property Management Officer for the Department of Transportation, briefed the Board and recommended that the Board approve the Revocable Permit to Commercial Shelving, Inc.

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

**ITEM K-2: ISSUANCE OF REVOCABLE PERMIT TO GROUND TRANSPORT, INC., HONOLULU INTERNATIONAL AIRPORT, TMK: (1) 1-1-03-1P**

Mr. Garcia briefed the Board and recommended that the Board approve the Revocable Permit to Ground Transport, Inc.

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

**ITEM K-3: ISSUANCE OF REVOCABLE PERMIT TO MID PACIFIC STEEL, INC., HONOLULU INTERNATIONAL AIRPORT, TMK: (1) 1-1-03-1P**

Mr. Garcia briefed the Board and recommended that the Board approve the Revocable Permit to Mid Pacific Steel, Inc.

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

**ITEM K-4: ISSUANCE OF REVOCABLE PERMIT TO ROYAL HAWAIIAN MOVERS, INC., HONOLULU INTERNATIONAL AIRPORT, TMK: (1) 1-1-03-1P**

Mr. Garcia briefed the Board and recommended that the Board approve the Revocable Permit to Royal Hawaiian Movers, Inc.

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

**ITEM K-5: AUTHORIZATION FOR SALE OF A PORTION OF THE RIGHT OF WAY FOR THE WAHIAWA NAVAL RADIO STATION ACCESS ROAD (WHITMORE AVENUE), AT WAHIAWA, OAHU, TO THE DEPARTMENT OF NAVY, UNITED STATES GOVERNMENT, TMK: (1) 7-1-02-ROAD**

Mr. Garcia briefed the Board and recommended that the Board authorize the Department of Transportation to dispose of said portion of the right of way for the Wahiawa Naval Radio Station Road (Whitmore Avenue), and sell this parcel to the Department of Navy at a fair market value for the reimbursement of the Federal Aid Project, in accordance with Section 264-3, Hawaii Revised Statutes, subject to conditions.

Ms. Cheryl Connet, Department of Navy, was present to answer questions.

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

**ITEM D-1: FORFEITURE OF GENERAL LEASE NO. S-4448, MR. DAVID C. MATTICE AND MRS. AGNETA MATTICE, LESSEE, OLAA, PUNA, HAWAII, TMK: 3<sup>RD</sup>/1-9-01: 18**

Ms. Mamiya briefed the Board and recommended that the Board authorize the cancellation of General Lease No. S-4448 for failure to post the required performance bond.

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

**ITEM D-2: REQUEST FROM MRS. CECILIA CHOI TO EXTINGUISH A FIFTEEN (15) FOOT WIDE DRAINAGE EASEMENT, IN FAVOR OF THE STATE OF HAWAII THAT WAS EXCLUDED FROM THE SALE OF A ROAD REMNANT AT PIIHONUA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-3-29: 70**

Ms. Mamiya briefed the Board and recommended that the Board authorize extinguishing the subject easement, subject to conditions.

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

**ITEM D-3: RESCIND PRIOR BOARD ACTION OF AUGUST 24, 2001, AGENDA ITEM D-6, ISSUANCE OF REVOCABLE PERMIT TO MR. JAMES AND MRS. MELANIE VITALE, AAPUEO-NUI, KULA, MAKAWAO, MAUI, TMK: 2-3-058: 061**

Ms. Mamiya briefed the Board and recommended that the Board rescind prior action of August 24, 2001, canceling the issuance of a revocable permit, and authorize the refund of \$52.

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

**ITEM D-4: GRANT OF TERM, NON-EXCLUSIVE EASEMENT TO MR. ELLIOT WILLIAM AND MRS. JAYME JANELLE LANE FOR WATERLINE PURPOSES, KEOKEA, MAKAWAO, MAUI, TMK: (2) 2-2-001: POR. 051**

**ITEM D-5: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT TO MR. ELLIOT WILLIAM AND MRS. JAYME JANELLE LANE FOR ACCESS AND UTILITY PURPOSES, KEOKEA, MAKAWAO, MAUI, TMK: (2) 2-2-001: (NO PARCEL NUMBER)**

Item D-4 and D-5 were taken together.

Ms. Mamiya briefed the Board and recommended that the Board authorize the issuance of a term, non-exclusive easement for waterline purposes, and authorize the issuance of a perpetual non-exclusive easement for access and utility purposes, subject to terms and conditions.

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

**ITEM D-6: ISSUANCE OF REVOCABLE PERMIT TO MR. PETER BULANOW, WAHIAWA, OAHU, TMK: (1) 7-3-12: POR. 11**

Ms. Mamiya briefed the Board and recommended that the Board authorize the issuance of a revocable permit for parking purposes, subject to terms and conditions.

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

**ITEM D-7: AMEND PRIOR BOARD ACTION OF DECEMBER 15, 2000, AGENDA ITEM D-15, RIGHT OF ENTRY TO THE UNITED STATES OF AMERICA UPON GOVERNMENT LAND ENCUMBERED BY GENERAL LEASE NO. S-4197 TO ALEXANDER & BALDWIN, INC., PORTION OF PULEHUNUI AND WAIKAPU, WAILUKU, MAUI, TMK: 3-8-08: POR. 01**

Ms. Mamiya briefed the Board and recommended that the Board amend its prior action of December 15, 2000 by approving the issuance of an additional Right of Entry to the United States of America for the term of June 1, 2002 to September 30, 2002.

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

There being no further business, Chairperson Coloma-Agaran adjourned the meeting at 3:20 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. Keliihoomalu

Approved for submittal:

  
GILBERT S. COLOMA-AGARAN  
Chairperson  
Board of Land and Natural Resources