

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

DATE: FRIDAY, OCTOBER 25, 2002  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

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	Ms. Lynn McCrory
Mr. Timothy Johns	Ms. Kathryn Inouye
Mr. Ted Yamamura	Mr. Toby Martyn (arrived at 10:22 a.m.)

STAFF

Ms. Dede Mamiya, Land Division	Mr. Sam Lemmo, Land Division
Mr. Mason Young, Division of Boating and Ocean Recreation (DOBOR)	Mr. Don Hibbard, Historic Preservation
Mr. Stephen Thompson, DOBOR	Mr. Peter Garcia, Department of Trans- portation
Ms. Roberta Ishikawa, Land Division	

OTHERS

Ms. Linda Chow, Department of the Attorney General	
Mr. Keith Uemura, D-14	Ms. Sarah Morihara, D-18
Mr. David Akama, D-24	Mr. Michiro Iwanaga, D-24
Mr. Tom Leuteneker, D-1	Mr. Leighton Yuen, D-19
Ms. Pua Agino, D-19	Ms. Kim Holland, J-4 Ms.
Ms. Lora Gale, D-16	Ms. Millicent Crawford, D-2
Mr. Robert Hoffman, D-21	Ms. Carol Aubrey, D-23
Mr. Phil Hauret, D-3	Mr. Dan Davidson, I-1
Ms. Cheryl Connett, D-5	Ms. Cher Sullivan, D-5
Mr. Mike Beason, D-20	Ms. Angela Han, D-5,D-20

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

**Motion made to add item I-2 (McCrorry/Johns)**

**Unanimously approve to add item**

**A. MINUTES**

**Item A-1: Approval of July 26, 2002 minutes**

Chairperson Coloma-Agaran made a change to page 4, Item D-19 in the approval section to

“...Item 2) the first \$5,000 upon execution of the lease may be in the form of a letter of credit, the second payment of \$10,000 due one year from the lease execution date, and another \$10,000 due within [6 months] 1 year and 6 months from the lease execution date [and the replacement] of which \$5000 will replace the letter of credit.”

Member Inouye made a change to page 7, last paragraph to change [Mr. Jan Sagerhaus], to Mr. Jap Seyderhoud.

**Item A-2: Approval of September 13, 2002 minutes**

**Item A-3: Approval of September 27, 2002 minutes**

Member Inouye made a spelling correction to page 2, last paragraph from [Alan Asang] to Alan AhSan.

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

**Item D-14: Conservation District Use Application (CDUA) KA-3093 for Kalaheo Water System Improvements at Koloa, Kauai, TMK: 4<sup>th</sup>/2-4-04: Pors. 5 & 49.**

Mr. Sam Lemmo of the Land Division noted this item came before the Board at their last meeting and was deferred because the Board asked the Department of Water to acquire a letter from the abutting land owners acknowledging the fact they are aware that a water tank will be built close by.

Mr. Keith Uemura, park engineer with the County of Kauai, Department of Water, County of Kauai presented the Board with consent letters from the two landowners (the Kimura's and the Camara's) stating they did not object to the water tank being built.

**Unanimously approved as submitted (McCrorry/Inouye).**

**Item D-18: Appointment and Selection of a Hearing Officer to Conduct all Hearings for a Contested Case Hearing (Docket No 03-02-HA: A Petition Contesting CDUA HA-3098, Tuna Growout Facility Offshore, North Kohala, Hawaii).**

Mr. Sam Lemmo of the Land Division briefed the Board on the subject matter. He noted at the public hearing meeting in Hilo on October 7, 2002, the department received an oral and written requests for a Contested Case Hearing. Mr. Lemmo recommended the Board authorize the appointment of a Hearing Officer to conduct all hearings relevant to the subject petition.

Ms. Sarah Morihara representing Ahi Nui stated she did not believe the request for a contested case hearing was filed in conformance with the Hawaii Administrative Rules therefore she would like to object to the Board moving forward with a contested case hearing.

Chairperson Coloma-Agaran noted before the Board is a recommendation to appoint a hearings officer. He told Ms. Morihara she can take up her objections with the hearings officer.

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

**Item D-24: Resubmittal: Forfeiture of General Lease No. S-5089, David Y. Akama, Lessee, Lot 69, Puu Ka Pele Park Lots, Waimea, Kauai, TMK: 1-4-2: 66.**

Ms. Dede Mamiya, administrator of the Land Division noted this item was deferred from the last Board meeting so they could check into the legal aspects of this lease. Ms. Mamiya briefed the board and noted Mr. William Wynhoff of the Attorney General's Office has been in contact with Mr. Akama's lawyer, Mr. Iwanaga.

Mr. David Akayama and his attorney Mr. Michiro Iwanaga were present. Mr. Iwanaga stated he submitted a letter to Mr. Wynhoff regarding the Boards power to waive Mr. Akama's rent. He noted this was not an issue of waiver but a recognition of estoppel. Mr. Iwanaga cited Hawaii revised Statues 171-6 subsection 19. He asked the Board to deem the retroactive rent estopped and to allow Mr. Akama to continue with the lease based on the new rent as of today.

**Motion made to go into executive session at 9:19 a.m. to consult with legal counsel (McCrary/Johns).**

**Unanimously approved to go into executive session**

**The meeting was reconvened at 9:30 a.m.**

Member McCrory stated upon discussion with legal counsel, the Board is not permitted to modify the lease conditions nor cancel the lease retroactively. She noted the only option afforded to the Board is to approve staff recommendation.

The Board informed Mr. Iwanaga to speak to Mr. Wynhoff.

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

Mr. Iwanaga requested a contested case hearing.

**Item D-1: Amend prior Board Action of March 24, 1995, Agenda Item F-7, Grant of Easement to James and Susan Bendon by Revising the Location and Description of the State Lands, and by Revising the Consideration for the Term, non-Exclusive Waterline Easement over State Lands Identified as TMK's: (2) 3-1-006: Pors. 001 and 003, Kahakuloa, Wailuku, Maui.**

Ms. Mamiya briefed the Board and noted the original Easement did not include parcel 3 and it also included a 65-year term. She asked the Board to amend their prior action and revise the location and description of the State lands and to delete the annual rental and rental reopening clauses and replace it with a one-time payment.

Mr. Tom Leuteneker, representing James and Susan Bendon was present.

**The Board amended the Recommendation Section by adding paragraph 6 to read as follows:**

- “6. Amend paragraph A of the Recommendation Section to read as follows:**
- A. Authorize the issuance of a term, non-exclusive easement to James and Susan Bendon covering the subject area for waterline purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:**
- 1. The standard terms and conditions of the most current term easement document form, as may be amended from time to time;**
  - 2. The Grantees shall comply with all conditions of Conservation District Use Permit No. MA-2663, as approved by the Board on March 11, 1994 and October 28, 1994;**
  - 3. Review and approval by the Department of the Attorney General; and**

4. **Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.”**

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

**Item D-19: Approval, in Concept, of Resolution of Certain Improvements Constructed on State Property at the Hilton Waikoloa Village, Anehoomalū, South Kohala, Hawaii, TMK: (3) 6-9-07: 14.**

Ms. Mamiya went over the history of this item. She noted that Mr. Mervin Napeahi filed a complaint in 1986 with the courts stating the State had breached its fiduciary duties under the public land trust. As a result the Court ordered the State to seek compensation for the use of the lands by the hotel. Ms. Mamiya recommend the Board approve a land exchange with the hotel (171-50(2)HRS), the issuance of a perpetual non-exclusive easement to the hotel for the submerged lands (171-13 & 171-53 (c)HRS), payment of back rent and interest and lastly to authorize an independent appraisal of the lands giving the appraiser specific instructions to value the lands as an integral part of the Hotel.

Ms. Pua Agino representing the Office of Hawaiian Affairs told the Board they were in opposition to the land exchange and easement between the State and the hotel. She noted the State was ordered by the court to charge for the land the hotel was using. Ms. Agino said she was okay with giving the appraiser specific instructions when determining the value of the land.

Mr. Leighton Yuen, attorney for Lanpar/HTL Associates asked the Board to amend their proposal to include section 171-53 (d), HRS as part of the States options in settling this matter as it serves as a basis to move forward with restitution and a land exchange. Mr. Yuen stated his client's position has not changed since September 2000 (as to their agreement with the State's internal appraisal) with regards to the value of the land. Lastly Mr. Yuen noted his concern with recommendation 2. He believes by giving the appraiser specific instructions it would not be consistent with standard practices. He noted in the condemnation context there is a concept known as "scope of the project." It states when valuing property that is condemned you do not take into account the value that the property has for the purpose for which it is condemned. Lastly, Mr. Yuen told the Board, by giving the appraiser specific instructions the landowner is paying twice for the same improvements- once to make the improvements and a second time when they need to pay for the value they've created.

Board Member Yamamura asked Mr. Yuen if he would object to the appraiser receiving a copy of the proposed layout of the hotel to which he replied no.

Member Yamamura felt by including a proposed layout of the hotel it would go towards determining the highest and best use of the property at that time. Member Yamamura stated by including the clause "the lands shall be valued as an integral part of the Hotel" you are limiting the appraiser to looking at the lands from a particular point of view. He feels the

appraiser should not be instructed to look at the land from any point of view, but by providing a copy of the proposed layout, the appraiser would be able to conclude on the highest and best use of the land.

Member Johns questioned Ms. Mamiya as to why staff did not make reference to HRS 171-53 (d) in their recommendation. Ms. Mamiya noted they would come back to the board to do that.

Roberta Ishikawa, appraiser for the Land Division informed the Board that she has been calling various appraisers to see how they might view the land. She noted it came down to highest and best use. She noted with the specific instructions the appraiser will view the land as part of the development. If no instructions were given, the value of the land could be determined either way, as part of the hotel or as little fragments. Ms. Mamiya told the Board the appraiser would value the land twice, the price in 1986 for the back rent and the current price for the land exchange.

**The Board amended the Recommendation Section by deleting the appraisal instruction of valuing the filled lands as an integral part of the Hotel.**

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

**Item J-4: Issuance of Revocable Permit to Moor a Research Vessel at the Honokohau Boat Harbor, Kealakehi, North Kona, Island of Hawaii.**

Mr. Mason Young, administrator of the Division of Boating and Ocean Recreation (DOBOR) informed the Board the University of Hawaii Institute of Marine Biology (HIMB) would like a permit to allow the University to moor their research vessel at the harbor. Mr. Young recommended the Board issue a revocable permit to HIMB for boat slip J29.

Dr. Kim Holland of HIMB was present to answer any questions. He publicly acknowledged the efficient and collaborative nature DOBOR has demonstrated in this matter.

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

**Item D-16: Conservation District Use Application (CDUA) HA-3110 for the Volcano Charter School at Puna, Hawaii, TMKs: 3<sup>rd</sup>/9-9-01: 011, 12, 016, 032 and 033.**

Mr. Lemmo briefed the Board on the past uses of the land and noted this land is zoned as a Limited Subzone. He informed the Board Volcano School of Arts and Science plans to convert the existing facilities into a school and he mentioned the various construction activities that will take place.

Ms. Lora Gale board member for Volcano School of Arts and Science was present. She noted the charter school is based on the idea of conservation.

The Board was concerned with allowing the school to operate in an area classified as a limited subzone. They brought up the issue of safety for the children attending school. Mr. Lemmo noted there was no obvious risk in this area except for maybe volcanism. The issue of rezoning the area was also brought up.

Ms. Gale stated Don Swanson of US Geological Survey and Hazards did an environmental assessment of this area and he came to the conclusion there were no geological hazards.

**The Board amended the Recommendation Section by adding a condition by which the Applicant must acknowledge and accept any risk associated with use of the site within the Limited Subzone.**

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

**Item D-2: Consent to Assign General Lease No. S-4890, George Crawford, Assignor, to Millicent Crawford, Assignee, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, Tax Map Key: (1) 2-5-24: 07.**

Ms. Mamiya briefed the Board and stated George Crawford does not have time to take care of the land therefore he would like to transfer the lease to Millicent Crawford. Ms. Crawford intends to build a house on the lot. Ms. Mamiya recommended the Board consent to the assignment of the lease.

Ms. Crawford was present to answer any questions.

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

**Item D-21: Amend Prior Board Action April 12, 2002, Item D-15; Issuance of Lease to Honolulu Community Action Program; Consent to Sublease to Waianae Coast Community Alternative Development Corporation and Kaala Farm, Inc., Waianae, Oahu, Tax Map Key: (1) 8-5-002: 012.**

Ms. Mamiya informed the Board the Department of the Attorney General advised their office a lease extension for this item was not allowed therefore she is recommending the Board amend its prior action and consent to a sublease between Honolulu Community Action Program and Waianae Coast Community Alternative Development Corporation, Inc. and Kaala Farms Inc.

Mr. Robert Hoffman of the Honolulu Community Action Program told the Board he was in support of this matter.

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

**Item D-23: Quitclaim of State's Interest contained in Quitclaim Deed No. S-20623 to the Thomas H. Gentry Trust dated February 11, 1986 and Gentry Properties, situated at Waypoint, Ewa, Oahu, Tax Map Key: 9-4-06: 28 and TMK: 9-4-127: 128.**

Ms. Mamiya briefed the Board and mentioned that staff believes the intention of the original covenant would be to accommodate the development of the area. Ms. Mamiya recommended the Board authorize the Quitclaim of the State's interest in Quitclaim Deed No. S-20623.

Carol Aubrey of Gentry Homes was present to answer any questions.

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

**Item D-3: Amendment to Prior Board Action of April 12, 1979, (Agenda Item F-22) for direct Issuance of Non-exclusive Perpetual Easement for Utility Pole and Guy Wire Anchors purposes to Hawaiian Electric Company, Inc. (HECO) and Verizon Hawaii Inc., Waianae-Kai, Waianae, Oahu, TMK: 8-5-28: portions of 40b & 42; 8-5-02L portion of 48.**

Ms. Mamiya informed the Board originally the perpetual easement allowed for guy wires for 5 poles but upon completion of the installation only 4 poles required guy wires therefore HECO would like the State to amend this easement. Ms. Mamiya recommended the Board amend its prior action by eliminating Easement E.

Mr. Phil Hauret from HECO was present and had no objections.

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

**Item D-5: USA, Department of the Navy Request to Amend General Lease No. S-3852 to Allow Subleasing of the Demised Premises for Privately owned Telecommunication Equipment, Waimea, Kekaha, Kauai, TMK: 1-2-02: 26.**

Ms. Mamiya noted the Navy wants to sublease the land to Cellco Partnership dba Verizon Wireless to install a pole antenna and related equipment. She recommended the Board authorize amending General Lease No. S3852.

Member Martyn entered the meeting.

Member McCrory stated she was uncomfortable with the standard subletting provision being added to the Lease because it is too broad and would allow the Navy to negotiate subleases without community input. She would prefer any subleases the Navy is interested in must come to the Board for approval.



Cheryl Connett representing the Navy stated she wants the sublease solely for the purpose of installing telecommunication equipment. But she also told the Board they have received a request from Cingular and Nextel regarding co-location . Ms. Connett said the current plan will be to replace the two wooden poles with metal poles. Verizon will be on one pole while Cingular and Nextel will be on the other. Ms. Connett stated their lease provides that all rents go to the treasury of the State of Hawaii, therefore she would like the State to pay for the appraisal for the sublease rent. It was noted that Mike Nugent conducted an appraisal for the Navy.

Cher Sullivan a contractor for Verizon Wireless told the Board if there is an option between the State, the Navy or Verizon hiring an appraisal they would like to do it in the most expeditious way.

**The Board amended the Recommendation Section by deleting paragraph 1 and adding the following paragraphs:**

- “1) Consent to sublease by the Board; and**
- 2) The State shall receive all sublease rents.”**

**Recommendation 2. was renumbered to 3.**

**Unanimously approved as amended (McCrorry/Johns)**

**Item D-20: Conservation District Use Application (CDUA) KA-3094 for Telecommunications Site at Barking Sands, Kekaha, Kauai, TMK: 4<sup>th</sup>/1-2-02: 13 & 26.**

Mr. Lemmo noted this is the CDUA for the telecommunications site at Barking Sands. Verizon Hawaii will be constructing a 12' x 10' x 10' tall metal equipment shelter to house support equipment. They will also remove and replace an existing 80 ft wood pole with an 80 foot steel monopole. The new pole will be relocated about 10 feet to the west of the existing site. Verizon has also asked permission to allow a total of six future panels to be installed as part of this application. Mr. Lemmo stated the Division of Forestry and Wildlife (DOFAW) has concerns with regards to the impact on the Newell Shearwater striking the utility wires. Verizon addressed DOFAW concern by not using guy wires and installing underground utilities and antenna cables. Mr. Lemmo recommended the Board approve the construction and operation of a telecommunications facility at PMRF-Barking Sands.

Mike Beason of Verizon Hawaii informed the Board that Verizon will not be relocating the steel monopole, instead they will be using the hole from the existing pole. Mr. Beason noted the poles are designed to hold two carriers, but because Verizon and Nextel are on the same frequency range they need to be on separate poles.

**Unanimously approved as submitted (McCrorry/Inouye).**

**Item D-22: Grant of Perpetual, Non-Exclusive Easement to Department of Defense, Civil Defense Division for Disaster Warning & Communication Devices Purposes, Waimano, Ewa, Oahu, Tax Map Key: (1) 9-7-025: portion 001.**

Ms. Mamiya informed the Board this is a request to install a disaster communication device on the Waimano Home Road side of the drainage ditch. Because construction on the project is to commence shortly, Department of Accounting and General Service (DAGS) is requesting a construction right-of-entry to the location. Ms. Mamiya recommended the Board authorize the issuance of a perpetual non-exclusive easement and a right-of-entry to the Department of Defense, Civil Defense Division.

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

**Item I-1: Adoption of Title 13, Chapter 275-284, Hawaii Administrative Rules, Rules Relating to the Historic Preservation Program.**

Mr. Don Hibbard, administrator for Historic Preservation told the Board they went out to public hearings on all islands and the changes in the rules reflect the testimony resulting from the hearings. Mr. Hibbard noted that the attorney general has reviewed the rules. He asked the Board to approve the adoption of Title 13, Chapters 275-284, Hawaii Administrative Rules.

Member Johns asked Mr. Hibbard to address the proposal that requires an inventory plan for every archaeological inventory survey conducted. Mr. Hibbard stated the rules would allow the Division flexibility to request an inventory plan when it appears to be beneficial. At this point he did not feel it was beneficial to require an inventory survey plan for every archaeological inventory. By requiring a survey for every inventory, it would make the entire process longer instead of shortening the time frame.

The Board suggested the following changes to the rules:

Page 284-6 (f) .....The notice shall be posted at the SHPD office ~~or~~ and on the SHPD'S website...

Page 284-82 (b) A An ~~person~~ agency shall first consult the SHPD to determine....

Page 284-83 (3) ...by posting notice of all such [determinations] "no historic properties affected" comments at the SHPD office ~~or~~ and on the SHPD's website every Friday.

Dan Davidson with the Land Use Research Foundation asked the Board to defer this matter to the next Board meeting to give the public the opportunity to review the proposed rules. He asked the Board to make the rules available on the State website to give everyone the chance to access, view and make recommendations to the proposed rules. With regards to the inventory plan, Mr. Davidson would like the opportunity to talk to other individuals in

his organization and see what suggestions they may have. He noted he has concerns regarding SHPD'S process. Mr. Davidson recommended the following changes:

13-284-1 ... to promote the use and conservation of historic ~~and cultural~~ properties for the education,. . .

13-284-11 ...when new information is submitted by an ~~interested party~~ agency with a request for reconsideration.

**Motion to defer (Johns/Inouye).**  
**Unanimously approved to defer.**

**Item I-2: Approval of a State CIP Grant-In-Aid to the Hawaii Theater Center.**

Mr. Hibbard briefed the Board and recommended the Board authorize the State to enter into a contract with the Hawaii Theatre Center.

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

**Item J-1: Amendment of Revocable Permit No. B-02-00 to Forward One, LLC. At the Ala Wai Small Boat Harbor, Island of Oahu.**

Mr. Young told the Board he is amending the existing permit to include a wedding chapel and waterfall.

Member Inouye questioned why the State could not go after the permit holder for back rent for the operation of the chapel.

Stephen Thompson, district manager for DOBOR informed the Board that the chapel was not on State property but the area on the side of the chapel, where the people gather is on State property. Mr. Thompson noted the area was included on the original application but it was omitted from the permit.

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

**Item J-2: Issuance of Revocable Permit to Richard Ally, dba Hot Doggin Hawaiian Style, at the Ala Wai Small Boat Harbor, Island of Oahu.**

Mr. Young informed the Board Mr. Ally would be operating a portable hot dog stand at the Ala Wai behind the harbormaster's parking lot area. Mr. Young recommended the Board authorize the issuance of a Revocable Permit to Richard Ally.

Member Inouye asked how the selection process was done. Mr. Young stated that Mr. Ally was the only person that turned in an application for a permit.

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

**Item J-3: Issuance of Revocable Permit to Paulo Heyman, at the Haleiwa Small Boat Harbor, Island of Oahu.**

Mr. Young briefed the Board on the area where the portable food concession stand would operate. He asked the Board to approve the issuance of a revocable permit to Mr. Paulo Heyman.

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

**Item K-1: Issuance of a Revocable Permit to Eugene Gillis dba Excavation Services at the Keehi Industrial Lots, Kalihi-Kai, Honolulu, Oahu.**

Mr. Peter Garcia with the Department of Transportation (DOT) noted the permit would be for the storage of equipment and tools. He noted the land is ceded land. Mr. Garcia recommended the Board authorize the issuance of a Revocable Permit.

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

**Item K-2: Report on Revocable Permits Issued or Renewed by the Department of Transportation for Consistent Uses.**

Mr. Garcia noted that included with his submittal was the report for the DOT, Harbors Division for the months of July, August and October 2002.

**No Action.**

**Item K-3: Report on Revocable Permits Issued or Renewed by the Department of Transportation for Consistent Uses.**

Mr. Garcia noted that included with his submittal was the report for the DOT, Airports Division for the months of January through June 2002.

**No Action**

**Item D-4: Cancellation of Revocable Permit Nos. S-7281 to Kenneth Bray (Unit L) and S-7273 to G.E. Farms, Inc. (Unit H); and Issuance of Revocable Permits to Kenneth Bray (Unit L-r), G.E. Farms, Inc. (Unit H-r), Derek Rapozo (Unit I-r), and Milton K.C. & Melanie-Ann P. Ching (Unit M),**

**Por. Of Wailua, Lihue, Kauai, and Por. of Lihue-Koloa for. Res (Wailua Sec) Wailua, Lihue, Kauai, TMK 3-9-2: por. 1 and 3-9-1: por 2.**

Ms. Mamiya informed the Board Manuel Andrade Sr. cancelled his lease and due to the reconfiguration of the land they cancelled the permits issued to Kenneth Bray and G.E. Farms and issued new revocable permits to them and also to Derek Rapozo and Milton and Melanie-Ann Ching.

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

**Item D-6: Request Issuance of Land Patents in Confirmation of Land Commission Award Nos. 406 to Napela and 418 to Halualani, located at Iao Valley, Wailuku, Island of Maui, Tax Map Keys: (2) 3-3-002: 030 and (2) 3-5-001: 050.**

Ms. Mamiya briefed the Board and recommended the Board consent to the issuance of the Land Patents in confirmation of Land Commission Award No. 406 and 418.

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

**Item D-7: Amend Prior Board Action of August 9, 2002 (Agenda Item D-10), Approval in principle of land exchange with the Boy Scouts of America (“BSA”) Maui, Oahu, Kauai.**

Ms. Mamiya briefed the Board and asked the Board to amend its prior action to include Kaloko Light Industrial Subdivision. She noted the State would be paying for the appraisal of this land.

The Board asked Ms. Mamiya what is being planned for these properties. It was made known there is an existing structure on the Kaloko lot that generates an annual net income of \$80,000. As far as the Mill Town lots it has the potential to become income-producing lands, but development will need to wait until the economy improves. Because the Mill Town lots have no building requirements, it can be held for future use. The Land division is also considering amendments to the existing statutes, which would allow the State to enter into agreements with organizations to develop the property.

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

**Item D-8: Amend Prior Board Action of June 24, 1994, under Agenda Item F-2, Direct Issuance to the Water Commission of the County of Hawaii for a Perpetual, Non-Exclusive Water Meter Box Easement at Honokaa High School, Pa’alae’a, Hamakua, Hawaii, Tax Map Key: 3<sup>rd</sup>/4-5-10: por. of 76.**

Ms. Mamiya informed the Board she would like to amend their prior action to change the applicants name to the "Water Board of the County of Hawaii," change the number of the Executive Order and lastly to include a provision that would allow amendments to be negotiated between the Attorney General and the Board of Water.

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

**Item D-9: Amend prior Board Action Regarding Set Aside, Bill of Sale and Grant of Easements to Water Board, County of Hawaii for a Reservoir Lot, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-4-01: 010, 012 & 122 and 3<sup>rd</sup>/2-4-03: 26.**

Ms. Mamiya briefed the Board and recommended the Board amend its prior action.

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

**Item D-10: Consent to Renewal of Revocable Permit No. 10 for Lands under Governor's Executive Order No. 1598 to Elizabeth Martinez dba Olomana Gardens, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-10: Portion of 69.**

Ms. Mamiya briefed the Board and recommend the Board approve to renew Revocable Permit No. 10, which would allow Ms. Martinez to maintain the above area free of overgrowth and debris.

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

**Item D-11: Amend Board Action of 4/14/2000, Agenda Item D-11; Sale of Lease at Public Auction for Pasture Purposes, Lot 62, Kapaa Homesteads, Kawaihau (Puna), Kauai, Hawaii, TMK: 4-6-6: 28 & 29.**

Ms. Mamiya informed the Board the land was classified as intensive agriculture but due to the presence of large quantities of rock in the fields, the land would be more suitable for pasture purposes. She asked the Board to amend its prior action and authorize the sale of a 20-year pasture lease for this property.

**Unanimously approved as submitted (McCrorry/Martyn).**

**Item D-12: Set Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Marina and Marina Enhancement Purposes, Kealakehe, North Kona, Hawaii, Tax Map Key: 7-8-08: 3.**

Ms. Mamiya briefed the Board and noted the land would be turned over to the Division of Boating and Ocean Recreation (DOBOR) and used to generate additional mooring revenues. Future plans include doubling the current berthing capacity and resort, retail and golf course development. Ms. Mamiya recommended the Board approve to set aside the land.

Because the Department of Hawaiian Homelands (DHHL) owns the adjacent land, the Board asked to hear what their position and future plans were. The Board also asked to see the master plan being developed for this area by DOBOR.

**Motion to Defer (Johns/Inouye).**  
**Unanimously approved to defer.**

**Item D-13: Amend Prior Board Action of May 27, 1998 (Agenda Item F-12); Cancel Governor's Executive Order No. 1654 to Board of Commissioners of Agriculture and Forestry; Set Aside to Department of Land and Natural Resources, Division of State Parks for Ulupo Heiau State Historical Park; Kailua, Oahu, Tax Map Keys: (1) 4-2-13: 38 and 4-2-103: 18, 35 and 36.**

Ms. Mamiya briefed the Board and recommend the Issuance of an Executive Order setting aside the above parcels.

Chairperson Coloma-Agaran questioned Ms. Mamiya regarding a land exchange with the YWCA. Ms. Mamiya noted she was not approached about that matter.

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

**Item D-15: Second Amendment to Prior Board Action of November 19, 1999 as Amended on August 24, 2001, under Agenda Item D-11, Set Aside to the County of Hawaii for a Combined Veterans Center, Veterans Housing and other Related Purposes and a Management Right-of-Entry; Acceptance of Quitclaim Deed from County of Hawaii, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-4-57: por. 01.**

Ms. Mamiya asked the Board to amend its prior action to include two portions of lands, which were former road right-of-ways. She is also requesting the Board accept a quitclaim deed from the County of Hawaii for the land remnants.

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

**Item D-17: Rescind Prior Board Action of January 12, 1990 (Agenda Item F-12), Direct Sale of non-exclusive and perpetual access and utility easement at Makawao, Maui, tax map key: (2) 2-1-4: portion 15.**

Ms. Mamiya noted she was rescinding a prior Board action because the Lessee has vacated the premises and the land was subsequently conveyed to the Department of Hawaiian Homelands in 1995.

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

There being no further business, Chairperson Coloma-Agaran adjourned the meeting at 11:35 a.m.

Tapes of the meeting and all written testimonies 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,

Terry Crowell

Approved for submittal:

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