

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

DATE: FRIDAY, JANUARY 24, 2003
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HI

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:04 a.m. The following were in attendance:

MEMBERS

Ms. Lynn McCrory	Mr. Timothy Johns
Ms. Kathryn Inouye	Mr. Ted Yamamura
Mr. Gerald DeMello (arrived at 9:10 am)	

STAFF

Ms. Dede Mamiya, Land Division	Mr. Sam Lemmo, Land Division
Mr. Dan Quinn, State Parks	Mr. Peter Garcia, DOT
Mr. John Dolling, DOT	Mr. Mason Young, DOBOR
Ms. Carol She, DOBOR	

OTHERS

Ms. Pam Matsukawa, Deputy Attorney General	Ms. Rosemary Smythe, D-2
Ms. Judith Matthews, D-1	Ms. Lisa Okuhata, D-12
Mr. Michael Nakaahiki, D-2	Ms. Julie Garros, D-6
Mr. Lloyd Sueda, D-12	Mr. Bush Nola, D-8
Mr. Ricky Takata, D-8	Mr. Brian Hayashida, D-8
Mr. David Kirkpatrick, D-9	Mr. Randy Vitousek, D-8
Mr. Tim Lui Kwan, D-8	Mr. Andy Evans, E-2
Ms. Ronnie Grover, E-2	Ms. Dawn Suyenaga, J-4
Mr. Steve Cole, E-2	

Mr. Ken Bradshaw, J-3

Mr. Bill Mossman, J-2

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

Item D-1: Forfeiture of General Lease No. S-5068, Judith L. Matthews and Ellen J. White, Lot 29, Puu Ka Pele Park Lots, Waimea (Kona), Kauai, TMK: 1-4-2: 10.

Dede Mamiya, Administrator for the Land Division briefed the Board and stated this action was brought before the Board because the lessee failed to provide liability insurance. As of January 17, 2003 the lessee had sent in an updated insurance therefore Ms. Mamiya is recommending the Board withdraw this item.

Judith Matthews informed the Board she has a security bond in effect since 1997 and presented Ms. Mamiya documentation showing a savings account in the name of Judith Matthews and the Department of Land and Natural Resources.

Steve Davis asked the Board for the ability to change their mailing address. He was told to make the necessary arrangements with staff.

Motion to Withdraw

Unanimously approved to withdraw (McCrorry/Johns).

Item D-2: Forfeiture of General Lease No. S-5039, Michael K. Nakaahiki, Jr. and Katherine H. Nakaahiki, Bruce A. and Angela M. Morehead, and Donald K. and Rosemary K. Smythe, as lessees of record (Donald K. and Rosemary K. Smythe, Richard L. and Beverly A. Lavens, David J. and Debbie J. Neifert, and Mark K. and Cindy M. Driver as assignees of an uncompleted record), Lot 84, Kokee Camp Site Lots, Waimea, (Kona), Kauai, TMK: 1-4-4: 55.

Ms. Mamiya informed the Board the lessee was served a notice of default because they lacked liability insurance. She also noted they owed rent of \$2417.50 and has an unsecured surety bond. Ms. Mamiya reminded the Board approval was given in 1998 to assign the lease but the assignment was never completed. She recommended the Board authorize the cancellation of General Lease No. S-5039.

Rosemary Smythe appeared before the Board and expressed her troubles in acquiring liability insurance for the property because the lease is not in her name. She cited getting the lease documents (assignment of lease) signed by Michael Nakaahiki, Jr. as one of the reasons for their inability to get insurance. Ms. Smythe asked the Board not to cancel her lease and allow her time to come into compliance with the insurance.

Michael Nakaahiki Jr., one of the leaseholders told the Board he signed the assignment of lease documents and mailed it back. Mr. Nakaahiki told the Board he is willing to sign the necessary documents to transfer the lease.

The Board asked that the lessee provide a secured performance bond.

Motion to Defer.

Unanimously approved to defer (McCrorry/Johns).

Item D-12: Cancellation of Revocable Permit No. S-7178 and Issuance of Direct Lease to The Harry and Jeanette Weinberg Foundation, Inc. for parking purposes, Kuwili, Iwilei, Honolulu, Oahu, TMK: 1-5-8. 5.

Ms. Mamiya informed the Board the Harry and Jeanette Weinberg Foundation currently uses the parcel on a month-to-month lease for parking purposes but because they are requesting to use the parcel on a long-term basis they are before the Board today. Ms. Mamiya pointed out the City and County of Honolulu would not permit construction of any new structures on this parcel therefore it could only be used for parking purposes. Ms. Mamiya recommended the Board authorize the issuance of a direct lease to The Harry and Jeannette Weinberg Foundation.

Lisa Okuta representing The Harry and Jeannette Weinberg Foundation was present to answer any questions.

Unanimously approved as submitted (Inouye/McCrorry).

Item D-6: Grant of a Term, non-Exclusive Easement for seawall, stairs and fill land to Edward Lau, Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-6-01: 27.

Member Johns recused himself

Ms. Mamiya informed the Board after receiving a survey map of the parcel staff realized an encroachment by the applicant of 6000 square feet. Because Mr. Lau's property does not have a pier he does not qualify for the Kaneohe Bay Piers Amnesty Program. Mr. Lau has asked that this issue be cleared up as soon as possible as he is in the process of selling his property and hopes to have a closing soon after Board approval. Ms. Mamiya recommended the Board impose a fine of \$500 for the encroachment and authorize the issuance of a 55-year term non-exclusive easement for the encroachment.

Julieana Garrison representing Mr. Lau told the Board they are against the \$500 fine imposed by staff. She pointed out Mr. Lau had the necessary permits to build the wall.

Ms. Mamiya told the Board the CDUA approvals received by Mr. Lau were after-the-fact approvals.

The Board amended the Applicant's name from "Edward" to "Edwin" Lau.

Unanimously approved as amended by the remaining members (Inouye/McCrory).

Item D-8: Conservation District Use Application for the Construction and Operation of a Twenty-Megawatt (20-MW) Windfarm and Associated Facilities to supply wind-generated electricity, and subdivision of State lands. Applicant: Hawaii Wind Energy LLC.

Mr. Sam Lemmo, planner for the Land Division went over the history of the applicant. He noted this is the first time he has processed two CDUA's for the same use and same site simultaneously (Item D-9). Mr. Lemmo indicated Hawaii Wind Energy's proposal consists of 1 row of 28 turbines and a second row of 5 turbines. He noted that constructions should take about one year. As far as the impact to the birds, Staff has some concerns therefore they've implemented heavy mitigations measures to protect the birds. Mr. Lemmo let the Board know there were 4 oral and 2 written requests for a contested case hearing. The board dismissed these petitions. In terms of environmental requirements, Mr. Lemmo made note in 1999 the then chairperson of the Board accepted an EIS for the Zond Pacific Project. In doing so the department made a determination that no additional environmental requirements were necessary. But by carefully going over the EIS, Mr. Lemmo realized there was an issue regarding the extra row of turbines, which was not addressed in the EIS. Staff was concerned the extra row might create problems for the bird population. Mr. Lemmo recommended the Board approve the application of Hawaii Wind Energy, LLC but exclude the extra row of five turbines.

The Board brought up the issue of an applicants ability to use an EIS and CDU prepared by another company. Mr. Lemmo told the Board staff usually allows the use of an EIS by another applicant as long as the EIS address the impact on the area. As far as the CDU an applicant has the ability to jump in on someone's CDU.

Brian Takeda with Orenthol Corporation who is a service agent to Hawaii Wind Energy testified. He explained to the Board that this project provides the perfect opportunity to move forward to meet the renewable energy needs of the State of Hawaii and the county of Maui. Mr. Takeda made 3 points: 1) Hawaii Wind Energy and it's partners have reviewed staff's report and are prepared to accept the 45 conditions as outlined in the recommendation which states that all turbines shall be in a single articulated row to maintain a 20 megawatt wind farm; 2) Shearwaters and petrels observed at the sight were well above the altitudes of AGL heights; 3) he called upon Brian Hayashida (CEO, Hawaii Wind Energy) and Sebastian Nola (V.P., Global Renewal Energy Partners Inc.) to testify before the Board and to offer their commitment to the State in the development of this project. Mr. Takeda told the Board Hawaii Wind Energy would be incorporating the turbines from the second row into the first row. Mr. Takeda noted Hawaii Wind Energy would be working with Obayashi Hawaii and Mitsubishi Heavy Industries Energy Division as to the alignment of the turbines.

Brian Hayashida, Chief Executive Officer of Hawaii Wind Energy, LLC. He told the Board he meet with Fern Duvall, John Medeiros and Torrie Haurez (DOFAW-Maui) and presented them with their plan for 33 wind turbines in two rows. He stated DOFAW had no problem with the installation of the turbines but told Hawaii Wind Energy to provide a mitigation plan that would assume the birds will strike the turbines. Mr. Hayashida said his company was sensitive to the issue of the birds and they are willing to go as far as to paint the turbines and the tips of the blades to a color that the birds will not run into. Mr. Hayashida stated for the record that Hawaii Wind Energy, LLC will be the developer for the project and is ready to construct the project. He represented his team; Ricky Takata of Mitsubishi Power Systems who will be providing the turbines for the project, Ken Nakayama of Obayashi Hawaii who will be the general contractor, Greg Meyers, Herb Lee, community involvement specialist, Michael Kruchina, structural civil engineer, and Tim Lui Kwan, legal counsel.

Sebastian Nola, Senior Vice President of Global Renewable Energy Partners (GREP) which is a subsidiary of NEG Micon who is one of the largest wind turbine manufactures appeared before the Board. Mr. Nola went on to say GREP will be a 50/50 partner with Hawaii Wind Energy in this project. He informed everyone GREP has completed and financed over 500 megawatts of projects in North America and Europe. Mr. Nola submitted info on the company and its annual report. Mr. Nola wanted it stated on the record that Hawaii Wind Energy have held public hearings and have solicited comments from the affected agencies regarding construction and operation of a windfarm. Mr. Nola noted that financing for this project is not contingent on the tax credits that expire at the end of the year but he hopes the project can move forward so they can qualify for the tax credits. As far as an agreement with Hawaiian Electric Company (HECO), GREP has initiated an interconnection study which should be completed in the next few weeks. With regards to a power purchase agreement (PPA) discussions have been initiated with HECO, GREP and Hawaii Wind Energy.

The Board asked Mr. Hayashida and Mr. Nola if another site were made available on the same parcel that provided the necessary winds, would they be willing to look at the possibility of constructing a wind farm in this new area to which Mr. Nola replied yes.

Mr. Nelson Ayers, Service Forester for DOFAW indicated DOFAW questioned the extra row of turbines as the original EIS had only one row. He told the Board the extra row of turbines would pose an increase risk of bird collisions.

Mr. Paul Conroy, wildlife program manager for DOFAW, felt in his opinion if Hawaii Wind Energy integrated the 5 turbines from the second row into the first row and stayed within the same footprint it would not require further evaluation by DOFAW. But if Hawaii Wind Energy expands the area it would pose a higher risk of bird collision.

Randy Vitousek, attorney for GE Wind Energy (GE) spoke before the Board. He felt GE had an interest in the subject matter, as they were a successor to Zond in terms they've completed an EIS and applied for a CDUA. In GE's request for a contested case hearing they stated Hawaii Wind Energy's application differed from the original EIS because of

the second row of turbines and because they chose to use a separate access road. Mr. Vitousek told the Board his contested case hearing was heard and denied on the grounds they did not meet the requirements of 13-131 and that the issues GE addressed were not relevant to the CDUA but he questions why staff later came back to say the second row of turbines did provide additional risk to the bird population. Mr. Vitousek is asking for Hawaii Wind Energy to provide an EIS that addresses the extra road of turbines and the proposed excess road they plan to use.

Member Johns made a request at 10:46 a.m. to move into executive session to discuss with legal counsel matters pertaining to privileges, immunities and legal issues raised by today's testimony.

Unanimously approved to move into executive session (Johns/Yamamura).

The meeting was reconvened at 11:31 a.m.

The Board addressed the audience by saying the position the Board's is taking on the denial of a contested case hearing is subject to appeal. The Board noted if the applicant chose to make a request for reconsideration the time for that has expired so the opportunity for redress would be through an appeal of the Board's order denying a contested case.

The Board expressed its concern at having two competing CDUA's and the message it's sending out to the public. The Board amended the Recommendation Section by:

1) Amending paragraph 25 to read as follows:

"25. The applicant shall work closely with DLNR, Division of Forestry and Wildlife staff to [mange] manage the wildlife habitat. This will include periodic removal of rubbish. If necessary, this will include trapping to control the number of unwanted mammals, e.g., rats, mongoose, feral cats and dogs. The applicant shall implement additional mitigation measures to protect native habitat as suggested on page 11 of this staff report;"

2) Adding paragraph 46 to read as follows:

"46. Applicant shall utilize the access road that was identified in the approved EIS."

Unanimously approved as amended (Yamamura/Johns).

Item D-9: Conservation District Use Application for the Construction and Operation of a Twenty-Megawatt (20-MW) Windfarm and Associated Facilities to supply wind-generated electricity, and subdivision of State lands. Applicant: GE Wind Energy.

Mr. Lemmo explained that this windfarm CDUA is similar to the one in Item D-8 with some minor design features. In the Proposed Use section, GE Wind Energy proposes a 20 MW farm consisting of 27 Vestas V-47 wind turbines which is smaller than those proposed by Zond Pacific and secondly that GE proposes to use an alternative 1.4 mile long spur road which was identified in the EIS. Mr. Lemmo recommended the Board approve the application of GE Wind Energy and the associated improvements at Kaheawa Pastures in Ukumehame, Maui.

David Kirkpatrick director of GE Wind Energy informed the Board they agreed with staff recommendations and is willing to abide by the 45 conditions imposed upon them. Mr. Kirkpatrick addressed several questions that were raised: 1) GE Wind Energy and its former, Enron never abandoned the Windfarm project. He submitted a time line, which explained his point; and 2) GE in its acquisition of Enron Wind assumed the obligations and bought the assets pertaining to Hawaii. Mr. Kirkpatrick noted GE would be living up to the same EIS proposed. He told the Board they have the necessary data and money to move forward with the project. In terms of their partnership with Hawi Renewable Development, Inc. (HRD), Mr. Kirkpatrick made it known due to the tax and depreciation advantages they've decided to take on a partner who has the financial capabilities to take advantage of these credits thereby allowing the Power Purchase Agreement (PPA) to be priced lower and in turn benefiting the citizens of Hawaii.

Daniel Ching, Director of power purchase for HECO was asked if his company has made a decision as to which company they would be dealing with. Mr. Ching told the Board HECO has not chosen a company, currently they are dealing with both companies. When question by the Board if HECO would be willing to purchase power from both companies if they were both able to operate a windfarm in Maui, Mr. Ching noted that HECO would need to address certain issues to make sure Maui Electric Company (MECO) can integrate the additional power generated by a second windfarm.

The Board expressed its concern at having two competing CDUA's and the message it's sending out to the public. The Board amended the Recommendation Section by:

1) Amending paragraph 25 to read as follows:

“25. The applicant shall work closely with DLNR, Division of Forestry and Wildlife staff to [mange] manage the wildlife habitat. This will include periodic removal of rubbish. If necessary, this will include trapping to control the number of unwanted mammals, e.g., rats, mongoose, feral cats and dogs. The applicant shall implement additional mitigation measures to protect native habitat as suggested on page 11 of this staff report;”

Unanimously approved as amended (Yamamura/Johns).

Item E-2: Request for a One-Year Extension for Three Special Use Permits to Make Commercial Tour Boat Landings at the Na Pali Coast State Park, Kauai.

Dan Quinn, administrator of State Parks appeared before the Board and reiterated the request only covers landing (not launching) along the Na Pali Coast State Park. He recommended the Board approve the three (3) State Parks' Special Use Permits.

Ronnie Glover general manager of Kauai Sea Tours, Andy Evans representing Na Pali Zodiac/Na Pali Eco-Adventures and Steve Cole were present to answer any questions.

The Board amended the recommendation section as follows:

“That the Board extend to December 31, 2003 the three (3) State Parks’ Special Use Permits with the conditions that are applicable to commercial tour boat lands at the Na Pali Coast State Park; provided that issuance of an extended Special Use Permit to each operator is to occur only if the respective operator has a current Commercial Use Permit to conduct operations within the Na Pali ocean waters as issued by DOBOR, and with [following] previous modifications.”

Unanimously approved as amended (McCrary/Johns).

Item J-4: Consent to Assignment of Harbor Lease No. H-82-4, Gentry Properties, Assignor, to GKM, Inc., Assignee, Kealakehe, Honokohau, North Kona, Hawaii, TMK: 7-4-8: 36 (por).

Mason Young acting administrator of the Division of Boating and Ocean Recreation (DOBOR) asked the Board to approve an assignment of a harbor lease from Gentry Properties to GKM, Inc. Mr. Young noted the lease will expire in 2018 and the consideration amount is \$2,025,000.00.

Dawn Suyenaga Senior Vice President/Chief Operating officer for Gentry-Pacific was present to answer any questions.

Unanimously approved as submitted (DeMello/Inouye).

Item J-3: Request for Final Approval to Amend Hawaii Administrative Rules, Sections 13-250-5, 13-256-22, 13-256-23, section 13-256-24 and section 13-256-25 as They Relate to Tow-In Surfing.

Carol She from DOBOR pointed out the division has been working with the community for the past 6 years to make Tow-In Surfing a safer sport. DOBOR's proposed rules have gone out to public hearings and DOBOR has made some non-substantive changes in reply to public testimony. Ms. She noted the Division has chosen to leave the distance at 1,000 feet. She recommended the Board approve the non-substantive amendments to the draft rules and adopt the rules as amended.

Ken Bradshaw spoke in favor of these rules. He noted the efforts put forth have resulted in the public's education in water safety.

Unanimously approved as submitted (Johns/Yamamura).

Item J-1: Resubmittal of Request for Adoption of Amendments to Chapters 13-230, 13-231, 13-232, 13-233, 13-234, 13-241, 13-242, 13-244, 13-250, 13-251, 13-252, 13-253, 13-255, and 13-256, Hawaii Administrative Rules.

Motion to Withdraw

Unanimously approved to withdraw (Johns/Inouye).

Item J-2: Request for Final Approval to Amend Hawaii Administrative Rules, Sections 13-240-5, 13-243-1, 13-245-9, Section 13-256-16 and Section 13-256-18 as they Relate to Boating and Ocean Recreation Safety Practices.

Ms. She informed the Board DOBOR wants to mirror the rules the United State Coast Guard is following. She went on to inform the Board on the comments the public made with reference to diver's flag and personal floatation device. Ms. She recommended the Board grant final approval and forward the rules to the Governor for approval.

Bill Mossman testified on behalf of Hawaii Ocean Safety Team. He made reference to the following two points: 1) In reference to life jackets he noted the Coast Guard requires children under thirteen (13) to wear life jackets while the boat is under way unless they are inside the cabin. Therefore he questions why DOBOR must place an additional requirement which states that children under 13 must wear life jackets while the boat is anchored; 2) In regards to the diving section, Mr. Mossman feels 13-245-9 (e) contradicts 13-245-9 (g) because the first states you can not dive within the marked navigation channels but section (g) states that a vessel must slow down when coming into the channel when they see a diver's flag adjacent to the channel. He feels the second part of the rule allows for divers to dive within the navigation channel. He would like the rule to be stated more clearly for the public to understand.

Unanimously approved as submitted (Johns/Inouye).

Item M-1: Extension of Harbor Lease No. H-98-11, Paradise Cruise, LTD., Pier 8, Honolulu Harbor, Oahu TMK (1) 2-1-01-1P.

Motion to Withdraw

Unanimously approved to withdraw (Inouye/Johns).

Item M-2: Issuance of Revocable Permit to Highways Division, Department of Transportation, Near Pier 19, Honolulu Harbor, Oahu, TMK (1) 1-5-39-5P and 7P.

Peter Garcia representing the Department of Transportation (DOT) briefed the Board and stated this item is the issuance of a permit for DOT-Highways Division for a field office for one year during the Nimitz Highway Rehabilitation Project. He recommended the Board authorize DOT to issue a Revocable Permit to the applicant.

Unanimously approved as submitted (Inouye/McCrory).

Item M-4: Amendment to Airports Division Revocable Permit No. 5489 to the County of Maui Police Department, Hana Airport, Maui, TMK (2) 1-3-03-22P.

Mr. Garcia noted the purpose of amending Revocable Permit No. 5489 is to allow for additional space to construct an equipment shelter to better serve the present radio system used by public safety agencies. Mr. Garcia recommended the Board authorize the amendment to Revocable Permit No. 5489.

Unanimously approved as submitted (Yamamura/Johns).

Item M-5: Issuance of Direct Lease to Pacific Wings L.L.C., Kahului Airport, Maui, TMK (2) 3-8-01-19P.

Mr. Garcia informed the Board the Lease will be for the development, construction, operation, and maintenance of a general aviation hangar facility. He recommended the Board authorize DOT to issue a direct lease to Pacific Wings, L.L.C.

The Board amended the recommendation section to include the finding:

“The disposition encourages competition within the aeronautical airport related agricultural, aquaculture and maritime industries.”

Unanimously approved as amended (Yamamura/Johns).

Item M-3: Grant of Perpetual Easement and Issuance of Construction Right-of-Entry to Hawaiian Electric Company, Inc. for Utility Purposes, Kapalama Military Reservation, Honolulu Harbor, Oahu, TMK (1) 1-2-25-46P.

John Dolling of DOT Harbors Division told the Board the easement would be for the right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for utility purpose. He recommended the Board authorize the issuance of a perpetual non-exclusive easement and construction right-of-entry to the applicant.

Unanimously approved as submitted (Inouye/Johns).

Item E-1: Revisions to the Nomenclature for the State Park System.

Mr. Quinn noted this item was a merely a housekeeping issue that dealt with revisions to the Nomenclature to the State Parks System. They've added the following listings: State Historic Site, State Scenic Shoreline and State Wilderness Park. Mr. Quinn recommended the Board approve a revised nomenclature for the state park system to include the above designations.

Unanimously approved as submitted (Johns/Inouye).

Item D-3: Grant of a Term, non-Exclusive Easement for Seawall to Robert M. Fox, Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-5-01: 25.

Ms. Mamiya informed the Board during a request for shoreline certification, a concrete and rock seawall was shown to be encroaching onto State lands. The encroachment is less than 100 square feet. Based on the criteria of minor encroachments, staff recommends waiving the \$500 fine. Ms. Mamiya is also recommending the Board to authorize the issuance of a 55-year term non-exclusive easement for seawall and landscape purposes and to amend her recommendation to include a subsequent owner as Mr. Fox has sold the property.

The Board amended the Recommendation section by amending paragraph 1 to read as follows:

“1. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a 55-year term non-exclusive easement for seawall and landscape purposes to Robert Fox or a subsequent owner of the property identified as (1) 4-5-01: 25 under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:”

Unanimously approved as amended (Inouye/McCrory).

Item D-4: Quitclaim of State's Interests, if any, in an Old Road Remnant to the County of Hawaii, Holualoa 3rd, North Kona, Hawaii, TMK: 3rd/7-7-04: portion of 41.

Chairperson Young recused himself.

Ms. Mamiya stated before the Board is a quitclaim of interest of an old road remnant to the County of Hawaii. The subject area is former government Beach Road. The County of Hawaii requires a paper title for the quitclaim of this parcel. Ms. Mamiya recommended the Board authorize the quitclaim of interests, if any, the State may have in the subject roadway parcel to the County of Hawaii covering the subject area.

Unanimously approved as submitted by the remaining members (DeMello/Yamamura).

Item D-5: Set aside to City and County of Honolulu for Pier purposes, Waikane, Koolaupoko, Oahu, TMK: (1) 4-8-003: 013.

Ms. Mamiya informed the Board the subject pier was originally recorded in the department's inventory for the Kaneohe Bay Piers Amnesty Program. In 1998 the City and County of Honolulu acquired title to the adjacent property and wishes to retain their pier for recreational use. Ms. Mamiya recommended the Board approve and recommend to the Governor the issuance of an executive order setting aside the subject lands to the City and County of Honolulu.

Unanimously approved as submitted (Inouye/McCrory).

Item D-7: Amend prior Board Action of April 28, 1995, under Agenda Item F-6, for Grant of Perpetual, non-Exclusive Easement to the City and County of Honolulu for Pedestrian Walkway purposes, Honouliuli, Ewa, Oahu, TMK: 9-1-17: 02.

Ms. Mamiya told the Board the purpose of this item is to amend prior Board action to include a drainage easement and sidewalk. She recommended the Board amend its prior action to include a pedestrian walkway and drainage purposes.

Unanimously approved as submitted (Inouye/McCrory).

Item D-10: Amend prior Board Actions of March 14, 1997 (D-10) and August 21, 1997 (D-37); Fee conveyance of Lot 7 (Keaau Kula Street), Lots 10, 11, 12, 13 and 14 (Drainage Lots) and Improvements to the County of Hawaii, Keaau, Hawaii, TMKs: (3) 1-6-3: 3, 15 and portion.

Ms. Mamiya briefed the Board and made the recommendation to amend its prior Board action to clarify that part of the set aside will go to the County of Hawaii for road and drainage improvements.

Unanimously approved as submitted (DeMello/Yamamura).

Item D-11: Amend prior Board Action of December 13, 2002, Item D-50; continuation of permits; Revocable Permit No. 7303, Quality Precast Products, Inc., Permittee, Ewa, Oahu, TMK: (1) 9-1-031: portion 001.

Ms. Mamiya informed the Board the permittee's revocable permit was not renewed because the permit was in arrears of \$9,700 for 60 days or more. At present the permittee has become current in his payments therefore Ms. Mamiya is recommending the Board amend its prior action and approve the continuation of Revocable Permit No. 7303 for an additional year.

Unanimously approved as submitted (Inouye/McCrory)

Item A-1: Minutes of December 13, 2002

Member Yamamura recused himself.

Unanimously approved as submitted by the remaining members (Johns/McCrory).

Item A-2: Minutes of January 10, 2003

Unanimously approved as submitted (Inouye/Johns).

There being no further business, Chairperson Young adjourned the meeting at 1:52 p.m.

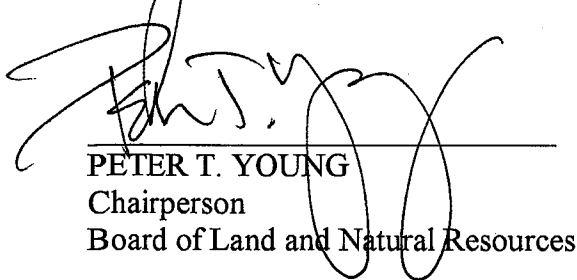
Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Terry Crowell

Approved for submittal:



PETER T. YOUNG
Chairperson
Board of Land and Natural Resources