

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

DATE: FRIDAY, FEBRUARY 14, 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 9:15 a.m. The following were in attendance:

**MEMBERS**

Mr. Peter Young  
Mr. Timothy Johns

Ms. Lynn McCrory  
Mr. Gerald DeMello

**STAFF**

Ms. Dede Mamiya, Land Division  
Mr. William Devick, DAR  
Mr. Peter Garcia, DOT

Mr. Dan Quinn, State Parks  
Mr. Andrew Monden, Engineering

**OTHERS**

Mr. William Wynhoff, Deputy Attorney General  
Ms. Geraldine Bell, D-7  
Ms. Ku'uhaku Park, M-3  
Mr. Perry White, M-4

Mr. Gary Barbano, D-7  
Mr. Bob Strand, M-3

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

Motion made to add item A-1 (McCrory/Johns).

**Item A-1: Minutes of January 24, 2003**

The Board amended Page 4, last paragraph to read as follows:

**“Brian Takeda with [Orenthol] Arenthal Corporation who is a service agent to Hawaii Wind Energy testified.....”**

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

**Item D-7: Grant of a 10-year term, non-exclusive Easement to the National Park Service, Kaloko-Honokohau National Historical Park; issuance of construction right-of-entry for temporary sewer line purposes, Kealakehe, North Kona, Hawaii, TMK: 3<sup>rd</sup>/7-4-08: portion of 03.**

Dede Mamiya Administrator of the Land Division informed the Board the National Park Service is requesting a 10-year non-exclusive easement for the site. They are also asking for a construction right-of-entry in order to install temporary sewer lines for the restroom. Upon completion and hook up to the Kealakehe Sewer Treatment Plant, the National Park Service will remove its temporary sewer lines. Ms. Mamiya is recommending the Board authorize the issuance of a 10-year non-exclusive easement and a construction right-of-entry to the United States of the Interior, National Park Services, Kaloko-Honokahu Historical Park.

Geraldine Bell Superintendent of the National Park Service appeared before the Board and explained that financial constraints have delayed the installation of sewer lines to the treatment plant therefore her organization is looking at alternative ways to treat and dispose of the on site wastewater. She noted their primary concern is to protect the park's cultural and natural resources. Ms. Bell asked the Board to approve the easement before them today and to authorize a construction right-of-entry.

Mr. Gary Barbano was present to answer any questions.

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

**Item M-3: Consent to Assignment of Harbor Lease No. H-92-22, Sand Island Container Complex, Honolulu Harbor, Oahu, TMK (1) 1-5-41-11P.**

Peter Garcia from the Department of Transportation (DOT) told the Board this request is to assign two leases one from SL Service, Inc. to CSX Lines, LLC and the other from CSX Lines, LLC to Horizon Lines LLC. They will be utilizing the area for construction, installation, maintenance, use and repair of office building, gate house, guard house, mechanical pad, transformer pad, subsurface powerlines, subsurface sewerlines, wharf cranes and crane rails for the operation and handling of cargo containers. Mr. Garcia recommended the Board consent to the two assignments of Harbor Lease No. H-92-22.

Ku'uhaku Park and Bob Strand of CSX Lines were present to answer questions.

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

**Item M-4: Issuance of Construction Right-Of-Entry and Lease to Citizens Communication Company, Kawaihae Harbor, Island of Hawaii, TMK (3) 6-1-03-51P.**

Mr. Garcia informed the Board the area in question is 174,240 square feet. The applicant will use the area for storage of bulk propane gas. Mr. Garcia recommended the Board find the area to be an economic unit in terms of the intended use and approve the construction right-of-entry and lease by direct negotiations.

Perry White was present to answer any questions.

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

**Item M-1: Issuance of Revocable Permit to JCVC, Inc., Near Pier 29, Honolulu Harbor, Oahu, TMK (1) 1-5-38-2P.**

Mr. Garcia noted the revocable permit would be used to park one 30-foot container. He recommended the Board authorize DOT to issue the applicant a revocable permit for the stated purpose.

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

**Item M-2: Issuance of Revocable Permit to Conocophillips Company at Piers 32, 33 and 34, Honolulu Harbor, Oahu, TMK (1) 1-5-3-1P and 12P.**

Mr. Garcia pointed out ConocoPhillips Company has acquired the assets to Tosco Corporation and this revocable permit is to take the place of Revocable Permit No. H-97-1963. Mr. Garcia recommended the Board authorize DOT, Harbors Division to issue a revocable permit to the applicant.

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

**Item M-5: Issuance of Direct Lease to U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hilo International Airport, Island of Hawaii, TMK (3) 2-1-12-9P.**

Mr. Garcia told the Board this is a request to use three areas totaling 127,273 square feet. The areas will be used for the development, construction, operation and maintenance of a Weather Service Data Collection Office Facility. Mr. Garcia recommended the Board authorize the issuance of a direct lease to the Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service.

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

**Item M-6: Consent to Sublease, DHL Worldwide Express, Inc., to Bradley Pacific Aviation, Inc., Kahului Airport, Maui, TMK (2) 3-8-01-19P.**

Mr. Garcia briefed the Board and recommended the Board authorize DOT to approve the consent to sublease between DHL Worldwide Express, Inc., as Sublessor and Bradley Pacific Aviation, Inc. as Sublessee.

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

**Item D-1: Consent to assign General Lease No. S-3624, GE Capital Hawaii, Inc., Assignor to GECH Holdings, Inc., Assignee, Waiakea, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-1-12: 26.**

Ms. Mamiya went over the history of this lease and noted at the September 13, 2002 meeting the Board assigned the lease to GE Capital Hawaii, Inc. On January 16, 2003 staff was informed that due to an oversight the wrong lessee was named the Assignee. The correct name for the lease should be GECH Holding, Inc. Ms. Mamiya is recommending the Board consent to the assignment of General Lease No. S-3624.

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

**Item D-2: Rescind prior Board Action of November 17, 1995 (Item F-6), Grant of perpetual, non-exclusive Easement and construction right-of-entry to Hawaii Electric Light Company, Inc. for 69kv overhead Transmission Line Corridor at Kealakehe, North Kona, Hawaii, TMK: 3<sup>rd</sup>/7-4-08: portion of 17.**

Ms. Mamiya informed the Board Hawaii Electric Light Company, Inc., no longer requires the easement because its utility corridor assignment was no longer within lands controlled by DLNR. She recommended the Board rescind its prior action of November 17, 1995.

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

**Item D-5: Rescind prior Board Action of March 14, 1997 (Item D-15), perpetual, non-exclusive Easement to GTE Hawaiian Telephone for Telecommunication purposes at Laiopua, Kealakehe, North Kona, Hawaii, TMK: 3<sup>rd</sup>/7-4-20.**

Ms. Mamiya noted that GTE requested a utility easement for the purpose of overlaying its telecommunication cable onto existing HELCO transmission steel poles in order to provide additional telephone services. Staff later discovered the utility corridor alignment was no longer within lands controlled by DLNR, therefore Ms. Mamiya is recommending the Board rescind its prior actions of March 14, 1997.

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

**Item D-3: Amend prior Board Action dated January 25, 2002, Item D-16 as amended; issuance of direct Lease to Hawi Agricultural and Energy Corporation for aquaculture purposes, Hualua, North Kohala, Hawaii, TMK: 3<sup>rd</sup>/5-5-07: 0**

Ms. Mamiya pointed out Board action is required to rescind is prior action and to change the name of the lessee from Hawi Agricultural and Energy Corporation to Tropical Ponds Hawaii, LLC as the sole lessee. She recommended the Board amend its prior action by amending the name of the lessee.

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

**Item D-4: Grant of term, non-exclusive Easement to Jeffrey and Judi White and issuance of an immediate right-of-entry, for telephone transmission line purposes, Kailua, Makawao, Maui, TMKs: (2) 2-9-010: pors. 007, 008, 022; 2-9-011: pors 008 and 023.**

Ms. Mamiya informed the Board the applicants are requesting to place a telephone line within the same alignment as the waterline easement because of the ease of installation and shorter alignment to Verizon Hawaii's distribution box. The applicants are also requesting an immediate construction right-of-entry permit for the installation to occur as soon as possible. Ms. Mamiya is recommending the Board authorize the issuance of a term, non-exclusive easement to the applicants covering the subject area.

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

**Item D-6: Withdrawal from Governor's Executive Order No. 3867; reset aside to Department of Transportation for highway purposes and construction right-of-entry, Kahuku, Koolualoa, Oahu, (1) 5-6-05: por. 09.**

Ms. Mamiya indicated that DOT is requesting the withdrawal and re-set aside of the above land for construction right-of-entry in connection with the Kamehameha Highway Drainage Improvements. The project will consists of constructing a box culvert and replacement of the Kii Bridge along Kamehameha Highway. Ms. Mamiya recommended the Board approve and recommend to the Governor withdrawing 9,000 square feet and the issuance of an executive order setting aside the subject lands to DOT.

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

**Item D-8: Forfeiture of General Lease No. S-3631, A & A Hawaii, Inc., Lessee, Waiakea, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-2-50: 79.**

Ms. Mamiya disclosed there were 2 discrepancies with this lease - failure to keep lease rental payments current and lack of fire insurance. Recently the lessee has brought the lease rental payments current but the issue of fire insurance is still outstanding. Ms. Mamiya also pointed out the sublessee, Digital Printers of Hawaii has not completed the consent documents because they were not in good standing with the Department of

Commerce and Consumer Affairs. Ms. Mamiya recommends the Board rescind its consent to sublease General Lease No. S-3631, and authorize the cancellation of General Lease No. S-3631 in the manner specified by law.

The Board noted its displeasure that this lease had appeared before them on three previous occasions. The Board directed staff not to bring this lease back for reinstatement.

**The Board amended the Recommendation Section by adding that staff is directed not to bring this matter back for reinstatement.**

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

**Item D-9: Amend prior Board Action of December 13, 2002, Item D-50, continuation of permits; Revocable Permit No. S-5985, Curtis W. Carlsmith, Permittee, Ualapue, Molokai, TMK: (2) 5-6-003: por. 034.**

The Board questioned why staff was asking to extend a permit when the permittee passed away years ago.

**Motion to withdraw (Johns/McCrory).**

**Item D-10: Grant of perpetual, non-exclusive Easement and construction right-of-entry to Hawaiian Electric Company, Inc. (HECO) for utility purposes, Waianae Agricultural Park Subdivision, Waianae, Oahu, TMK: 8-5-34: por. 13.**

Ms. Mamiya indicated HECO received a request from a Department of Agriculture (DOA) lessee for electrical service to his lease site (for a farming business). She recommended the Board authorize the issuance of a perpetual non-exclusive easement to HECO covering the subject area.

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

**Item E-1: Consent for Assignment of Residential Lease No. S-5287 Ahupua'a 'O Kahana State Park, Oahu.**

Dan Quinn Administrator of State Parks told the Board the lessee Samuel George has passed away and his designated successor is his wife Grace George. Therefore Mr. Quinn is requesting the Board assign residential lease S-5287 to Grace V. George.

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

**Item F-1: Request for Approval to Enter Into Two Agreements with the University of Hawaii (UH).**

William Devick Administrator for Aquatic Resources briefed the Board of the two agreements with the University of Hawaii. Mr. Devick recommended the Board

authorize the Chairperson to negotiate and enter into two agreements with the University of Hawaii.

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

**Item L-1: Approval for Award of Construction Contract – Job No. J00CF33A  
Comfort Station ADA Improvements at Rainbow Falls, Wailuku  
River State Park Hilo, Hawaii.**

Andrew Monden Acting Chief Engineer for the Engineering Division briefed the Board on the bids submitted and recommended the Board award the contract for Job No. JOOCF33A to Central Construction Inc.

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

**Member Johns made a motion at 9:44 a.m. to move into executive session to consult with legal counsel on a Contested Case Hearing.**

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

**The meeting was reconvened at 9:55 a.m.**

There being no further business, Chairperson Young adjourned the meeting at 9:55 a.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:



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PETER T. YOUNG  
Chairperson  
Department of Land and Natural Resources