

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

DATE: FRIDAY, SEPTEMBER 26, 2003
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:07 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Timothy Johns
Mr. Ted Yamamura

Ms. Lynn McCrory
Ms. Kathryn Inouye
Mr. Gerald DeMello

STAFF

Ms. Dede Mamiya, Land Division
Mr. Dan Davidson, Deputy Director, Land
Mr. Dolan Eversol, OCCL
Mr. Steve Mollen, DOBOR
Mr. Andrew Monden, Engineering

Mr. Sam Lemmo, OCCL
Ms. Carol She, DOBOR
Mr. Mason Young, DOBOR
Mr. Dan Quinn, State Parks

OTHER

Mr. Bill Wynhoff, Deputy Attorney General
Ms. Yvonne Izu, Deputy Attorney General
Ms. Linda Chow, Deputy Attorney General
Mr. Jay Paige, Deputy Attorney General
Mr. Jeffrey Kaohi, D-15
Ms. Sharon Clark, D-6
Mr. David Bettencourt, D-12
Mr. Bob Hampton, D-12
Mr. Jason Tani, J-2
Mr. David Flavin, J-1
Mr. Mike Teralani, J-1
Mr. Josh Visconi, J-1

Mr. Troy Tanigawa, D-15
Mr. Roy Yempuku, D-14
Mr. Clyde Aikau, D-12
Mr. George Downing, D-12
Ms. Shelley Kekuna, J-1
Mr. Jeff Halpin, J-1
Mr. Clinton Fukushima, J-1
Mr. Joe Kowalski, J-1

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

Item A-1: Minutes of September 12, 2003

Deferred.

Item D-15: Issuance of Direct Land License to County of Kauai and Waste Management of Hawaii, Inc. dba Sanifill of Hawaii for Soil Removal Purposes, Kekaha, Waimea, Kauai, TMK: (4) 1-2-2: portion 1.

Dede Mamiya, Administrator for Land Division informed the Board before them is a request by the County of Kauai and Waste Management Hawaii, Inc. for soil removal from silting ponds in Kekaha, Kauai. The applicant currently has a lease that will expire on December 31, 2003. The new land license would be effective until December 31, 2008. Ms. Mamiya recommended the Board find that the public interest demands the issuance of this direct land license to the County of Kauai and Waste Management of Hawaii, Inc.

The Board asked staff to address a letter from the County of Kauai requesting to excavate more than 45,000 cubic yards of soil, approval to level the mud pond to its original elevation and to conduct a survey of the mud ponds

Ms. Mamiya told the Board the land license did not place a restriction on the amount of cubic yards of soil the County of Kauai could excavate. With regards to leveling of the mud ponds that condition was part of the standard condition. Lastly the issue of surveying the mud ponds was to be added as a condition of the land license.

Jeffrey Kaohi and Troy Tanigawa representing the applicant were present.

The Board amended the Recommendation Section by:

1) **Amending subparagraph 3.E. to read as follows:**

“3.E. Licensee shall submit a grading plan approved by the County of Kauai and will survey the mud ponds.”

Unanimously approved as amended (McCrorry/Johns).

Item D-6: Cancellation of Governor’s Executive Order No. 3450 to Department of Business, Economic Development and Tourism, Issuance of Direct Lease to Department of Business, Economic, Development and Tourism for Film Studio and Related Purposes, Honolulu, Oahu, TMK: (1) 3-1-042: por. 009.

Ms. Mamiya informed the Board in the past staff has brought requests for consent to use the film studio to the Board for approval. This process took several weeks and by the time all of the paperwork was completed the film company completed filming and left the area. Due to the current changes in the law that allows for waiver of consent to sublease under leases, staff felt

by converting the existing Governor's Executive Order to a direct lease would streamline the permit process. Addressing the issue of these lands being public lands thereby requiring public notification for such disposition, the Department of Business, Economic Development and Tourism proposes to put a public notice of any sublease on the agenda at their regular meeting. Ms. Mamiya recommended the Board approve and recommend to the Governor issuance of an Executive Order canceling Governor's Executive Order No. 3450 and authorize the issuance of a direct lease to the Department of Business, Economic Development and Tourism covering the subject area.

Sharon Clark of the Department of Business, Economic Development and Tourism was present.

Unanimously approved as submitted (Inouye/ McCrory).

Item D-14: Rescind Prior Board Action of June 27, 2003, Agenda Item No. D-17, Forfeiture of General Lease No. S-5045, Camp Kokee Corporation, Lessee, Waimea, Kauai, TMK: (4) 1-4-04: 47.

Ms. Mamiya indicated on June 27, 2003, the Board approved the forfeiture of General Lease No. S-5045 for failure to keep lease rental payments current and failure to post required liability insurance policy. She noted rental payment was received on July 10, 2003 and the current insurance policy was received on August 20, 2003. Staff has no objection to reinstatement of the lease, as this was the first time the lease was brought to the Board for forfeiture. Ms. Mamiya recommended the Board rescind its prior Board action of June 27, 2003 under Item D-17 approving the forfeiture of General Lease No. S-5045.

The Board was uncomfortable with not having a cash performance bond in place and asked Ms. Mamiya if it could be incorporated into the recommendation.

The Board also questioned the future of all leases in Kokee State Park. Ms. Mamiya informed the Board staff is working on providing holdovers to have all leases expire December 31, 2006. Upon expiration of the leases the lands would be turned over to State Parks.

Roy Yempuku representing Camp Kokee Corporation appeared before the Board and asked if he could submit just \$2400 in cash as his performance bond. He noted he was in opposition of tying up \$4800 for a performance bond but would agree to \$2400.

The Board amended the Recommendation Section to read as follows:

“Rescind its prior Board action of June 27, 2003 under Item D-17, approving the forfeiture of General Lease No. S-5045, to Camp Kokee Corporation, Lessee provided that the Lessee shall provide a secured performance bond within 30 days.”

Unanimously approved as amended (McCrory/Johns).

Item D-12: Cancellation of Revocable Permit No. S-5501; Sale of Concession by Sealed Bids for Beach Services at Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037: 021.

Ms. Mamiya indicated in 1997 the Board issued five revocable permits for beach concession at the Duke Kahanamoku Beach. One of the successful applicants was C & K Beach Services who today currently has a permit for the subject area. Ms. Mamiya went over the history of the applicants and mentioned over time all but one permit (C & K Beach Services) were cancelled for various reasons. Over the years the Department has received inquiries and requests to bid on a beach concession in this area therefore staff would like the Board to authorize to bid a beach concession contract and replace the one remaining revocable permit. Staff is recommending the Chairperson be authorized to prescribe the terms and conditions of the request for bids and the contract document. Ms. Mamiya was made known that there is an exemption in Section 102-2, HRS which allows the Board to issue a permit without public bidding to a non-profit corporation for a "beach service association dedicated to the preservation of the Hawaii beachboy tradition." Because of interest in the area, Ms. Mamiya suggests making the concession available on a fair and open basis to all interested parties by authorizing the concession for general commercial purpose as oppose to preserving the beachboy tradition. Ms. Mamiya recommended the Board authorize the sale of a concession contract by sealed bid within the subject area for beach services and cancel Revocable Permit No. S-5501 to C & K Beach Services upon execution of the new beach concession contract.

The Board asked staff if they could clarify what the legislature's intent was when passing the exemption in Section 102-2 HRS. Ms. Mamiya deferred this question to later because she felt other members of the public could provide a better answer.

David Bettencourt representing C & K Beach Services appeared before the Board. He feels it is unwise to auction off the beach services as in the past individuals have raised the price of the bid and later could not pay their rent. Also to be able to meet the monthly rent requirement, the concessionaire will lose its feeling of aloha because money will become a key factor in its operation. Mr. Bettencourt would like staff to establish a bid process whereby the State would ensure there would be qualified applicants who can abide by all the rules of the contract. As to the intent of the exemption in Section 102-2, HRS, Mr. Bettencourt believes it provides members of the beach boy the opportunity to participate in the bidding process. He feels in establishing this exemption the legislature is recognizing that the image Waikiki portrays should be one of old Hawaii. He also made it known they have a non-profit organization, the Eddie Aikau Foundation that would be willing to bid on a beach concession contract.

The Board questioned why staff is recommended to cancel the revocable permit issue to C & K Beach Services and have them bid on a new contract instead of allowing C & K to keep their existing permit and issue a contract for another area. Ms. Mamiya explained if the concession area remained in the same location as the existing concessionaire, it would preclude the Department for conducting an Environmental Assessment.

Clyde Aikau owner and president of C & K Beach Services testified before the Board. He informed the Board his company has been in operation on the beach for almost 25 years. He

feels it is a privilege to advise, share and teach the public and the visitors about the ocean. He also notes this company serves a role as lifeguard on the beach and over the years they've saved hundred's of lives. Mr. Aikau also informed the Board he just found out about today's meeting and was never notified by mail this item would be on the Board's agenda.

Bob Hampton president of Waikiki Beach Activities (a hotel beach concessionaire at the Hilton Hawaiian Village) told the Board he supports everything Mr. Aikau has stated. Mr. Aikau has provided all the traditional activities for the hotel guest. In staff's submittal where it makes reference to two unauthorized beach concessions, Mr. Hampton noted one of the unauthorized companies was his company. Ninety-nine percent of his clients are guests of the Hilton Hawaiian Village. The guest comes to his stand, which is located on Hilton property to take care of their rental needs. Once the transaction is complete Mr. Hampton's staff goes out and places the umbrellas or whatever equipment is rented on the beach for the guests. In closing Mr. Hampton acknowledge his support for the work Mr. Aikua has done in the past and hopes the State will allow C & K Beach Services to remain at the subject site.

George Downing testified in support of allowing C & K to operate on the lands in question. Mr. Downing spoke of a time in the early 1990's when he went before the legislature and was able to obtain an exemption for non-profit organization operating beach concessions that preserve the beachboy tradition. Mr. Downing feels it is important to take care of the visitors we come into contact with at the beach services because the tourist brings money into our economy. The concern with the concessionaires at the beach should be to on how to protect the public not on making lots of money. In closing Mr. Downing urged the Board to leave things as it is and allow C & K to continue operation of beach services at the Duke Kahanamoku Beach.

The Board asked that staff work with the existing permittee (Clyde Aikau) on a direct concession for the preservation of beachboy tradition and to bring the matter back to the Board at the first meeting in January 2004.

Motion to Defer

Unanimously approved to defer (Inouye/Johns).

Item J-1: Request for Review and Approval of Commercial Activity Permits for Kaanapali Beach as required by Section 13-251-76, Hawaii Administrative Rules.

Dan Davidson, Deputy Director for Land communicated the purpose of this permit process is to limit and control commercial activity on Kaanapali Beach. He notes the pictures in the handout illustrates that a lot of commercial use is taking place on Kaanapali Beach. Mr. Davidson indicated he would like to implement some new regulator tools the department has. Through his investigation, Mr. Davidson has come to the conclusion that the Department does not have an adequate Division of Boating and Ocean Recreation (DOBOR) rule that addresses/enforces commercial activity on the beach. He pointed out there are two different types of commercial activity that take place on the beach: non-hotel/condo related enterprises; and hotel related enterprises. Mr. Davidson went over the standard condition of the proposed permit. He

recommended the Board approve in concept the Commercial Activity Permit for Kaanapali Beach as submitted.

Yvonne Izu of the Deputy Attorney General's office spoke on why she believes the Board can give authorization for the Chairperson to issue the commercial activity permits as opposed to the Board authorizing the permits. Ms. Izu feels if the Board determines the number of permits to be issued, the type of permit and the conditions of the permit it would then limit the Chairperson's discretion. Today it is just a matter of the Board approving a permitting system.

Shelley Kekuna Director of Marketing for Kaanapali Beach Resort told the Board what has been proposed by staff in its submittal needs to be tighten up. She feels the State needs to take more control of the commercial activities happening on Kaanapali Beach. Ms. Kekuna made the following comments: 1) She feels the permit should state what items the permit holder is allowed to possess on the beach; 2) The Board should issue a year-to-year permit and when the permittee comes to DOBOR for renewal of their permit, staff could evaluate if they were abiding by all of the terms and conditions set forth; 3) She also had some strong concerns with regards to insurance. She believes a one million dollar liability insurance policy is too low. The Board should ask for coverage of 3-5 million; 4) She requested the hotels be listed as an additional insured in case one of their guest get hurt renting beach related equipment; 5) Ms. Kekuna spoke of the eyesore created by the tents and signs set up the vendors along the beach. She recommended the vendors use an umbrella instead of a tent; 6) As far as cash transactions on the beach she is against any exchange of money on the beach as it could serve as a venue for illegal activities; and 7) Regarding enforcement, Ms. Kekuna feels the permit process is a step in the right direction, but without specific conditions on the permit the enforcement officers will have a hard time citing vendors.

David Flavin a permittee on Kaanapali Beach appeared before the Board. He feels the people operating on Kaanapali Beach with permits should be given first priority when the new permits are issued. He spoke on some of the rules established by the Division of Boating and Ocean Recreation (DOBOR). In support of the vendors being on the beach, Mr. Flavin noted the individuals operating the concession stands are the first line of defense for people in the water who might get into trouble since there are no lifeguards on the beach. He also informed the Board how the hotel operators place their cabanas and other equipment on the beach all day and night. He spoke of the difficulty he would incur if the Board does not allow him to store his equipment somewhere on the beach or nearby the vegetation line.

Jeff Halpin a hotel operator made it known the commercial activity at Kaanapali has gotten out of control and needs to be regulated. He feels the rules are a step in the right direction but offered the following changes: 1) The Board increase the amount of the liability insurance to three or five million dollars. The proposed 1 million dollar coverage is inadequate; 2) All employee's should be covered by worker's compensation; 3) Certificates of CPR training by all workers shall be on file at DOBOR's office; 4) list a clause stating that "all activities not listed on the permit shall not be allowed" 5) All equipment and displays shall be confined to a 12 x 12 area; 6) Use of umbrella's instead of tents but if tents are allowed they should be consistent in its color and construction; 7) Department should in its rules list the number of permits to be issued by the Chairperson; 8) A rule which states "No permittee shall be located within three

hundred yards of another permittee” 9) All permits shall expire on December 31 of each year irregardless of when the permit was issued; and 10) There should be a limit on the type of surfboard and equipment a permittee can possess on the beach.

The Board voiced its concern with the hotels placing lounge chairs on the beach thereby reserving space for their guests.

Mr. Davidson clarified the permits DOBOR will be issuing is for non-exclusive use of an area. The public cannot be excluded from an area. What this permit would accomplish is to regulate where commercial operators will be located

Mike Kelley Teralani an activities vendor operating on the grounds of a hotel testified before the Board. Mr. Teralani feels the State does not need to have vendors on Kaanapali Beach because the hotels provide for the needs of its guests. Mr. Teralani offered up the following suggestions: 1) as the public comes by to rent equipment from the vendors at that point the equipment will be taken out and placed on the beach for their use and removed when it is not needed; 2) The number of permits issued (four) is excessive; 2) Staff should be specific as to equipment allowed; 3) Equipment should be sanitized; 4) Cash should not be accepted on the beach; 5) Minimum of two staff per location; 6) No tents should be allowed, vendors should be required to use umbrellas; 7) Storage boxes should not be allowed on the beach; and 8) Vendors should wear nametags or their name embroidered on their shirt.

Clinton Fukushima a representing the Westin Maui appeared before the Board. He came forward to speak on the issue of safety of hotel guest. He spoke of an incident where a guest who was renting equipment from a beach vendor got hurt and was taken to the hospital. Upon trying to contact the vendor, the vendor refused to speak with hotel personnel.

Joshua Visconi a security officer at the Sheraton Maui came forward and read the written testimony submitted by Gerald Bahouth.

Joe Kowalski director of security for the Sheraton hotel offered his testimony. He told the Board that the guest at the Sheraton has voiced their concern and disapproval with regards to the tents and big umbrella's set up on the beach.

The Board amended the following:

Recommendation Section

- “2. Authorize the Chairperson to issue commercial activity permits to hotels, time share, and condominium projects fronting Kaanapali Beach, subject to the permit terms and conditions attached as Exhibit B. In addition authorize the Chairperson to issue a limited number of additional commercial activity permits to serve the needs of those possessing an ocean-based commercial activity permit from the Division of Boating and Ocean Recreation, subject to the permit terms and conditions attached as Exhibit B.”**

Page 2, third paragraph of staff submittal

“The permittee shall not store or leave anything on Kaanapali Beach between 7:01 p.m. and ~~[5:59]~~6:59 a.m. Any permittee who violates this condition shall be subject to the confiscation of their equipment.”

Kaanapali Beach Commercial Activity Permit Conditions:

- (1) Permittee shall have this permit at the site and shall ~~[produce it upon request]~~ have it prominently displayed.**
- (3) No personal property, equipment, gear, vessels, vehicles, and materials of any kind shall remain on Kaanapali Beach, whether unattended or not, between 7:01 p.m. and ~~[5:59]~~ 6:59 a.m. daily.**
- (7) Financial transactions may be conducted on the premises only for goods and services related to this permit. ~~[Notwithstanding Condition 6, a written price list for all goods and services provided shall be prominently displayed, provided that such written display shall not exceed 1' x 2' in size].~~**

“(19) No commercial activity other than those specified in the permit shall be allowed. Any other commercial activity is prohibited.”

Unanimously approved as amended (Yamamura/Johns).

Item J-2: Kona Fuel and Marine, Inc. Requests Extension of Cure Period on Notice of Default dated August 8, 2003 on Harbor Lease No. H-83-2, Kealaheke, Kailua-Kona, Hawaii TMK: (3) 7-04-08.

Mason Young Acting Administrator of the Division of Boating and Ocean Recreation and Steve Mollen District Manager appeared before the Board. Mr. Young reiterated that staff is requesting an extension of the Cure Period on the Notice of Default so staff and the permittee can work with the attorney general's office with respect to the legality of the subleases and its permitted use within the lease. Mr. Young recommended the Board grant Kona Fuel and Marine, Inc an additional period not to extend beyond December 8, 2003 to cure the breaches cited in the Notice of Default letter.

The Board amended the Recommendation Section to read:

“That the Board grant to Kona Fuel and Marine, Inc., an additional period not to extend beyond ~~[December 8, 2003]~~ January 10, 2004 to cure the breaches cited in the Notice of Default letter served on August 8, 2003.”

Unanimously approved as amended (DeMello/Yamamura).

The Board took a break at 12:14 p.m. and resumed the meeting at 12:25 p.m.

Item L-1: Certification of Election and Appointment of Soil and Water Conservation Districts Directors.

Andrew Monden appeared before the Board and recommended the Board certify the elections and appoint those persons recommended as directors of their respective Soil and Water Conservation Districts.

Unanimously approved as submitted (Johns/Yamamura).

Item E-1: Selection of Projects for Federal Grant Awards through the Land and Water Conservation Fund Program.

Dan Quinn Administrator of State Parks came before the Board and recommended the Board approve the selection of the County of Kauai and the County of Hawaii projects for Land and Water Conservation Fund (LWCF) in fiscal year 2003 subject to final approval by the National Park Service.

Unanimously approved as submitted (Johns/Yamamura).

Item D-8: Rescind Prior Board Action of June 14, 2002 and Request for the Board's Approval of Amendment No. 1 to the Tri-Party Agreement, Dated November 30, 1984, Between the Department of Hawaiian Home Lands (DHHL), the Department of Transportation and the Department of Land and Natural Resources.

Motion to Defer

Unanimously approved to defer (Johns/Inouye).

Item D-9: Enforcement Action Involving Unauthorized Use of State Land, Grading Violation and Illegal Dumping of Fallen Trees onto Unencumbered State Lands, Mr. Alfred J. Andrade and/or Alfred J. Andrade LTD Partnership, Alleged, Kaa Homesteads, Hamakua, Hawaii, TMK: 3rd/4-5-03: 13.

Motion to Defer

Unanimously approved to defer (Johns/Inouye).

Item D-18: The Board will meet in Executive Session to discuss Hawaiian Electric Company time extension for the Keahole Plant.

Motion to Withdraw

Unanimously approved to Withdraw (Johns/Inouye).

Item D-5: Grant of Term, Non-Exclusive Easement for Access and Utility Purposes to William A. Lydgate, Kawaihau, Kauai, TMK: (4) 4-4-4-: por. lateral ditch 7.

Ms. Mamiya briefed the Board and recommended that the Board authorize the issuance of a 55-year term non-exclusive easement for access and utility purposes.

The Board amended the Recommendation Section by:

1) Amending subparagraph 2.C. to read as follows:

“2.C. Applicant shall be required to submit a letter from a licensed engineer stating that “no” additional structural support for State Ditch 7 in the easement area is necessary. ~~Of~~ If structural improvements are necessary, construction plans must be approved by DLNR.”

2) Amending subparagraph 2.D. to read as follows:

“2.D. Applicant shall not interfere with the flow of water in the State ditch right-of-way except as might be necessary to construct, reconstruct, repair, maintain or install improvements within the easement area. Applicant must give DLNR 5 working days notice of any flow interruption. Furthermore, the water flow shall not be interrupted for more than 48 hours within any one week period of time.”

Unanimously approved as amended (McCrorry/Inouye).

Item D-4: Consent to Assign Perpetual, Non-Exclusive Access and Utility Easement [L.O.D. No. S-28338], from Hale & Karen Demar, Assignor, to O.W. Ranch LLC, Assignee, Kamaole, Makawao, Maui, TMK: (2) 2-2-001: No Parcel Number.

Ms. Mamiya briefed the Board and recommended the Board consent to the assignment of Grant of Non-Exclusive Easement No. S-28338 from Hale and Karen Demar, as Assignor, to O.W. Ranch LLC, as Assignee.

Unanimously approved as submitted (Yamamura/Johns).

Item D-16: Appointment and Selection of a Hearing Officer to Conduct All Hearings for Three (3) Contested Case Hearings: 1) Docket NO. OA-04-03, TMK: (1) 9-1-007: 002 for Shoreline Certification Case No. OA-927, Ewa Beach, Puuloa, Oahu; 2) Docket NO. OA-04-04, TMK: (1) 4-3-011; various parcels for Shoreline Certification No. OA-919, Kailua Beach Park, Kailua, Oahu; 3) Docket NO. HA-04-06, TMK: (3) 7-8-010: 038 Shoreline Certification Case No. HA-266, 127 Ehukai Street, Keauhou, Hawaii, and

**TMK: (3) 7-8-012: 058 Shoreline Certification Case No. HA-266, 128
Ehukai Street, Keauhou, Hawaii.**

Mr. Lemmo gave the Board background information on the above matter and asked the Board to authorize the appointment of a Hearing Officer for Contested Cases OA-04-03, OA-04-04 and HA-04-03 and delegate the authority for selection of the Hearing Officer to the Chairperson.

Unanimously approved as submitted (DeMello/Johns).

- Item D-1: Amend Prior Board Action of February 25, 2000 (Item D-8), Set Aside to County of Kauai Department of Water for Well Site, Issuance of Grants of Related Perpetual Non-Exclusive Easements for the Kekaha-Waimea Water System, Grant of Perpetual Non-Exclusive Easement for Electric Transmission Line Purposes to Citizens Utilities Company, Ltd., and Approval to Grant the County of Kauai Construction Rights of Entry, Kekaha, Kauai, TMK: (4) 1-2-2: portion 1.**
- Item D-2: Issuance of Land Patent in Confirmation of Land Commission Award No. 8257 to Hanai, situate at Waipake, District of Koolau, Kauai, TMK: (4) 5-1-03: 06 (portion of).**
- Item D-3: Issuance of Land Patent in Confirmation of Land Commission Award No. 293 to Kaunuohua, situated at Alio, District of Lahaina, Maui, TMK: (2) 4-6-02: 03.**
- Item D-7: Sale of Lease at Public Auction for Intensive Agriculture Purposes, Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-27: 25**
- Item D-10: Rescind Prior Board Actions of February 11, 2000 (Item D-7), Grant of Two Perpetual, Non-Exclusive Easements to the Department of Transportation, Highways Division, and Construction Right-of-Entry for Drainage Purposes, Kaalaala, Kau, Hawaii, TMK: 3rd/9-6-12: 04 and 9-6-13: 02.**
- Item D-11: Issuance of Revocable Permit to USA, Department of the Navy, Waimea, Kekaha, Kauai, TMK: 1-2-02: portion 1.**
- Item D-13: Amend Prior Board action of December 15, 2000, (Agenda Item D-27) for Withdrawal of lands from General Lease NO. S-4101, Cancellation of Revocable Permit No. S-7137 and Reissuance of New Revocable Permit and Set Aside to Board of Water Supply, City and County of Honolulu for Well Site, Pipeline and Access and a Management and Construction Right-of-Entry, Waimanalo, Koolaupoko, Oahu, TMK: 4-1-04: 47.**

Unanimously approved as submitted (Johns/Yamamura).

Item D-17: Time Extension Request for Conservation District Use Application (CDUA) KA-2843 for the Construction of a Single-Family Residence, Applicant: Okada Trucking Company, Ltd. c/o Walton D.Y. Hong, Niumalu, Kauai, Hawaii, TMK: (4) 3-2-01: 01.

Motion to Defer

Unanimously approved to Defer (McCrorry/Johns).

Motion made at 12:38 a.m. to move into Executive Session to discuss with the Deputy Attorney General's Office Items D-19, Item I-1 and to discuss litigation on the Hawaiian Electric Company Resolution for the Keahole Plant.

Unanimously approved to move into Executive Session (Johns/Yamamura).

The Board came out of Executive Session at 1:17 p.m.

There being no further business, Chairperson Young adjourned the meeting at 1:17 p.m.


Tapes of the meeting and all written testimony submitted at the meeting is filed in the Chairperson's Office and is 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:

For 
PETER T. YOUNG
Chairperson
Department of Land and Natural Resources