

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

DATE: MONDAY, MAY 24, 2004  
TIME: 9:00 A.M.  
PLACE: KAUAI WAR MEMORIAL CONVENTION HALL  
4191 HARDY STREET  
LIHUE, HI 96766

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:20 a.m. The following were in attendance:

**MEMBERS**

Mr. Peter Young  
Mr. Timothy Johns  
Mr. Ted Yamamura  
Mr. Gerald DeMello (arrived at 10:32 a.m.)

Ms. Lynn McCrory  
Ms. Kathryn Inouye  
Mr. Toby Martyn

**STAFF**

Ms. Dede Mamiya, Land Division  
Mr. Steve Thompson, DOBOR

Mr. Gary Martin, Land Division  
Paul Conry, DOFAW

**OTHER**

Mr. Russell Tsuji, Deputy Attorney General  
Mr. Bill Mossman, J-1, L1-8  
Mr. Leonard Zalopany, D-3  
Ms. Maryann Kusaka, D-5  
Mr. Alfredo Lee, D-5  
Mr. Bob McDermott, D-5  
Mr. Clyde Shiraki, D-5  
Mr. Joanne Yukimura, D-5  
Mr. James Rothschild, D-5  
Mr. Benjamin Kanakamori, D-5  
Mr. Al Moe, D-5  
Ms. Gina Odegbard, D-5  
Mr. Panaewa Koani, D-5

Ms. Ruth Tsujimura, K-1  
Rear Admiral Colton, D-5  
Ms. Heide Guth  
Mr. Tim Garner, D-5  
Mr. Dave Nekomoto, D-5  
Ms. Judy Batis, D-5  
Mr. Kunane Aipoalani, D-5  
Mr. Ron Morin, D-5  
Mr. Gene Bullock, D-5  
Mr. Basil Scott Loceant, D-5  
Ms. Annelle Hazlett, D-5  
Mr. Robert Measel, Jr., D-5

Mr. Kenichi Shimogawa, D-5  
Mr. Dan Momohara, D-5  
Mr. Robert Westerman, D-5  
Mr. Henry Noa, D-5  
Mr. Paul Lemke, D-5  
Mr. Wayne Katayama, D-5  
Mr. Gary Hooser, D-5  
Ms. Hope Kalai, D-5  
Mr. Brent Eyeone, D-5  
Mr. Jose Bulatao, Jr., D-5  
Mr. Miguel Graham, D-5  
Mr. Averiet Soto, D-5  
Mr. Tommy Perreira, D-5  
Ms. Judy Dalton, D-5  
Ms. Claire Mortimer, D-5  
Mr. Lono Bray, D-5  
Mr. Craig Holsman, D-5  
Ms. Lynn Bauer, D-5  
Ms. Mary Stone, D-5  
Mr. George Taguma, D-5  
Mr. Rupert Rowe, D-5  
Mr. Charles Brown, D-5  
Ms. Healani Thrimbaugh, D-5  
Ms. Kelly Ball, D-5  
Ms. Evelyn Deburge, D-5  
Ms. Hope Kalai, D-5  
Ms. Victoria Holloway, D-5  
Mr. Tony DeGrazia, D-5  
Ms. Robin Robinson, D-5  
Mr. Matt Moore, D-5  
Mr. Joe Lindo, D-5

Mr. Arius Hopman, D-5  
Ms. Carol Bain, D-5  
Mr. Juan Wilson, D-5  
Ms. Mahelani Sylvia, D-5  
Mr. Doug Tiffany, D-5  
Mr. Allan Kenneth, D-5  
Ms. Nani Rogers, D-5  
Ms. Janet McCloud, D-5  
Mr. Clayton DelaCruz, D-5  
Mr. Ken Janelli, D-5  
Ms. Rhoda Golden, D-5  
Mr. Stu Burley, D-5  
Mr. Cheryl Lovell-Obatake, D-5  
Ms. Caren Diamond, D-5  
Mr. Bender Friedman, D-5  
Mr. Mark Boiser, D-5  
Ms. Mattie Yoshioka, D-5  
Mr. Keith Robinson, D-5  
Mr. Mark Query, D-5  
Ms. Hildy D'Alessio, D-5  
Ms. Linda Harmon, D-5  
Mr. Bill Young, D-5  
Mr. Kyle Kajihiro, D-5  
Ms. Secury Ibok, D-5  
Mr. Bruce Pleas, D-5  
Ms. Jillian Torres, D-5  
Mr. Jim Quinn, D-5  
Ms. Kim Sadoyama, D-5  
Mr. David Myrick, D-5  
Mr. Alan Keola Alalem, D-5  
Ms. Vida Mossman, D-5

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

**Item J-1: Acceptance of Draft Master Plan for the Kikiaola Small Boat Harbor, Island of Kauai, TMK: (4) 1-2-06-16.**

Steve Thompson Acting Administrator for the Division of Boating and Ocean Recreation (DOBOR) started off by handing out a map of the plans for the Kikiaola Small Boat Harbor. He indicated the plans for the harbor is the product of several years of work by the department, the U.S. Army Corps of Engineers and the community. He made it known the plan has been funded by the legislature. The first phase of the project will be to drench the harbor and to make improvements to the breakwater. The second phase will include the improvements noted on the Kikiaola Small Boat Harbor Draft Master Plan. Mr. Thompson also spoke of future plans, which would include the development of a private marine on adjacent land. Mr. Thompson

recommended the Board authorize the preparation of contract plans and specifications, and implementation of the proposed improvements subject to funding from the legislature and release of funding by the Governor.

Bill Mossman came forward to provide testimony. He communicated work on the project began in 1968. After preliminary work was done the project was shelved until 1998. From 1998 to 1999 several community meetings were held in which approval for the harbor design was obtained. In 2000 and 2002 the Governor released monies for this project. Mr. Mossman went on to explain where the monies to build the harbor came from (State and Federal Funds). In terms of funding Mr. Mossman pointed out there is a substantial increase in cost for the floating docks without any explanation as to why the cost has risen and its possible impact to other areas of the harbor plan. He went on to say the berthing area and the dredging plan is insufficient and thereby precludes the full use of the floating docks. Mr. Mossman asked for a full accounting of the monies released by the Governor and if there exist a balance in the account.

Roland Sagum representing Kikiola Land Company owners of the property abutting the Boat Harbor. He made it known they have received approval to make their lands agricultural. He asked for the Board for help in maintaining the harbor for the Westside boaters. Although there are still some issues that need to be worked out, Mr. Sagum supports the proposal before the Board today. He communicated his company has provided land for the range lights and they are agreeable to providing approximately five acres of land for a dewatering and construction site. Mr. Sagum also pointed out Kikiaola would like to donate the access road to the harbor to the Division of Boating and Ocean Recreation so the parcel will not be land locked.

**The Board asked Staff to appear before them to report any changes made after they've completed the draft phase.**

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

**Item J-2: Consent to Subleases, Harbor Lease No. H-83-2, Kona Fuel & Marine, Inc., a Hawaii corporation, Lessee, by way of assignment of lease from Kona U-Cart, Inc., to various sublessees, Honokohau Boat Harbor, Kealahou, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-04-08.**

**Motion to Withdraw**

**Unanimously approved to Withdraw (Johns/McCrory).**

**Item L-1: Approval for Award of Construction Contract – Job No. 40-OB-B Heeia-Kea Small Boat Harbor Comfort Station, Oahu.**

**Item L-2: Approval for Award of Construction Contract – Job No J00CB95A, Kikiaola Small Boat Harbor, ADA Barrier Removal Project Kauai, Hawaii.**

**Item L-3: Approval for Award of Construction Contract – Job No. G76XH39A, Kikala-Keokea Subdivision, Puna, Hawaii.**

- Item L-4: Approval for Award of Construction Contract – Job No. J00CB92A  
Nawiliwili Small Boat Harbor, ADA Barrier Removal Project Kauai, Hawaii.**
- Item L-5: Approval for Award of Construction Contract – Job No. J00CB94A, Port  
Allen Small Boat Harbor, ADA Barrier Removal Project Kauai, Hawaii.**
- Item L-6: Approval for Award of Construction Contract – Job No. J00CB71A, Ala Wai  
Boat Harbor, ADA Barrier Removal Project Honolulu, Hawaii.**
- Item L-7: Approval for Award of Construction Contract – Job No. J00CF33A,  
Wailuku River – Boiling Pots ADA Barrier Removal Project in North Hilo,  
Hilo, Hawaii.**
- Item L-8: Approval for Award of Construction Contract – Job No. J00CF35A, Akaka  
Falls State Park ADA Barrier Removal Project for Various State Park  
Facilities in North Hilo, Hilo, Hawaii.**

Bill Mossman asked the Board for assurance that the ADA projects will not reduce the capabilities or the services of the present restrooms.

Chairperson Young communicated the ADA projects are necessary to come into compliance with ADA requirements and have been reviewed by the state's ADA coordinator.

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

- Item C-1: Request for Final Approval of Safe Harbor Agreement for the Introduction  
of the Nene to Piiholo Ranch, Maui and Accompanying Incidental Take  
License.**

Paul Conroy Division of Forestry and Wildlife Program Manager conveyed under the agreement, Piiholo Ranch will maintain approximately 600 acres of Nene habitat on the ranch for a period of ten years by continuing cattle ranching operations, thereby maintaining open, short-grassed habitat; establish and maintain a Nene release pen; control predators around breeding and release sites; and out plant native plant species known to be Nene food sources. The Department will conduct the actual reintroduction of the Nene while ranch staff will take care of other aspects (feeding and monitoring). Mr. Conroy recommended the Board approve the Safe Harbor Agreement for the Introduction of the Nene to Piiholo Ranch, Maui and accompanying Incidental Take License.

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

- Item K-1: Request to Extend the Processing Period for an Additional 30-days for  
Conservation District Use Application (CDUA) HA-3065 for the Keck  
Outrigger Telescopes Project at Mauna Kea Science Reserve, University of  
Hawaii at Manoa, Institute for Astronomy, District of Hamakua, Island of  
Hawaii, TMK: (3) 4-4-15:9 & 12.**

Dede Mamiya Administrator for the Land Division reminded the Board this item is currently in a contested case hearing therefore she is recommending the Board approve this request to extend the processing period.

Ruth Tsujimura representing the applicant asked the Board that the extension request be until September 7, 2004 as September 6, 2004 is a holiday.

**The Board made the following changes:**

**1. To the title of the submittal**

**“Request to Extend the Processing Period for an Additional [30] 90-days for Conservation District Use Application (CDUA) HA-3065 for the Keck Outrigger Telescopes Project at Mauna Kea Science Reserve, District of Hamakua, Island of Hawaii.”**

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

**Item D-3: Forfeiture of General Lease No. S-4975, Alma B. Zalopany, Lessee, Waimea, Kauai, TMK: (4) 1-4-03:06.**

Ms. Mamiya disclosed a Notice of Default was served upon the lessee for failure to keep lease rent payments current, failure to post the required liability insurance and failure to keep Real Property Tax payment current. At present the lessee has a rental delinquency of \$2040.00 and has not posted the required liability insurance policy nor has the real property tax delinquency been cured. Ms. Mamiya pointed out at the June 13, 2003 Land Board meeting there was a submittal for forfeiture of this lease which was later withdrawn due to the lessee curing the defaults. She recommended the Board authorized the cancellation of General Lease No. S-4975 in the manner specified by law.

Leonard Zalopany Jr. son of the lessee testified. Mr. Zalopany told the Board his family is having a hard time coming up with the money to pay their lease rent and taxes. He made it known he has paid the property tax (for which he has a receipt) and has a check for the rental payments. He told the Board he has applied for the liability insurance and is awaiting the paperwork. He asked the Board for an additional two weeks to cure the insurance default.

The Board made note of Mr. Zalopany's poor past performances with regards to this lease. The Board made it clear to Mr. Zalopany he has no second chances and if he defaults on any items the lease will be automatically in default and will not come back to the Board.

**The Board amended the Recommendation Section as follows:**

**“Upon receipt and approval of the property tax and rent by the Land Division and commencing for thirty (30) days for completion for the required liability insurance policy the cancellation of the lease shall be rescinded.”**

**The Board instructed staff should there be any defaults on any issues the lease is defaulted and will not come back to the Board.**

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

**Item D-5: Request by USA, Department of the Navy, for Addition of 270 Acres to General Lease No. S-3852 and for Agricultural Preservation/Restrictive Use Easement of 5,371 Acres on Lands Adjacent to the Pacific Missile Range Facility, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-02: Por. 1.**

Ms. Mamiya disclosed there were two events that resulted in today's request for additional lands 1) the closure of Kekaha Sugar Company in 2000 which resulted in issues the department needs to deal with – water issues, keeping lands productive, maintaining infrastructure; 2) the events of 9/11 which caused a major shift in the way the military operates. Just after 9/11 and for the next 2 years the Navy has been working with staff to obtain a lease for the subject lands. The request has gone through many different changes due to community input. Ms. Mamiya went on to explain a map, which listed the various landowners in the subject area. In its original request the Navy asked for a set aside of approximately 5,800 acres to serve as a passive encroachment buffer around the base. Subsequently, the Navy also requested an additional 564 acres to be added to their existing lease. Included on these subject lands are two large pumps that serve to drain the Mana Plain. Previously Kekaha Sugar Company maintained the pumps. A public informational meeting was held on Kauai and the sentiment of the audience was overwhelmingly against the Navy's request. There were two problems resulting from the Navy's request. The first was the Division of Forestry and Wildlife (DOFAW) intention of expanding the existing Kawaiele Waterbird Sanctuary. The Navy initially expressed concerns due to the sanctuary's close proximity of the Pacific Missile Range Facility (PMRF) runway. In response the Navy reduced its requested lease area by 131 acres to exclude the water bird area. The second issue was what could PMRF do in terms of a set aside. The public had concerns as to what PMRF could and could not do on the subject lands. To address this issue the Navy changed from a set-aside to a more specific restrictive use easement, which stated specific restrictions on each of the various parcels. In terms of beach access PMRF has opened Major's by seven days a week from 6 a.m. to 30 minutes after sunset. They have also established a Special Use Fishing Area, which is open on weekends, and Federal Holidays. In closing Ms. Mamiya recommended the Board approve and recommend to the Governor issuance of an executive order withdrawing 64 acres from Governor's Executive Order No. 4007, amend General Lease No. S-3852 to include the addition of 270 acres to its operation and authorize the issuance of a perpetual non-exclusive restrictive use easement to the applicant for the purpose of limiting 5,371 acres under the operation of Governor's Executive Order No. 4007 to low intensity agriculture.

Rear Admiral Colton testified on behalf of the applicant. He told the Board due to the remote location of PMRF allows them to study emerging technology with military and non-military application. Due to the closure of Kekaha Sugar Company they have become concerned about the future development of the Mana Plain. In order to preserve the land for use as agriculture the Navy is requesting the lease of the subject lands. Addressing the issue of the public hearing held in November, Rear Admiral Colton explained they were caught off guard as to the level of public concerns. He admitted the Navy has not done a good job in communicating with the public as to

their intentions. Since that time they've been meeting with the community to address their concerns and adapting their request as so. He informed the public the Navy has reduced the amount of land requested in their proposed lease to the minimal amount of land necessary to have a security buffer around the base and still maintain the water pumps. Rear Admiral Colton made it known the proposal before the Board is a product of communication between the Navy, residents of Kauai, DLNR staff and the farmers. This lease ensures the continuation of farming on west Kauai as well as PMRF's ability to perform its mission. He asked the Board to act to preserve the subject area by authorizing the subject lease and easement document, which will help to achieve this goal.

The Board questioned Rear Admiral Colton why the Navy requested a lease in perpetuity. He replied those were the standard language on that type of document. He noted the Navy would be okay with a shorter term. With regards to notices to the Navy for consent for such things as crop burning, open fires and lighting the Admiral noted they would respond to all letters within thirty days. The Board asked Rear Admiral Colton if he would be okay with a clause which stated if the Navy did not disapprove any request within thirty days it would be automatically approved to which he answered yes it would be okay.

Maryann Kusaka former Mayor of Kauai came forward to testify in support of the Navy's request. She feels the lease would limit the land to agricultural use. She spoke of the job opportunities, research work and community support the Navy have shown to the residents of Kauai. Addressing beach access, Ms. Kusaka notes since 9/11 the Navy has work diligently with the community to open beach access.

Heide Guth of the Office of Hawaiian Affairs made it known the Office of Hawaiian Affairs (OHA) was not consulted on the Navy's original request for the lease of 6000 acres of ceded lands. She feels the restricted use easement and the amended lease agreement should not be created with just the military in mind but should also incorporate cultural and environmental protection. Ms. Guth noted the subject lands are ceded lands and therefore OHA is due compensation. She went on to say OHA opposes the state enacting laws, creating rules and preparing contractual document that promote favoritism for federal actions. She reminded the Board of their constitutional obligation to the people of State and should come before the interest of any federal agencies. Ms. Guth recommended changes to the lease easement from perpetuity to a shorter amount of time and secondly a clause should be added which would have both sides reevaluate the terms of the lease if a higher and better use is deemed appropriate and a reevaluation at specific intervals with the ability to increase rent. She also feels included in the lease document should be a conveyance which states the Grantee shall not disturb or allow the disturbance of any archeological, cultural or burial sites on the property.

Alfredo Lee Executive Director of the Agribusiness Development Cooperation informed the Board the document before them was developed by working with the farmers and the ADC Board. Prior to being brought before the Board the document was accepted by the farmers and the ADC Board.

The Board asked Mr. Lee whether the farmers were aware they must submit documentation in writing and receive a written response from the military before they can proceed with any work. Mr. Lee acknowledged the farmers are aware of this.

Tim Garner came forward to speak in support of the Navy's request. He feels the Navy's request for a restrictive use easement will serve to protect valuable agriculture land as well as provide PMRF with a security buffer for their training facility.

Bob McDermott Executive Director of the Honolulu Council of the Navy League testified in support of the request before the Board today. Mr. McDermott noted this organization has collected over 150 letters in support of the Navy's request. He went on to say the Navy's request is environmentally friendly and it keeps the country, country.

Dave Nekomoto a resident of Kauai and an employee of PMRF testified in support of the Navy's request for additional lands. He pointed out although the Navy is requesting a lease in perpetuity, if the need for defense was no longer present the lands could be returned. Secondly, without the additional lands PMRF could possibly be encroached upon thereby risking their security, which could result in the closure of the military base.

Clyde Shiraki Manager of Techtron Systems Hawaii testified in support of the Navy's request. He feels it is advantageous to the Navy, our national security, and the economy and to the benefit of the people of Kauai for the Navy to lease additional lands from the State. He asked the Board to support the Navy's request.

Judy Batis a resident of Kauai and employee at PMRF spoke in support of the Navy's request. She told the Board to help keep the military base viable by leasing additional lands to the Navy. She feels the lease area will allow the military to employ over 800 people and to maintain the water pumps thereby preventing the Mana Plains from flooding.

Joanne Yukimura a council member testified before the Board. She informed the Board she was disturbed with the wording of the lease document. She made reference to the fact that the lease document does not allow for an appeals process. She feels there should be an appeals process to a locally accountable board that is familiar with agricultural processes. She asked that staff take another look at the lease document in terms of how it would enhance agriculture. She spoke of the importance of agriculture on the island, should there be a disaster, which would stop food from coming into the island. In closing, she asked the Board to defer a decision on this item until more information with regards to agriculture can be obtained.

Kunane Aipoalani of Na Ohana Papa O' Mana and an employee at ITT, a government contractor spoke in support of the Navy's request and went ahead to read from his written testimony. Mr. Aipoalani spoke of their organizations concerns regarding their ancestral burial sites located at the Nohili Dunes. He went on to note his support for the Navy and the desire to keep the area in agriculture and to protect the interests the Navy's operations without sacrificing public access. After reading the Agriculture Preservation Initiative, Mr. Aipoalani is confident that in the long run this initiative will be more protective of his ancestral burial sites, than having



the area in question remain as they are, with the possibility of any future development that could potentially expand into the Queens Pond area.

James Rothschild Assistant Business Manager of the IBEW, local 1216, spoke in support of the Navy's request. Mr. Rothschild spoke of the 800 jobs and the money the military brings to the island. He supports the efforts of PMRF and its preservations of the lands as agriculture. He noted without the subject lands PMRF could encounter possible encroachment onto their lands, which could create a safety risk as well as weaken PMRF. As his main objective is long-term jobs, Mr. Rothschild supported the Navy's request so they may remain a viable site for operations and employee residents of Kauai. He feels current and future jobs must be maintained.

Ron Morin testified on behalf of Poipu Beach Resort Association and read the testimony of Margy Parker. He noted their support of the Navy's request to lease state lands as long as the related restrictions and permitted uses are to the satisfaction of both the State and the Navy.

Benjamin Kanakamori spoke of the Navy's occupation of Kahoolawe and their departure without fully cleaning the island. He feels today's decision regarding the Navy's request should not be made by the State but should be made by the Kanaka Maole.

Gene Bullock a resident of Kauai for 25 years urged the Board to support the Navy's request. He feels we should do whatever possible to help out the people in the military fighting for us.

Al Moe President of the Kauai Council of the Navy League testified in support of the Navy's request. He reassured anyone of any misgivings directed towards the Navy. Mr. Moe submitted a map of Kauai with signatures of people who supported the Navy's request for additional lands.

Basil Scott Loceant Chairman of Ocean Labortories testified is support of the Navy's request. He noted from August 2002 until March 2004 he was employed by the United States Pacific Command as a security expert in Counter Terrorism and Critical Infrastructure Protection Division. In his job they provided policy and guidance on how the military base should be protected. He urged the Board to support this request before them. He noted the easement request would put the Navy's boundary at the highway. He spoke of the protection the easement would provide to the Navy and its contractors.

Gina Odegbard testified against the Navy's request for the use of additional state lands. She pointed out terms of the Navy's original lease have been violated. She spoke of the Navy's denial to allow people access to the beach fronting the military base. Ms. Odebard proposed the Navy move back their missile site to an area that can provide better security or fence off their present site thereby allowing the public access to use the beach. In closing she told the Board it is their god given right to enjoy recreational activities on the shoreline and she feels these activities will not affect national security.

Annelle Hazlett a resident of Waimea testified in support of the Navy's request and read from her written testimony. She spoke to the "premier" location of the military base and the opportunities it provides in training and other programs. Ms. Hazlett spoke of her observation of

how other military bases were established far from the population but eventually the population would move out towards the military base and negatively impact the military's ability to perform testing and training activities. She told the Board if the Navy was given the subject lease it would allow the Navy to continue operation of the pumps, which are important to PMRF, and the agricultural operations on the Mana Plain. By granting this easement to the Navy the agricultural interests would be preserved and PMRF would be able to continue operating for the training and testing of our military..

Panaewa Koani questioned the Boards authority to lease out lands owned by the Hawaiians.

Robert Measel Jr. a 20-year resident of Kauai and a Vietnam Veteran testified in opposition of the Navy's request and read from his written testimony. Mr. Measel feels the subject lands belong to the people of Hawaii and to allow the United States Government to use the lands would be tantamount to a violation of the state constitution. He believes the state should place a moratorium on all agricultural zoned lands until the state and the counties have executed a comprehensive agricultural economic plan for agriculture lands. Mr. Measel questioned the \$156.00 per annum for the existing lands the Navy is occupying. He feels a more reasonable rent would be \$865,000. In closing he asked that this ludicrous request before the board be flatly turned down and rejected.

Kenichi Shimogawa a life-long resident of Kauai and a World War II Veteran spoke in support of the Navy's request. He believes we owe the men and women in the military the best available chance at providing defense. He told the Board the subject lease is essential in the long-term interest of our country and Hawaii.

Arius Hopman spoke in support of Joanne Yukimura's previous testimony. He asked that a clause be added to the lease, which would state if any development occurs, by PMRF on the agriculture land that would void their lease. He communicated the guiding principle of land use in Hawaii is "the best and highest use of the land." He believes the further expansion of the military does not fulfill this principle. He asked the Board to block the proposed Restrictive Use Easement and end the ongoing colonization of Hawaii.

Dan Momohara a resident of Kauai testified in support of the Navy's request. He went on to tell the Board of his vision for the west side of Kauai, which included the restoration of the Mana Westlands back to the way, it was in 1910.

Carol Bain written testimony was read in opposition of the Navy's request for an easement. Her letter spoke of how the military contractors prefer an isolated location for war development experiments, which they later sell for profit. She feels the U.S. Navy is not a nurturing entity but instead its mission is to search and destroy things. She asked the Board to deny the Navy's request but if they do grant a portion of the Navy's request she recommended a condition be added that no burials of any sort be allowed. Her testimony reminded the Board the military changes command every four years and in the future they might receive a commander that has no inclination to meet promises made by previous commanders.

An identified speaker testified in opposition of the Navy's request. He questioned the idea of the Navy being interested in agriculture and preservation of lands. He feels if the state charged a reasonable rent to the military for its current lease it would more than pay for the military's operation of the pumps. He pointed out if the military. He spoke of the dangers that could occur if a lease is given to the military in perpetuity.

Robert Westerman President of West Kauai Professional Business Association testified in support of the Navy's request. He notes the objection of his organization is to promote and increase business in west Kauai. He believes the best decisions for the island is made locally and with local input. Mr. Westerman feels it is important to allow the Navy to lease the land and keep it agriculture. He urged the Board to vote in favor of today's request.

Juan Wilson an architect and planner testified in opposition of the Navy's request. He communicated the Navy's effort in acquire the subject land is an attempt at a land grab. He notes besides placing restrictions on the farmers the easement is an opening for the Navy for unlimited use of the Mana Plains. He feels the Navy's request is not about preservation but about control. Mr. Wilson went over the maps he handed to the Board.

Henry Noa Director of Communications and Prime Minister of the Reinstated Kingdom of Hawaii testified against the Navy's request for additional lands and read from his written testimony. His testimony spoke of a new direction for the State of Hawaii. He made it known the State of Hawaii does not have clear title to the subject property due to the unlawful manner in which the state government received the lands. Mr. Noa asked the Navy to desist from their pursuit to acquire the subject lands, which are now under the ownership of the Reinstated Kingdom of Hawaii. Mr. Noa went on to read a "Notification of Breach of Territory" by the Department and the Navy.

Mahelani Sylvia an ordained minister asked the public to look at the way the United States government has conducted himself or herself. She compared the situation in Iraq to the situation the Hawaiian people find themselves in today. Ms. Sylvia read a passage written by Queen Liliuokalani, which talks about how precious the Hawaiian government is and how the acquisition of lands by the government has come at the expense of the Hawaiian people.

Paul Lemke came forward to testify in opposition to the Navy's request. He spoke on the further development of PMRF. His testimony spoke of his past service to the military. Mr. Lemke feels that PMRF will become a major STARS launching compound, which will be a prime objective to be destroyed by potential enemies.

Doug Tiffany manager of Pioneer Hawaii Research Center spoke in support of PMRF Agriculture Preservation Initiative. Mr. Tiffany spoke of the outstanding relationship between his company, the local farmers and the Navy. He feels the ongoing communication between the Navy and their company has enabled the right kind of isolation between their corn plots coupled with an understanding of the PMRF's needs. His company supports the Navy's initiative because it preserves Ag land for Ag uses, promotes green space in Hawaii vs. unchecked development and it allows PMRF to continue the important work it does for our national defense while at the same time enabling co-existence with the farming community on the Westside.

The Board confirmed with Mr. Tiffany that he has read the terms of the easement and is in agreement that any work would require written notice and response by the Navy before work can proceed. Mr. Tiffany acknowledges he understands and agrees with this condition.

Wayne Katayama a farmer and representative of the North Shore Business Council spoke in support of the Navy's request. He spoke of the relationship between the Westside farmers and the Navy. He pointed out one of their goals for the land is to promote and diversify agriculture. He believes their relationship is a key in obtaining their goal. He feels the Navy plays an important role in creating a sustainable agriculture program on the Westside.

Mr. Katayama noted his agreement with the terms of the easement document.

Allan Kenneth President and General Manager of Gay and Robinson testified in support of the Navy's request for additional lands. Mr. Kenneth disclosed most of the 270 acres requested by the Navy are fallow and will stay fallow as the lands are generally not good for farming. He also pointed out the Agribusiness Development Corporation is in active discussions with the Navy regarding the use, maintenance, operation and cost sharing for the drainage pumps. With regards to the Restrictive Use Easement Mr. Kenneth believes to Navy has the desire to preserve the land as agriculture but they would like to have some say in the future development of the adjacent lands. Mr. Kenneth supports the Navy request as there appears to be no affect on its agricultural operations nor can it see any immediate effect on the operations of the existing farmers.

The Board confirmed with Mr. Kenneth that he has read the easement document and is aware of the 30-day written notice before burning crops.

Gary Hooser State Senator for District 7 testified in support of amending the language of the proposed non-exclusive agriculture preservation/restrictive use easement by deleting the words "in Perpetuity" and replacing it with a fixed term of 5 to 10 years to allow the agreement to be re-evaluated and amended as needed in the future. He also noted his support of the long-term preservation of agriculture use of the subject parcel. In closing Mr. Hooser believes it is not in the best interest of the people of Hawaii to give up it's rights in perpetuity and instead strongly encourage this agreement be amended to allow for future re-evaluation and adjustments.

Nani Rogers a kanaka maoli and resident of Kealia testified in opposition to the request before the Board. Ms. Rogers believes it is the right of all Hawaiians to stand up in protest of the Navy's request. She believes the Navy's request is an aggressive action to restrict the use of the subject lands by the Native Hawaiians. She pointed out it is the right of the Board to preserve and protect the lands in question and by giving away the lands to the Navy the Board is breaching the trust given to them. Ms. Rogers question the Navy's need for a buffer zone. She feels the buffer zone is away for the Navy to keep the people of Kauai away from the PMRF as they are a threat to the Navy's security. She asked the Board to consider the testimony presented today and take the easement documents back to the drawing board.

Hope Kalai read the written testimony of David Martin. Mr. Martin expressed his opposition to the Navy's request. He does not believe the Navy has adequately established the need and

justification for such an easement at this time. Addressing the concerns of the Navy regarding future development on the adjacent lands, Mr. Martin believes if and when the time comes for future developments the Land Board is quite capable of addressing whatever concerns should arise. He strongly urged the Board to distinguish themselves by denying the Navy's request for this restrictive use easement.

Janet McCloud read her written testimony, which is in opposition of the Navy's request. Ms. McCloud mentioned three separate articles, which spoke about the military's misuse of power. One of the articles quoted former President Jimmy Carter saying, "To ensure that additional human rights embarrassments will not befall the United States, we must examine well known high level and broad-based US policies that have lowered our Nation's commitment to basic human right." The other articles discuss the tactics the military used on protestors and the use of the island's beaches in Puerto Rico for military training. Looking at the military's occupation on the island, Ms. McCloud stated the public has no way of knowing what the military is doing on the land. For all we know they could be burying hazardous materials, stockpiling experimental items and toying with setting Kauai up as a target for tacks, sabotage or accidents. She feels the military lacks a moral policy and displays a disregard and denial for basic human rights.

Brent Eyeone started off by expressing his gratitude to the Navy for our freedom. He spoke in support of the Navy's request for additional lands. He asked the Board to grant the Navy's request, as the amount of land they are asking for is very little.

Clayton Dela Cruz ILWU Division Director and resident of the Westside testified in support of the Navy's request. He spoke of the partnership between the sugar plantation and PMRF and how it has and still works very well. Mr. Dela Cruz feels PMRF will preserve the lands as agriculture and will be a good steward of the land.

Jose Bulatao Jr. a life long resident of Kauai spoke of Kauai as it was in the past (close-knit plantation town). Mr. Bulatao's testimony focused on the theme "Change is inevitable." He feels change has come despite resistance but also with this change comes progress. Mr. Bulatao communicated if the proposal before the Board is granted he requested six changes to the lease arrangements. He believes these changes will establish a working mechanism to maintain trust and integrity between the community and the Navy. He went on to say the kanaka maoli should be given the opportunity to be a part of any decision-making process.

Ken Janelli spoke against the Navy's request. He informed the Board the Navy is in violation of the terms of his current lease (blocking access to the beach). He proposed the state revoke their current lease. He reminded the Board their job is to protect the public trust.

Miguel Graham who was born and raised in Hawaii spoke against the Navy's request. He talked about how Kauai has been overrun by tourism. He talked about how access to the beach and fishing from the ocean has been taken away from the people. He feels the Navy is terrorizing the land and the people of Kauai.

Rhoda Golden who was born and raised in Kekaha spoke in support of the Navy. Ms. Golden spoke of her ancestral burial sites at the foot of the Nohili Dunes. She indicated she has received

reassurance from the Navy that they will not further develop this part of the Mana Plains. She supports the Navy's request because she believes they will keep the lands in agriculture use.

Averiet Soto, born and raised in Kauai spoke in support of the Navy's request for additional lands. He pointed out if the Navy leaves the island they would take 800 jobs with them. He feels the community should work together with the Navy to address all concerns.

Stu Burley, a 47-year resident of Kauai testified in support of the action before the Board today. He spoke of his family's dependence on PMRF. His dream is that his children, who are engineers, remain on the island and he feels PMRF can provide them with a job. He believes the military can provide jobs for future generations.

Tommy Perreira a kanaka maoli spoke in opposition of the Navy's request. He made it known the state's obligation is to protect and work with the kanaka maoli. He feels their identity and sovereignty stands in their loi's and fishponds.

Cheryl Lovell-Obatake who was born on Kauai testified against the Navy's request. She spoke of her term on the Island Burial Council and her experiences with broken promises. She testified on behalf of 38,000 Hawaiian Na Kanaka Maoli spirits. She spoke of a petition (586 pages) signed by many people in protest to the annexation of Hawaii. She told of the people's concern with denied fishing access on the island and their concern with the quality of the water and the fishes that live in the ocean.

Judy Dalton representing the Sierra Club came forward to testify against the Navy's request. She urged the Board to look at other options besides giving the land to the Navy. She told the Board if the Navy is concerned with future development on the subject lands they will be able to voice their opinion when the proposal comes forward for public input. Addressing the issue of the pumps, Ms. Dalton feels the cost of the maintenance of the pumps can be obtained by increasing the rent of the lands leased by the military. If the Board was to approve the request before them today, Ms. Dalton asked for several things; 1) the restricted use easement should not run with the land; 2) the lease should not be assignable to another entity and 3) the lease should not be granted in perpetuity.

Caren Diamond spoke against the Navy's request. She asked the Board to help protect the island, the people and the culture as the military has a different agenda to follow. She indicated the subject land is not under any threat of being developed it is under the state's control. She asked the Board to protect the land and keep it agriculture. Ms. Diamond feels the Navy will not protect the land. She told the Board to look at the military's track record and see how they have continually desecrated every place they have ever gone to.

Claire Mortimer a resident of Kauai and member of the Green Party spoke against the Navy's request. Ms. Mortimer stated if the Navy is given an easement to the subject lands it will not help to preserve the lands as agriculture instead it will discourage and restrain agriculture use. She feels it is time to restore the wetlands and free the lands from genetically modified crops and toxic chemicals. She believes any expansion of the military will result in a less secure future for

the residents. Ms. Mortimer indicated if the Navy is allowed to expand it will make island of Kauai and its people a target for other countries.

Bender Friedman spoke in support of the Navy's request for an easement. Mr. Friedman spoke of the work the military does to protect our country as well as the money they infuse into Kauai's economy.

Lono Bray a citizen of the lawful Hawaii came forward to testify in opposition of the Navy's request. In the past he has believed and support in the United States and believed they stood for liberty, freedom and justice. But today he questions what the United States stands for especially since he has seen what is being done to his people and in the world today. Mr. Bray went on to read an article from the Sunday, March 12, 2000 Honolulu Advertiser with regards to sovereignty of Hawaii. The article stated the annexation of Hawaii was not legal and the vote on statehood was an attempt to hide the overthrow of Hawaii. Mr. Bray feels the kanaka maoli has an inherent right to self-determination.

Mark Boiser spoke of the value of the land to the kanaka maoli. He told the Board some people may say the lands in Mana are not good for agriculture purposes but he reminds the Board his people has farmed the lands for hundred's of years. He feels it is the right of the kanaka maoli to govern them not for the State to tell them what to do.

Craig Holsman spoke against the Navy's request for an easement. He feels PMRF, which is a research testing facility, is moving towards weapon development. He told the Board he believes the right thing to do is to bring in farmers to farm on small parcels of agriculture land. He feels agriculture will allow the people to feed their family and the communities. Mr. Holsman questioned why the jobs at PMRF seem to be so sacred and need to be protected as oppose to other jobs and activities. In closing he told the Board the actions of the military speaks louder than their words.

Mattie Yoshioka President and CEO of the Kauai Economic Development Board spoke in support of the Navy's request for additional lands in Mana. She spoke of the positive economic impact as well as community activities PMRF has on the island. She notes when PMRF has conferences on the island they bring in a lot of tourist and tourist dollars to Kauai. Lastly she indicated the different kinds of way PMRF has help the community in times of natural disasters.

Lynn Bauer a resident of Kauai read her written testimony, which is in support of the Navy's proposed Agricultural Preservation Initiative. Ms. Bauer believes PMRF has very good intentions and as Americans we should support our country and their initiative. Ms. Bauer indicated some positive things PMRF is currently doing and is willing to do: preserve Mana Plain, take over maintenance of the pumps, employment opportunities, supporting the community and being a military testing and training facility. It is her belief that Kauai has nothing to lose and everything to gain because of what PMRF does.

Keith Robinson co-owner of Niihau Ranch, LLC testified before the Board in support of the Navy's request. He acknowledges he understands the concerns of the Hawaiian people. He made it known he is trying to establish a substance fishing zone off of Niihau for the indigenous

people of the island. Addressing the Navy's request for 270 acres of land including the drainage pumping station, Mr. Robinson believes since agriculture operations will be permitted on these lands in perpetuity and since there will be no Navy buildings or other developments on the subject land he supports the Navy. He feels the Navy needs the encroachment protection as the issue of encroachment are among the biggest threats to many mainland test facilities and we need to do all we can to protect this valuable facility.

Mary Stone came forward to voice her opinion in opposition of the Navy's request. She supports the use of the subject lands in agriculture use. She communicated there should be a moratorium on the subject lands until the agricultural, cultural and environmental aspects can be looked at.

(Member Johns left the meeting)

Mark Query spoke in opposition of the Navy's request. He did not believe there is a necessity for a leasehold or the granting of this easement to the Navy at this time.

George Taguma who was born and raised on Kauai testified in opposition of the Navy's request and any plans for expansion. He feels if the military needs to expand it should be done in Washington DC.

Hildy D'Alessio a resident of Kauai for a year testified in opposition of the Navy's request. She spoke of our responsibility to the island and its preservation. Ms. D'Alessio feels the jobs opportunities provided by PMRF get in the way of this responsibility. She told the Board the bigger the base is the bigger target it will be for others.

Rupert Rowe spoke against the Navy's request before the Board today. Mr. Rupert spoke of the overthrow of Hawaii and the United States rental of Pearl Harbor. He feels the events of 1946 brought the military to Hawaii.

Linda Harmon testified in opposition of the Navy's request. She notes there has only been two public hearings on this issue and feels it is unfair to make a decision today. She feels it is wrong to lease public lands in perpetuity.

Charles Brown spoke against the Navy's request. He questioned the issuance of a lease in perpetuity especially due to changes in technology in the future.

Bill Young spoke against the military's request. Mr. Young spoke of the isolation of Kauai and why it is an ideal location for experiments that are too dangerous for other areas. When Mr. Young asked the military if they were granted this easement if they could promise there would be no additional restricted use of the area. The military could not make that promise. He told the Board a vote today in favor of the Navy's request is a vote against agriculture and Kauai.

Healani Thrimbaugh read the testimony of her husband Chuck. Ms. Thrimbaugh spoke in opposition of the Navy's request. She let the Board know of the thousands of bones in the sand of the subject land.



Kyle Kajihiro Program Director for the American Friends Service Committee spoke in opposition of the Navy's request for a restrictive use easement. He spoke of the environmental exceptions the military is seeking and will seek. He feels the military, not the public, is encroaching onto the lands and continues to use ceded lands. He spoke of the missile defense program and its impact to the island. Mr. Kajihiro asked the Board to encourage agriculture use and deny the Navy's request.

Members Yamamura and DeMello left the meeting.

Kelly Ball spoke against the Navy's easement request and the relocation of the nations capitol.

Secury Ibok who was born in Russia spoke of her experience where she previously lived. She believes problems can occur due to lack of communication. She said the bottom line is all people want peace not war.

Evelyn Deburge testified in opposition of the Navy's request. She feels the Navy cannot be trusted.

Bruce Pleas spoke in opposition of the Navy's request. He thanked the Board for coming to Kauai to hear testimony on this item. If quorum is lost today, Mr. Pleas asked the Board to return to Kauai to make their decision since this decision effects the island of Kauai. He requested the Board instruct the military to return to the people, the beaches of Kauai and to investigate why PMRF took the beaches away from the citizens without any easement or documentation. He went over parts of staff's submittal he did not agree with and gave his viewpoint on those issues.

Hope Kalai a sixth generation farmer testified in opposition of the Navy's request. She told of the difficulty in acquiring lands to farm on. She spoke of the changes she has seen with regards to agriculture.

Jillian Torres a resident of Kauai and an organic farmer on the North Shore testified against the Navy's request of an easement. She feels if the military is in support of preserving the subject land as agriculture this issue should be addressed further.

Victoria Holloway spoke in opposition of the Navy's request. She told the Board of her life in South Africa and their lack of freedom.

Jim Quinn a north shore resident opposed the Navy's request before the Board today. He told those present the military is so concerned with protecting the base so what we should do is get rid of the base then there will be no need to concern for additional lands.

Tony DeGrazia testified in opposition of the Navy's request. He believes the military is making promises they do not keep. He spoke of the military taking control of beach access.

Kim Sadoyama born and raised on Kauai, spoke in opposition of the Navy's request. She believes by putting the lands in the hands of the military, it promotes war. She spoke of the souls

of the dead using Polihale as a point of where they souls take off. She spoke of the Aloha spirit and its meaning of respect and humility. She feels the "aloha" of Kauai should be an example for the rest of the world.

Robin Robinson a resident of Kekaha spoke against the Navy's request before the Board today. Although she opposes the lease of the additional lands she acknowledged the support and help given by PMRF. Mr. Robinson does not agree with the Navy's request because she feels the leasing of 5300 acres is way too much. She also opposes the military rent being gratis. She made it known to the Board if the Navy's request is denied in no way will it jeopardize the 800 jobs on the base.

David Myrick who came to Kauai when he was thirteen testified against the Navy request for a restrictive use easement. He spoke on diversified agriculture and how the island should grow enough food to sustain the island.

Matt Moore opposed the military's request and told the Board he feels the State should maintain control over the subject land.

Alan Keola Alalem spoke in opposition of the Navy's request. He notes the people testifying against the Navy had concerns about health while those testifying for the military there concerns dealt with money. He feels money is not a good foundation to stand on. He asked the Board to visit the Westside of the island and speak to the older generation and see how they feel about this issue.

Joe Lindo spoke in favor of the Navy's request, which is before the Board today. He informed the Board there are no chemicals of mass destruction at PMRF. Mr. Lindo went on to say the Navy doesn't want to take over the land but wants to preserve the land.

Vida Mossman spoke in support of the Navy's request. She told the Board the issue at hand is not money but the preservation by the Navy of our country, island and way of life.

The Board thanked everyone for attending the meeting and stating their views.

**The Board amended the restrictive use easement by:**

- 1) Changing it from a perpetual to a term easement, to be co-terminous with GL No. S-3852 with a review of the terms and conditions every 10 years;**
- 2) Adding a provision that provides that any written request not responded to by the Navy within 30 days shall be automatically approved;**
- 3) Adding a provision that provides any consent required by the Navy throughout the document shall not be unreasonably withheld or delayed;**
- 4) Deleting the subdivision consent requirement; and**

5) Adding the standard historic sites/burials provision.

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

**Item D-1: Forfeiture of General Lease No. S-5483, Alfred D. Silva and John D. Silva, Lessee, Lot 3, Kapaa Rice and Kula Lots, Kapaa, Kawaihau (Puna), Kauai, TMK: (4) 4-3-04:09.**

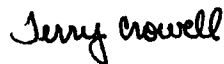
**Item D-2: Amendment to Prior Board Action of January 8, 1988, Agenda Item F-12, City and County of Honolulu Requests Perpetual, Non-Exclusive Easement for Sanitary Sewer Purposes Across State Lands at Kapalama and Nuuanu, Honolulu, Oahu.**

**Item D-4: Issuance of Revocable Permit to Specialty Lumber, Inc, Kapaa Town Lots, Kawaihau, Kauai, Tax Map Key (4) 4-5-11:29.**

Unanimously approved as submitted by the remaining members (Martyn/Inouye).

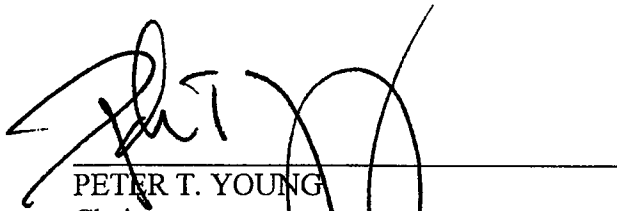
There being no further business, Chairperson Young adjourned the meeting at 12:09 p.m. Tapes of the meeting and all written testimony submitted at the meeting is filed in the Chairperson's Office and is available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Terry Crowell

Approved for submittal:



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PETER T. YOUNG  
Chairperson  
Department of Land and Natural Resources

