

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

DATE: FRIDAY, AUGUST 27, 2004  
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  
Ms. Kathryn Inouye  
Mr. Gerald DeMello

Mr. Timothy Johns  
Mr. Ted Yamamura

STAFF

Ms. Dede Mamiya, Land  
Mr. Paul Conry, DOFAW  
Mr. Larry Kitamura, Eng

Mr. Sam Lemmo, OCCL  
Mr. Dan Quinn, State Parks

OTHERS

Ms. Linda Chow Deputy Attorney General  
Mr. Micah Kane, D-8

Mr. Ryan Akamine, K-1

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

**Item A-1: Minutes of August 13, 2004**

The Board made the following changes:

Page 2, eight line

**The first phase of the project will be to [drench] dredge . . .”**

Page 6, first paragraph, ninth line

**“Mr. Kennedy made [~~in~~] it known on April 14, 2004, the Department sent out letters . . .”**

Page 6, second paragraph, fourteenth line

**“A third incident took place at 1:10 p.m. at which time Mr. Luciano was observed [~~existing~~] exiting the ocean . . .”**

Page 7, first paragraph second line

**“ He spoke of the vulgar language he encountered while dealing with some of the department’s [~~personal~~] personnel.”**

Page 7, fourth paragraph, first line

**“Mr. John Luuwai came forward to [~~testified~~] testify but was told by the Chairperson . . .”**

Page 9, item K-3, second paragraph, second sentence

**“Mr. Kamai pointed out his great grandfather gave the subject lands to him and his [~~tree~~] three brothers.”**

Page 11, second paragraph, first line

**“Lee Sichter, [~~principle~~] principal planner with Belt Collins Hawaii . . .”**

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

**Item D-8: Conveyance of the Remainder of the Villages of Laiopua to the Department of Hawaiian Home Lands, Kealakehe, North Kona, Hawaii, TMK: 7-4-8, 20 and 21.**

Dede Mamiya, Administrator of the Land Division informed the Board the State is completing the transfer of the remainder of the Villages of Laipoua excluding Villages 3 and 4, which were previously conveyed. The Department of Hawaiian Home Lands (DHHL) has offered the Housing and Community Development Corporation of Hawaii (HCDCH) \$33 million to acquire their interest in the subject housing project. Payments will be made annual over fifteen years with no prepayment penalty and no interest

charged. The \$33 million collect from DHHL will be applied by HCDCH as reimbursement of its infrastructure cost for the project. In lieu of monetary considerations for the transfer of the lands, the state is asking that these lands be counted towards the state settlement agreement in which DLNR would convey 16,518 acres of State land to DHHL. Ms. Mamiya recommended the Board authorize the conveyance of the remaining 523.852 acres at he Villages of Laiopua to DHHL under the terms and conditions listed in staff's submittal.

**The Board made the following change to condition 4 on page 4 to read as follows:**

**“Villages 9 and 10 will be held by [~~HCDCH~~] HCDCH for future hospital and residential development. The Hawaii Health Systems Corporation has indicated an interest in constructing a regional hospital on the Village 9 site, according to HCDCH.”**

Micah Kane represent DHHL was present.

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

**Item K-1: Request to Extend the Processing Period for an Additional 55-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.**

Member DeMello recused himself.

Sam Lemmo, Administrator for the Office of Conservation and Coastal Lands reminded the Board the University of Hawaii is currently asking for its ninth extension of this Conservation District Use Permit. At present the applicant is in a contested case mode and therefore Mr. Lemmo is recommending the Board approve this request to extend the processing period for CDUA HA-3065 an additional 55-days (until November 1, 2004) to allow sufficient time to complete the contested case hearing process.

Ryan Akamine representing the University of Hawaii was present to answer any questions.

**Approved as submitted by the remaining Board Members (Johns/Inouye).**

**Item E-1: Request to Amend Board Submittal of June 18, 2004 (Item E-4); to Publish and Award Concession Lease via Sealed Bid Process to the Highest Bidder, Wailua Marina Restaurant, Wailua State Park, Kauai.**

Dan Quinn, Administrator of State Parks acknowledged at the June 18, 2004, meeting the Board recommended some changes be made to staff's submittal. After review by the Deputy Attorney General's office staff is recommending the Board approve: 1) a fixed

rent for the first 5 years of the 15-year term. The rental amount will be the result of a sealed bid; 2) At the end of the 5<sup>th</sup> year and every 2 years after that rent adjustment based on the average monthly rent for the previous 24 month period, but ever less than the current existing rent; and 3) After the reappraisal of the guaranteed minimum annual rent in the 10<sup>th</sup> year there shall be adjustments in the 12<sup>th</sup> year and 14<sup>th</sup> year. The lease will terminate in the 15<sup>th</sup> year.

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

**Item D-6: Consent to Assign General Lease No. S-4447, Larry T. Kimura, Trustee, Assignor, to Jerry Hunter and Carolyn Lee Hunter, Assignee, Waiakea, South Hilo, Hawaii, TMK: (3) 2-4-49:07.**

**The Board amended the Title to read**

**“Consent to Assign General Lease No. S-4447, Larry T. Kimura, Trustee, Assignor, to [Jerry Hunter] Donald J. Hunter and Carolyn Lee Hunter, Assignee, Waiakea, South Hilo, Hawaii, TMK: (3) 2-4-49:07.**

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

**Item D-7: Cancellation of Revocable Permit No. S-6587 and Issuance of Revocable Permit to Hawaii Community Development Authority, Kakaako, Honolulu, Oahu, TMK: 2-1-51:09.**

**Motion to withdraw.**

**Unanimously approved to withdraw (Inouye/Johns).**

**Item D-1: After-the-Fact Approval of Lease of Federal Property with the U.S.A., Secretary of the Army on Behalf of the Department of Education for Public School Purposes, Fort Shafter Military Reservation, Honolulu, Oahu, TMK: 1-1-08:por. 05.**

**Item D-2: Grant of After-the-Fact Perpetual, Non-Exclusive Easement to The Gas Company, LLC for Gas Transmission Pipeline Purposes, Kapalama, Honolulu, Oahu; TMK: (1) 1-5-042:002.**

**Item D-3: Cancellation of Revocable Permit No. S-7058 to Kau Agribusiness Co., Inc. and Issuance of Month-to-Month Revocable Permit to ML Macadamia Orchards, L.P. for Orchard Purposes; Makaka, Kau, Hawaii, TMK: (3) 9-6-02:55.**

**Item D-4: Amend Prior Board Action of March 22, 2002 under Item D-5, Sale of Remnant to Jeff Hill, Kapaa, Kawaihau, Kauai, TMK: (4) 4-5-12:por.03.**

**Item D-5: Amend Prior Board Actions of September 12, 1997 (Agenda Item D-7) and February 24, 1989 (Agenda Item F-4) Direct Sale of Perpetual, Non-Exclusive Easement to the Water Board of the County of Hawaii (formerly Water Commission), Hawaii Electric Light Company, Inc. and Verizon Hawaii Inc. (formerly GTE Hawaiian Telephone Company Incorporated) for Access and Utility Transmission Purposes at Waiohinu, Kau, Hawaii, TMK: (3) 9-5-02:27, 28, 29, Por. 02 & Por. of 20-Foot Paper Road.**

Unanimously approved as submitted (Yamamura/DeMello).

**Item C-1: Annual Progress briefing to the Board of Land and Natural Resources Regarding Implementation of the Management Plan for the Ahupua'a of Pu'u Wa'awa'a and the Makai Lands of Pu'u Anahulu.**

Paul Conry, Administrator for the Division of Forestry and Wildlife went over staff's submittal. He indicated as part of the Board's approval for the management of Pu'u Wa'awa'a staff was required to conduct annual progress briefings. He noted an advisory council was established which was comprised of ten members. At the end of their term, which was in November 2003, the council added six new members and established additionally sub-committees in 1) Grazing management; 2) Recreational use; and 3) Kiholo Bay. Mr. Conry went on to speak of the expertise each of the council members possessed and the objectives they hope to accomplish. As a summary of future challenges, Mr. Conry pointed out the council hopes to identify the funding, resources and partnerships required to implement this 10-year plan as well as developing a strategy for implementing recreational use objectives.

**The Board told staff it would be helpful if they were told of staff's objectives and a plan to help reach this goal. They also told staff to include each of their objectives and indicated what partnerships they would be entering into to accomplish their goals.**

No Action.

**Item K-2: Conservation District Use Application for the Reconstruction of a Comfort Station at Kaaawa Beach Park.**

Mr. Lemmo pointed out that Kaaawa Beach Park has experienced chronic erosion since 1949 with at least 75 feet recession of the shoreline. The existing comfort station and rock revetment juts out and has a convex headland orientation. He went on to say the certified shoreline defines an area of 343 square feet of erosion to the North of the beachfront area of the comfort station, and 983 square feet of erosion to the South. Due to site constraints improvements to the comfort station are confined to the proposed area. There are no other options to site improvements due to the limited space and setback requirements. Mr. Lemmo communicated the proposed project received community

support and the City Council unanimously adopted a Special Management Area Use Permit and Shoreline Variance for the replacement of the comfort station. Although Mr. Lemmo believes that the decision to authorize this structure in an erosion prone area is not consistent with the objectives and purposes of resource conservation and long-term coastal conservation, he is recommending, with reservations that the Board approve this project subject to the conditions listed in staff's submittal.

The Board was concerned that no one from the County showed up to answer questions regarding the subject submittal. The Board questioned how the County would be able to fulfill condition 3) of staff's submittal.

**Approved as submitted (Inouye/DeMello).  
Member Johns voted No.**

**Item L-1: List of Low Bidders for ADA Projects Under \$100,000.00.**

Larry Kitamura an Engineer with the Engineering Division pointed out staff will not be awarding Project No. J00CH11A for Hulihe'e Palace, ADA Barrier Removal as State Parks anticipates expanding the size of the current structure.

**No Action.**

**Item L-2: Permission to Hire Consultants for Land Division – Land Maintenance Fund Projects.**

**Item L-3: Approval for Award of Construction Contract – Job No. H09C806A Ka Iwi Shoreline Roadway Guardrail Improvements Kalaniana'ole Highway, Oahu, Hawaii.**

**Item L-5: Certification of Election and Appointment of Molokai-Lanai Soil and Water Conservation District Directors.**

**Item L-6: Appointment of Hana Soil and Water Conservation District Director.**

**Item L-7: Appointment of Ka'u Soil and Water Conservation District Director.**

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

**Item L-4: Approval for Award of Construction Contract – Job No. J00CF70A, Sand Island Recreation Area ADA Barrier Removal, Honolulu, Oahu, Hawaii.**

Motion made at 9:55 a.m. by Member Yamamura and second by Member Johns to move into Executive Session to consult with the board's attorney on questions and issue pertaining to the Board's powers, duties, privileges, immunities and liabilities.

**Motion to move into Executive Session.**

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

The meeting was resumed at 10:25 a.m.

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

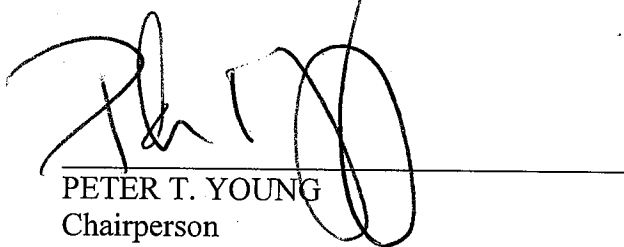
There being no further business, Chairperson Young adjourned the meeting at 1:30 a.m. Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Terry Crowell

Approved for submittal:



PETER T. YOUNG

Chairperson

Department of Land and Natural Resources