## MINUTES OF THE MEETING OF THE BOARD OF LAND AND NATURAL RESOURCES

DATE:	October 28, 1988
TIME:	9:00 a.m.
PLACE:	Kahului Library
	Conference Room
	Kahului, Maui

ROLL Chairperson William W. Paty called the meeting of the Board of Land and CALL: Natural Resources to order at 8:50 a.m. The following were in attendance:

> Mr. J. Douglas Ing Mr. Moses W. Kealoha Mr. John Arisumi Mr. Herbert Arata

**MEMBERS:** 

	r. Herbert Apaka r. William W. Paty
M M M M M M M M	r. Michael Shimabukuro r. Roger Evans r. Eddie Ansai r. Alan Tokunaga r. Wes Wong r. Wayne Ching r. Keith Keau r. Randy Awo r. Gordon Akita r. Linford Chang rs. Geraldine M. Besse

**OTHERS:** 

Johnson H. Wong, Esq., Deputy Attorney General Mr. Henry Alves (Item F-8) Mr. John Marks (Item F-13) Mr. John Eiting (Item F-14) Mr. Earl Matsukawa (Item H-5) Mr. Robert Chang (Item H-8) Mrs. Martha Chang (Item H-8) Mr. Dwight Shima (Item H-9) Mr. James Young (Item H-9) Mr. Peter Garcia, Dept. of Transportation

ADDED **ITEMS:** 

Upon motion by Mr. Ing and a second by Mr. Kealoha, the Board voted unanimously to add the following items to the agenda:

Item B-1 -- Filling of Full-Time, Temporary-Exempt, Laboratory Assistant III, Position No. 19881E, in the Division of Aquatic Resources (Oahu)

Item C-2 -- Filling of Position No. 37634, Clerk-Typist II, Temporary Appointment Outside of List, Administration Office, Oahu

Item C-3 -- Out-of-State Travel Request for Thane Pratt to Attend a Wildlife Symposium in England, November 29 to December 1, 1988

- Item F-13 -- Resubmittal of Lease of Office Space for the Department of Taxation, Island of Oahu
- Item F-14 -- Lease of Office Space for the Department of Personnel Services, State Workers' Compensation Division, Honolulu, Oahu

Item H-12 -- Filling of Position No. 33450, Personnel Clerk IV, SR-11, Personnel Office, Oahu

Item I-1 -- Filling of Position No. 33269, Clerk Typist II, Island of Maui

Items on the agenda were considered in the following order to accommodate those applicants present at the meeting:

3071 WITHDRAWAL OF LAND FROM GOVERNOR'S EXECUTIVE ORDER NO. (HALAWA CORRECTIONAL FACILITY, DEPT. OF CORRECTIONS), CONVEYANCE IN FEE TO CITY AND COUNTY OF HONOLULU, DIRECT SALE OF REMNANTS TO THE QUEEN EMMA FOUNDATION, AND ACCEPT CONVEYANCE OF LANDS FROM QUEEN EMMA FOUNDATION AT HALAWA, EWA, OAHU, TMK 9-9-10:27 AND 30

Mr. Shimabukuro pointed out on the maps the parcels involved in this transaction, which involves withdrawal from Governor's Executive Order No. 3071, conveyance in fee to the City and County of Honolulu for drainage purposes, direct sale of remnants to The Queen Emma Foundation, acceptance of conveyance of lands from The Queen Emma Foundation, and petition to the Land Court for subdivision, consolidation and designation of easements.

He asked to amend his submittal to include recommendation E-1 to "approve and recommend to the Governor the set aside of Lots 49A-3, 49A-6 and 49A-7 to the Corrections Department as addition to the Halawa Correctional Facility."

Unanimously approved as amended (Ing/Kealoha). ACTION

> AMENDMENT TO PRIOR BOARD ACTION RE WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 2210, CONVEYANCE IN FEE AND GRANT OF EASEMENT TO CITY AND COUNTY OF HONOLULU AFFECTING PORTIONS OF THE HALAWA ANIMAL QUARANTINE STATION, HALAWA, EWA, OAHU, TMK 9-9-10:POR. 34

> Mr. Shimabukuro stated that the purposes of the amendment are to provide the Halawa Animal Quarantine Station with sewerline service and better Mr. street frontage and to provide for the construction of roadways and utilities for the Halawa Valley Business Park industrial subdivision.

He asked to add amendment "4c" which would make the set-aside of Lot 184-E subject to legislative approval.

ACTION Unanimously approved as amended (Ing/Kealoha).

> CDUA AMENDMENT FOR MODIFICATION OF AN EXISTING TELECOMMUNICATION FACILITY AND SUBDIVISION AT TANTALUS, OAHU (DEPT. OF BUDGET AND FINANCE-TELECOMMUNICATIONS DIVISION)

Mr. Evans stated that the purpose of the amendment is to expand telecommunications capability. A concern was the visual aspect of the additional antennas. Mr. Dwight Shima of the Department of Budget and Finance presented views from Kaimuki, Manoa Market Place, Makiki Heights Road, McKinley High School, and other areas. A landscape plan would be made part of the construction plan, he said. He indicated that the plan includes additional dish antennas.

Another Board concern was whether there had been discussion with community Mr. Evans stated that a letter was received from the Makiki groups. Neighborhood Board, which did not strenuously oppose the proposal but expressed concern regarding the landscaping.

Mr. James Young from the Hawaii Public Broadcasting Association stated that the antennas need to be in place by September, 1989; and there is no guarantee of further extensions from the FCC.

Ing asked to amend B.6 of the submittal to include the condition that Mr. the final number of antennas to be allowed on the tower be subject to the review and approval of the chairperson.

Unanimously approved as amended (Ing/Apaka). ACTION

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ITEM F-8:

ITEM F-9:

ITEM H-9:

## ITEM H-4: CDUA FOR IMPROVEMENTS TO THE KULA WATER SYSTEM, MAUI (DOWALD)

Mr. Evans stated that the applicants have indicated that if additional work is done on the project, an additional EIS would be done.

Mr. Ing expressed his concern regarding disturbance in the conservation district. He moved that two conditions be added: Condition 15--that the area be flagged and staked by the contractor and reviewed by the Maui Division of Forestry and Wildlife; and Condition 16 to include a briefing with the contractor and the understanding that if any conditions someone will be subject to fines and stated he wanted it to be clear as to what could be disturbed and where the equipment can be stored.

ACTION Unanimously approved as amended (Arisumi/Arata).

ITEM H-5: CDUA FOR A TELECOMMUNICATION FACILITY AT PUU KILEA, LANAI (GTE HAWAIIAN TELEPHONE CO., INC./WILSON OKAMOTO AND ASSOCIATES, INC.)

> Mr. Evans stated that the facility would upgrade existing telecommunications on Lanai and recommended approval subject to conditions. However, Hawaiian Telephone, the applicant, did not agree with the colocation condition. Mr. Ing pointed out that the Board has required this condition of all users, including State users. All applicants before the Board have expressed the same concerns as Hawaiian Telephone about reliability and security; however, Mr. Ing stated there is no reason to make an exception for the applicant, that the State cannot allow an exclusive facility.

ACTION Unanimously approved (Arisumi/Apaka).

CDUA FOR AN AFTER-THE-FACT SUBDIVISION AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY AT HANA, MAUI (GTE HAWAIIAN TELEPHONE/WILSON OKAMOTO AND ASSOCIATES, INC.)

Mr. Evans stated at the public hearing the Board was point in time the applicant was aware of the conservation district law. Mr. Evans stated that his records indicate that the conservation district use application in 1965, and a Maui project. Therefore, he said, the staff believes that the applicant was aware of the conservation laws and recommends Regarding the possible relocation to agricultural-zoned land, the staff felt it was not viable because "the dirty deed was visual pollution, and historic sites expressed some concern.

Mr. Evans asked that should the Board approve the fine that the payment be made from the profits to be distributed to shareholders of Hawaiian Telephone.

Mr. Arisumi asked that a landscape plan be submitted for approval by the chairperson.

Mr. Evans noted that the application is for an after-the-fact subdivision, which was not necessary at this point as the Board had not previously approved subdivision; however, he is now recommending subdivision.

ACTION Unanimously approved as amended (Arisumi/Arata).

ADDED ITEM F-13:

ITEM H-6:

## 3: RESUBMITTAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF TAXATION, OAHU

Mr. Shimabukuro distributed copies of a letter received from the Tax Department explaining their request for relocation and the rent. Mr. Shimabukuro indicated approval has been received from the Comptroller for rental of this particular office space. Mr. Ing noted that the Board has never approved rental at a rate close to \$2.37 per square foot and had not previously approved Tower. Mr. Ing indicated the explanation given by Mr. Kahle which included the use of a law library and the short duration of the lease was sufficient justification in this particular instance.

ACTION Unanimously approved (Ing/Kealoha).

ADDED LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF PERSONNEL SERVICES, STATE ITEM F-14: WORKERS' COMPENSATION DIVISION, HONOLULU, OAHU

ACTION Unanimously approved (Ing/Arata).

RECESS: A recess was called by the Chairperson from 10:45 a.m. to 11:00 a.m.

ITEM H-8: CDUA FOR A SINGLE FAMILY RESIDENCE, KAUPO, MAUI (ROBERT W. CHANG, SR.)

Mr. Evans stated that the house on the property is run down and the applicant is asking to rebuild it for occasional use. Applicant had gone to the county with his plans and received no response. The county finally got back to Mr. Chang and informed him that the land was conservation land. He thereupon stopped work on the house. However, because of the violation, a \$500 fine was recommended. Mr. Evans further stated that there are numerous owners (14) with an undivided interest in the property. An opinion from the Attorney General's office advised that all parties must consent to Mr. Chang's application. Absent the signatures of all parties, it was recommended that the application be denied. Other interested property owners may apply to build a family residence on the property; however, the law provides for only a single-family residence per lot.

Upon questionning from Mr. Kealoha, Mr. Evans stated that there is no need to restore the use; however, without the signatures of the other owners, the staff could not recommend approval. Mr. Evans suggested that condition no. 2 could be deleted, whereby the Board would acknowledge the nonconforming use and approve the house with the standard conditions with the understanding that the Board would only allow one house per house lot.

Deputy Attorney General Johnson Wong stated that there was no legal objection to the approval.

Mr. Chang appeared before the Board and informed the Board that the single-family residence was established sometime in the early 1900's, and the property has been in the family for generations--his grandmother and mother had lived in the house. His grandmother left to live with his mother in 1952 he believed. In the meantime, the house rotted and all that remained were slabs and the graves in the back. He stated that they camped on the property because it was unsafe to use the house. They decided to put up a house so that they could leave their things there.

ACTION Mr. Arisumi moved for denial of the staff recommendation to dismantle the structure, with the condition that applicant obtain the signatures of the three remaining original owners, and that the fine be reduced to \$300. Mr. Kealoha stated he thought the fine was too high and asked that it be reduced to \$200. Mr. Arisumi agreed and the motion, which was seconded by Mr. Arata, was unanimously carried.

CONSENT TO ASSIGNMENT OF GRANT OF EASEMENT NO. S-4439, MAUI KAMAOLE ENTERPRISES, ASSIGNOR, TO AMERICAN TRUST CO. OF HAWAII, INC., A HAWAII CORPORATION, AS TRUSTEE UNDER LAND TRUST AGREEMENT, ASSIGNEE, TMK ITEM F-1-e: 3-9-04;POR. 61, KAMAOLE, WAILUKU (KULA), MAUI

ACTION Unanimously approved (Arisumi/Arata).

ITEM J-5:	CONSTRUCTION OF RIGHT-OF-ENTRY AND SALE OF LEASE BY DIRECT NEGOTIATION, HARBORS DIVISION, KEEHI LAGOON, OAHU (MB MARITIME, INC. DBA MAMALA BAY MARINE CENTER)
ACTION	Unanimously approved (Ing/Kealoha).
ITEM J-1:	CONSENT TO SUBLEASE, KAHULUI AIRPORT, MAUI (HELICOPTER ADVENTURES, INC HELICOPTER CONSULTANTS OF MAUI, INC. DBA SOUTH SEAS HELICOPTER)
ACTION	Unanimously approved (Arisumi/Arata).
ITEM J-2:	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4513, ETC., AIRPORTS DIVISION
ACTION	Unanimously approved (Ing/Kealoha).
ITEM J-3:	RENEWAL OF REVOCABLE PERMITS 1950, ETC., AIRPORTS DIVISION
	Mr. Ing asked to be excused from the vote.
ACTION	Approved (Kealoha/Apaka).
ITEM J-4:	SALE OF A LEASE BY DIRECT NEGOTIATION, HARBORS DIVISION, PARCELS 2-A, 2-A-1, 2-B, 2-C, 2-D AND 3, PIER 41, HONOLULU HARBOR, OAHU (HONOLULU SHIPYARD, INC.
ACTION	Unanimously approved (Ing/Kealoha).
ITEM J-5:	See above.
ITEM J-6:	CONSENT TO ASSIGNMENT OF LEASE, HARBOR LEASE NO. H-82-4, HONOKOHAU BOAT HARBOR, HAWAII (GENTRY-PACIFIC, LTD.)
ACTION	Unanimously approved (Ing/Kealoha).
ITEM J-7:	USE OF HARBORS DIVISION FACILITIES, PIERS 10 AND 11 SHED, IRWIN PARK AND SURROUNDING AREAS, OAHU (HONOLULU MARATHON ASSOCIATION)
ACTION	Unanimously approved (Ing/Kealoha).
ITEM J-8:	CONTINUANCE OF REVOCABLE PERMITS H-78-725, ETC., HARBORS DIVISION
	In answer to a query from Mr. Apaka, Mr. Garcia stated that he believed the Hawaii Water Ski Association would be in compliance with the DOT Ocean Recreation Management Plan; however, he would verify the information and report back to the Board.
ACTION	Unanimously approved (Kealoha/Apaka).
ITEM J-9:	CONTINUANCE OF REVOCABLE PERMITS H-84-1160, ETC., HARBORS DIVISION
	Mr. Ing asked to be excused from voting on this item.
ACTION	Approved (Kealoha/Apaka).
ADDED ITEM B-1:	FILLING OF FULL-TIME, TEMPORARY-EXEMPT, LABORATORY ASSISTANT III, POSITION NO. 19881E, IN THE DIVISION OF AQUATIC RESOURCES, (OAHU)
ACTION	Upon motion by Mr. Kealoha and a second by Mr. Ing, the Board unanimously approved the appointment of Ms. Shelly Unger to Position No. 19881E, Laboratory Assistant III.
ITEM C-1:	OUT-OF-STATE TRAVEL REQUEST FOR PATRICK G. COSTALES TO ATTEND THE WESTWIDE STATE FOREST RESOURCE PLANNING (SFRP) CONFERENCE, NOVEMBER 28 - DECEMBER 2, 1988

Unanimously approved (Ing/Kealoha). ACTION

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## ADDED FILLING OF POSITION NO. 37634, CLERK TYPIST II, TEMPORARY APPOINTMENT ITEM C-2: OUTSIDE OF LIST, ADMINISTRATION OFFICE, OAHU

- ACTION Upon motion by Mr. Ing and a second by Mr. Kealoha, the Board unanimously approved the appointment of Joan Nishimura to Position No. 37364.
- ADDED OUT-OF-STATE TRAVEL REQUEST FOR THANE PRATT TO ATTEND A WILDLIFE SYMPOSIUM ITEM C-3: IN ENGLAND, NOVEMBER 29 TO DECEMBER 1, 1988
- ACTION Unanimously approved (Ing/Kealoha), with a request by Mr. Ing that a copy of Mr. Pratt's paper be sent to Mr. Ing and Mr. Ed Tanji of the Advertiser, Maui Bureau.
- ITEM E-1: FILLING ONE VACANT PARK CARETAKER II POSITION FOR OAHU PARK SECTION
- ACTION Unanimously approved the appointment of Benjamin Asuncion to Park Caretaker II, Position No. 27097, Oahu (Ing/Kealoha).
- ITEM F-1 DOCUMENTS FOR CONSIDERATION:
- Item F-1-a ISSUANCE OF REVOCABLE PERMIT TO CHRIS MELLEN, DBA C. M. SALVAGE CO., TMK 4-5-15:34, KAPAA, KAUAI
- Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO PACIFIC AVIATION INTERNATIONAL, INC., TMK 1-8-08:POR. 35, HANAPEPE, KAUAI
- Item F-1-C ISSUANCE OF REVOCABLE PERMIT TO STEVEN DE COITE FOR PASTURE PURPOSES, TMK 2-9-02:12, 17 AND 22, HOOLAWA-MOKUPAPA, HAMAKUALOA, MAKAWAO, MAUI

Mr. Shimabukuro asked that the monthly rental be amended to read, "\$12" and the collateral security to read, "\$24."

Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO MAUI CATS, INC., DBA SEA SAILS FOR OFFSHORE MOORING PURPOSES AT KAHANA, KAANAPALI, LAHAINA, MAUI, TMK 4-3-10:OFFSHORE

Amended to include Condition 6 that the applicant comply with DOT's Ocean Recreation Management Plan. At the time of the CDUA, the DOT plan had not been adopted.

- ACTION Mr. Kealoha moved for approval of Items F-l-a, -b, -c, as amended, and -d as amended. The motion was seconded by Mr. Apaka and unanimously carried.
- Item F-1-e See page 4.

RESUBMITTAL - DIRECT SALE OF A PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT OF ENTRY FOR ACCESS, WATER PIPELINE AND UTILITY PURPOSES, TMK 2-1-05:POR. ITEM F-2: 77, MOOLOA, HONUAULA, MAKAWAO, MAUI

- ACTION Unanimously carried (Arisumi/Kealoha).
- ITEM F-3:FORFEITURE OF GENERAL LEASE NO. 4297 TO MAHALO FARMS, INC., LOT 19,WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU, TMK 4-1-10:04
- ACTION Mr. Shimabukuro withdrew this item as the lease rental has been brought up-to-date.

AMENDMENT OF PRIOR BOARD ACTION COVERING THE SET ASIDE OF ADDITIONAL AND FOR THE IWILEI MORGUE SITE TO THE CITY AND COUNTY OF HONOLULU, KUWILI, ITEM F-4: IWILEI, HONOLULU, OAHU, TMK 1-5-09:POR. 2 AND 3

ACTION Unanimously approved (Ing/Kealoha).

CANCELLATION OF GENERAL LEASE NO. S-4266 TO NORTHWESTERN MUTUAL LIFE INSURANCE CO., ISSUANCE OF REVOCABLE PERMIT TO MR. JAMES A. DOWSETT AND AUTHORIZATION TO HOLD PUBLIC AUCTION, TMK 6-8-02:07, 6-9-03:02, WAIALUA, OAHU ITEM F-5: Unanimously approved (Ing/Kealoha) with the amendment requiring the staff ACTION to come back to the Board with the proposal for public auction. REQUEST TO (1) AMEND DEPT. OF THE ARMY CONTRACT NO. DACA 84-1-84-4, AND (2) AMEND STATE OF HAWAII LEASE TO OPPORTUNITIES FOR THE RETARDED, INC. (L.O.D. NO. S-27406) COVERING PORTIONS OF SCHOFIELD BARRACKS MILITARY RESERVATION, TMK 7-6-01:POR. 01, WAIANAE-UKA, EWA, OAHU ITEM F-6: Unanimously approved (Ing/Kealoha). ACTION DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEOHE, KOOLAUPOKO, OAHU, TMK ITEM F-7: 4-4-07:SEAWARD OF 04 Mr. Shimabukuro asked to have an amendment under "Consideration": "Pursuant to section 171-53(b), Hawaii Revised Statutes, the appraisal shall be based on either: (a) submerged land value in the event the purchaser within thirty (30 days of notification of the Board's approval, provide written proof that the reclaimed land was filled with prior governmental approval; or otherwise (b) on a filled land basis. ACTION Unanimously approved as amended (Ing/Kealoha). ITEM F-8: See page 2. ITEM F-9: See page 2. AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPT. OF HEALTH, WAIPAHU COUNSELING SERVICE, WAIPAHU, OAHU **ITEM F-10:** Unanimously approved (Ing/Kealoha). ACTION AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, WEST INCOME MAINTENANCE UNIT, KAUAI BRANCH, HANAPEPE, KAUAI ITEM F-11: ACTION Unanimously approved (Apaka/Kealoha). LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, INFORMATION SYSTEMS **ITEM F-12:** OFFICE, HONOLULU, OAHU ACTION Unanimously approved (Ing/Kealoha). FILLING OF POSITION NO. 4369, ABSTRACTING ASSISTANT III, OAHU ITEM G-1: ACTION Unanimously approved the appointment of Faith E. Hope to Position No. 4369, Abstracting Assistant III (Ing/Kealoha). REQUEST FOR APPROVAL TO CONTRACT FOR RESEARCH SERVICES TO INVESTIGATE ITEM H-1: COMMERCIAL TECHNIQUES TO CULTIVATE EDIBLE SEAWEEDS Unanimously approved (Ing/Kealoha). ACTION CDUA FOR A STORAGE SHED AT UPPER KALIHI, OAHU (GREGORY P. LOOS) ITEM H-2: Condition no. 7 was added making recordation a required condition. ACTION Unanimously approved as amended (Ing/Kealoha).

CDUA FOR A SINGLE FAMILY RESIDENCE WITH SWIMMING POOL AND KOI POND AND AITEM H-3:SEAWALL AT HAENA, KAUAI (STUART ZIMMERMAN/AVERY H. YOUN)

Mr. Evans asked to delete the reference to the lack of the SMA.

ACTION Unanimously approved as amended (Apaka/Kealoha).

ITEM H-4: See page 3.

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- ITEM H-5: See page 3.
- ITEM H-6: See page 3.

ITEM H-7:CDUA FOR INSTALLATION OF A 20-INCH WATER MAIN AT KALUANUI STRREAM, HAUULA,OAHU (BOARD OF WATER SUPPLY)

Mr. Evans asked to delete Condition No. 8 regarding a permit from the Commission on Water Resource Management.

- ACTION Unanimously approved as amended (Ing/Kealoha).
- ITEM H-8: See page 4.
- ITEM H-9: See page 2.

AMENDMENT TO CDUA MA-865A FOR MAINTENANCE DREDGING AT THE ENTRANCE CHANNEL TO LAHAINA BOAT HARBOR (DEPT. OF TRANSPORTATION)

ACTION Unanimously approved (Arisumi/Kealoha).

CDUA FOR A SUBDIVISION AND CONSOLIDATION TO EXPAND THE KAILUA ROADITEM H-11:WASTEWATER PUMP STATION PARCEL (C & C HONOLULU DEPT. OF PUBLIC WORKS)

ACTION Unanimously approved (Ing/Kealoha).

ITEM H-12: FILLING OF POSITION NO. 33450, PERSONNEL CLERK IV, SR-11, PERSONNEL OFFICE

ACTION Unanimously approved the appointment of Sheila Young-Pereira to Position No. 33450, Personnel Clerk IV, Oahu (Ing/Kealoha).

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ADDED

ITEM I-1: FILLING OF POSITION NO. 33269, CLERK-TYPIST II, ISLAND OF MAUI

- ACTION Unanimously approved the appointment of Dawn S. DeLara to Position No. 33269, Clerk-Typist II, Maui, effective November 16, 1988 (Arisumi/Arata).
- ADJOURNMENT: There being no further business, the Chairperson adjourned the meeting at 12:20 p.m.

Respectfully submitted,

an Dere Geraldine M. Besse Secretary

**APPROVED:** WILLIAM W. PATY, Chairperson Board of Land and Natural Resources