

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

DATE: November 2, 1984
TIME: 9:00 A.M.
PLACE: National Guard Armory
Kaunakakai, Molokai

ROLL
CALL

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:00 A.M. The following were in attendance:

MEMBERS: Mr. Roland Higashi
Mr. Moses Kealoha
Mr. Leonard Zalopany
Mr. Susumu Ono

Absent & Excused

Mr. J. Douglas Ing
Mr. Thomas Yagi

STAFF: Mr. James Detor
Mr. Libert Landgraf
Mr. Gordon Soh
Mr. George Harada
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy Atty. General
Mr. Peter Garcia, DOT
Mr. William Thompson (Item H-1)

MINUTES:

Mr. Kealoha moved for approval of the August 24, 1984 minutes as circulated. Mr. Higashi seconded and motion carried unanimously.

ADDED
ITEMS

Upon motion by Mr. Higashi and a second by Mr. Zalopany, the board voted unanimously to add the following items to the agenda:

Division of Land Management

- Item F-1-C -- William W. A. Kaaiyai request for consent to mortgage, G. L. No. S-4893, Maunalaha Homesites, Opu, Makiki, Honolulu, Oahu.
- Item F-1-D -- Arnold P. Spencer request for consent to mortgage, G. L. No. S-4913, Maunalaha Homesites, Opu, Makiki, Honolulu, Oahu.
- Item F-1-E -- Olomana Golf Links, Inc. request for consent to mortgage, G. L. No. S-4095, Waimanalo, Koolaupoko, Oahu.

Division of Conservation and Resources Enforcement

- Item I-1 -- Out of State Travel for Frederick Chun to attend Campaign Against Marijuana Planting (C.A.M.P.) meeting in Sacramento, California.

ITEM F-1

DOCUMENTS FOR CONSIDERATION.

Item F-1-A

FREDERICO GAMPON APPLICATION FOR REVOCABLE PERMIT, WELIWELI, KAUAI.

Mr. Detor said that the applicant was no longer interested in renting this area and asked that this item be withdrawn.

Item F-1-B MARGARET COBEY BLACK REQUEST FOR CONSENT TO ASSIGN GRANT OF EASEMENT NO. S-4248 TO GILL T. CAUSEY SITUATE AT KOKOIKI, NO. KOHALA, HAWAII, BEING TMK 5-5-05:19.

Added Item F-1-C WILLIAM W. A. KAAIAI REQUEST FOR CONSENT TO MORTGAGE, G. L. NO. S-4893, MAUNALAHA HOMESITES, OPU, MAKIKI, HONOLULU, OAHU.

Added Item F-1-D ARNOLD P. SPENCER REQUEST FOR CONSENT TO MORTGAGE, G. L. NO. S-4913, MAUNALAHA HOMESITES, OPU, MAKIKI, HONOLULU, OAHU.

Added Item F-1-E OLOMANA GOLF LINKS, INC. REQUEST FOR CONSENT TO MORTGAGE, G. L. NO. S-4095, WAIMANALO, KOOLAUPOKO, OAHU.

ACTION Mr. Higashi moved for approval of Items F-1-B, C, D & E as submitted. Mr. Zalopany seconded and motion carried unanimously. Item F-1-A was withdrawn.

ITEM F-2 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (10/12/84, AGENDA ITEM F-8) APPROVING AWARD OF EASEMENT TO THE CITY & COUNTY OF HONOLULU ACROSS PALOLO ELEMENTARY SCHOOL, PALOLO, HONOLULU, OAHU.

Mr. Detor said that staff forgot to include in the 10/12/84 submittal a recommendation to petition the land court to designate these easements. This is necessary inasmuch as it is land court property.

ACTION Mr. Kealoha moved to amend its action of October 12, 1984, under agenda item F-8, by authorizing a petition to be filed in the Land Court for the designation of Easements 20, 21 and 22 affecting Lot D-2-A and Easement 23 affecting Lot D-1-A, subject to the terms and conditions cited in said agenda Item F-8. Mr. Higashi seconded and motion carried unanimously.

ITEM F-3 RESUBMITTAL - MICHAEL DIXON, ET AL, APPLICATIONS FOR EASEMENTS, PUPUKEA, KOOLAULO, OAHU.

Regarding easement vs. long-term lease, for disposition purposes, Mr. Ono asked what the pros and cons would be.

Mr. Detor explained said that a perpetual easement is really like selling the fee. The other alternative would be to lease the easement from which we would derive an annual rental.

Mr. Ono felt that the appraisal cost for the sale of an easement has been so small yet they will have the easement forever.

Mr. Ono said that one of his big concerns is that the landowner violates a State law and in the end he gets a break. There is no question that by having this easement his property will be much more valuable.

Mr. Kealoha asked that this item be deferred to another meeting in order that the board may make an on-site inspection.

Mr. Ono asked that staff set up a set of criteria in order to resolve this type of problem.

Mr. Detor said that a criteria was set up last year but the decision at that time was to go on a case-by-case basis.

ACTION Deferred.

ITEM F-4

DEPARTMENT OF TRANSPORTATION REQUEST FOR EXTENSION OF CONSTRUCTION RIGHT OF ENTRY, KEEHI INTERCHANGE, MOANALUA, HONOLULU, OAHU.

DOT has asked for extension to September 1987. However, the board felt that to be too long a period of time. Mr. Detor suggested that the extension be to December 1985.

ACTION

Mr. Kealoha moved to amend the board's action of March 25, 1982 under agenda Item F-12 to extend the reconstruction right-of-entry to December, 1985 and to include in said right-of-entry permission to the Department of Transportation to utilize the above-described Construction Parcels C-2A-6, C-2A-7, C-2A-8 and C-201 to complete the construction of the Keehi Interchange under FAP No. I-H-1-1(82). Mr. Higashi seconded and motion carried unanimously.

ITEM F-5

JOHN ELWIN REQUEST FOR RIGHT OF ENTRY FOR TEMPORARY ACCESS, KAPAA, KAUAI.

ACTION

Upon motion by Mr. Zalopany and a second by Mr. Kealoha, the board unanimously voted to authorize a right of entry for access and utility purposes 15 feet wide across a portion of the Stateowned ditch right of way subject to the terms and conditions listed in the submittal and any other terms and conditions that may be prescribed by the chairperson.

ITEM F-6

STAFF RECOMMENDATION FOR DELETION OF CANCELLED AND UNCOLLECTIBLE ACCOUNTS FROM THE ACCOUNTS RECEIVABLE RECORDS.

Mr. Ono said that he would like to get more details on a few of the accounts listed and asked if this could be deferred to another meeting.

ACTION

Deferred.

ITEM F-7

DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE AT 233 SO. VINEYARD STREET, HONOLULU, OAHU.

ACTION

Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Kealoha/Higashi)

ITEM H-1

CDA FOR PROPOSED KAILUA POLICE STATION AND SUB-DIVISION AT KEALAKEHE, NORTH KONA (COUNTY OF HAWAII).

Mr. Higashi asked to amend staff's recommendation by adding another condition (no. 8) to read as follows:

8. That the applicant, County of Hawaii, pursue the urbanization course to subdivide and that they be given five years in which the urbanization is to be completed.

Mr. Higashi asked that staff report back to the board should this urbanization be rejected.

Mr. Ono said that in previous discussions, there was to be a joint effort between the State and the County to pursue a land classification change. According to Mr. Higashi's recommendation, the County is to be the lead agency.

ACTION

Mr. Higashi moved to approve this application for a conditional use permit for a County Police facility and land subdivision at Kealakehe, Kona on State land identified as TMK 7-4-08:17, subject to the conditions listed in the submittal and Condition No. 8 as listed above. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-2

REQUEST TO AMEND A PREVIOUSLY APPROVED MICROWAVE RADIO NETWORK, OAHU CITY AND COUNTY OF HONOLULU).

ACTION

Withdrawn. Mr. Soh said that this item had already been acted on at a previous meeting.

ITEM H-3

CDUA FOR SINGLE FAMILY DWELLING AT PUNA, HAWAII (JOSEPH SACHEN).

ACTION

Unanimously approved, subject to the conditions listed in the submittal. (Higashi/Zalopany)

ITEM H-4

PETITION FOR A DECLARATORY RULING (BOARD OF WATER SUPPLY).

Mr. Soh said that the Board of Water Supply had applied for a CDUA on October 9, 1984 to establish an easement in the Koko Head Regional Park covering a pipeline and tunnel built in 1933 and a water meter most recently installed in 1966. This easement will not involve subdivision nor construction.

Mr. Soh said that an uncertainty exists whether establishment of an easement which neither involves subdivision nor construction constitutes a use of Conservation District lands under Title 13, Chapter 2, Administrative Rules.

Mr. Kealoha said that staff's recommendation sounds like a policy statement and would take away the merit of a case-by-case situation.

Mr. Ono felt that before recommending a blanket policy it would be better to have it thought out, analyzed and checked out with the Attorney General's Office. If all these things are done then the board may feel more comfortable in adopting a blanket policy.

In this particular case, Mr. Ono felt it better to take a separate action rather than adopting a blanket policy.

ACTION

Mr. Kealoha moved for approval of staff's recommendation, but only as it applies to this case, by declaring the following ruling that:

Establishment of an easement alone - without subdivision and without any construction whatsoever - is insufficient in and of itself to constitute a land use. Therefore, no Conservation District use application is necessary.

Mr. Higashi seconded and motion carried unanimously.

Regarding Mr. Higashi's concern about maintenance, Mr. Ono asked whether the above ruling, if adopted for this particular case, requires a CDUA for routine maintenance.

Mr. Soh said yes.

Mr. Kealoha said that when he made the motion it was with the understanding that the ongoing maintenance would apply.

ITEM H-5

REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION DISTRICT.

This is a request to hold public hearings on seven CDUA's.

Mr. Soh said that staff is recommending that the board authorize the Chairperson to schedule the public hearing for the proposed use.

Mr. Ono explained that there was an incident in scheduling hearings because the Planning Office did not get the board's approval to go ahead and schedule. To overcome this kind of problems, Mr. Ono said that he met

with the Planning Office and they thought of the possibility that the board could authorize the Chairperson to schedule hearings instead of having to come before the board. However, as far as the specific dates and places, they would still check with the board.

ACTION

Mr. Higashi moved to authorize and allow the Chairperson to schedule the public hearing for the proposed use and to prepare and forward the hearing notice to the applicant and other affected persons. Mr. Zalopany seconded and motion carried unanimously.

Mr. Ono said that there is a meeting tentatively scheduled for January, 1985 which requires the board to come back to Molokai and also the island of Maui. Mr. Ono asked whether the board would like to split that into two separate trips or combine both.

It was suggested by Mr. Kealoha that the hearings be combined -- have the Maui hearing during the day and the Molokai hearing in the evening.

ITEM H-6

REQUEST FOR TIME EXTENSION FOR PREVIOUSLY APPROVED APPLICATION FOR TRANSMISSION LINES AND SUBSTATION AT HEEIA AND KANEOHE, OAHU.

ACTION

Mr. Kealoha moved to grant an extension of five years (to April 11, 1990) in which to obtain City approval for the generating plant. Mr. Higashi seconded and motion carried unanimously.

ADDED
ITEM I-1

OUT OF STATE TRAVEL FOR FREDERICK CHUN TO ATTEND CAMPAIGN AGAINST MARIJUANA PLANTING (C.A.M.P.) MEETING IN SACRAMENTO, CALIFORNIA.

ACTION

The board unanimously approved Mr. Frederick Chun's request to attend the C.A.M.P. Meeting in Sacramento, California on November 7 and 8, 1984. (Higashi/Kealoha)

ITEM J-1

APPLICATION FOR ISSUANCE OF R.P.'S 3930, ETC., AIRPORTS DIVISION.

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-2

ISSUANCE OF R.P., HARBORS DIVISION, MAALAEA SMALL BOAT HARBOR, MAUI (TIMO KAAKINEN).

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-3

ISSUANCE OF R.P., HARBORS DIVISION, PIER 19 OFFICE BUILDING, HONOLULU, OAHU (LE KUONG LI).

ACTION

Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-4

USE OF HARBORS DIVISION FACILITIES, PIER 9 AND 10 PASSENGER TERMINALS, HONOLULU, OAHU (POLYNESIAN VOYAGING SOCIETY).

ACTION

Unanimously approved as submitted. (Kealoha/Higashi)

ITEM J-5

USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINALS, HONOLULU, OAHU (HONOLULU MARATHON ASSOCIATION).

ITEM J-6

USE OF HARBORS DIVISION FACILITIES, PIERS 10 and 11 SHED, IRWIN PARK, AND SURROUNDING AREAS UNDER HARBORS DIVISION JURISDICTION, OAHU (HONOLULU MARATHON ASSOCIATION).

ACTION

Mr. Kealoha moved to approve Items J-5 and J-6 as submitted. Mr. Zalopany seconded and motion carried unanimously.

ITEM J-7

CONTINUANCE OF R.P.'S H-389, ETC., HARBORS DIVISION.

Mr. Garcia asked to amend Page 5, Permit No. H-79-797 to Young Brothers by changing the rental from \$118.00 per month to \$99.00 per month.

ACTION

Unanimously approved as submitted with the above amendment.
(Higashi/Zalopany)

Mr. Ono wanted it noted that the Department of Transportation is conducting an annual review of the rental rates.

ADJOURNMENT: There being no further business, the meeting was adjourned at 10:00 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

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