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

DATE: February 13, 1987
TIME: 9:00 A.M.
PLACE: Department of Education Annex
Conference Room 2
480 Waianuenue Avenue
Hilo, Hawaii

ROLL CALL

Chairperson William W. Paty called the meeting of the Board of Land and Natural Resources to order at 9:05 A.M. The following were in attendance:

MEMBERS: Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Leonard Zalopany
Mr. John Arisumi
Mr. Herbert Arata
Mr. William W. Paty

STAFF: Mr. Ronald Walker
Mr. Daniel Lum
Mr. Mike Shimabukuro
Mr. Roger Evans
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.
Mr. Peter Garcia, DOT
Mayor Dante Carpenter & Mr. Bruce McClure (Item H-1)
Mr. Michael Reardon (Item H-4)
Mr. Mike Medeiros (Items F-1-a & b)
Mr. Stanley Suyat (Item F-1-d)

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

**Items on the Agenda**

**Item F-1-d**
ASSIGNMENT OF GRANT OF EASEMENT TO KAMAKANI IKAIA, INC., ELECTRICAL TRANSMISSION LINE AT PAKINI IKI, KAU, HAWAII.

**ACTION**
Mr. Arata moved to approve as submitted. Seconded by Mr. Kealoha, motion carried unanimously.

**Item F-1-a**
ASSIGNMENT OF GRANT OF EASEMENT BEARING G. L. NO. S-4600 TO DILLINGHAM INVESTMENT CORPORATION, HONOMALINO AND HOOPULOA, SO. KONA, HAWAII TO DILLINGHAM PARTNERS.

**Item F-1-b**
ISSUANCE OF REVOCABLE PERMIT TO DILLINGHAM PARTNERS, GOVERNMENT LAND OF HONOMALINO, SO. KONA, HAWAII, TMK 8-9-03:83.

**ACTION**
Mr. Arata moved to approve Items F-1-a and F-1-b as submitted. Motion carried with a second by Mr. Arisumi.

Mr. Ing was excused from voting on these two items.

**REQUEST FOR CONSENT TO ASSIGNMENT OF LEASE, CONDOMINIUM CONVERSION AND TIME SHARING PLAN, G. L. NO. 3269 AND ESTATE FOR YEARS (POR. OF GRANT 10,119), LOT 10, OCEAN VIEW LOTS, WAIKEA, SO. HILO, HAWAII.**

Mr. Shimabukuro asked to amend "A." as show on page 1 of the submittal by adding after General Lease No. S-3269, "an estate for years as set forth in deed dated July 2, 1986, recorded in the Bureau of Conveyances, Book 6116, Page 54 and noted as Land Office Deed No. S-25117."
Mr. Arisumi moved to approve as amended. Motion carried with a second by Mr. Ing.

Mr. Arata was excused from voting on this item.

CDUA FOR THE SADDLE ROAD IMPROVEMENT BETWEEN THE 9-48 MILE MARKERS IN SO. HILO, NO. HILO, HAMAKUA, AND SO. KOHALA DISTRICTS, HAWAII (HON. HUGH Y. ONO, DPW, COUNTY OF HAWAII.)

Mr. Evans asked to amend Condition No. 3, shown on page 9, and Condition b. 4) as shown on page 10 as follows:

3. Other terms and conditions as prescribed by the Chairperson:
   a. That the applicant is hereby authorized a right of entry into State lands to implement this application.
   b. 4) Any imported film material be sealed with an asphalt pavement above it.

Mr. Arata asked Mr. Evans if the County was aware of the changes being made.

Mr. Evans said, yes.

With respect to Condition No. 10 on page 11, Mr. Ing asked, "is herbicide being allowed or not allowed?"

Mr. Evans said that Forestry asked that systemic herbicides not be used but that herbicides not falling in this category could be used. He was not sure what the difference was.

Mr. Kealoha said that at the 8.5 marker there is some fill material -- he felt there should be something in the conditions that the County remove that stockpile at the 8.5 marker at their expense and at no expense to the State.

Mr. Evans said that they did look at this and there is a stockpile on State land and they don't know who put it there.

Mr. Arata said that the County has agreed to remove this at no expense to the State.

Mr. Arata moved to approve as recommended by staff. Mr. Arisumi seconded.

Mr. Ing asked, "what is the time period for the installation of improvements to the road?"

Mayor Carpenter said that at this point they have some $100,000 being used for studies to determine the years of priority and $200,000 appropriated to immediately go forward with improvements that they contemplate. They also have a standing agreement with and anticipate using labor from Kulani. The important thing they feel is in the first 10-12 miles because that is the area with a maximum amount of curves in which most of the accidents do occur.

Mr. Ing said that there is a time limit under the regulations imposed on improvements in the conservation district -- the requirement is that you start within one year and complete within three years.

Mr. Bruce McClure said that they have no problem with starting within one year. However, they may have a problem with being able to finish in three years.

Mr. Arata called for the question.
Mr. Paty asked if there was anyone else wanting to testify.

Being no one else wanted to testify, Mr. Paty called for the vote. Motion carried unanimously.

**ITEM D-1**

**ACTION**

Mr. Kealoha moved to approve as submitted. Motion carried with a second by Mr. Zalopany.

Mr. Ing was excused from voting on this item.

**ITEM H-3**

**CDUA FOR A SINGLE FAMILY RESIDENCE IN HAENA, KAUA’I (MR. PIETER S. MYERS).**

Mr. Evans asked to add the following to Condition No. 3 on page 8:

3. a. Authorize the issuance of a well drilling permit subject to plans being submitted and approved by the department.

Mr. Ing said that the standard condition requiring approval of construction plans has been modified. He does not see the condition that we used to use. He said that condition no. 9 looks like what used to be used but he did not think that approval of the construction plans was addressed. We used to say that, before any improvements can be constructed, construction plans have to be submitted to the department.

Mr. Evans apologized, the condition was not included. Accordingly, he asked that it be included as condition no. 21.

**ACTION**

Mr. Zalopany moved to approve with the amendment to Condition No. 3 and the addition of Condition No. 21 as stated above. Seconded by Mr. Kealoha, motion carried unanimously.

**ITEM H-4**

**CDUA FOR A SINGLE FAMILY DWELLING AT PAO’O, NO. KOHALA, HAWA’I (J.&.J.S.R.T., INC., MICHAEL REARDON, PRESIDENT).**

Mr. Ing said that Condition No. 9, shown in Item H-3, shows the time limitation as to when they must have recordation submitted and the signed indemnity. He felt that this condition should also be added to this submittal.

Mr. Evans said that this could be added as Condition No. 15.

Mr. Arata asked if an SMA was required.

Mr. Evans said that in terms of the shoreline management area, there is an SMA requirement, however, a single family house in Hawaii County is exempt from the SMA process. They have been informed of this by the County.

Mr. Arata moved to approve as amended. Mr. Arisumi seconded.

Mr. Paty asked the applicant if he wanted to comment.

Mr. Reardon thought that, while they were under a permit, it was o.k. to put up a temporary structure for the working crew. They were hoping that this construction shed could remain during the building stages. They had also requested that they be allowed to use an existing road for access so that they don't have to come back to the board with another application.
Mr. Ing informed Mr. Reardon that disposition of State property, if it is connected with the CDUA is actually handled by a subsequent submittal and right now we do not have the metes and bounds description. Before the board can act we would need to have a survey of the easement and the legal description and that will take another board meeting and a second submittal. Here, we are only considering the use you intend to make of the property.

Mr. Arata asked Mr. Evans if it would be o.k. for the applicant to maintain the tool shed until completion of the project.

Mr. Evans said that staff's report is that this is not a tool shed and is currently being used as a temporary beach house. Staff in considering it's recommendation to the board had a sense that they had no alternative under these circumstances but to recommend removal and the fine.

Mr. Reardon said that this was purchased from his church because they were not using the building and it just is a little nicer looking than a tool shed so this may be the reason why they felt it was a beach house.

Mr. Ing asked Mr. Reardon when he got the CDUA for the well.

Mr. Reardon said about October, 1986.

In answer to Mr. Ing's question, Mr. Reardon said that the tool shed was not a part of the CDUA.

**ACTION**

Mr. Arata amended his motion to allow the tool shed, such shed to be removed within thirty days of completion of the project and the fine be reduced to $200.00 instead of $500.00. Seconded by Mr. Arisumi, motion carried unanimously.

**MINUTES:**

Mr. Ing moved to approve the October 10, 1986 minutes as submitted. Seconded by Mr. Kealoha, motion carried unanimously.

Mr. Ing moved also to approve the minutes of October 24, 1986 as submitted. Mr. Kealoha seconded, motion carried unanimously.

**ADDED ITEMS**

Upon motion by Mr. Ing and a second by Mr. Kealoha, the following items were added to the Agenda:

**Item E-4** -- Filling One Groundskeeper I Position No. 30239 for Malaekahana State Recreation Area, Oahu Park Section.

**Item H-6** -- Filling of Position No. 13120, Personnel Clerk IV, SR-11, Personnel Office, Oahu.

**OUT-OF-STATE TRAVEL REQUEST FOR CARL T. MASAKI TO ATTEND THE AVIATION MANAGEMENT AND SAFETY TRAINING COURSE, MARCH 30 - APRIL 10, 1987, AT PINAL AIR PARK, MARANA, ARIZONA.**

**ACTION**

Unanimously approved as submitted. (Arisumi/Kealoha)

**APPLICATION FOR GEOTHERMAL EXPLORATION PERMIT TO CONDUCT SURFACE GEOPHYSICAL SURVEYS, PUNA DISTRICT, HAWAII, TMK 1-2-, 1-4, AND 1-5.**

Approval. See Page 3.

**REQUEST TO USE THE TIP OF AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) TO HOST SURF PAC '87 BY AHAWIAN SPORTING ASSOCIATION.**

**ACTION**

Unanimously approved as submitted. (Kealoha/Zalopany)
FILLING OF POSITION NO. 15211, NURSERY WORKER II, WASHINGTON PLACE, OAHU PARK SECTION.

ACTION
Mr. Arisumi moved to approve the appointment of Miss Gwen Morinaga to fill Position No. 15211. Seconded by Mr. Kealoha, motion carried unanimously.

REQUEST TO USE A PORTION OF THE AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) FOR A RUN/SWIM ANNUAL BUD LIGHT TINMAN BIATHLON.

ACTION
Unanimously approved as submitted. (Kealoha/Zalopany)

ADDED
FILLING ONE GROUNDSKEEPER I POSITION NO. 30239 FOR MALAEKAHANA STATE RECREATION AREA, OAHU PARK SECTION.

ACTION
Mr. Ing moved to approve the appointment of Mr. David Sato to fill Position No. 30239. Seconded by Mr. Kealoha, motion carried unanimously.

DOCUMENTS FOR CONSIDERATION.

Item F-1-a ASSIGNMENT OF GRANT OF EASEMENT BEARING G. L. NO. S-4600 TO DILLINGHAM INVESTMENT CORP., HONOMALINO AND HOOPULOA, SO. KONA, HAWAII.

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO DILLINGHAM PARTNERS, GOVERNMENT LAND OF HONOMALINO, SO. KONA, HAWAII, TMK 6-9-03:03.

(See Page 1 for Action on Items F-1-a and F-1-b)

Item F-1-c ASSIGNMENT OF G. L. NO. S-4842, LOT 29, KEAHOLE AG PARK, PHASE II, KALAOA-OOMA, NO. KONA, HAWAII, TMK 7-3-49:25 FROM JOSEPH CATHCART AND ELLEN S. CATHCART TO LYLE V. FINLEY.

Item F-1-d ASSIGNMENT OF GRANT OF EASEMENT TO KAMAKANI IKAKA, INC., ELECTRICAL TRANSMISSION LINE AT PAKINI IKI, KAUL, HAWAII.

(See Page 1 for Action on Item F-1-d)

Item F-1-e CONSENT TO LIMITED WARRANTY ASSIGNMENT OF LEASE AND CONSENT TO SALE OF LEASEHOLD INTEREST BY AGREEMENT OF SALE, G. L. NO. S-4121, LOT 14, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT I, MOANALUA, HONOLULU, OAHU.

Item F-1-f REVOCABLE PERMIT A. J. TOORINJIAN DBA COAST TO COAST SERVICE, PORTION LOT 122, SAND ISLAND, HONOLULU, OAHU.

Item F-1-g REQUEST OF AQUATIC KAUA'I, LTD. FOR REVOCABLE PERMIT, TMK 3-3-2-03:POR. LOT 7 (NAWILIIWILII HARBOR DISPOSAL AREA), NAWILIIWILII, KAUA'I.

ACTION
Mr. Kealoha moved to approve Items F-1-c, e, f and g as submitted. Seconded by Mr. Zalopany, motion carried unanimously.

REQUEST FOR CONSENT TO ASSIGNMENT OF LEASE, CONDOMINIUM CONVERSION AND TIME SHARING PLAN, G. L. NO. 3269 AND ESTATE FOR YEARS (POR. OF GRANT 10,119), LOT 10, OCEAN VIEW LOTS, WAIKEA, SO. HILO, HAWAII.

ITEM F-2

Approved. See Page 3.
Gabriel Kapahua Request for Direct Sale of Easement, Road Reserve, at Kikala-Keokea Homesteads, Puna, Hawaii.

Mr. Shimabukuro asked that under Recommendation B. the following be added:

"subject also to Condition A.3 listed in the submittal with respect to walk through site of Historic Site."

Action

Unanimously approved as amended. (Arata/Kealoha)


Action

Withdrawn.

Quitclaim of State's Interest to Portion of Old (Abandoned Hana Highway in Settlement of Land Court Application No. 1891, Filed by Hanahuli Association, Ltd., TMK 1-5-08 & 10, Koali, Hana, Maui.

Action

Unanimously approved as submitted. (Arizumi/Zalopany)


Action

Unanimously approved as submitted. (Arizumi/Zalopany)


Action

Unanimously approved as submitted. (Arizumi/Arata)

Lease of Office Space for the Department of Health (DOH), Family Health Services Division and Mental Health Division, Maui.

Action

Unanimously approved as submitted. (Arizumi/Arata)

Lease of Office Space for the Department of Social Services and Housing (DSSH), Public Welfare Division, Lanai.

Action

Unanimously approved as submitted. (Arizumi/Arata)

Lease of Office Space for DSSH, Public Welfare Division, Hawaii Automated Welfare Information Project, Oahu.

Mr. Shimabukuro asked that the Payment, Utility Charges: should be $1,755.00 instead of $4,320.00 per mo. as shown in the submittal. The $4,320.00 figure should be shown under Rental.

Action

Mr. Ing moved to approve with the above amendment and also that the term of the rental be for two years instead of three years. Seconded by Mr. Arizumi, motion carried unanimously.

Lease of Office Space for DSSH, Public Welfare Division, Investigative and Recovery Unit, Oahu.

Action

Mr. Ing moved to approve with the amendment that the term be for two years instead of three years. Seconded by Mr. Kealoha, motion carried unanimously.

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LEASE OF OFFICE SPACE FOR DEPARTMENT OF HEALTH, ENVIRONMENTAL PROTECTION AND HEALTH SERVICES DIVISION, OAHU.

ACTION
Unanimously approved with the amendment that the term be for two years instead of three years. (Ing/Kealoha)

LEASE OF OFFICE SPACE FOR DSSH, HEALTH CARE ADMINISTRATION DIVISION, COMMUNITY LONG TERM CARE BRANCH, OAHU.

ACTION
Unanimously approved as submitted. (Ing/Kealoha)

LEASE OF OFFICE SPACE FOR DEPARTMENT OF SOCIAL SERVICES, PUBLIC WELFARE DIVISION, INVESTIGATIVE AND RECOVERY SERVICES PROGRAM EVALUATION OFFICE, KAUAI.

ACTION
Unanimously approved as submitted. (Zalopany/Kealoha)

LEASE OF OFFICE SPACE FOR DEPARTMENT OF HEALTH, CHILDREN'S MENTAL HEALTH PROGRAM, KAUAI.

ACTION
Unanimously approved as submitted. (Zalopany/Kealoha)

REQUEST OF MR. AND MRS. THOMAS MURATA TO CONSTRUCT ADDITIONAL DWELLING ON LOT 22-B, LALAMILO FARMLOTS, LALAMILO, SO. KOHALA, HAWAII.

Mr. Arata moved to approve as submitted.

Mr. Arata seconded.

Mr. Ing asked for clarification on Condition No. 3. What is meant by "they have earned the majority portion of their income, etc" -- is the majority greater than 50% of the total income or net income?

Someone representing the Murata's said that the majority is greater than 50% of the gross income of both Mr. and Mrs. Murata.

Mr. Ing asked also for clarification of Condition No. 4. He asked if this is to prohibit further subdivision.

Murata's representative said, yes.

Mr. Ing wondered why a savings clause was necessary as long as the dwelling was used for residential purposes. He could not understand the connection between "further subdivision and residential purposes."

Murata's representative said that if they wanted to put in another building they would have to come back to the department.

Mr. Ing said that the way it reads now it prohibits further subdivision as long as it is used for residential purposes.

Mr. Arata suggested that the residential portion be deleted.

Mr. Shimabukuro felt that maybe this condition would need to be revised.

In answer to Mr. Ing's question, Mr. Murata's representative said that there is no dwelling on Lot 22-B.

Mr. Shimabukuro in answer to Mr. Ing's question said that the covenants run with both Lots 22-A and 22-B.
Mr. Ing suggested that the covenant be reviewed by the Attorney General's Office. He wanted it made clear that applies to Lot 22-B only or all of Lot 22.

Mr. Paty called for the vote. Motion carried unanimously.

ITEM H-1
CDUA FOR THE SADDLE ROAD IMPROVEMENT BETWEEN THE 9-48 MILE MARKERS IN SO. HILO, NO. HILO, HAMAKUA, AND SO. KOHALA DISTRICTS, HAWAII.

(See Pages 2 & 3 for Action.)

ITEM H-2
CDUA FOR THE WAILOA RIVER BRIDGE REPLACEMENT AT TMK: 2-2-1, HILO, HAWAII (HON. EDWARD Y. HIRATA, DOT).

Mr. Garcia said that Condition No. 8 creates some difficulty for the Department of Transportation by restricting them to only certain periods of construction. They would prefer that the following portion of the condition be deleted: "construction activities be restricted to periods of minimal rainfall and runoff". They would prefer that the project not be delayed once they have started.

Mr. Ing said that the concern he has about removing this condition is that if there is flooding, and this condition is removed, can we say that the applicant will be responsible for storm drainage during periods of high rainfall? He would like to see this added to the condition.

ACTION
Mr. Ing moved to approve with the added condition that the applicant be responsible for adequate storm drainage during periods of high rainfall. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-3
CDUA FOR A SINGLE FAMILY RESIDENCE IN HAENA, KAUAI (MR. PIETER S. MYERS).

(See Page 3 for Action.)

ITEM H-4
CDUA FOR A SINGLE FAMILY DWELLING AT PA'O'O, NO. KOHALA, HAWAII (J. & J.S.R.T., INC., MICHAEL REARDON, PRESIDENT).

(See Page 4 for Action.)

ITEM H-5
SEAWALL REPORT
The board concurred with Mr. Ing that this item should be referred to the Attorney General's office for review and brought back to the board in one month. He asked that the Attorney General's office also make additional recommendation as to how this is to be implemented -- whether by rules and regulations or not.

RECESS:
The board, at 11:05, recessed for 5 minutes.

ITEM H-6
FILLING OF POSITION NO. 13120, PERSONNEL CLERK IV, SR-11, PERSONNEL OFFICE, OAHU.

ACTION
Mr. Ing moved to approve the appointment of Ms. Susan Morishige to Position No. 13120. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM J-1

ACTION
Unanimously approved as submitted (Arisumi/Zalopany)


AMENDMENT NO. 1 TO LEASE NO. DOT-A-82-12, HONOLULU INTERNATIONAL AIRPORT, OAHU (PACIFIC INTERNATIONAL SERVICES CORP. DBA DOLLAR RENT-A-CAR).

ACTION
Mr. Kealoha moved to approve Items J-2, J-3, J-4 and J-5 as submitted. Motion carried with a second by Mr. Zalopany.

Mr. Ing was excused from voting on these items.

APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4273, ETC., AIRPORTS DIVISION.

ACTION
Unanimously approved as submitted (Zalopany/Keahoha)

RENEWAL OF REVOCABLE PERMITS 3653, ETC., CONFORMING USE, AIRPORTS DIVISION.

ACTION
Mr. Arisumi moved to approve with the understanding that Mr. Garcia will look into the issuance of Revocable Permit 2501 to Aloha Airlines for space at Molokai Airport. Motion carried with a second by mr. Arata.

Mr. Ing was excused from voting on this item.

REVOCABLE PERMIT, KEWALO BASIN, HONOLULU, OAHU (TRUMAN ENTERPRISES, INC.).

ACTION
Unanimously approved as submitted. (Ing/Arisumi)

REVOCABLE PERMIT, KEWALO BASIN, HONOLULU, OAHU (LYNELL SPORT FISHING, INC.)

ACTION
Unanimously approved as submitted. (Ing/Keahoha)

REVOCABLE PERMIT, PIERS 27-28, HONOLULU HARBOR OAHU (YOUNG BROS., LTD.).

REVOCABLE PERMIT, PIERS 24-26, HONOLULU HARBOR, OAHU (YOUNG BROS., LTD.).

REVOCABLE PERMIT, PIERS 24-26, HONOLULU HARBOR, OAHU (YOUNG BROS., LTD.).

REVOCABLE PERMIT, PIERS 24-26, HONOLULU HARBOR, OAHU (YOUNG BROS., LTD.).

ACTION
Mr. Kealoha moved to approve Items J-10, J-11, J-12 and J-13 as submitted. Motion carried with a second by Mr. Zalopany.

Mr. Ing was excused from voting on these items.


ACTION
Unanimously approved as submitted. (Arisumi/Zalopany)

AMENDMENT NO. 1 TO LEASE NO. DOT-1-84-30, KEALHOLE AIRPORT, HAWAII (PHILLIP'S U-DRIVE, INC.).

ACTION
Unanimously approved as submitted. (Arisumi/Zalopany)

APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4274, ETC., AIRPORTS DIVISION.

ACTION
Unanimously approved as submitted. (Arisumi/Arata)
ITEM J-17  SALE OF LEASE THROUGH PUBLIC AUCTION, HALEIWA BOAT HARBOR, HALEIWA, OAHU.

ACTION  Unanimously approved as submitted. (Zalopany/Ing)

RESOLUTIONS:  The following resolutions were adopted by the board commending employees for their many years of faithful and conscientious service to the State of Hawaii.

. Mr. Stanley James Ah Nin, Nursery Worker in the Oahu Forestry Branch of the Division of Forestry and Wildlife for his more than thirty-nine years of service.

. Mrs. Lillian Aiko Nishihira, Secretary of the Division of Aquatic Resources for her more than thirty-seven years of service.

ADJOURNMENT:  There being no further business, the meeting was adjourned at 11:25 A.M.

Respectfully submitted,

Mrs. LaVerne Tirrell
Secretary

APPROVED:

WILLIAM W. PATY
Chairperson

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