

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

DATE: September 11, 1987  
TIME: 9:00 A.M.  
PLACE: Kalanimoku Building  
Room 132, Board Room  
1151 Punchbowl Street  
Honolulu, Hawaii

ROLL  
CALL

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

STAFF: Mr. Henry Sakuda  
Mr. Manabu Tagomori  
Mr. Ralston Nagata  
Mr. Michael Shimabukuro  
Mr. Roger Evans  
Mr. Maurice Matsuzaki  
Mr. Ronald Walker  
Mr. Melvin Young  
Mrs. Geraldine M. Besse

OTHERS: Johnson H. Wong, Esq., Deputy Attorney General  
William Tam, Esq., Deputy Attorney General  
Mr. Peter Garcia, Dept. of Transportation  
Mr. Theodore Sakai (Item F-2)  
Mr. George Yim (Item F-9)

MINUTES:

June 12, 1987 - Deferred. (Ing/Kealoha)  
July 24, 1987 - Unanimously approved as circulated. (Ing/Arisumi)

ADDED  
ITEMS

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

Item B-3 -- Request for Approval to Hold Public Hearing to Amend the Department's Administrative Rules, Chapter 13-89, Relating to Spiny Lobster (ula), to include Slipper Lobster (ula papapa).

Item D-4 -- Permission to Hire a Consultant Firm to Prepare Construction Plans and Specifications for Job No. 33-HL-A, Kona Marshalling Yard Project, Phase II at Honalo, Hawaii.

Item D-5 -- Approval for Award of Construction Contract - Job No. 4-OW-W, Drilling Feedwater Wells, Ewa Demonstration Desalting Plant, Ewa, Oahu.

Item H-7 -- Request for Out-of-State Travel to Attend the First National Conference Since the Promulgation of the Council on Environmental Quality Regulations in 1979 Relating to the Environment from November 16-18, 1987 at the United States Military Academy, West Point, New York.

Item H-8 -- Filling of Position No. 33450, Personnel Clerk III and Position No. 38840, Personnel Management Specialist IV, Oahu

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

ITEM F-9

ISSUANCE OF QUITCLAIM DEED OR LAND PATENT IN EXCHANGE FOR DEED TO PRIVATE LANDS BY WAY OF EQUITABLE SETTLEMENT, CIVIL NO. 5467, 3RD CIRCUIT, KOHALA CORPORATION V. CALLISH, KOHALA, HAWAII

Mr. Shimabukuro asked to amend his submittal: (a) under properties to be conveyed from Kohala Corporation to State of Hawaii, item B., delete the third item, 5-7-03:Por. 1 (easement); (b) under recommendation, add the finding that the abandoned road parcel designated by tax map key no. 5-7-03:Por. 10 is economically, physically, unsuitable and undesirable for development as a separate unit and declare that it is a remnant.

Mr. Shimabukuro stated that the State was successful in its claim to Mahukona I and that in 1985, Kohala Corporation filed for quiet title action on Mahukona I. On appeal, however, the Hawaii Supreme Court held for Kohala Corporation and remanded the case to the Third Circuit to determine what area constituted the "flat land" reserved by the King during the mahele.

Mr. Shimabukuro stated that Kohala Corporation has offered to settle the "flat land" issue by quitclaiming 6-10 acres in exchange for its fee land of approximately 16 acres. A portion of that is under lease to the county; a portion is adjacent to the Coast Guard property. They would also like to include the abandoned road in exchange for another easement serving State land under lease to Richard Smart. The shoreline trail (floating easement) may be relocated at a later date.

Mr. Shimabukuro indicated he recommended the exchange for 16 +/- acres as settlement, with the details to be worked out by the Attorney General's office; he also requested authorization to publish the disposition.

Mr. Shimabukuro stated that Mr. William Tam, deputy attorney general, and the attorney for the Kohala Corporation were both present.

Mr. Kealoha questioned Mr. Shimabukuro on the size of the remnant piece. Mr. Shimabukuro indicated that it was approximately one acre; that it was 30 feet wide, and the road is about 50 feet; that the acreage to be exchanged was about the same, combining the flat areas, 6-9 acres. Mr. Kealoha also asked whether it was fast land, and Mr. Shimabukuro answered in the affirmative.

Deputy Attorney General William Tam was called forward. He stated that the area reserved was the flat lands and harbor area land. The exact measurements have not been determined by any court or land document. The State contends, however, that the parcel is between 6 to 8 acres. However, he stated that Kohala Corporation differed with the State on the measurement. Mr. Tam explained that the disputed acreage could be measured by the survey office. He said they are before the Board to obtain approval in concept and subsequently to obtain the approval from the Third Circuit Court. He said the settlement did not include the floating easement; however, Mr. Wong suggested that it might be beneficial to have the easement measured so that when it is relocated the measurements will be the same.

Mr. Shimabukuro summarized stating that the total acreage of State of Hawaii land to be conveyed to Kohala Corporation is 7 to 11 acres, and from Kohala Corporation to the State, 16 +/- acres. Under the lands from Kohala Corporation to the State, the easement is deleted and that the roadway is included in parcel 5-7-03:13. Mr. Shimabukuro agreed to amend his submittal subject to verification of the acreage involved.

**ACTION**

Mr. Arata moved for approval as amended and subject to verification of the acreage; seconded by Mr. Arisumi and unanimously carried.

ITEM F-2 DEPARTMENT OF CORRECTIONS REQUEST FOR RIGHT-OF-ENTRY OVER GOVERNMENT LANDS AT WAIAKEA, SOUTH, HILO, HAWAII  
 ACTION Unanimously approved as submitted (Arata/Arisumi).

ITEM J-4 CONTINUANCE OF REVOCABLE PERMITS H-78-713, ETC., HARBORS DIVISION  
 Mr. Ing asked to be excused from voting on this item.  
 ACTION Unanimously approved as submitted (Kealoha/Arata).

ITEM B-1 REQUEST FOR APPROVAL TO HOLD PUBLIC HEARINGS TO AMEND THE DEPARTMENT'S ADMINISTRATIVE RULES, CHAPTER 13-47, RELATING TO FISHING IN HILO BAY, WAILOA RIVER, AND WAILUKU RIVER, HAWAII, AND CHAPTER 13-53, RELATING TO FISHING IN MANELE HARBOR, LANAI  
 Mr. Sakuda explained that this was a housekeeping measure and that discussions were held in Hilo and on Lanai.  
 ACTION Unanimously approved as submitted (Arata/Zalopany).

ITEM B-2 OUT-OF-STATE TRAVEL REQUEST FOR ERIC ONIZUKA TO ATTEND FEDERAL AID COORDINATORS CONFERENCE, OCTOBER 6-8, 1987  
 ACTION Unanimously approved as submitted (Ing/Kealoha).

ADDED ITEM B-3 REQUEST FOR APPROVAL TO HOLD PUBLIC HEARING TO AMEND THE DEPARTMENT'S ADMINISTRATIVE RULES, CHAPTER 13-89, RELATING TO SPINY LOBSTER (ULA), TO INCLUDE SLIPPER LOBSTER (ULA PAPAPA)  
 ACTION Unanimously approved as submitted (Zalopany/Arisumi).

ITEM D-1 PERMISSION TO HIRE AN ELECTRICAL ENGINEERING CONSULTANT FIRM TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR JOB NO. 3-9W-D, ELECTRICAL TRANSFORMER FOR WAIKOLU WELLS AT WAIKOLU, MOLOKAI  
 Mr. Paty inquired as to the ownership of the land. Mr. Tagomori stated that the National Park Service manages those lands but would have to cross-check that information.  
 ACTION Unanimously approved as submitted (Arisumi/Zalopany).

ITEM D-2 SOIL AND WATER CONSERVATION DISTRICT DIRECTORS, MAUI AND OAHU  
 ACTION Unanimously approved as submitted (Ing/Arisumi).

ITEM D-3 COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR WATER RESOURCES INVESTIGATIONS, FY 1988  
 ACTION Unanimously approved as submitted (Ing/Arisumi).

ADDED ITEM D-4 PERMISSION TO HIRE A CONSULTANT FIRM TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR JOB NO. 33-HL-A, KONA MARSHALLING YARD PROJECT, PHASE II AT HONALO, HAWAII  
 ACTION Unanimously approved as submitted (Arata/Arisumi).

ADDED ITEM D-5 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT - JOB NO. 4-OW-W, DRILLING FEEDWATER WELLS, EWA DEMONSTRATION DESALTING PLANT, EWA, OAHU  
 ACTION Unanimously approved as submitted (Ing/Arata).

ITEM E-1

SUBMITTAL OF INITIAL TWO CURATOR AGREEMENTS FOR HISTORIC SITES

In response to Mr. Ing's concern regarding liability, Mr. Nagata stated that provisions on liability were included in the agreements but had not been reviewed by the Attorney General's office.

ACTION

Mr. Arata moved for approval, subject to review by the Attorney General's office; seconded by Mr. Arisumi and unanimously approved.

ITEM F-1

DOCUMENTS FOR CONSIDERATION

ITEM F-1-a

KAUAI BUILDERS, LTD., REQUEST FOR REVOCABLE PERMIT, TAX MAP KEY 3-2-03:33, NAWILIWILI, LIHUE, KAUAI

Mr. Shimabukuro asked to amend the commencement date of the permit to read "to be determined by the Chairperson."

ITEM F-1-b

NAWILIWILI MACHINE SHOP, INC., REQUEST FOR REVOCABLE PERMIT, TAX MAP KEY 3-3-03:38, NAWILIWILI, LIHUE, KAUAI

Mr. Shimabukuro asked to amend the commencement date of the permit to read "to be determined by the Chairperson."

ITEM F-1-c

B.K. EXOTICS, INC., REQUEST FOR CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4415, PAHOA AGRICULTURAL PARK, KEONEPOKO IKI, PUNA, HAWAII

ACTION

Mr. Kealoha moved to approve Item F-1-a, as amended, Item F-1-b, as amended, and Item F-1-c. Seconded by Mr. Zalopany and unanimously carried.

ITEM F-2

Approved. See page 3.

ITEM F-3

LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF BUDGET AND FINANCE, PUBLIC DEFENDER'S OFFICE, HONOLULU, OAHU

Mr. Shimabukuro asked to amend the amount of the total rent to \$3,150.

ACTION

Mr. Ing moved to approve as amended; seconded by Mr. Kealoha and unanimously approved.

ITEM F-4

AMENDMENT -- LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, MAUI INTAKE SERVICE CENTER, WAILUKU, MAUI (ITEM F-16 OF JULY 10, 1987)

ACTION

Unanimously approved as submitted (Arisumi/Kealoha).

ITEM F-5

LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, PUBLIC WELFARE DIVISION, HONOLULU, OAHU

ACTION

Unanimously approved as submitted (Arisumi/Kealoha).

ITEM F-6

LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, EMERGENCY MEDICAL SERVICES SYSTEM BRANCH, PRINCEVILLE, KAUAI

Mr. Arisumi queried Mr. Shimabukuro on the calculation of the rent. Mr. Shimabukuro stated that he would recheck the figures.

ACTION

Unanimously approved, subject to a recheck of the rent calculation (Zalopany/Kealoha).

- ITEM F-7      AMENDMENT -- LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES  
HONOLULU, OAHU
- Mr. Shimabukuro asked to delete the second paragraph as the term of two years was already included in the previous submittal. He also asked to include the general excise tax to read \$347.35 per month, and deleting the word "doesn't" in the last paragraph and the total to \$9,031.19 per month at \$1.21 per square foot.
- ACTION      Mr. Ing moved for approval as amended; seconded by Mr. Kealoha and unanimously approved.
- ITEM F-8      AMENDMENT -- LEASE OF OFFICE SPACE TO DEPARTMENT OF HEALTH, MEDICAL HEALTH  
SERVICES DIVISION, AIR POLLUTION SECTION, HONOLULU, OAHU
- Mr. Shimabukuro asked to amend his previous submittal to add a paragraph titled, "Lessee to Bear Pro-rata Share of Cost of Services." This provision was not included in the previous submittal.
- ACTION      Unanimously approved as submitted (Ing/Kealoha).
- ITEM F-9      Approved, subject to verification. See page 2.
- ITEM H-1      CDUA FOR AFTER-THE-FACT COMMERCIAL MOORING OFFSHORE TMK 3-5-23:41, KAHALA,  
OAHU - FILED BY KAHALA CATAMARANS, INC.
- Mr. Evans asked to include on page 7, condition 3, "to include past occupancy."
- Mr. Evans asked to amend item no. 2 under analysis to read that a public hearing was "not" required.
- Mr. Ing asked to amend the conditions to include a provision that if DOT later establishes a mooring, DLNR reserves the right to determine land use so that it is not grandfathered in and that this be added as condition no. 12.
- ACTION      Mr. Ing moved for approval as amended; seconded by Mr. Kealoha and unanimously carried.
- ITEM H-2      CDUA FOR A SINGLE-FAMILY RESIDENCE AND AGRICULTURAL USE AT KAIWIKI  
HOMESTEAD, SOUTH HILO, HAWAII - FILED BY MR. STEVEN BASS
- Mr. Evans asked that the words "was not" under "Analysis," Item No. 2, be deleted.
- ACTION      Unanimously approved as amended (Arata/Zalopany).
- ITEM H-3      CDUA FOR SINGLE-FAMILY RESIDENTIAL AND FARM USE AT TMK: 2-6-11: 34, UPPER  
KAIWIKI, SOUTH HILO, HAWAII - FILED BY MR. & MRS. ANTHONY TAYLOR-LUTZ
- Mr. Evans recommended approval of the single-family residence and children's play area but not approval of the other uses until a "master plan" has been developed.
- Mr. Arisumi suggested that the cesspool and water catchment be approved and included in condition no. 10.
- ACTION      Unanimously approved as amended (Arata/Arisumi).

- AMENDMENT TO APPROVED CDUA HA-1843 TO INCLUDE REROUTING TO AND UPGRADING OF SUBSTANDARD TRANSMISSION LINE AT KOHALA, HAWAII, TMKS:6-6-2: 40 AND 6-9-1: 15 - FILED BY HAWAII ELECTRIC LIGHT CO. & HAWAIIAN TELEPHONE CO.
- ITEM H-4
- Mr. Ing asked to be excused from voting on this matter.
- ACTION Unanimously approved (Arata/Arisumi).
- REQUEST FOR TIME EXTENSION ON AMENDMENT TO AN APPROVED CDUA FOR THE INSTALLATION OF A SWIMMING POOL, A GARDEN SPRINKLER SYSTEM AND GARDEN STORAGE HOUSE AT PAHOA, PUNA, HAWAII, TMK: 1-5-9: 39 - FILED BY MR. JERRY E. MERRILL
- ITEM H-5
- ACTION Unanimously approved as submitted (Arata/Arisumi).
- REQUEST FOR TIME EXTENSION OF A CDUA FOR THE KAUMANA-KEAMUKU, 138 KV TRANSMISSION LINE AT SOUTH HILO, NORTH HILO, HAMAKUA, SOUTH KOHALA, HAWAII FILED BY HAWAII ELECTRIC LIGHT COMPANY
- ITEM H-6
- Mr. Evans stated that subsequent to placing this item on the agenda, information was received and questions were raised about the manner in which the actual work was being done relating to whether or not all the conditions imposed by the Board have been met, specifically, departmental approval prior to building access roads and cutting down trees, and these matters have not been resolved.
- ACTION Unanimously approved (Arata/Arisumi).
- REQUEST FOR OUT-OF-STATE TRAVEL TO ATTEND THE FIRST NATIONAL CONFERENCE SINCE THE PROMULGATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS IN 1979 RELATING TO THE ENVIRONMENT FROM NOVEMBER 16-18 AT THE UNITED STATES MILITARY ACADEMY, WEST POINT, NEW YORK
- ADDED ITEM H-7
- ACTION Unanimously approved (Arisumi/Kealoha).
- ADDED ITEM H-8
- FILLING OF POSITION NO. 33450, PERSONNEL CLERK III AND POSITION NO. 38840, PERSONNEL MANAGEMENT SPECIALIST IV, OAHU
- ACTION Mr. Ing moved for the appointment of Karen Azama to Position No. 33450 and Myra Kon to Position No. 33540. Seconded by Mr. Kealoha and unanimously carried.
- ITEM J-1
- AMENDMENT NO. 1 TO LEASE NO. DOT-A-86-16, KEAHOLE AIRPORT, HAWAII (HOST INTERNATIONAL, INC.)
- ACTION Unanimously approved (Arata/Kealoha).
- ITEM J-2
- AMENDMENT NO. 2 TO LEASE NO. DOT-A-76-6, KAHULUI AIRPORT, MAUI (HOST INTERNATIONAL, INC.)
- ACTION Unanimously approved (Arisumi/Arata).
- ITEM J-3
- APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4377, 4381, AND 4384, AIRPORTS DIVISION
- ACTION Unanimously approved (Ing/Arisumi).
- ITEM J-4
- Approved. See page 3.
- ITEM J-5
- ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI BOAT HARBOR, HONOLULU, OAHU (Mr. RUDY R. VELA DBA ICE VENDING, HAWAII)
- ACTION Unanimously approved (Ing/Kealoha).

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HIGHWAYS DIVISION, KEEHI INTERCHANGE,  
HONOLULU, OAHU (J.W. SCHULZE, INC., GENERAL CONTRACTORS)

ACTION Unanimously approved (Ing/Arisumi).

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, LIHUE, KAUAI, AIRPORTS DIVISION  
(HEMMETER-VMS-KAUAI CO. I)

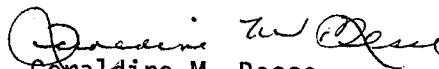
Mr. Garcia submitted the above item, which was approved for submittal to the Board and signed by Mr. Paty.

Mr. Garcia stated the request was for the granting of an access opening between the Hemmeter property and the airport so that Hemmeter could have access with horses and avoid the highway. The proposal is supported by the County of Kauai.

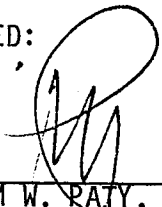
ACTION Unanimously approved (Zalopany/Kealoha).

ADJOURNMENT There being no further business, the meeting was adjourned at 10:37 A.M.

Respectfully submitted,

  
Geraldine M. Besse  
Secretary

APPROVED:

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