

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

DATE: November 6, 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 (arrived at 10:20 A.M.)  
Mr. Leonard Zalopany  
Mr. John Arisumi  
Mr. Herbert Arata  
Mr. William W. Paty

STAFF: Mr. Henry Sakuda  
Mr. Ralston Nagata  
Mr. Mike Shimabukuro  
Mr. Roger Evans  
Mr. Maurice Mutsuzaki  
Mrs. LaVerne Tirrell

OTHERS: Ms. Dona Hanaike, Deputy A.G.  
Mr. Peter Garcia, Dept. of Transportation  
Mr. David Lacock (Item H-1)

MINUTES: July 30, 1987 - Unanimously approved as submitted. (Ing/Arisumi)  
September 11, 1987 - Unanimously approved as submitted. (Ing/Arisumi)

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

Item B-2 -- Request for Approval to Hold Public Meeting and Hearing to Amend the Department's Administrative Rules, Chapter 13-48, Waikiki-Diamond Head Shoreline Fisheries Management Area, Oahu, and adopt new Administrative Rules, Chapter 13-36, Waikiki Marine Life Conservation District, Oahu.

Item B-3 -- Request to Fill Clerk-Typist II, Position Nos. 39079 (Kauai), 39080 (Hawaii, and 39081 (Maui) in the Division of Aquatic Resources.

Item F-11 -- Authorization to Hold Public Hearing -- Withdrawal of Land From Forest Reserve, Wahiawa, Oahu.

Item H-5 -- CDUA FOR Keanae Road Improvements at Hana, Maui (Maui County, Department of Public Works).

Item H-6 -- Request for Personnel Action.

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

ITEM H-3

CDUA FOR AN OVERHEAD POWERLINE AT MAKUA, OAHU (MR. LYLE E. TOEPKE).

Mr. Ing felt that since this involves State land, either this process, or the disposition process, there ought to be some kind of condition with respect to the waterline. Reading the application, Mr. Ing noted that the waterline was not covered by the CDUA process. In the event they encounter archaeological findings, there should be a condition that they stop work.

Mr. Evans said that this condition is included with relation to the overhead line; however, they do not as it relates to the waterline. An attempt to satisfy this concern is on page 3, first paragraph, wherein the Historic Sites Branch commented that they had requested archaeological testing for the proposed waterline when this project was originally submitted as a CDUA application for an underground waterline and overhead powerline.

Mr. Paty asked the applicants, Messrs. Toepke and Tamashiro, to come forward.

To clarify on the waterline, Mr. Toepke said that they did an archaeological reconnaissance study, prior to the waterline, to test all along the waterline to identify whether there were any sites. There were sites on both sides of the road. During construction of the waterline there was also archaeological monitoring.

ACTION

Unanimously approved as submitted. (Ing/Arisumi)

ITEM H-1

AFTER-THE-FACT CDUA FOR AN ART STUDIO AND STORAGE AND SHED AT HAENA, KAUAI (MR. DAVID M. LACOCK).

Mr. Evans said that the applicant, about a year ago, had constructed a separate art studio without any government approval. In order to conform to the one-house-per-lot of past board actions, the kitchen and restroom facilities were suggested to be removed from the existing guest house. Staff is recommending denial and that the board impose a fine of \$500.00.

Mr. Lacock said that his plan for building an art studio came up about one and one-half year ago when he started to get a little frustrated in his big house and wanted a space where he could get away from his kids and paint. He needed a place for himself and his children to paint and be messy. This building was built primarily for an art studio. Most of his property is for farming but this studio was put in an area where he could not do farming. He went on to describe the type of structure that was built, his reason for building same, and the problems he encountered. He said that the toilet and sink was taken out. He never intended to use it as a guest house -- just an art studio.

As a point of clarification, Mr. Evans said that what we are really discussing are three separate structures. We have a house that has been approved by the board consisting of about 1300 sq. ft.; we have what is called an art studio/storage shed, which is basically two separate 220 sq. ft. structures that are connected, so we have three structures.

Mr. Paty asked Mr. Evans where he got three structures.

Mr. Evans explained that there is another structure on the platform where the so-called art studio is.

Mr. Arisumi asked Mr. Lacock about the amount of money he makes from farming.

Mr. Lacock said that he does not make much. He normally takes what he grows to the Health Food Store and they, in return, let him have something else. He said that he had over 100 banana trees and about 1200 pineapple plants.

Mr. Arisumi asked, "if you were to only retain one structure for your tools, etc. and have no art studio, can you live with that?"

Mr. Lacock felt that to be better than tearing the whole thing down. However, he explained that his art is also a big part of his livelihood. Having a place to create is very important to him because this is basically where he makes most of his money.

ACTION

Mr. Zalopany moved that the structure remain, without the toilet and tub, but that the sink remain. Said building not be used as a rental unit. However, the \$500.00 fine to be imposed.

Mr. Paty called for a second.

Mr. Ing found the motion difficult. He listened to what Mr. Lacock had to say and he found it very difficult to believe him and that he would follow the conservation district rules in the future. This is a person who purchased property from someone who was in violation, someone who was fined and forced to tear down the shed. This gentleman has lived in Haena for fifteen years so he should have known, from other people in the area, that because of the conservation district zoning that permits are required for structures. Mr. Ing found it incredible that he would not know that some kind of government permit was required before he put up his structure. If he had gone to the County he would have found out. The County would not have processed his application for a building permit because the land is conservation. He would then have been forced to come back to this board to seek a permit. Mr. Ing felt that if the board allows him to continue with this structure there is no telling what he will do in the future. Although he would like to see Mr. Lacock make a living, he just can't believe what has been said and is unwilling to go along with that.

Mr. Arisumi seconded the motion with an amendment that since Mr. Lacock is a part time farmer and there is no question that they need storage space and a place to put the produce, he could not see the entire structure retained. His amendment is that one-half of the structure be retained for his tools for farming, etc.

Mr. Zalopany accepted Mr. Arisumi's amendment to his motion.

Mr. Ing said that if this gentlemen is going to become a commercial farmer, then he would probably need another CDUA.

Mr. Paty called for a vote on the motion as amended. Messrs. Zalopany, Arisumi and Paty voted yes. Messrs. Ing and Arata voted no. Motion died for lack of a majority vote.

(Note: Mr. Kealoha arrived at 10:25 A.M. He was not present when action was taken on Mr. Lacock's request.)

Mr. Ing thought that the deadline on this application was December 23rd.

Mr. Evans said that, absent a definitive action today by the Board, staff would be required to replace this on the board's agenda for action at the next board meeting, which would be held on Maui. The board, at that time, could reconsider today's action, or direct the staff to bring it back to the board.

Mr. Ing said that he was agreeable to having this brought back to the board for reconsideration; however, he would like to see photographs of the structures at the next meeting.

ITEM J-4                    CONSENT TO ASSIGNMENT OF INDENTURE OF LEASE DATED SEPTEMBER 24, 1973, HARBORS DIVISION, SAND ISLAND, HONOLULU, OAHU (SEA-LAND SERVICE, INC.)

ACTION                    Unanimously approved as submitted. (Ing/Arisumi)

ITEM J-5                    ISSUANCE OF REVOCABLE PERMIT (R.P.), HARBORS DIVISION, SAND ISLAND, HONOLULU OAHU (SEA-LAND SERVICE, INC.).

ITEM J-6                    ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 51A, HONOLULU HARBOR, OAHU (SEA-LAND SERVICE, INC.).

ACTION                    Mr. Ing moved to approve Items J-5 and J-6 as submitted. Seconded by Mr. Arisumi, motion carried unanimously.

RECESS:                    9:45 A.M.

RECOVENE:                 9:50 A.M.

ITEM B-1                    REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE PACIFIC GAMEFISH RESEARCH FOUNDATION TO CONDUCT BIOCHEMICAL RESEARCH ON BURNT TUNA.

ACTION                    Unanimously approved as submitted. (Ing/Arata)

ADDED  
ITEM B-2                    REQUEST FOR APPROVAL TO HOLD PUBLIC MEETING AND HEARING TO AMEND THE DEPARTMENT'S ADMINISTRATIVE RULES, CHAPTER 13-48, WAIKIKI-DIAMOND HEAD SHORELINE FISHERIES MANAGEMENT AREA, OAHU, AND ADOPT NEW ADMINISTRATIVE RULES CHAPTER 13-36, WAIKIKI MARINE LIFE CONSERVATION DISTRICT, OAHU.

ACTION                    Unanimously approved as submitted. (Arata/Arisumi)

ADDED  
ITEM B-3                    REQUEST TO FILL CLERK-TYPIST II, POSITION NOS. 39079 (KAUAI), 39080 (HAWAII), 39081 (MAUI) IN THE DIVISION OF AQUATIC RESOURCES.

ACTION                    Unanimously approved as submitted. (Arata/Arisumi)

ITEM E-1                    PERMISSION TO NEGOTIATE AND ENGAGE THE SERVICES OF CONSULTANTS FOR AN ORAL HISTORY PROJECT AND TO DEVELOP AN INTERPRETIVE PLAN AT KAMOA POINT STATE HISTORICAL PARK, NORTH KONA, ISLAND OF HAWAII.

ACTION                    Unanimously approved as submitted. (Arata/Arisumi)

ITEM E-2                    PERMISSION TO NEGOTIATE AND ENGAGE THE SERVICES OF A CONSULTANT FOR HISTORICAL RESEARCH AT KAAWALOA, KEALAKEKUA BAY STATE HISTORICAL RESEARCH AT KAAWALOA, KEALAKEKUA BAY STATE HISTORICAL PARK, SO. KONA, ISLAND OF HAWAII.

ACTION                    Unanimously approved as submitted. (Arata/Arisumi)

ITEM E-3                    PERMISSION TO NEGOTIATE AND ENGAGE THE SERVICES OF CONSULTANTS FOR A HISTORICAL RESEARCH STUDY, A BOTANICAL SURVEY, A GEOLOGICAL STUDY, AND AN OCEAN RECREATION STUDY FOR HAENA STATE PARK, KAUAI.

ACTION                    Unanimously approved as submitted. (Zalopany/Arata)

ITEM F-1                    DOCUMENTS FOR CONSIDERATION.

Item F-1-a                 ISSUANCE OF REVOCABLE PERMIT TO SMILEY'S SUPER SERVICE, INC., LOT A, KAMEHAMEHA AVENUE AND KALANIKOA STREET, TMK 2-2-32:62, WAIAKEA, SO. HILO, HAWAII.

Item F-1-b                 ASSIGNMENT OF GRANT OF EASEMENT BEARING LAND OFFICE DEED NO. S-27473 AT NORTH KONA, HAWAII, TMK 7-2-04 & 17.

- Item F-1-c CONSENT TO SUBLEASE, CORMAX CORP. TO PACIFIC COMPUTERS OF HAWAII, GENERAL LEASE NO. S-4644, KALAUAO, EWA, OAHU.
- Item F-1-d CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-3992, LAWAI, KOLOA (KONA), KAUAI.
- Mr. Ing asked to be excused from voting on the consent calendar.
- ACTION Mr. Arata moved to approve Items F-1-a, b, c & d as submitted. Motion carried with a second by Mr. Arisumi.
- Mr. Ing was excused from voting on Item F-1.
- ITEM F-2 DEPARTMENT OF TRANSPORTATION REQUEST FOR IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY AND EVENTUAL WITHDRAWAL AND SET ASIDE BY GOVERNOR'S EXECUTIVE ORDER TO STATE PARCELS AFFECTED BY FEDERAL AID PROJECT NO. BR-019-2(25), HAWAII BELT ROAD, KAMEHAMEHA AVENUE, WAILOA BRIDGE REPLACEMENT AND APPROACHES, SOUTH HILO, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-3 ACCESS AGREEMENT BETWEEN THE STATE OF HAWAII, HUI MAMALAHOA PUBLIC ACCESS ASSOCIATION AND KOHALA CORP., NORTH KOHALA, HAWAII, TMK 5-2-04:POR. 03; AND 5-2-07:POR. 12 (REF.: CIVIL NO. 5464, 3RD CIRCUIT).
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-4 RECONVEYANCE OF ESCHEATED REAL PROPERTY PURSUANT TO ORDER REOPENING ANCILLARY ADMINISTRATION, ADMITTING WILL TO ANCILLARY PROBATE, AND DETERMINING HEIRS: ESTATE OF GLADYS BALL CARPER, DECEASED, SMALL ESTATE NO. 2941, 3RD CIRCUIT COURT, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-5 REQUEST FOR DEPARTMENT OF TRANSPORTATION FOR SET ASIDE OF ADDITIONAL AREA FOR SLOPE EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY, HONOAPIILANI HIGHWAY CHAIN LINK DRAPERY PROJECT NO. 30C-02-86, PORTION AFFECTING GOVERNMENT LAND OF UKUMEHAME, LAHAINA, MAUI, TMK 4-8-01:POR. 01.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-6 WITHDRAWAL OF LAND FROM GOVERNOR'S EXECUTIVE ORDER NO. 2774 AND CONVEYANCE TO COUNTY OF MAUI FOR ROADWAY PURPOSES, MAKAWAO, MAUI, TMK 2-4-24:POR. 28.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-7 DEPARTMENT OF HUMAN SERVICES REQUEST TO EXTEND TERM OF GENERAL LEASE NO. S-4826 TO GOODWILL INDUSTRIES OF HONOLULU, INC., SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT II, LOT 3, MOANALUA, HONOLULU, OAHU, TMK 1-1-64:27.
- Mr. Shimabukuro asked to amend this submittal by including an additional amendment to General Lease No. S-4826 incorporating the Extended Sheltered Workshop Agreement thereto. The present agreement is for the period July 1, 1987 to June 30, 1992.
- ACTION Unanimously approved as amended. (Ing/Arisumi)

ITEM F-8 REVISION OF LIABILITY INSURANCE REQUIREMENTS FOR REVOCABLE PERMIT NO. S-6074 TO KAUAI MOUNTAIN TOURS, INC., KAUAI.

Mr. Shimabukuro asked to amend the amount shown under RECOMMENDATION from \$1,000.000 to \$1,000,000.00.

ACTION Unanimously approved as amended. (Zalopany/Arata)

ITEM F-9 REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR ELECTRIC AND TELEPHONE LINE PURPOSES, KAPAA HOMESTEADS, KAPAA, KAUAI.

ACTION Unanimously approved as submitted. (Zalopany/Arisumi)

ITEM F-10 AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, COMMUNITY LONG TERM CARE SECTION, ITEM F-5, SEPTEMBER 11, 1987, HONOLULU, OAHU.

ACTION Unanimously approved as submitted. (Ing/Arata)

ADDED ITEM F-11 AUTHORIZATION TO HOLD PUBLIC HEARING -- WITHDRAWAL OF LAND FROM FOREST RESERVE, WAHIAWA, OAHU.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM H-1 AFTER-THE-FACT CDUA FOR AN ART STUDIO AND STORAGE SHED AT HAENA, KAUAI (MR. DAVID M. LACOCK).

(See Page 3 for Action.)

ITEM H-2 CDUA FOR REPLACEMENT AND EXPANSION OF AN EXISTING PIER FRONTING THE KANEOHE YACHT CLUB AT KANEOHE BAY, OAHU (MR. ROD MOORE, COMMODORE).

ACTION Unanimously approved as submitted. (Ing/Arata)

ITEM H-3 CDUA FOR AN OVERHEAD POWERLINE AT MAKUA, OAHU (MR. LYLE E. TOEPKE).

Approved. See Page 2.

ITEM H-4 REQUEST FOR TIME EXTENSION OF AN APPROVED CDUA FOR A NONCONFORMING SINGLE-FAMILY RESIDENTIAL USE AT LAUPAHOEHOE, HAWAII (MR. PETER HEBDEN).

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ADDED ITEM H-5 CDUA FOR KEANAE ROAD IMPROVEMENTS AT HANA, MAUI (MAUI COUNTY, DEPARTMENT OF PUBLIC WORKS).

Mr. Ing asked to amend Recommendation No. 3. by adding "include right of entry" at the end of the sentence.

ACTION Unanimously approved as amended. (Arisumi/Arata)

ADDED ITEM H-6 REQUEST FOR PERSONNEL ACTION.

Mr. Evans asked to amend the RECOMMENDATION by changing (G) to (E) and the effective date from December 15 to December 16.

ACTION Unanimously approved as amended. (Arisumi/Arata)

- ITEM I-1            APPOINTMENT OF LICENSE AGENT: THE FEED STORE, ISLAND OF HAWAII.
- ACTION            Mr. Arata moved to approve the appointment of The Feed Store as a license agent to sell hunting licenses, effective November 13, 1987. Seconded by Mr. Arisumi, motion carried unanimously.
- ITEM J-1            GIFT AND APPAREL CONCESSION, KEAHOLE AIRPORT, HAWAII.
- ACTION            Unanimously approved as submitted. (Arata/Arisumi)
- ITEM J-2            REQUEST OF CITY AND COUNTY OF HONOLULU FOR GRANT OF EASEMENT FOR MAINTENANCE AND REPAIR OF ALA MOANA BOX DRAIN EXTENSION AT ALA WAI YACHT BASIN, HONOLULU, OAHU.
- ACTION            Unanimously approved as submitted. (Ing/Arisumi)
- ITEM J-3            APPROVAL OF CONSENT TO SUBLEASE A PORTION OF PREMISES OF LICENSE NO. 26, KEWALO BASIN, HONOLULU, OAHU (SERVCO PACIFIC, INC.).
- ACTION            Mr. Arata moved to approve as submitted. Motion carried with a second by Mr. Ing.
- Mr. Kealoha was excused from voting on this item.
- ITEM J-4            CONSENT TO ASSIGNMENT OF INDENTURE OF LEASE DATED SEPTEMBER 24, 1973, HARBORS DIVISION, SAND ISLAND, HONOLULU, OAHU (SEA-LAND SERVICE, INC.).
- Approved. See Page 4.
- ITEM J-5            ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, SAND ISLAND, HONOLULU, OAHU (SEA-LAND SERVICE, INC.).
- Approved. See Page 4.
- ITEM J-6            ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 51A, HONOLULU HARBOR, HARBOR, OAHU (SEA-LAND SERVICE, INC.).
- Approved. See Page 4.
- ITEM J-7            ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI COMMERCIAL SUBDIVISION, KALIHI-KAI, OAHU (HAWAIIAN BITUMULS AND PAVING CO., LTD.).
- ACTION            Unanimously approved as submitted. (Ing/Arisumi)
- ITEM J-8            ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI BOAT HARBOR AND KEEHI BOAT HARBOR, HONOLULU, OAHU (SONNIE GAY, LTD.).
- ACTION            Unanimously approved as submitted. (Ing/Arata)
- ITEM J-9            ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 1, CFS, HONOLULU HARBOR, OAHU (HAWAII PACIFIC MARITIME, INC.).
- Mr. Garcia asked to change the rental amount from \$400 a month to \$680 a month.
- ACTION            Unanimously approved as submitted. (Ing/Arisumi)
- ITEM J-10          CONTINUANCE OF REVOCABLE PERMITS H-85-1281, ETC., HARBORS DIVISION.
- ACTION            Mr. Zalopany moved for approval; motion carried with a second by Mr. Kealoha. Mr. Ing was excused from voting on this item.

ISSUANCE OF REVOCABLE PERMIT, HIGHWAYS DIVISION, KEEHI INTERCHANGE,  
HONOLULU, OAHU (J. W. SCHULZE, INC., GENERAL CONTRACTORS AND PINERIDGE FARMS,  
INC.).

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ITEM J-11

ACTION

Unanimously approved as submitted. (Ing/Arata)

ISSUANCE OF REVOCABLE PERMIT, HIGHWAYS DIVISION, LUNALILO FREEWAY, FAP J-11-1  
(23), PELE STREET TO KEEAUMOKU STREET SECTION, OAHU (PACIFIC CONSTRUCTION  
CO., LTD).

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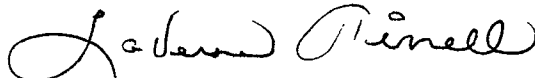
ITEM J-12

ACTION

Unanimously approved as submitted. (Ing/Arisumi)

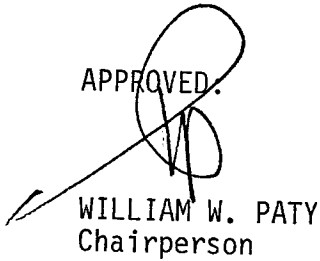
ADJOURNMENT: There being no further business, the meeting was adjourned at 10:40 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell  
Secretary

APPROVED.



WILLIAM W. PATY  
Chairperson

It