

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

DATE: January 8, 1988
TIME: 9:00 A.M.
PLACE: Conference Rooms A, B and C
State Office Building
75 Aupuni Street
Hilo, 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. Ronald Walker
Mr. Manabu Tagomori
Mr. Michael Shimabukuro
Mr. Roger Evans
Mr. Rufus Kuilipule
Mr. Larry Okazaki
Mrs. Geraldine M. Besse

OTHERS: Mr. Richard Armstrong (Item F-3)
Mr. Russell Figueroa (Item F-3)
Mr. Russell Oda and I. Sato (Item F-1-e and F-6)
Mr. Walter Ozawa (Item F-11)
Mr. Dennis Kamiura (Item F-13)
Mr. Max Graham (Item H-1)
Ms. Barbara Stanton (Item H-4)
Johnson H. Wong, Esq., Deputy Attorney General
Mr. Peter Garcia, Dept. of Transportation

MINUTES: August 14, 1987 - unanimously approved as submitted (Kealoha/Zalopany)
November 6, 1987 - unanimously approved as submitted (Kealoha/Zalopany)
November 20, 1987 - unanimously approved as submitted (Kealoha/Zalopany)

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

Item H-6 -- Conservation District Use Application for a Single-Family Residential Use at Haena, Kauai, Hawaii

Item H-7 -- Filling of Position No. 9690, Account Clerk IV, Administrative Services Office, Oahu

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

ITEM F-1-e CONSTRUCTORS HAWAII, INC. REQUEST FOR REVOCABLE PERMIT, WAIAKEA, SO. HILO, HAWAII

ACTION Unanimously approved as submitted (Ing/Arisumi).

ITEM F-6	TOHBI HAWAIIAN CORP. REQUEST FOR GRANT OF EASEMENT, WAIAKEA, SO. HILO, HAWAII
ACTION	Mr. Russell Oda representing Tohbi Hawaiian Corp. was called forth and asked by Mr. Arata whether he was aware of the 15 conditions. He answered in the affirmative. Unanimously approved as submitted (Arata/Arisumi).
ITEM H-2	AFTER-THE-FACT CDUA FOR REPAIRING AN EXISTING SEAWALL AT WAIPOULI, KAUAI (MR. WALTON D. Y. HONG, AGENT FOR MR. JAMES FREDERICK BOLSTER)
ACTION	Unanimously approved as submitted (Zalopany/Ing).
ITEM H-3	CDUA FOR IMPROVEMENT OF A STORM DRAIN AT KALIALINUI GULCH, KAHULUI, MAUI (R.T. TANAKA ENGINEERS, INC., AGENT FOR DEPT. OF TRANSPORTATION AIRPORTS DIVISION)
ACTION	Mr. Evans withdrew condition 6. Unanimously approved as amended (Arisumi/Arata).
ITEM H-1	CDUA FOR A NONCONFORMING SINGLE-FAMILY RESIDENTIAL USE AT KAWAIHAU, KAUAI (BERNIE JACKSON TRUST C/O BALCO, INC.)
ACTION	Max Graham representing the Bernie Jackson Trust appeared before the Board and clarified the site selection. Unanimously approved (Zalopany/Kealoha).
ITEM H-4	REQUEST TO MODIFY PERMIT SYSTEM FOR COMMERCIAL FILMING ON CONSERVATION-ZONED AND/OR STATE-OWNED LANDS (FILM INDUSTRY BRANCH, DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT)
ACTION	This item was deferred from the previous meeting. Mr. Evans stated that to address the previous concerns of the Board, a new section has been added to the existing memorandum of agreement titled "Section X. <u>Violation.</u> " Mr. Ing moved for approval of the agreement with the condition that it be for a period of one year and that a report be prepared concerning the operation and use of the memorandum of agreement by the Film Industry Office. Barbara Kim Stanton from the Film Industry Office was in agreement to the one-year trial period. Seconded by Mr. Kealoha and unanimously approved as amended.
ITEM F-18	SUBLEASE OF OFFICE SPACE FOR THE DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT IN HONG KONG, BRITISH CROWN COLONY
ACTION	Mr. Shimabukuro asked to amend the sublease to commence February 1, 1988. Unanimously approved as amended (Zalopany/Kealoha).
ITEM F-3	DIRECT SALE OF ABANDONED HOMESTEAD ROAD RIGHT-OF-WAY AND DIRECT SALE OF EASEMENT, KAIWIKI HOMESTEADS, SO. HILO, HAWAII
ACTION	Unanimously approved as submitted (Arata/Arisumi).

ITEM F-11	CITY AND COUNTY OF HONOLULU REQUEST TO SET ASIDE STATE LAND AT MOKAUEA AND KAHOLALOA, SAND ISLAND, HONOLULU, FOR THE HONOLULU CORPORATION YARD AND FOR PARK SITE, OAHU
ACTION	<p>Mr. Shimabukuro asked that the matter of the park site be deleted from his submittal.</p> <p>Mr. Ing moved for approval with condition B.4. that if the Kewalo and Kapalama lands are not restored to their original conditions within two years of the issuance of the Executive Order that the Sand Island lands will revert to the State. He also asked that the amendment be reflected in A-1 and A-2 of the submittal.</p> <p>Mr. Kealoha asked to add condition C which grants a right of entry to Sand Island lands for engineering purposes.</p> <p>Motion seconded by Mr. Kealoha and unanimously approved as amended.</p>
ITEM F-13	CITY AND COUNTY OF HONOLULU DEPT. OF FINANCE REQUEST FOR TEMPORARY USE TO STORE VEHICLES AT THE SAND ISLAND SEWAGE TREATMENT PLANT SITE, SAND ISLAND, HONOLULU, OAHU, GENERAL LEASE NO. S-4341 (TMK: 1-5-41:POR. 3)
ACTION	<p>Mr. Kealoha asked to amend the general lease instead to allow the City and County of Honolulu to use the seven acres site for the storage of abandoned vehicles for two years. Mr. Ing noted that a further amendment was required for a right of entry.</p> <p>Unanimously approved as amended (Ing/Kealoha).</p>
ITEM B-1	REQUEST FOR APPROVAL TO ENTER INTO AGREEMENTS WITH THE WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO CONTINUE A FISHERIES PROJECT: 1) SUPPORT TO THE DIVISION OF AQUATIC RESOURCES FOR COUNCIL ACTIVITIES, AND 2) ADMINISTRATIVE SERVICES TO THE DIVISION OF AQUATIC RESOURCES
ACTION	Unanimously approved as submitted (Kealoha/Zalopany).
ITEM C-1	REQUEST TO ENTER INTO A JOINT AGREEMENT WITH THE NATURE CONSERVANCY OF HAWAII TO HELP PREPARE MANAGEMENT PLANS TO THE NATURAL AREA RESERVES SYSTEM
ACTION	Unanimously approved as submitted (Kealoha/Zalopany).
ITEM C-2	FILLING OF FORESTRY WORKER II POSITION, ISLAND OF HAWAII
ACTION	Mr. Arata moved to approve the appointment of William E. Downs to Position No. 21441. Seconded by Mr. Arisumi and unanimously carried.
ITEM C-3	FILLING OF POSITION NO. 39409, FORESTER VI, NATURAL AREA RESERVES SYSTEM, HONOLULU OFFICE, ISLAND OF OAHU
ACTION	Mr. Ing moved to approve the appointment of Michael G. Buck to Position No. 39409. Seconded by Mr. Zalopany and unanimously carried.
ITEM D-1	PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 60-KF-C, FOREST ACCESS ROAD, PHASE I, LIHUE-KOLOA FOREST RESERVE, WAILUA, KAUAI
ACTION	Unanimously approved as submitted (Zalopany/Kealoha).
ITEM D-2	PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 60-KF-A, EQUESTRIAN - HIKER BRIDGE AND FOREST TRAIL, PHASE I, NONOU FOREST RESERVE, WAILUA, KAUAI
ACTION	Unanimously approved as submitted (Zalopany/Kealoha).

<u>ITEM D-3</u>	PERMISSION TO HIRE A CONSULTANT TO SURVEY THE WATER RESOURCES ON KAHOO LAWE
ACTION	<p>Unanimously approved as submitted (Arata/Arisumi)</p> <p>At this time, the Chairperson notified Mr. Tagomori that he had been appointed the First Deputy to the Chairperson of the Commission on Water Resource Management.</p> <p>Mr. Shimabukuro took the opportunity to introduce new Big Island land agent, Larry Okazaki, to the Board.</p>
<u>ITEM F-1</u>	<u>DOCUMENTS FOR CONSIDERATION:</u>
<u>Item F-1-a</u>	ISSUANCE OF REVOCABLE PERMIT TO HUI ALU, INC. FOR PARKING PURPOSES, TMK 4-5-15:POR. 17 AND 30, KAPAA, KAWAIHAU, KAUAI
<u>Item F-1-b</u>	ASSIGNMENT OF GRANT OF EASEMENT BEARING LAND OFFICE DEED NO. S-27654, KAMAOLE, WAILUKU (KULA), MAUI
<u>Item F-1-c</u>	JAMES B. TOLEDO, JR. REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-3594, LOT 15, KANOELEHUA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII
<u>Item F-1-d</u>	LON W. SMITH AND TERUKO T. SMITH REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-4422, LOT 2, KEONEPOKO-IKI AG. PARK, KEONEPOKO-IKI, PUNA, HAWAII
<u>Item F-1-e</u>	CONSTRUCTORS HAWAII, INC. REQUEST FOR REVOCABLE PERMIT, WAIAKEA, SO. HILO, HAWAII
ACTION	<p>Unanimously approved except as to Item F-1-d which was approved with an amendment to include a provision that the assignee be qualified to grow agricultural products (Kealoha/Ing).</p>
<u>ITEM F-2</u>	REQUEST BY CONSULTANT FOR RIGHT OF ENTRY TO STATE LANDS FOR SITE SELECTION STUDIES AND PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT FOR NEW PAHOA ELEMENTARY SCHOOL, PUNA, HAWAII
ACTION	Unanimously approved as submitted (Arata/Arisumi).
<u>ITEM F-3</u>	DIRECT SALE OF ABANDONED HOMESTEAD ROAD RIGHT-OF-WAY AND DIRECT SALE OF EASEMENT, KAIWIKI HOMESTEADS, SO. HILO, HAWAII
ACTION	See page 2.
<u>ITEM F-4</u>	ACCEPTANCE OF FEE TITLE TO KUKUIPAHU HEIAU SITUATE AT NORTH KOHALA, HAWAII, TMK 5-6-01:20(POR.)
ACTION	<p>Mr. Shimabukuro asked to amend the second paragraph, third line, to read "national" instead of "natural."</p> <p>Unanimously approved as amended (Arata/Arisumi).</p>
<u>ITEM F-5</u>	MASAO NAKAMURA AND EVELYN Y. NAKAMURA REQUEST FOR WAIVER OF PERFORMANCE BOND, GENERAL LEASE NO. S-4759, LOT 12, PANAWEA AG. PARK, WAIAKEA, SO. HILO, HAWAII
ACTION	Unanimously approved as submitted (Arata/Arisumi).
<u>ITEM F-6</u>	TOHBI HAWAIIAN CORP. REQUEST FOR GRANT OF EASEMENT, WAIAKEA, SO. HILO, HAWAII
ACTION	See page 2.

ITEM F-7	CALID HUI TRUST REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, KAMAOLE, WAILUKU (KULA), MAUI, TMK 3-99-04:POR. 61
ACTION	Unanimously approved as submitted (Arata/Arisumi).
ITEM F-8	COUNTY OF MAUI DEPARTMENT OF WATER SUPPLY REQUEST FOR RIGHT OF ENTRY AND GRANT OF EASEMENT, LAHAINA, MAUI, TMK 4-6-18:POR. 7 AND 12
ACTION	Unanimously approved as submitted (Arisumi/Arata).
ITEM F-9	DEPT. OF TRANSPORTATION REQUEST TO SET ASIDE SHOREWATERS AND SUBMERGED LANDS FOR DESIGNATED MOORING AREAS, LAHAINA HARBOR, LAHAINA ROADSTEAD, AND MALA WHARF AREAS, LAHAINA, MAUI
ACTION	Unanimously approved as submitted (Arisumi/Arata).
ITEM F-10	AMENDMENT NO. 1 TO NAVY LICENSE NO. N6274283RPO0008, KANEOHE MARINE CORPS AIR STATION, KANEOHE, OAHU
ACTION	Unanimously approved as submitted (Ing/Arisumi).
ITEM F-11	CITY & COUNTY OF HONOLULU REQUEST TO SET ASIDE STATE LAND AT MOKAUEA AND KAHOLALOA, SAND ISLAND, HONOLULU, FOR THE HONOLULU CORPORATION YARD AND FOR PARK SITE, OAHU
ACTION	See page 3.
ITEM F-12	CITY AND COUNTY OF HONOLULU REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER PURPOSES AT KAPALAMA AND NUUANU, HONOLULU, OAHU
ACTION	Unanimously approved as submitted (Ing/Kealoha).
ITEM F-13	CITY AND COUNTY OF HONOLULU DEPT. OF FINANCE REQUEST FOR TEMPORARY USE TO STORE VEHICLES AT THE SAND ISLAND SEWAGE TREATMENT PLANT SITE, SAND ISLAND, HONOLULU, OAHU, GENERAL LEASE NO. S-4341 (TMK 1-5-41:POR. 03)
ACTION	See page 3.
ITEM F-14	AMENDMENT TO PRIOR BOARD ACTION REGARDING APPROVAL IN PRINCIPAL OF A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE U.S. POSTAL SERVICES (ITEM F-5 OF 5/23/86), ISLANDS OF OAHU, HAWAII, MAUI, AND KAUAI
ACTION	Unanimously approved as submitted (Ing/Zalopany).
ITEM F-15	AMENDMENT TO PRIOR BOARD ACTIONS REGARDING AUTHORIZATION OF DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEOHE BAY TO MRS. DICKSON HARTWELL (ITEMS F-7 OF 10/22, AND F-5 OF 7/26/85)
ACTION	Unanimously approved as submitted (Ing/Zalopany).
ITEM F-16	DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, HANAIEI, KAUAI
ACTION	Unanimously approved as submitted (Zalopany/Kealoha).
ITEM F-17	LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, VOCATIONAL REHABILITATION DIVISION, OAHU
ACTION	Unanimously approved as submitted (Ing/Kealoha).
ITEM F-18	SUBLEASE OF OFFICE SPACE FOR THE DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT IN HONG KONG, BRITISH CROWN COLONY
ACTION	See page 2.

ITEM F-19	RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPT. OF LABOR AND INDUSTRIAL RELATIONS, ISLAND OF HAWAII
ACTION	Unanimously approved as submitted (Arisumi/Zalopany).
ITEM H-1	CDUA FOR A NONCONFORMING SINGLE-FAMILY RESIDENTIAL USE AT KAWAIHAU, KAUAI (BERNIE JACKSON TRUST C/O BALCO, INC.)
ACTION	See page 2.
ITEM H-2	AFTER-THE-FACT CDUA FOR REPAIRING AN EXISTING SEAWALL AT WAIPOULI, KAUAI (MR. WALTON D. Y. HONG, AGENT FOR MR. JAMES FREDERICK BOLSTER)
ACTION	See page 2.
ITEM H-3	CDUA FOR IMPROVEMENT OF A STORM DRAIN AT KALIALINUI GULCH, KAHULUI, MAUI (R.T. TANAKA ENGINEERS, INC., AGENT FOR DEPT. OF TRANSPORTATION AIRPORTS DIVISION)
ACTION	See page 2.
ITEM H-4	REQUEST TO MODIFY PERMIT SYSTEM FOR COMMERCIAL FILMING ON CONSERVATION-ZONED AND/OR STATE-OWNED LANDS (FILM INDUSTRY BRANCH, DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT)
ACTION	See page 2.
ITEM H-5	CDUA FOR A TEMPORARY VARIANCE TO CONDUCT A ONE-TIME PRIVATE EVENT IN DIAMOND HEAD CRATER, OAHU (DAMON KEY CHAR & BOCKEN, AGENT FOR PEPSI COLA COMPANY)
	<p>Mr. Evans stated that this was an application for a one-time private event on State land zoned resource and general. He stated that the landowner is the State Department of Defense but the Diamond Head crater is administratively handled by the Division of State Parks. Mr. Evans stated that although the Board approved the land transfer from the Department of Defense to State Parks more than 12 years ago, the executive order was never executed. Mr. Evans stated that the staff recommended denial of the CDUA for the three reasons listed on page 7. Should the Board overrule the staff recommendation, the staff was prepared with proposed conditions.</p> <p>Mr. Evans informed the Board that Pepsi is holding a conference in Waikiki and the attendees are approximately 2,000 employees. The event is a one-time private party.</p> <p>Mr. Zalopany asked whether there was a charge and whether this was commercial use. Mr. Evans stated that if it were an application for commercial use, a public hearing would be necessary.</p> <p>Mr. Ing wanted to know who had been notified; Mr. Evans replied that all DLNR divisions were notified, along with the applicant. In the event of a public hearing, residents would be notified.</p> <p>Mr. Ing urged the Board to not overrule for the following reasons: (1) the Board would be going against a staff recommendation; (2) the Board would be taking action on a neighbor island on an issue very sensitive to residents; (3) notice was not given to community associations in matters concerning the crater; and (4) to approve the event would establish precedent with respect to private parties. He also stated that it was a large event and the action would allow the private party eight days to set up the function, thus disrupting public usage during the set-up time as well as the ongoing function, which would be inconsistent with normal usage. He stated further that if the Board felt otherwise, it should hear from the community.</p>

Mr. Paty asked whether the item could be deferred. Mr. Evans noted that the conference is scheduled from January 15 - 23, 1988, and the private party scheduled for January 22.

Mr. Kealoha noted that in the past it has allowed the Young President's Club and others to use the crater without a public hearing, and there was no adversity from the community. The Pepsi event, he said, is scheduled for the evening and would be over by 10 p.m., thus, not posing a problem. The number of days to set up is based on concerns by the Department of Defense to set up the event and basic concerns to tighten up the conditions. Mr. Kealoha stated that he did not feel it would offend the interest of the Board and its rules to permit the function.

Mr. Kealoha stated that points articulated by Mr. Ing are valid and it was puzzling as to why no representative from Pepsi was present but felt that under the CDUA process that Pepsi is entitled to the affair they planned. Before making a recommendation, Mr. Kealoha stated for the record that he had no contact with the applicant or anyone from Sheraton. Mr. Kealoha then moved to deny the staff's request to permit the event with conditions to include concerns expressed by the Department of Defense, along with any conditions imposed by the Chairperson.

The motion was seconded by Mr. Zalopany.

Mr. Ing urged the Board to vote against the motion and to accept the staff recommendation. He stated that he felt Pepsi had put an unreasonable burden on the Board through poor planning which did not allow the Board to act at a meeting on Oahu where members of the public would be available to comment. He stated he felt approval would open the door to future similar types of uses which he did not favor.

ACTION: Motion carried with dissenting vote by Mr. Ing.

ADDED
ITEM H-6 CONSERVATION DISTRICT USE APPLICATION FOR A SINGLE-FAMILY RESIDENTIAL USE AT HAENA, KAUAI, HAWAII

ACTION Unanimously approved (Zalopany/Arata).

ADDED
ITEM H-7 FILLING OF POSITION NO. 9690, ACCOUNT CLERK IV, ADMINISTRATIVE SERVICES OFFICE, OAHU

ACTION Mr. Kealoha moved for the appointment of Doris F. Ito to Position No. 9690; seconded by Mr. Ing and unanimously approved.

ITEM J-1 ISSUANCE OF REVOCABLE PERMIT (R.P.) LAHAINA SMALL BOAT HARBOR, HARBORS DIVISION, MAUI (SEABIRD CHARTERS, INC.)

ACTION Unanimously approved (Zalopany/Arata).

ITEM J-2 ISSUANCE OF R.P., HEEIA-KEA SMALL BOAT HARBOR, HARBORS DIVISION, OAHU (KANEHOE OUTRIGGER CANOE CLUB)

ACTION Unanimously approved (Ing/Kealoha).

ITEM J-3 ISSUANCE OF R.P., HEEIA-KEA SMALL BOAT HARBOR, OAHU, HARBORS DIVISION (HUI HOE WAA (NO APIO CANOE CLUB ASSOCIATION))

ACTION Unanimously approved (Ing/Kealoha).

ITEM J-4 ISSUANCE OF EASEMENT BY DIRECT NEGOTIATION, PIER 7, HONOLULU HARBOR, OAHU, HARBORS DIVISION (CITY & COUNTY OF HONOLULU)

ACTION Unanimously approved (Ing/Kealoha).

ITEM J-5 SALE OF LEASE BY PUBLIC AUCTION, KEWALO BASIN, OAHU, HARBORS DIVISION
(FOUR TAXICAB STALLS)

ACTION Unanimously approved (Ing/Kealoha).

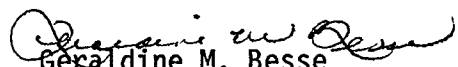
ITEM J-6 ISSUANCE OF R.P., PIER 8, HONOLULU, OAHU, HARBORS DIVISION (THE WEBE
CORPORATION, LTD.)

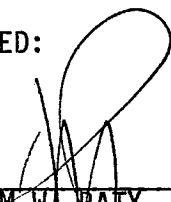
Mr. Ing asked to be excused from voting.

ACTION Unanimously approved (Kealoha/Zalopany).

ADJOURNMENT With no further business, the meeting was adjourned at 11:35 a.m.

Respectfully submitted,


Geraldine M. Besse
Secretary

APPROVED:


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