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

ACTION Unanimously approved as submitted (Ing/Arisumi).
ITEM F-6

TOHBI HAWAIIAN CORP. REQUEST FOR GRANT OF EASEMENT, WAIAKEA, SO. HILO, HAWAII

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.

ACTION

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 KALIALINU GULCH, KAHULUI, MAUI
(R.T. TANAKA ENGINEERS, INC., AGENT FOR DEPT. OF TRANSPORTATION AIRPORTS DIVISION)

Mr. Evans withdrew condition 6.

ACTION

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.)

Max Graham representing the Bernie Jackson Trust appeared before the Board and clarified the site selection.

ACTION

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)

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. Violation."

ACTION

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

Mr. Shimabukuro asked to amend the sublease to commence February 1, 1988.

ACTION

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).
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

Mr. Shimabukuro asked that the matter of the park site be deleted from his submittal.

ACTION

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.

Mr. Kealoha asked to add condition C which grants a right of entry to Sand Island lands for engineering purposes.

Motion seconded by Mr. Kealoha and unanimously approved as amended.

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)

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.

ACTION

Unanimously approved as amended (Ing/Kealoha).

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 COUNCILL ACTIVITIES, AND 2) ADMINISTRATIVE SERVICES TO THE DIVISION OF AQUATIC RESOURCES

ITEM B-1

ACTION

Unanimously approved as submitted (Kealoha/Zalopany).

ITEM C-1

ACTION

Unanimously approved as submitted (Kealoha/Zalopany).

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.

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.

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).

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).
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.

Mr. Shimabukuro took the opportunity to introduce new Board member, Larry Okazaki, to the Board.

DOCUMENTS FOR CONSIDERATION:

**ITEM F-1**

**Item F-1-a**

ISSUANCE OF REVOCABLE PERMIT TO HUI ALU, INC. FOR PARKING PURPOSES, TMK 4-5-15:POR. 17 AND 30, KAPAA, KAWAIHAU, KAUAI

**Item F-1-b**

ASSIGNMENT OF GRANT OF EASEMENT BEARING LAND OFFICE DEED NO. S-27654, KAMAOLE, WAILUKU (KULA), MAUI

**Item F-1-c**

JAMES B. TOLEDO, JR. REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-3594, LOT 15, KANOELEHUA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII

**Item F-1-d**

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

**Item F-1-e**

CONSTRUCTORS HAWAII, INC. REQUEST FOR REVOCABLE PERMIT, WAIAKEA, SO. HILO, HAWAII

**ACTION**

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).

**ITEM F-2**

**ACTION**

Unanimously approved as submitted (Arata/Arisumi).

**ITEM F-3**

**ACTION**

See page 2.

**ITEM F-4**

**ACTION**

Mr. Shimabukuro asked to amend the second paragraph, third line, to read "national" instead of "natural."

**Masao Nakamura and Evelyn Y. Nakamura Request for Waiver of Performance Bond, General Lease No. S-4759, Lot 12, Panana Ag. Park, Waiakea, So. Hilo, Hawaii**

**ITEM F-5**

**ACTION**

Unanimously approved as submitted (Arata/Arisumi).

**ITEM F-6**

**ACTION**

See page 2.
Unanimously approved as submitted (Zalopany/Kealoha).

LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, REHABILITATION DIVISION, OAHIJ

Unanimously approved as submitted (Ing/Kealoha).

SUBLEASE OF OFFICE SPACE FOR THE DEPT. OF BUSINESS AND DEVELOPMENT IN HONG KONG, BRITISH CROWN COLONY

See page 2.

CALID HUI TRUST REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, KAMAOLE, WAILUKU (KULA), MAUI, TMK 3-99-04:POR. 61

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

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

AMENDMENT NO. 1 TO NAVY LICENSE NO. N6274283RP00008, KANEHOE MARINE CORPS AIR STATION, KANEHOE, OAHU

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

CITY AND COUNTY OF HONOLULU REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR SANITARY SEWER PURPOSES AT KAPALAMA AND NUUANU, HONOLULU, OAHU

CITY AND COUNTY OF HONOLULU DEPT. OF FINANCE REQUEST 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)

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

AMENDMENT TO PRIOR BOARD ACTIONS REGARDING AUTHORIZATION OF DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEHOE BAY TO MRS. DICKSON HARTWELL (ITEMS F-7 OF 10/22, AND F-5 OF 7/26/85)

DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES, HANALEI, KAUAI

LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, VOCATIONAL REHABILITATION DIVISION, OAHU

SUBLEASE OF OFFICE SPACE FOR THE DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT IN HONG KONG, BRITISH CROWN COLONY

See page 2.
RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPT. OF LABOR AND INDUSTRIAL RELATIONS, ISLAND OF HAWAI

ACTION
Unanimously approved as submitted (Arisumi/Zalopany).

CDUA FOR A NONCONFORMING SINGLE-FAMILY RESIDENTIAL USE AT KAWAIHAU, KAUAI (BERNIE JACKSON TRUST C/O BALCO, INC.)

ACTION
See page 2.

AFTER-THE-FACT CDUA FOR REPAIRING AN EXISTING SEAWALL AT WAIPOLI, KAUAI (MR. WALTON D. Y. HONG, AGENT FOR MR. JAMES FREDERICK BOLSTER)

ACTION
See page 2.

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.

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.

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)

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.

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.

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.

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.

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.
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, KAUA'I, HAWA'I

**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).
SALE OF LEASE BY PUBLIC AUCTION, KEWALO BASIN, OAHU, HARBORS DIVISION (FOUR TAXICAB STALLS)

ACTION Unanimously approved (Ing/Kealoha).

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. PAPY, Chairperson
Board of Land and Natural Resources