

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

DATE: September 9, 1988
TIME: 9:00 a.m.
PLACE: Kahului Library
Conference Room
Kahului, Maui

ROLL CALL: Acting Chairperson J. Douglas Ing 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. Moses W. Kealoha
Mr. John Arisumi
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. J. Douglas Ing

Absent and Excused

Mr. William W. Paty

STAFF: Mr. Wayne Ching
Mr. Michael Shimabukuro
Mr. Roger Evans
Mr. Eddie Ansai
Mr. Alan Tokunaga
Mr. Randy Awo
Mrs. Geraldine M. Besse

OTHERS: Johnson H. Wong, Esq., Deputy Atty. Gen.
Mr. Bob Smolenski (Item F-1-d)
Mr. William Fisher (Item F-1-f)
Mr. Richard Armstrong (Item F-2)
B. Martin Luna, Esq. (Item H-3)
Mr. Ken Yamada (Item H-3)
Mr. Peter Garcia (Dept. of Transportation)
Mr. Sid Bacilar (Dept. of Transportation)

MINUTES: Mr. Kealoha moved to defer the minutes of July 22, 1988, to the next meeting of the Board. Mr. Arisumi noted that he would not be present at the next meeting. Mr. Kealoha amended his motion to defer the minutes to the first meeting in October in order to meet the quorum requirements. The motion was seconded by Mr. Arisumi and unanimously carried.

ADDED ITEMS: Upon motion by Mr. Kealoha and a second by Mr. Arata, the Board voted unanimously to add the following items to the agenda:

Item D-1 -- Filling of General Laborer I, Position No. 12995, Waimea Irrigation System, Hawaii

Item D-2 -- Filling of Civil Engineer III, Position No. 10520, Division of Water and Land Development, Oahu

Item D-3 -- Permission to Advertise for Bids - Job No. 94-KP-C2,
Improvements to Sewer at Wailua River State Park, Kauai

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

ITEM F-2

RESUBMITTAL - STAFF RECOMMENDATION TO RESTRUCTURE LAND TENURE DEMISED
UNDER R.P. NO. S-5491, KAU, HAWAII

ACTION

Unanimously approved with the condition that the question of whether the
2,006 acres as designated in yellow on the map is included in the total
acreage of 24,573 be subject to review and verification
(Arata/Arisumi).

ITEM F-1-a

DOCUMENT FOR CONSIDERATION: ISSUANCE OF REVOCABLE PERMIT (R.P.) TO U.S.
DEPT. OF THE TREASURY, INTERNAL REVENUE SERVICE, CRIMINAL INVESTIGATION
DIVISION, TMK 3-2-31:01, KAPAHULU, HONOLULU, OAHU

ACTION

Unanimously approved (Kealoha/Arisumi).

ITEM F-1-d

DOCUMENT FOR CONSIDERATION: ISSUANCE OF REVOCABLE PERMIT (R.P.) TO KING
BROADCASTING CO. FOR TRANSMITTING TEST SITE PURPOSES, TMK 2-2-07:POR.
05, WAIAKOA AND PAPAANUI, KULA, MAKAWAO (HONUULA), MAUI

Mr. Shimabukuro asked to make the following amendments:

(1) Page 1, under "Location and Area," following the tax map key number,
add "the southeast corner of the parcel to be at least 110 feet west of
the B & F parcel."

(2) Page 5, add condition no. 6: The applicant shall consult with the
Division of Forestry and Wildlife on the (1) final configuration of the
parcel, and (2) exact location of the tower and guy lines to minimize
and/or eliminate impact on the dark rumped petrel nesting areas."

(3) Grant right-of-entry to King Broadcasting and its contractors for
field survey and soil study to be done on the site, commencing
September 26, 1988, subject to the standard indemnity hold-harmless
clause, and such other conditions as may be prescribed by the
Chairperson.

ACTION

Unanimously approved as amended (Arisumi/Arata).

ITEM F-1-f

DOCUMENT FOR CONSIDERATION; ISSUANCE OF R.P. TO WILLIAM G. FISHER FOR
DEVELOPMENT, DIVERSION, AND USE OF WATER FROM A FRESHWATER SPRING, TMK
2-9-07:POR. 17, WAIPIO-HUELO, HAMAKUALOA, MAUI

Mr. Shimabukuro asked to amend the document under condition no. 4:
"This permit is for occupancy and development of the spring, and the
taking of water is subject to the issuance of the water license."

Mr. Ing noted that there is some risk involved for the applicant. Mr.
Fisher stated that an application has been submitted for his water
license. Mr. Shimabukuro stated that the revocable permit could be
approved but withheld until applicant obtained his water license. Mr.
Shimabukuro assured the Board that he would work with the Division of
Water and Land Development to process the application as expeditiously
as possible.

ACTION

Unanimously approved as amended (Arisumi/Arata).

ITEM H-3

-CDUA FOR A STORM DRAIN OUTLET AT KAA NAPALI, MAUI (APPLICANT: KAA NAPALI NORTH BEACH; AGENT: B. MARTIN LUNA)

Mr. Ing asked to be excused from considering this item as his law firm represents Amfac Development Corporation; Mr. Kealoha assumed the chair.

As part of the development of the mauka land and potential run-off in the area, a revetment is proposed. Channeling of the water would make the land more "developable." The run-off occurs in the ocean, which is 10% reef and is considered "marginal," Mr. Evans stated.

As part of the staff's recommendation, Mr. Evans asked to amend condition no. 10 to read:

"Other terms and conditions as prescribed by the Chairperson to include adequate public access to the shoreline is provided and maintained."

Mr. Arisumi asked about erosion damage. Mr. Evans stated that the State would not be held liable for erosion because of condition no. 5. Mr. Yamada also assured the Board that the revetment would control erosion.

In answer to Mr. Arata, Mr. Evans stated that public access was brought up but concerns regarding parking had not been discussed. Mr. Luna stated that three acres on the south side and five acres on the north side have been reserved for the beach right-of-way and includes 100 stalls on each side. He also mentioned that they are also providing an area along the shoreline totalling approximately two acres. Mr. Yamada, representing the joint venture, stated that during the shoreline management area process, the joint venture agreed to adequate parking stalls, restroom facilities and a picnic area.

ACTION

Mr. Arisumi moved for approval with the condition that adequate public access be included as part of condition no. 10. Seconded by Mr. Arata and unanimously approved as amended.

RECESS:

Mr. Kealoha called a recess at 10:25 a.m.

Mr. Ing reconvened the meeting at 10:30 a.m.

ADDED
ITEM D-1

FILLING OF GENERAL LABORER I, POSITION NO. 12995, WAIMEA IRRIGATION SYSTEM, HAWAII

ACTION

Unanimously approved the appointment of Theodore K. Lindsey to Laborer I, Position No. 12995, effective September 16, 1988 (Arata/Arisumi).

ADDED
ITEM D-2

FILLING OF CIVIL ENGINEER III, POSITION NO. 10520, DIVISION OF WATER AND LAND DEVELOPMENT, OAHU

ACTION

Unanimously approved the appointment of Karen C. Chung to Civil Engineer III, Position No. 10520, effective September 26, 1988 (Apaka/Kealoha).

ADDED
ITEM D-3

PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 94-KP-C2, IMPROVEMENTS TO SEWER AT WAILUA RIVER STATE PARK, KAUAI

ACTION

Unanimously approved (Apaka/Kealoha).

ITEM E-1

ALLOCATION OF HISTORIC PRESERVATION GRANTS-IN-AID TO CERTIFIED LOCAL GOVERNMENTS AND FOR LIGHTHOUSE RESTORATION

ACTION

Unanimously approved (Apaka/Arata).

ITEM F-1 . DOCUMENTS FOR CONSIDERATION:

Item F-1-a See page 2.

Item F-1-b ASSIGNMENT OF GENERAL LEASE (G.L.) NO. S-5085, SUSAN REEVES TEXEIRA, ASSIGNOR TO JIM PFAB, ASSIGNEE, LOT 60, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-02:60

Item F-1-c ASSIGNMENT OF G.L. NO. S-4993, GLEN ARONSON, ASSIGNOR, TO DAVID GOTO, ASSIGNEE, LOT 39, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-04:06

Mr. Shimabukuro asked to amend condition no. 5 to include granting the lessee a final six months extension of his building deadline to March 30, 1989.

Mr. Arisumi expressed his concerns that following public auction the lessees return to the Board claiming financial hardship and then the Board assigns the lease. His concern was that there may be some "hanky-panky" going on and that there appears to be no control on whether speculation is going on. Mr. Shimabukuro stated that assignment is part of the lease. Mr. Shimabukuro added that because the lessee owns the building, the only thing the department can do is to ensure that the remainder of the leasehold is not sold at a high value.

Mr. Ing suggested that the department insure that the terms of the lease are kept current.

Mr. Shimabukuro asked to amend condition no. 3b. to the date of March 30, 1989.

Item F-1-d See page 2.

Item F-1-e ISSUANCE OF R.P. TO NATHAN KEKAHUNA FOR AGRICULTURAL PURPOSES, TMK 3-1-04:39, 41, 100, 121, AND 125, KAHAKULOA VALLEY, WAILUKU, MAUI

Item F-1-f See page 2.

Item F-1-g ASSIGNMENT OF LEASE, G.L. NO. S-3875, FEED-WELL, INC., ASSIGNOR TO LAUPAHOEHOE TRANS CO., ASSIGNEE, KANOELEHUA INDUSTRIAL LOTS, WAIKEA, SO. HILO, HAWAII

Item F-1-h ASSIGNMENT OF LEASE, G.L. NO. S-3609, GRAY LINE HAWAII, LTD., ASSIGNOR, TO HAWAII PLANING MILL, LTD., WAIKEA BUSINESS AND INDUSTRIAL LOTS, WAIKEA, SO. HILO, HAWAII

Mr. Arata asked to be excused from participating on Items F-1-g and -h.

ACTION Mr. Arata moved to approve Items F-1-b, -c as amended, and -e. Seconded by Mr. Kealoha and unanimously carried.

Mr. Kealoha moved to approve Items F-1-g and -h. Seconded by Mr. Arisumi and unanimously carried.

ITEM F-2 See page 2.

ITEM F-3 ACQUISITION OF LAND FOR ADDITION TO HALEKII-PIHANA HEIAU SITES, TMK 3-4-30:02, PAUKUKALO, WAILUKU, MAUI

Mr. Arisumi noted that Wailuku Sugar is now known as Wailuku Agribusiness.

ACTION Unanimously approved as amended (Arisumi/Kealoha).

ITEM F-4 DIRECT LEASE TO MAUI HUA-REN 200, INC. FOR CULTURAL PARK PURPOSES,
KAMAOLE, KULA, MAKAWAO, MAUI

ACTION Unanimously approved (Arisumi/Arata).

ITEM F-5 DIRECT SALE OF A PERPETUAL NON-EXCLUSIVE ELECTRICAL AND TELEPHONE
TRANSMISSION EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY TO MAUI ELECTRIC
CO., LTD. AND GTE-HAWAIIAN TELEPHONE CO., INC., PULEHUNUI AND WAIKAPU,
WAILUKU, MAUI

Mr. Shimabukuro asked to amend the tax map key no. on page 1 to read:
3-8-08:01.

ACTION Unanimously approved as amended (Arisumi/Arata).

ITEM F-6 DIRECT SALE OF PERPETUAL NON-EXCLUSIVE ACCESS EASEMENT TO ZANE Y. MUKAI
TRUST, TMK 2-2-09:30, WAIAKOA HOMESTEADS, MAKAWAO, MAUI

ACTION Unanimously approved (Arisumi/Arata).

ITEM F-7 DIRECT SALE OF A PERPETUAL NON-EXCLUSIVE ACCESS AND WATERLINE EASEMENT
TO EDWARD K. THOMPSON, TMK 2-2-01:51, KAMAOLE, KULA, MAKAWAO, MAUI

Mr. Shimabukuro asked to make the following amendments:

(a) On paragraph 4, after the words, "Tax Map Key No. 2-2-01: Por. 51,"
add "along the northern boundary of this particular property."

(b) Under "Status," change "western" to "eastern."

(c) Under "Status," in the second sentence, the word "Eastern" should be
corrected to "Northern."

ACTION Unanimously approved as amended (Arisumi/Arata).

ITEM F-8 ISSUANCE OF A RIGHT-OF-ENTRY PERMIT FOR LANDSCAPING AND MAINTENANCE
PURPOSES, TMK 3-9-08:POR. 01, WAIHULI-KEOKEA BEACH HOMESTEADS, KIHEI,
WAILUKU, MAUI

ACTION Unanimously approved (Arisumi/Arata).

ITEM F-9 GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENTS TO THE CITY AND COUNTY OF
HONOLULU FOR EAST END RELIEF SEWERS AT KAKAAKO, HONOLULU, OAHU, TMK
2-1-15:22

ACTION Unanimously approved (Kealoha/Apaka).

ITEM F-10 GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR SEAWALL, STAIRWAY, AND
RECLAIMED (FILLED) LAND AT KAHALUU, KOOLAUPOKO, OAHU, SEAWARD OF TMK
4-7-09:16

ACTION Unanimously approved (Kealoha/Apaka).

ITEM F-11 AUTHORIZATION TO SELL LEASE AT PUBLIC AUCTION COVERING STATE LAND AT
WAIANAE, OAHU, TMK 8-5-04:39

ACTION Unanimously approved (Kealoha/Arisumi).

ITEM F-12 ACQUISITION OF LAND REQUIRED FOR WAIKUPANAHA STREET EXTENSION, WAIMANALO
AGRICULTURAL PARK PROJECT, PHASE I, WAIMANALO, KOOLAUPOKO, OAHU

ACTION Unanimously approved (Kealoha/Apaka).

<u>ITEM F-13</u>	<u>DIRECT SALE OF REMNANT, WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-25:POR. 40</u>
ACTION	Unanimously approved (Kealoha/Apaka).
<u>ITEM F-14</u>	<u>CASTLE & COOKE, INC. REQUEST FOR AMENDMENT OF RESTRICTIVE CONDITION CONTAINED IN LAND PATENT GRANT 11,044 AND LAND OFFICE DEED NO. 7141, KAPALAMA, HONOLULU, OAHU, TMK 1-5-16:04</u>
ACTION	Unanimously approved (Kealoha/Apaka).
<u>ITEM F-15</u>	<u>AMENDMENT TO PRIOR BOARD ACTION AND DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEOHE, KOOLAUPOKO, OAHU</u>
ACTION	Unanimously approved (Kealoha/Apaka).
<u>ITEM F-16</u>	<u>DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU, TMK 4-4-06:SEAWARD OF 10</u>
ACTION	Unanimously approved (Kealoha/Apaka).
<u>ITEM F-17</u>	<u>ACQUISITION OF LAND FOR THE ADDITION TO HANAMAULU-WAIALUA ELEMENTARY SCHOOL, LIHUE, KAUAI</u>
ACTION	Mr. Apaka moved for approval; seconded by Mr. Kealoha. Motion carried with Mr. Arisumi dissenting.
<u>ITEM F-18</u>	<u>LEASE OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, CHILD SUPPORT ENFORCEMENT UNIT, MAUI</u>
ACTION	Unanimously approved (Arisumi/Arata).
<u>ITEM F-19</u>	<u>RENEWAL OF LEASE OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, LITIGATION DIVISION-HEPTACHLOR TEAM, HONOLULU, OAHU</u>
ACTION	Unanimously approved (Kealoha/Apaka).
<u>ITEM F-20</u>	<u>AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, PUBLIC WELFARE DIVISION, KAUNAKAKAI, MOLOKAI</u>
ACTION	Unanimously approved (Arisumi/Arata).
<u>ITEM G-1</u>	<u>FILLING OF POSITION NO. 40396, ABSTRACTING ASSISTANT V, OAHU</u>
ACTION	Unanimously approved the appointment of Kinau K. Alber to Abstracting Assistant V Position No. 40396, effective October 1, 1988 (Kealoha/Arisumi).
<u>ITEM H-1</u>	<u>CDUA FOR A SUBDIVISION FOR A LOADING DOCK USE AT HANA, MAUI (HON. EDWARD Y. HIRATA)</u>
	Mr. Evans stated he is informed that the people of Hana have difficulty with the application and want "something different in a different place." He asked that the matter be deferred to the Kauai meeting, which would enable the Department of Transportation to meet with the community one more time.
	Mr. Evans indicated that there was a public hearing by an appointed master on May 11; however, no one from the Department of Transportation was present to answer questions.

Mr. Bacilar from the Department of Transportation stated that they have met three times with the people of Hana and one of the difficulties is that there are two factions involved. Mr. Kealoha asked that Mr. Bacilar submit the list of names of the individuals attending the meetings.

ACTION Mr. Arisumi moved for deferral to the Kauai meeting; seconded by Mr. Arata and unanimously carried.

ITEM H-2 CDUA FOR AN AFTER-THE-FACT COMMERCIAL BOAT MOORING AT KAHANA, MAUI (MR. BILL SIMPSON)

Mr. Evans stated that this application was deferred from the August 12 meeting to allow the applicant to be present; however, apparently applicant chooses to be unavailable. Mr. Evans stated that there are three parts to the recommendation: (1) finding that there is a land use violation and a fine of \$500 to be paid within 30 days. (2) denial of request for commercial mooring, and (3) removal of the mooring.

ACTION Mr. Arisumi moved for approval; seconded by Mr. Arata.

Discussion was held on whether the owner of the mooring could be charged the costs of removal.

Mr. Arisumi amended his motion to include removal of the mooring by the State and the determination of ownership of the mooring for the purpose of reimbursement to the State for removal of the mooring. The motion was seconded by Mr. Arata and unanimously approved as amended.

ITEM H-3 See page 3.

ITEM H-4 CDUA FOR A FARM AND SINGLE FAMILY RESIDENCE AT AHUIMANU, OAHU, TMK: 4-7-48:12 (THOMAS W. & PAULETTE S. SOON)

Mr. Evans stated that the application is made by a different owner, and it is the staff's recommendation that the applicants through the fault of staff used the land without valid approval of the Board and, therefore, recommends that the Board not impose the fine since applicants made every effort. Recommendation is for approval of the application, he said.

Mr. Evans stated he believed this case was similar to the Gomes case.

ACTION Mr. Kealoha asked for deferral of this application to the next Board meeting with the request that Mr. Evans brief the Board on the Gomes case. The motion was seconded by Mr. Apaka and unanimously carried.

ITEM H-5 CDUA FOR A TELECOMMUNICATIONS FACILITY AT KOKO HEAD, OAHU (GENERAL TELCOURIER, INC.)

Mr. Ing asked to be excused because his law firm represents the applicant. Mr. Kealoha was asked to chair.

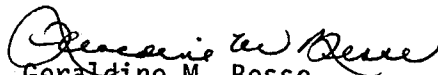
Mr. Evans stated that the applicant has asked for withdrawal of the application. Mr. Evans further stated that the applicant has not received SMA clearance.

ACTION Mr. Arata moved for withdrawal; seconded by Mr. Arisumi, and the motion was unanimously carried.

Mr. Ing chaired the remainder of the meeting.

- ITEM J-1 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF HARBOR LEASE NO. H-83-2, HONOKOHAU HARBOR, HAWAII (KONA FUEL & MARINE, INC.)
ACTION Unanimously approved (Arata/Arisumi).
- ITEM J-2 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF HARBOR LEASE NO. H-70-14, KEEHI LAGOON, OAHU (KEEHI MARINE CENTER)
ACTION Unanimously approved (Kealoha/Apaka).
- ITEM J-3 ISSUANCE OF REVOCABLE PERMIT (R.P.) HARBORS DIVISION, PIER 39, OAHU (JACK ENDO ELECTRIC, INC.)
ACTION Unanimously approved (Kealoha/Apaka).
- ITEM J-4 ISSUANCE OF R.P., HARBORS DIVISION, PIERS 13/14, HONOLULU HARBOR, OAHU (OCEAN ICE, INC.)
ACTION Unanimously approved (Kealoha/Apaka).
- ITEM J-5 ISSUANCE OF A CONTRACT FOR A FOOD CONCESSION BY PUBLIC AUCTION, HARBORS DIVISION, MARINE SERVICES BUILDING, PIER 24, HONOLULU, OAHU
ACTION Unanimously approved (Kealoha/Arata).
- ITEM J-6 ISSUANCE OF R.P. NO. HY-88-004, PARCEL 1 OF KAUAI BELT ROAD, KAUAI (WILLIAM HARAGUCHI)
ACTION Unanimously approved (Apaka/Kealoha).
- ITEM J-7 ISSUANCE OF R.P. NO. HY-88-005, HIGHWAYS DIVISION, PORTION PARCEL 36B, UNIVERSITY RAMP AREA, OAHU (HAWAII POTTERS GUILD)
ACTION Unanimously approved (Kealoha/Arata).
- ITEM J-8 MANAGEMENT OPERATION OF AUTOMOBILE PARKING FACILITIES AT LIHUE AIRPORT, KAUAI
ACTION Unanimously approved (Apaka/Kealoha).
- ITEM J-9 LEASE-VENDING AGREEMENT, MAIN TERMINAL LOBBY, COMMUTER TERMINAL AND INTER-ISLAND TERMINAL, HONOLULU INTERNATIONAL AIRPORT, OAHU (STEPHEN N. BISCHOFF DBA HONOLULU STAMP VENDING)
ACTION Unanimously approved (Kealoha/Arata).
- ITEM J-10 ISSUANCE OF R.P., HARBORS DIVISION, PIER 8, HONOLULU, OAHU (ALOHA PACIFIC CRUISES, A LIMITED PARTNERSHIP)
ACTION Unanimously approved (Kealoha/Arata).
- ADJOURNMENT There being no further business, Mr. Ing adjourned the meeting at 12:08 p.m.

Respectfully submitted,


Geraldine M. Besse

APPROVED: 

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