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 Acting Chairperson J. Douglas Ing called the meeting of the Board of Land and
CALL: 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 Ansa
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, KAPAHLULU, 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, WAIKOA AND PAPAANUI, KULA, MAKAWAO (HONUAULA), 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 KAANAPALI, MAUI (APPLICANT: KAANAPALI 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

ALLOCATING 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, KANOELUA 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 PLANNING MILL, LTD., WAIKEA BUSINESS AND INDUSTRIAL LOTS, WAIHEKA, 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).
DIRECT LEASE TO MAUI HUA-REN 200, INC. FOR CULTURAL PARK PURPOSES, KAMAOLE, KULA, MAKAWAO, MAUI

**ACTION**
Unanimously approved (Arisumi/Arata).

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 WAIAKAPU, WAILUKU, MAUI

**ITEM F-5**
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).

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

**ITEM F-6**
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).

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

**ITEM F-7**

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

**ITEM F-8**

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

**ITEM F-9**

GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR SEAWALL, STAIRWAY, AND RECLAIMED (FILLED) LAND AT KAHALUU, Koolaupoko, Oahu, seaward of TMK 4-7-09:16

**ITEM F-10**

AUTHORIZATION TO SELL LEASE AT PUBLIC AUCTION COVERING STATE LAND AT WAIANAE, Oahu, TMK 8-5-04:39

**ITEM F-11**

ACQUISITION OF LAND REQUIRED FOR WAIKUPANAHABA STREET EXTENSION, WAIMANALO AGRICULTURAL PARK PROJECT, PHASE I, WAIMANALO, Koolaupoko, OAHU

**ITEM F-12**

Unanimously approved (Kealoha/Apaka).
ITEM F-13. DIRECT SALE OF REMNANT, WAIMANALO, Koolaupoko, Oahu, TMK 4-1-25:POR. 40
ACTION Unanimously approved (Kealoha/Apaka).

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

ITEM F-14
ACTION Unanimously approved (Kealoha/Apaka).

AMENDMENT TO PRIOR BOARD ACTION AND DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEHOE, Koolaupoko, Oahu
ACTION Unanimously approved (Kealoha/Apaka).

DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEHOE BAY, KANEHOE, Koolaupoko, Oahu, TMK 4-4-06:SEAWARD OF 10
ACTION Unanimously approved (Kealoha/Apaka).

ACQUISITION OF LAND FOR THE ADDITION TO HANAMALU-WAIALUA ELEMENTARY SCHOOL, LIHUE, KAUAI
ACTION Mr. Apaka moved for approval; seconded by Mr. Kealoha. Motion carried with Mr. Arisumi dissenting.

LEASE OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, CHILD SUPPORT ENFORCEMENT UNIT, MAUI
ACTION Unanimously approved (Arisumi/Arata).

RENEWAL OF LEASE OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, LITIGATION DIVISION-HEPTACHLOR TEAM, HONOLULU, OAHU
ACTION Unanimously approved (Kealoha/Apaka).

AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, PUBLIC WELFARE DIVISION, KAUNAKA KAI, MOLOKAI
ACTION Unanimously approved (Arisumi/Arata).

FILLING OF POSITION NO. 40396, ABSTRACTING ASSISTANT V, OA HU
ACTION Unanimously approved the appointment of Kinau K. Alber to Abstracting Assistant V Position No. 40396, effective October 1, 1988 (Kealoha/Arisumi).

CDUA FOR A SUBDIVISION FOR A LOADING DOCK USE AT HANA, MAUI (HON. EDWARD Y. HIRATA)

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 KAHAANA, 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.
Unanimously approved (Kealoha/Arata).

ISSUANCE OF R.P., HARBORS DIVISION, PIER 8, HONOLULU, OAHU (ALOHA PACIFIC CRUISES, A LIMITED PARTNERSHIP)

Unanimously approved (Kealoha/Arata).

There being no further business, Mr. Ing adjourned the meeting at 12:08 p.m.

Respectfully submitted,

[Signature]

APPROVED:

GERALDINE M. BESSE

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