Chairperson William W. Paty called the meeting of the Board of Land and Natural Resources to order at 8:50 a.m. The following were in attendance:

**MEMBERS:**
- Mr. J. Douglas Ing
- Mr. Moses W. Kealoha
- Mr. John Arisumi
- Mr. Herbert Arata
- Mr. Herbert Apaka
- Mr. William W. Paty

**STAFF:**
- Mr. Michael Shimabukuro
- Mr. Roger Evans
- Mr. Eddie Ansai
- Mr. Alan Tokunaga
- Mr. Wes Wong
- Mr. Wayne Ching
- Mr. Keith Keau
- Mr. Randy Awo
- Mr. Gordon Akita
- Mr. Linford Chang
- Mrs. Geraldine M. Besse

**OTHERS:**
- Johnson H. Wong, Esq., Deputy Attorney General
- Mr. Henry Alves (Item F-8)
- Mr. John Marks (Item F-13)
- Mr. John Eiting (Item F-14)
- Mr. Earl Matsukawa (Item H-5)
- Mr. Robert Chang (Item H-8)
- Mrs. Martha Chang (Item H-8)
- Mr. Dwight Shima (Item H-9)
- Mr. James Young (Item H-9)
- Mr. Peter Garcia, Dept. of Transportation

**ADDED ITEMS:**

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

- **Item B-1** -- Filling of Full-Time, Temporary-Exempt, Laboratory Assistant III, Position No. 19881E, in the Division of Aquatic Resources (Oahu)
- **Item C-2** -- Filling of Position No. 37634, Clerk-Typist II, Temporary Appointment Outside of List, Administration Office, Oahu
- **Item C-3** -- Out-of-State Travel Request for Thane Pratt to Attend a Wildlife Symposium in England, November 29 to December 1, 1988
- **Item F-13** -- Resubmittal of Lease of Office Space for the Department of Taxation, Island of Oahu
- **Item F-14** -- Lease of Office Space for the Department of Personnel Services, State Workers' Compensation Division, Honolulu, Oahu
- **Item H-12** -- Filling of Position No. 33450, Personnel Clerk IV, SR-11, Personnel Office, Oahu
- **Item I-1** -- Filling of Position No. 33269, Clerk Typist II, Island of Maui
Items on the agenda were considered in the following order to accommodate those applicants present at the meeting:

WITHDRAWAL OF LAND FROM GOVERNOR'S EXECUTIVE ORDER NO. 3071 (HALAWA CORRECTIONAL FACILITY, DEPT. OF CORRECTIONS), CONVEYANCE IN FEE TO CITY AND COUNTY OF HONOLULU, DIRECT SALE OF REMNANTS TO THE QUEEN EMMA FOUNDATION, AND ACCEPT CONVEYANCE OF LANDS FROM QUEEN EMMA FOUNDATION AT HALAWA, EWA, OAHU, TMK 9-9-10:27 AND 30

ITEM F-9:

Mr. Shimabukuro pointed out on the maps the parcels involved in this transaction, which involves withdrawal from Governor's Executive Order No. 3071, conveyance in fee to the City and County of Honolulu for drainage purposes, direct sale of remnants to The Queen Emma Foundation, acceptance of conveyance of lands from The Queen Emma Foundation, and petition to the Land Court for subdivision, consolidation and designation of easements.

He asked to amend his submittal to include recommendation E-1 to "approve and recommend to the Governor the set aside of Lots 49A-3, 49A-6 and 49A-7 to the Corrections Department as addition to the Halawa Correctional Facility."

ACTION Unanimously approved as amended (Ing/Kealoha).

AMENDMENT TO PRIOR BOARD ACTION RE WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 2210, CONVEYANCE IN FEE AND GRANT OF EASEMENTS TO CITY AND COUNTY OF HONOLULU AFFECTING PORTIONS OF THE HALAWA ANIMAL QUARANTINE STATION, HALAMA, EWA, OAHU, TMK 9-9-10:POR. 34

ITEM F-8:

Mr. Shimabukuro stated that the purposes of the amendment are to provide the Halawa Animal Quarantine Station with sewerline service and better street frontage and to provide for the construction of roadways and utilities for the Halawa Valley Business Park industrial subdivision.

He asked to add amendment "4c" which would make the set-aside of Lot 184-E subject to legislative approval.

ACTION Unanimously approved as amended (Ing/Kealoha).

CDUA AMENDMENT FOR MODIFICATION OF AN EXISTING TELECOMMUNICATION FACILITY AND SUBDIVISION AT TANTALUS, OAHU (DEPT. OF BUDGET AND TELECOMMUNICATIONS DIVISION)

ITEM H-9:

Mr. Evans stated that the purpose of the amendment is to expand telecommunications capability. A concern was the visual aspect of the additional antennas. Mr. Dwight Shima of the Department of Budget and Finance presented views from Kaimuki, Manoa Market Place, Makiki Heights Road, McKinley High School, and other areas. A landscape plan would be made part of the construction plan, he said. He indicated that the plan includes additional dish antennas.

Another Board concern was whether there had been discussion with community groups. Mr. Evans stated that a letter was received from the Makiki Neighborhood Board, which did not strenuously oppose the proposal but expressed concern regarding the landscaping.

Mr. James Young from the Hawaii Public Broadcasting Association stated that the antennas need to be in place by September, 1989; and there is no guarantee of further extensions from the FCC.

Mr. Ing asked to amend B.6 of the submittal to include the condition that the final number of antennas to be allowed on the tower be subject to the review and approval of the chairperson.

ACTION Unanimously approved as amended (Ing/Apaka).
ITEM H-4: CDUA FOR IMPROVEMENTS TO THE KULA WATER SYSTEM, MAUI (DONALD)

Mr. Evans stated that the applicants have indicated that if additional work is done on the project, an additional EIS would be done.

Mr. Ing expressed his concern regarding disturbance in the conservation district. He moved that two conditions be added: Condition 15— that the area be flagged and staked by the contractor and reviewed by the Maui Division of Forestry and Wildlife; and Condition 16 to include a briefing with the contractor and the understanding that if there is a violation of any conditions someone will be subject to fines and penalties. Mr. Ing stated he wanted it to be clear as to where the equipment can be stored.

ACTION

Unanimously approved as amended (Arisumi/Arata).

ITEM H-5: CDUA FOR A TELECOMMUNICATION FACILITY AT PUU KILEA, LANAI (GTE HAWAIIAN TELEPHONE CO., INC./WILSON OKAMOTO AND ASSOCIATES, INC.)

Mr. Evans stated that the facility would upgrade existing telecommunications on Lanai and recommended approval subject to conditions. However, Hawaiian Telephone, the applicant, did not agree with the condition. Mr. Ing pointed out that the Board has required this condition of all users, including State users. All applicants before the Board have expressed the same concerns as Hawaiian Telephone about reliability and security; however, Mr. Ing stated there is no reason to make an exception for the applicant, that the State cannot allow an exclusive facility.

ACTION

Unanimously approved (Arisumi/Apaka).

ITEM H-6: CDUA FOR AN AFTER-THE-FACT SUBDIVISION AND DEVELOPMENT OF A TELECOMMUNICATIONS FACILITY AT HANA, MAUI (GTE HAWAIIAN TELEPHONE/WILSON OKAMOTO AND ASSOCIATES, INC.)

Mr. Evans stated at the public hearing the Board was concerned about what point in time the applicant was aware of the conservation district law. Mr. Evans stated that his records indicate that the Board processed a conservation district use application in 1965, and another one in 1971 for a Maui project. Therefore, he said, the staff believes that the applicant was aware of the conservation laws and recommends a total fine of $1,500. Regarding the possible relocation to agricultural-zoned land, the staff felt it was not viable because "the dirty deed was done," it would increase visual pollution, and historic sites expressed some concern.

Mr. Evans asked that should the Board approve the fine that the payment be made from the profits to be distributed to shareholders of Hawaiian Telephone.

Mr. Arisumi asked that a landscape plan be submitted for approval by the chairperson.

Mr. Evans noted that the application is for an after-the-fact subdivision, which was not necessary at this point as the Board had not previously approved subdivison; however, he is now recommending subdivision.

ACTION

Unanimously approved as amended (Arisumi/Arata).

ADDED

ITEM F-13: RESUBMITTAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF TAXATION, OAHU

Mr. Shimabukuro distributed copies of a letter received from the Tax Department explaining their request for relocation and the rent. Mr. Shimabukuro indicated approval has been received from the Comptroller for rental of this particular office space.
Mr. Ing noted that the Board has never approved rental at a rate close to $2.37 per square foot and had not previously approved leases in the Bancorp Tower. Mr. Ing indicated the explanation given by Mr. Kahle which included the use of a law library and the short duration of the lease was sufficient justification in this particular instance.

**ACTION**
Unanimously approved (Ing/Kealoha).

**ADDED**

**ITEM F-14:**
LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF PERSONNEL SERVICES, STATE WORKERS' COMPENSATION DIVISION, HONOLULU, OAHU

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

**RECESS:**
A recess was called by the Chairperson from 10:45 a.m. to 11:00 a.m.

**ITEM H-8:**
CDUA FOR A SINGLE FAMILY RESIDENCE, KAUPU, MAUI (ROBERT W. CHANG, SR.)

Mr. Evans stated that the house on the property is run down and the applicant is asking to rebuild it for occasional use. Applicant had gone to the county with his plans and received no response. The county finally got back to Mr. Chang and informed him that the land was conservation land. He thereupon stopped work on the house. However, because of the violation, a $500 fine was recommended. Mr. Evans further stated that there are numerous owners (14) with an undivided interest in the property. An opinion from the Attorney General's office advised that all parties must consent to Mr. Chang's application. Absent the signatures of all parties, it was recommended that the application be denied. Other interested property owners may apply to build a family residence on the property; however, the law provides for only a single-family residence per lot.

Upon questioning from Mr. Kealoha, Mr. Evans stated that there is no need to restore the use; however, without the signatures of the other owners, the staff could not recommend approval. Mr. Evans suggested that condition no. 2 could be deleted, whereby the Board would acknowledge the nonconforming use and approve the house with the standard conditions with the understanding that the Board would only allow one house per house lot.

Deputy Attorney General Johnson Wong stated that there was no legal objection to the approval.

Mr. Chang appeared before the Board and informed the Board that the single-family residence was established sometime in the early 1900's, and the property has been in the family for generations—his grandmother and mother had lived in the house. His grandmother left to live with his mother in 1952 he believed. In the meantime, the house rotted and all that remained were slabs and the graves in the back. He stated that they camped on the property because it was unsafe to use the house. They decided to put up a house so that they could leave their things there.

**ACTION**
Mr. Arisumi moved for denial of the staff recommendation to dismantle the structure, with the condition that applicant obtain the signatures of the three remaining original owners, and that the fine be reduced to $300. Mr. Kealoha stated he thought the fine was too high and asked that it be reduced to $200. Mr. Arisumi agreed and the motion, which was seconded by Mr. Arata, was unanimously carried.

CONSENT TO ASSIGNMENT OF GRANT OF EASEMENT NO. S-4439, MAUI KAMAOLE ENTERPRISES, ASSIGNOR, TO AMERICAN TRUST CO. OF HAWAII, INC., A HAWAII CORPORATION, AS TRUSTEE UNDER LAND TRUST AGREEMENT, ASSIGNEE, TMK

**ITEM F-1-e:**

3-9-04; POR. 61, KAMAOLE, WAILUKU (KULA), MAUI

**ACTION**
Unanimously approved (Arisumi/Arata).
CONSTRUCTION OF RIGHT-OF-ENTRY AND SALE OF LEASE BY DIRECT NEGOTIATION, HARBORS DIVISION, KEEHI LAGOON, OAHU (MB MARITIME, INC. DBA MAMALA BAY MARINE CENTER)

ACTION Unanimously approved (Ing/Kealoha).

CONSENT TO SUBLEASE, KAHLULUI AIRPORT, MAUI (HELICOPTER ADVENTURES, INC. - HELICOPTER CONSULTANTS OF MAUI, INC. DBA SOUTH SEAS HELICOPTER)

ACTION Unanimously approved (Arisumi/Arata).

APPLICATION FOR ISSUANCE OF REVOCAIBLE PERMITS 4513, ETC., AIRPORTS DIVISION

ACTION Unanimously approved (Ing/Kealoha).

RENEWAL OF REVOCAIBLE PERMITS 1950, ETC., AIRPORTS DIVISION

Mr. Ing asked to be excused from the vote.

ACTION Approved (Kealoha/Apaka).

SALE OF A LEASE BY DIRECT NEGOTIATION, HARBORS DIVISION, PARCELS 2-A, 2-A-1, 2-B, 2-C, 2-D AND 3, PIER 41, HONOLULU HARBOR, OAHU (HONOLULU SHIPYARD, INC.)

ACTION Unanimously approved (Ing/Kealoha).

CONSENT TO ASSIGNMENT OF LEASE, HARBOR LEASE NO. H-82-4, HONOKOHAU BOAT HARBOR, HAWAII (GENTRY-PACIFIC, LTD.)

ACTION Unanimously approved (Ing/Kealoha).

USE OF HARBORS DIVISION FACILITIES, PIERS 10 AND 11 SHED, IRWIN PARK AND SURROUNDING AREAS, OAHU (HONOLULU MARATHON ASSOCIATION)

ACTION Unanimously approved (Ing/Kealoha).

CONTINUANCE OF REVOCAIBLE PERMITS H-78-725, ETC., HARBORS DIVISION

In answer to a query from Mr. Apaka, Mr. Garcia stated that he believed the Hawaii Water Ski Association would be in compliance with the DOT Ocean Recreation Management Plan; however, he would verify the information and report back to the Board.

ACTION Unanimously approved (Kealoha/Apaka).

CONTINUANCE OF REVOCAIBLE PERMITS H-84-1160, ETC., HARBORS DIVISION

Mr. Ing asked to be excused from voting on this item.

ACTION Approved (Kealoha/Apaka).

FILLING OF FULL-TIME, TEMPORARY-EXEMPT, LABORATORY ASSISTANT III, POSITION NO. 19881E, IN THE DIVISION OF AQUATIC RESOURCES, (OAHU)

ACTION Upon motion by Mr. Kealoha and a second by Mr. Ing, the Board unanimously approved the appointment of Ms. Shelly Unger to Position No. 19881E, Laboratory Assistant III.

OUT-OF-STATE TRAVEL REQUEST FOR PATRICK G. COSTALES TO ATTEND THE WESTWIDE STATE FOREST RESOURCE PLANNING (SFRP) CONFERENCE, NOVEMBER 28 - DECEMBER 2, 1988

ACTION Unanimously approved (Ing/Kealoha).
ADDED

ITEM C-2: FILLING OF POSITION NO. 37634, CLERK TYPIST II, TEMPORARY APPOINTMENT OUTSIDE OF LIST, ADMINISTRATION OFFICE, OAHU

ACTION Upon motion by Mr. Ing and a second by Mr. Kealoha, the Board unanimously approved the appointment of Joan Nishimura to Position No. 37634.

ADDED

ITEM C-3: OUT-OF-STATE TRAVEL REQUEST FOR THANE PRATT TO ATTEND A WILDLIFE SYMPOSIUM IN ENGLAND, NOVEMBER 29 TO DECEMBER 1, 1988

ACTION Unanimously approved (Ing/Kealoha), with a request by Mr. Pratt's paper be sent to Mr. Ing and Mr. Ed Tanji of the Advertiser, Maui Bureau.

ITEM E-1: FILLING ONE VACANT PARK CARETAKER II POSITION FOR OAHU PARK SECTION

ACTION Unanimously approved the appointment of Benjamin Asuncion to Park Caretaker II, Position No. 27097, Oahu (Ing/Kealoha).

ITEM F-1 DOCUMENTS FOR CONSIDERATION:

Item F-1-a ISSUANCE OF REVOCABLE PERMIT TO CHRIS MELLEN, DBA C. M. SALVAGE CO., TMK 4-5-15:34, KAPAA, KAUAII

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO PACIFIC AVIATION INTERNATIONAL, INC., TMK 1-8-08:POR. 35, HANAPEPE, KAUAII

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO STEVEN DE COITE FOR PASTURE PURPOSES, TMK 2-9-02:12, 17 AND 22, HOOLAWA-MOKUPAPA, HAMAKUAOLA, MAKAAO, MAUI

Mr. Shimabukuro asked that the monthly rental be amended to read, "$12" and the collateral security to read, "$24."

Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO MAUI CATS, INC., DBA S A SAILS FOR OFFSHORE MOORING PURPOSES AT KAHANA, KAANAPALI, LAHAINA, MAUI, TMK 4-3-10:OFFSHORE

Amended to include Condition 6 that the applicant comply with DOT's Ocean Recreation Management Plan. At the time of the CDUA, the DOT plan had not been adopted.

ACTION Mr. Kealoha moved for approval of Items F-1-a, -b, -c, as amended, and -d as amended. The motion was seconded by Mr. Apaka and unanimously carried.

Item F-1-e See page 4.

ITEM F-2: RESUBMITTAL - DIRECT SALE OF A PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT OF ENTRY FOR ACCESS, WATER PIPELINE AND UTILITY PURPOSES, TMK 2-1-05:POR. 77, MOLOA, HONUAILA, MAKAAO, MAUI

ACTION Unanimously approved (Arisumi/Kealoha).

ITEM F-3: FORFEITURE OF GENERAL LEASE NO. 4297 TO MAHALO FARMS, INC., LOT 19, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU, TMK 4-1-10:04

ACTION Mr. Shimabukuro withdrew this item as the lease rental has been brought up-to-date.

AMENDMENT OF PRIOR BOARD ACTION COVERING THE SET ASIDE OF ADDITIONAL AND FOR THE IWILEI MORGUE SITE TO THE CITY AND COUNTY OF HONOLULU, KUWILI, IWILEI, HONOLULU, OAHU, TMK 1-5-09:POR. 2 AND 3

ACTION Unanimously approved (Ing/Kealoha).
CANCELLATION OF GENERAL LEASE NO. S-4266 TO NORTHWESTERN MUTUAL LIFE INSURANCE CO., ISSUANCE OF REVOCABLE PERMIT TO MR. JAMES A. DOWSETT AND AUTHORIZATION TO HOLD PUBLIC AUCTION, TMK 6-8-02:07, 6-9-03:02, WAIALUA, OAHU

ITEM F-5: Action

Unanimously approved (Ing/Kealoha) with the amendment requiring the staff to come back to the Board with the proposal for public auction.

REQUEST TO (1) AMEND DEPT. OF THE ARMY CONTRACT NO. DACA 84-1-84-4, AND (2) AMEND STATE OF HAWAI'I LEASE OPPORTUNITIES FOR THE RETARDED, INC. (L.O.D. NO. S-27406) COVERING PORTIONS OF SCHOFIELD BARRACKS MILITARY RESERVATION, TMK 7-6-01:POR. 01, WAIA'ANAE-UKA, EWA, OAHU

ITEM F-6:

ACTION

Unanimously approved (Ing/Kealoha).

DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANE'OHE, Koolaupo'ko, Oahu, TMK 4-4-07:SEAWARD OF 04

Mr. Shimabukuro asked to have an amendment under "Consideration":

"Pursuant to section 171-53(b), Hawaii Revised Statutes, the appraisal shall be based on either: (a) submerged land value in the event the purchaser within thirty (30 days of notification of the Board's approval) provide written proof that the reclaimed land was filled with prior governmental approval; or otherwise (b) on a filled land basis."

ACTION

Unanimously approved as amended (Ing/Kealoha).

ITEM F-7:

See page 2.

ITEM F-8: See page 2.

AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPT. OF HEALTH, WAIPAHU COUNSELING SERVICE, WAIPAHU, OAHU

ACTION

Unanimously approved (Ing/Kealoha).

AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, WEST INCOME MAINTENANCE UNIT, KAUA'I BRANCH, HANAPIPE, KAUA'I

ACTION

Unanimously approved (Apaka/Kealoha).

LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, INFORMATION SYSTEMS OFFICE, HONOLULU, OAHU

ACTION

Unanimously approved (Ing/Kealoha).

FILLING OF POSITION NO. 4369, ABSTRACTING ASSISTANT III, OAHU

ACTION

Unanimously approved the appointment of Faith E. Hope to Position No. 4369, Abstracting Assistant III (Ing/Kealoha).

REQUEST FOR APPROVAL TO CONTRACT FOR RESEARCH SERVICES TO INVESTIGATE COMMERCIAL TECHNIQUES TO CULTIVATE EDIBLE SEAWEEDS

ACTION

Unanimously approved (Ing/Kealoha).

CDUA FOR A STORAGE SHED AT UPPER KALIHI, OAHU (GREGORY P. LOOS)

Condition no. 7 was added making recordation a required condition.

ACTION

Unanimously approved as amended (Ing/Kealoha).
ITEM H-3: CDUA FOR A SINGLE FAMILY RESIDENCE WITH SWIMMING POOL AND KOI POND AND A SEAWALL AT HAENA, KAUAI (STUART ZIMMERMAN/avery H. YOUNG)
Mr. Evans asked to delete the reference to the lack of the SMA.
ACTION Unanimously approved as amended (Apaka/Kealoha).

ITEM H-4: See page 3.
ITEM H-5: See page 3.
ITEM H-6: See page 3.

ITEM H-7: CDUA FOR INSTALLATION OF A 20-INCH WATER MAIN AT KALUANUI STREAM, HAUULA, OAHU (BOARD OF WATER SUPPLY)
Mr. Evans asked to delete Condition No. 8 regarding a permit from the Commission on Water Resource Management.
ACTION Unanimously approved as amended (Ing/Kealoha).

ITEM H-8: See page 4.
ITEM H-9: See page 2.

ITEM H-10: AMENDMENT TO CDUA MA-865A FOR MAINTENANCE DREDGING AT THE ENTRANCE CHANNEL TO LAHAINA BOAT HARBOR (DEPT. OF TRANSPORTATION)
ACTION Unanimously approved (Arisumi/Kealoha).

ITEM H-11: CDUA FOR A SUBDIVISION AND CONSOLIDATION TO EXPAND THE KAILUA ROAD WASTEWATER PUMP STATION PARCEL (C & C HONOLULU DEPT. OF PUBLIC WORKS)
ACTION Unanimously approved (Ing/Kealoha).
ADDED ITEM H-12: FILLING OF POSITION NO. 33450, PERSONNEL CLERK IV, SR-11, PERSONNEL OFFICE
ACTION Unanimously approved the appointment of Sheila Young-Pereira to Position No. 33450, Personnel Clerk IV, Oahu (Ing/Kealoha).
ADDED ITEM I-1: FILLING OF POSITION NO. 33269, CLERK-TYPIST II, ISLAND OF MAUI
ACTION Unanimously approved the appointment of Dawn S. Delara to Position No. 33269, Clerk-Typist II, Maui, effective November 16, 1988 (Arisumi/Arata).

ADJOURNMENT: There being no further business, the Chairperson adjourned the meeting at 12:20 p.m.

Respectfully submitted,

[Signature]
Geraldine M. Besse
Secretary

APPROVED:

[Signature]
WILLIAM W. PATT, Chairperson
Board of Land and Natural Resources