

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

DATE: JANUARY 26, 1990
TIME: 9:00 A.M.
PLACE: BOARD ROOM, ROOM 132
KALANIMOKU BUILDING
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

ROLL CALL: Chairman William 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. Moses Kealoha
Mr. John Arisumi
Mr. William Yuen
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. William Paty

STAFF: Mr. Roger Evans
Mr. Michael Buck
Mr. Mason Young
Mr. Henry Sakuda
Mr. Carl Masaki
Mr. Gordon Akita
Ms. Dorothy Chun

OTHERS: Mr. Randall Young, Deputy Attorney General
Mr. Johnson Wong, Dep. Attny General (10:45 am)
Mr. Peter Garcia, DOT
Mr. Russel Nagata (Item F-12)
Mr. Eric Guinther, Mr. Rick Shaefer (Item F-14)
Mr. Norman Metz (Item H-4)
Ms. Cynthia Thielen, Kenneth Au (DOT),
Mr. Dean Cost, Mr. Lucky Cole (Item F-11)
Mr. Bryson Kuwahara (Item H-6)
Mr. Mark Van Pernis, Mr. Robert Smith (Item F-2)
Ms. Bernadette Rand (Item F-10)
Mr. Ed Case (Item H-5)

Mr. Arisumi moved for approval of the minutes of the meeting of September 22, 1989 be approved as circulated. Seconded by Mr. Apaka, motion carried.

Mr. Yuen moved for approval of the minutes of the meeting of November 17, 1989 as circulated, seconded by Mr. Arisumi, motion carried.

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

- C-2 - Permission to Enter into a Contract to Conduct a Freshwater Fish Study in the Waimanu National Estuarine Research Reserve
- H-9 - Request for board Approval on Strategic Plan for Sand Island
- J-11 - Consent to the Assignment of Sublease No. GKM-01, Harbor Lease No. H-82-4, Honokohau Boat Harbor, Hawaii (W. Bert Hunn and Deborah Hunn/Honokohau Food Service Inc., DBA Harbor House

Items on the Agenda were considered in the following order to accommodate those applicants and interested parties present at the meeting.

ADDED

ITEM H-9

REQUEST FOR BOARD APPROVAL ON STRATEGIC PLAN FOR SAND ISLAND

Mr. Fukumoto told the Board that the Department has been in negotiation with the Sand Island Business Association (SIBA) since October 4, 1989 to work out final details of the development of the Industrial Park and had a strategic plan to present today.

Mr. Edgar Hamasu representing the Sand Island Business Association spoke on behalf of Mr. Walter Arakaki and members of the association. He spoke on the lands within the park and how they would be used for industrial purposes. He did mention that they would need final approval on their plans and specifications from the Board and a determination on a partnership agreement for public purposes. They feel they have made substantial progress in both land planning and lease negotiation.

Mr. Yuen said he had some concerns and would be prepared to approve only some parts of the strategic plan today. Discussion continued on the various points of concern.

Chairman Paty suggested it might be better to defer this matter given the concerns of Mr. Yuen and have staff actively pursue it.

Mr. Kealoha said that he had the same concerns of Mr. Yuen and felt we should have a review with staff and the Attorney General's office.

Chairman Paty said that the A.G.'s office has been actively involved in the discussions and will continue to be involved.

ACTION

Motion to defer was made by Mr. Yuen and seconded by Mr. Kealoha. Motion carried unanimously.

ITEM H-1

TEMPORARY VARIANCE REQUEST FOR THE USE OF EXPLOSIVES AT KAWAINUI MARSH, OAHU; APPLICANT - DEPARTMENT OF PUBLIC WORKS, CITY AND COUNTY OF HONOLULU

Mr. Evans presented item H-1 to the Board with staff's recommendation for approval.

Ms. Anna Yulacheski and Ms. Laverne Higa of the Department of Public Works, City and County of Honolulu were available to answer any questions. They explained that the exact dates of blasting would depend on weather conditions. Also there would be other types of tests to determine the effects of the blasts.

In answer to the Board's questions, they said there would only be two blasts and the length of time to conduct these tests would depend on how difficult to place the charges in the swamp.

ACTION

Mr. Yuen moved for approval subject to conditions imposed by staff; seconded by Mr. Arata, motion carried.

ITEM H-3 CDUA FOR A CO-HABITATION TELECOMMUNICATION FACILITY AT KAUPULEHU CRATER, HAWAII; APPLICANT - MOTOROLA COMMUNICATIONS INTERNATIONAL INC.; AGENT - MR. PATRICK M. CUMMINS

Before presenting item H-3 to the Board, Mr. Evans requested to make a change. He wanted to remove condition 9. on page 9 of the submittal which was put in at the request of the Department of Health. Staff feels that this is not required at this point.

Mr. Pat Cummins, consultant to Motorola and Mr. Dan Scwhartz, engineer for Motorola were present to answer any questions. Mr. Cummins said they had read staff's report and will comply with all the recommendations.

ACTION Mr. Arata moved for approval as modified. Seconded by Mr. Arisumi, motion carried.

ITEM H-4 CDUA AMENDMENT FOR TELECOMMUNICATION FACILITY, PUU MANAWAHUA, OAHU; APPLICANT - HAWAIIAN ELECTRIC COMPANY, INC.

Mr. Evans began by pointing out the area on large photos posted in the board room. He went on to say after standard review and comments from other agencies, staff is recommending approval subject to conditions listed. He said they would like to highlight condition no. 6 which is germane, which states that applicant will accommodate all necessary equipment for government agencies (i.e. Department of Budget and Finance, Civil Defense, etc.)

Responding to Mr. Yuen's question, Mr. Evans said that this was basically just an expansion of the existing facility.

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-5 APPROVAL OF CONSENT TO SHORT FORM LEASE, HARBOR LEASE NO. H-89-14, BARBERS POINT HARBOR, OAHU (HAWAII PACIFIC INDUSTRIES, INC.)

Mr. Garcia said item J-5 is the Short Form Lease and item J-6 is the Approval of Consent to Short Form Lease for the Harbors Division at Barbers Point.

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-6 APPROVAL OF CONSENT TO SUBLEASE PORTIONS OF HARBOR LEASE NO. H-89-14, BARBERS POINT HARBOR, OAHU (HAWAII PACIFIC INDUSTRIES, INC. TO AES BARBERS POINT, INC.)

Mr. Garcia said this was for the same lease as in item J-5. He continued to go over the terms and rental of the sublease.

Mr. Arisumi asked if there was a date of completion, to which Mr. Garcia replied that he did not have a date, but it should be completed during the first five years.

Responding to Mr. Yuen's questions, Mr. Garcia said the sublease is for a portion of the area and DOT is not taking any portion of the sublease rental, the rental is being prorated.

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM F-11 EXTENSION OF TIME LIMIT CONDITION ON PRIOR BOARD ACTION OF FEBRUARY 24, 1989 (AGENDA ITEM F-14) FOR WITHDRAWAL OF LANDS FROM E.O. 2955 (PUPUKEA BEACH PARK), CONVEYANCE IN FEE OF WITHDRAWN AREA AND PORTION OF KE NUI ROAD, PUPUKEA-PAUMALU, KOOLAULOA, OAHU

Mr. Young made the presentation with the recommendation to grant a one year extension to the time limit imposed by the Board on February 24, 1989.

Chairman Paty asked Mr. Young about the status of the landowners clearing the beach side of the road at this point in time. Mr. Young said so far they hadn't gotten any response. He received a letter last nite from Attorney Dennis O'Connor with questions as to the State's position regarding the ownership of the actual alignment of the right-of-way itself and the position of the State with respect to the removal.

Chairman Paty said the decision relative to an extension might condition upon whether the owners are allowing the public to move through State-owned land. Here is a request by the County to complete their survey, but at the same time the owners should accommodate the State's request and remove the fences.

Mr. Young said to his knowledge they have not gotten a response to correspondence by the owners to the State's request.

In response to Mr. Kealoha's request, Mr. Young pointed out on a map to the land board members the subject roadway in question and explained the consolidation and land exchange plans.

Chairman Paty said he would call upon the representatives representing the landowners first and then the Sunset Community Association second.

Ms. Cynthia Thielen said she was assisting the landowners in the land exchange together with Dennis O'Connor. She said the parcel that abuts Kam Hwy is privately owned, that stretch of the railroad is privately owned by Dr. Ossman.

She talked about the boundaries of the property involved in the proposed land exchange and the access of the landowners. She talked about the fences that were up, mentioning that she walked the area recently and noticed that the roads had never been paved and never taken care of by the State with overgrowth of tangled foliage. She said that she would be happy to work with staff and the Deputy Attorney General's office to define the lines of ownership. She said that she represents six owners of the seven lots and they would like to cooperate and work with the State.

Mr. Paty reminded Ms. Thielen that he had talked to her previously regarding the fences also. The State could not tell the public not to go over on State land.

Ms. Thielen said that they need time to have a survey done which could possibly be finished in a month. She said they needed to know who owned what areas.

Chairman Paty then called on the representatives from the Sunset Beach Community. He reminded them that the issue at hand today was the extension and not the adjudication of the land.

Mr. Dean Cost a resident of Ke Nui Road made a presentation using an exhibit they had posted, pointing out the area in question and how the highway was used. He talked of how he and his family enjoyed the use of the area and the danger of allowing the road to be closed. He claimed if the State grants this extension to the City and County to negotiate away the State road, then the City will be on the hook too, behind the State.

Chairman Paty reminded Mr. Cost that the issue today is on the request for an extension and not the actual exchange.

Mr. Lucky Cole, Chairman of the Sunset Beach Planning Committee presented photos to the Land Board, showing the different lots and how they affect the traffic, people that go down to the beach and jog have to go out on the highway to get around the cars parked along the way. He referred to a letter dated September 12, 1989 from Mr. Ed Hirata of DOT in which he states that they do not recommend relinquishing any portion of the railroad right-of-way or Ke Nui Road. They feel it does not make sense to relinquish property now and then have to re-acquire it in the future. He referred to several other correspondence from the public.

Mr. Kenneth Au from the Department of Transportation, Highways Division representing Mr. Ed Hirata said he wanted to reiterate their position on the land exchange. He referred to the letter of September 12, 1989 and said the position had not changed. He gave a short background on why they wanted to reserve the right-of-way and keep it with the State. Essentially they foresee widening Kam Highway in the future. He doesn't say it's going to be done but if they see a need for it and if it's going to take place then they have to look at it and debate it. They also have to look at the overall funding for highways and the priorities.

ACTION Mr. Yuen moved that the City be granted a four month extension. Motion was seconded by Mr. Arata.

DISCUSSION Chairman Paty commented that he was not aware of a representation from the County here and we do as a matter of policy try to accommodate the Counties involved when they have concerns. He said he thought moving the extension time from a year to four months is indicative of the Board's concern relative to that, but it should afford time for the survey to be completed and at that time the question of the land exchange could be addressed.

Mr. Kealoha said he shares the concern of the Chairman. He remarked that the City is only a few steps away and no representative is here and concerned members of the public are coming from 35 miles away, he feels he cannot vote in favor of the City.

QUESTION Chairman called for the question. Motion carried with 4 ayes and 1 no.

ITEM H-6 AMENDMENT TO APPROVED CDUA, TO EXPAND AN EXISTING CINDER REMOVAL OPERATION; APPLICANT - BRYSON KUWAHARA

Before beginning his presentation on item H-6, Mr. Evans made a change on page 8, Condition 8. Condition 8 consists of two paragraphs and in the second paragraph, third line, staff would like to eliminate the words depth and amount, so it should then read, "That grading plan for the proposed quarry expansion shall be submitted to this Department indicating the existing length and width of the material to be removed; ...". Because of the physical nature of the landscape, it is extremely difficult to know in advance what the depths and amounts are going to be.

Mr. Evans passed out photos of the area to the Board. He said that in February of 1987 the Board approved a CDUA with 15 conditions. One of the conditions indicated that the board would take into consideration how work transpired under that CDUA before any other expansions would be allowed. From staff's perspective, the conditions that were placed by the board have been properly met.

Mr. Evans pointed out that one comment was made at the public hearing held regarding noise. Staff feels that from a physical perspective, where the expansion is going to take place, the actual pool itself will act as a buffer.

Mr. Arisumi questioned the hours and days of operation in Condition 13. as he felt the public may wish to purchase cinders on the weekends.

Mr. Bryson Kuwahara, applicant, said that he does not work on Sundays and normally he does not work on Saturdays but there are times when working people want a delivery on the weekend. On the weekend he would only be using the loader which does not create much noise. He said that he could live with the condition of a six days operation and prefers a 6:00 a.m. to 6:00 p.m. hours of operation or less in the expansion area.

Under Condition 6, Mr. Kuwahara asked if it would be possible to increase the total number of years of operation for both the initial phase and the request for expansion. The reason being it would not be possible for him to take all the cinder out by three years and hard to make a commitment for long term contracts to supply materials and because of the nature of his business he has to get equipment loans.

Mr. Evans said that staff would have no difficulty if the Board wants to make a consideration. Mr. Arisumi suggested a change in condition no. 6, that the expansion to be completed by December year 2000.

ACTION

Mr. Arata moved for approval with the following amendments:

- 1) Condition 6--The lease would run concurrent with his mining lease till June 30, 2000, and before he assigns or sells the lease he will need to come back to the Board.
- 2) Condition 8--The words "length " and "depth" to be eliminated.
- 3) Condition 13--In the second paragraph, the hours to be 6:00 am to 6:00 pm and six days a week.

Seconded by Mr. Arisumi, motion carried unanimously.

RECESS

11:00 am to 11:15 am.

ITEM F-12 REQUEST TO (1) AMEND PRIOR LAND BOARD SUBMITTAL (MARCH 24, 1988, ITEM F-10) AUTHORIZING ACQUISITION OF CITY'S RICHARDS STREET PARKING GARAGE SITE; (2) APPROVE TRI-PARTY AGREEMENT BETWEEN THE STATE, CITY AND EQUITY RICHARDS VENTURE; (3) APPROVE PERPETUAL EASEMENT GRANTED TO STATE FOR USE OF PARKING STALLS, TMK 2-1-17:18, HONOLULU, OAHU

Mr. Young made the presentation of item F-12 to the Board recommending approval. If the Board gives their approval, then staff is recommending that the submittal be amended with Condition No. 4, that it be recommended to the Governor for issuance of an executive order setting aside the perpetual easement covering the 432 parking stalls to the Department of Accounting of General Services for parking purposes.

In answer to Mr. Kealoha, Mr. Young said yes, the State would be sharing a pro rata cost for the maintenance, repair and improvement of the parking garage, should the Board go along with the Tri-party Agreement. DAGS will be handling the parking.

Mr. Russel Nagata, the State Comptroller said that the perpetual easement in the garage apartments that's located in the landing area and their position is that they have all the rights that go with the perpetual easement. In answer to Mr. Yuen, he said didn't know the City's position on this and felt that the document spoke for itself.

Mr. Kealoha voiced his concern on parking at Iolani Palace. Mr. Nagata responded by saying they will try to do something about the parking along the entrance from King Street and to the left fronting the barracks and open it up to the Friends to whatever scheme they might have.

ACTION Mr. Yuen moved for the approval of the Tri-Party Agreement perpetual easement and other related documents as amended by staff, which includes the issuance of the executive order setting aside to DAGS the management for parking purposes. Seconded by Mr. Kealoha.

DISCUSSION Chairman Paty asked if the amendment included, "without waiving any of the State's right"? He also asked the Deputy Attorney General Wong to comment on the amendment.

Mr. Wong said that the Attorney General has strongly recommended that we put that language in, "without waiving any of the State's right under the Tri-Party Agreement," so that the City will not in any way allege that the approval of this means that the State is waiving some of the disputed rights.

Mr. Kealoha requested to amend the motion to add the language, "without waiving any of the State's right under the Tri-Party Agreement." This amendment to the motion was seconded by Mr. Apaka. Mr. Yuen said he had no objection.

QUESTION Chairman called for the question and motion as amended was unanimously carried.

ITEM F-2 REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS HAVING RESOURCE VALUE TO THE STATE, TMK 7-2-04:08, 09, 10 AND 12, KUKIO 2ND AND MANINIOWALI, NORTH KONA, HAWAII

Mr. Young made staff's presentation recommending approval of the acquisition and recommendations in the submittal of item F-2.

Mr. Young said the owners of the kuleana lands were notified and were present today.

Chairman Paty asked if he would review the process that would take place should the Board approve the request today. Mr. Young outlined it as follows:

1. Staff to commence with the acquisition of the four parcels either by negotiations or if necessary by eminent domain.
2. To authorize the securing of a right-of-entry from the respective landowners for site inspection and appraisal purposes, subject to approval of the Governor.
3. Authorize the hiring of an independent appraiser and other consultant services necessary to process the acquisition of the subject parcels.

Mr. Young said they had received a letter from the owners saying they were willing to negotiate. If unable to negotiate, staff is asking authority to commence with acquisition by condemnation.

Mr. Mark Van Pernis said that he was with the firm Gallup and Van Pernis and has a minority interest in one of the parcels and also speaks for the other owners of the one parcel and was appearing on a limited authority on behalf of Phil Gray, and Phil Gray Trust. Mr. Van Pernis said the sliver of land referred to by staff is 3/4 of an acre. He said the Board approved some years ago a shoreline survey which has been recertified over the years. He also corrected Mr. Young in referring to the four lots which are not kuleanas but grants. Mr. Van Pernis continued to talk about the uses of the land.

Mr. Robert Smith said that he represented Mr. Peter Smith (no relation), who has a 2-1/2 acre parcel in Kua Bay. They have no objection to allowing access and are willing to negotiate with respect to sale or trade of property. Mr. Smith said that Kua Bay is the centerpiece of the area that was traded for Awakee and is the only sandy beach. The developer of that area will certainly want to acquire the four properties in question to prevent houses from going in that would obstruct the area between the hotel and the bay itself.

Mr. Van Pernis added in that the owners are now being approached by persons who they understand are also being approached or also approaching Kahala Capital Corporation regarding Awakee in terms of possibly obtaining options on the Kua Bay properties. He also mentioned a likely imposition at the Land Use Commission level to create improvements for public benefit in terms of facilities at Kua Bay.

Chairman Paty commented that a number of assumptions have been made which may or may not be true. This exchange of Awakee is already under fire particularly because it concerns for the possible resort dominating Kua Bay. There's going to be a moratorium on development in all of west Hawaii and the Land Use Commission will be putting some stringent restrictions on that.

ACTION Motion was made by Mr. Arata to approve item F-2 as recommended by staff and seconded by Mr. Arisumi.

Mr. Yuen requested to add a fourth condition on the recommendation and that is, "That the Board expressly find that the acquisition is for public purpose of insuring preservation of the large open area along the shoreline."

There was no objection to the amendment by Mr. Arata or Mr. Arisumi and motion carried unanimously.

ITEM F-14 ATLANTIS SUBMARINE HAWAII REQUESTS NON-EXCLUSIVE EASEMENT COVERING OFFSHORE WATERS AND SUBMERGED LANDS FOR DIVE SITE FOR SUBMARINE TOURS, WAIKIKI, HONOLULU, OAHU

Mr. Young presented contents of item F-14 to the Board with staff's recommendation for approval subject to conditions listed. He also mentioned that representatives from Atlantis Submarine Hawaii were present today to answer any questions.

In response to Mr. Kealoha's question, Mr. Young responded saying that a CDUA will be necessary for the applicant to file regarding the setting of the aircraft at the site.

ACTION Mr. Yuen moved for approve of item F-14.

DISCUSSION Mr. Eric Guinther said he was with AECOS representing Atlantis as agent and Mr. Rick Shaefer said he was the manager.

Mr. Arata commented on concerns of safety on the public aspect. He said he noticed on the voyage yesterday there were quite a few passengers who were sick and he understood there were storm warnings posted. He asked if there were any conditions that stipulate that trips can go out or be cancelled due to weather conditions.

Mr. Shaefer responded that their operations manual has been approved by the Coast Guard and use their own discretion. He said they do have refunds for people that do get sick or claustrophobic or for any reason they don't want to go on. He also said they do offer customers seasick pills if they are prone to seasickness.

Mr. Arata stressed the point that they should notify their customers of the refund possibility should they get sick.

QUESTION Chairman Paty reminded the Board there was a motion on the floor. Mr. Apaka seconded the motion and motion carried unanimously.

ITEM F-10 RESUBMITTAL--STAFF RECOMMENDATION TO REINSTATE GENERAL LEASE NO. S-5167 TO GEORGE M. AND HAZEL K. ILAE AND SUBSEQUENT CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-5167, WAIMANALO, KOOLAUPOKO, OAHU

Mr. Young said because of the tax liens against the property there were concerns by the representatives of the Circle R Corporation. Staff was therefore requesting item F-10 be withdrawn.

Ms. Bernadette Rand from Circle R Corporation was present and received clarification on some of the recommendations by staff and the Board.

ACTION Motion was made by Mr. Yuen to withdraw item F-10 from the agenda with the following instruction to staff to send the matter to legal for disposition to prepare cancellation document, obtain release from the IRS, collect delinquency and assist staff, if necessary, in the eviction of the Ilaes from the lease premises. Seconded by Mr. Arata motion carried.

ITEM H-5 CDUA FOR AFTER-THE-FACT, FOR A DECK EXTENSION OVER SUBMERGED LAND; APPLICANT - RICHARD H. CHASEN

Mr. Evans presented the recommendation of a fine for the violation and approval of the after-the-fact deck extension subject to conditions listed.

Mr. Ed Case said he was representing the applicant, Mr. Richard Chasen, the lessee of the property. The actual applicant is the Hanson Art Galleries. Although they have been there for the only last six months they will go through with the conditions as recommended. They are asking for clarification on the recommendation of staff relative to expansion. The application had asked for approval to renovate the existing structure. They don't have any plans to extend the deck or widen it, but they would like to clarify the concept of whether they can go ahead and renovate.

Mr. Evans responded saying that staff could clarify that. Should this be item be approved, this entire application as represented could be used for commercial purposes.

Mr. Case also asked if they could be given a right-of-entry to the property so that they could go ahead and continue with their plans.

Mr. Evans said there would be no problem to amend the conditions to include a right-of-entry.

ACTION Mr. Arisumi moved for approval as amended to allow the applicant a right-of-entry; seconded by Mr. Arata, motion carried unanimously.

ITEM B-1 REQUEST FOR APPROVAL TO AMEND THE AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) FOR NATIVE FRESHWATER SPECIES AND STREAM ECOSYSTEM STUDIES

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM C-1 LIMITED TERM APPOINTMENT FOR GENERAL LABORER I, POSITION NO. 13337, ISLAND OF KAUAI

Mr. Carl Masaki made Division of Forestry and Wildlife's presentation for administrator Michael Buck.

ACTION Unanimously approved the appointment of Kalani Medeiros to fill General Laborer I, Position No. 13337, on the island of Kauai. (Apaka/Kealoha)

ADDED ITEM C-2 PERMISSION TO ENTER INTO A CONTRACT TO CONDUCT A FRESHWATER FISH STUDY IN THE WAIMANU NATIONAL ESTUARINE RESEARCH RESERVE

ACTION Unanimously approved as submitted. (Yuen/Arata)

ADDED ITEM C-2 PERMISSION TO ENTER INTO A CONTRACT TO CONDUCT A FRESHWATER FISH STUDY IN THE WAIMANU NATIONAL ESTUARINE RESEARCH RESERVE

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM D-1 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 17-OW-D, WAIALUA MONITOR WELL, OAHU

Mr. Gordon Akita, Project Development Engineer made the presentation for the Division of Water and Land Development.

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM D-2 PERMISSION TO HIRE CONSULTANTS FOR JOB NO. 5-OW-D, ANIANI NUI RIDGE TUNNEL EFFLUENT IMPROVEMENTS, WAIMANALO IRRIGATION SYSTEM, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM D-3 FILLING OF CLERK TYPIST III, POSITION NO. 09730, DIVISION OF WATER AND LAND DEVELOPMENT

ACTION Unanimously approved the appointment of Ms. Lisa M. Choo to fill the Clerk Typist III, Position No. 09730. (Yuen/Arata)

ITEM F-1 DOCUMENTS FOR BOARD CONSIDERATION:

Item F-1-a ISSUANCE OF REVOCABLE PERMIT TO MR. HIRONORI SHIMOTSU FOR RECREATIONAL PIER, SUBMERGED GOVERNMENT LANDS AT WAILUPE PENINSULA, MAUNALUA BAY, OAHU, TMK 3-6-01:SEAWARD OF 24

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF HONOLULU (YMCA) FOR OUTDOOR RECREATIONAL ACTIVITIES, KAENA, WAIALUA, OAHU, TMK 6-9-04:5

Item F-1-c DEPARTMENT OF HEALTH REQUESTS CONSENT TO ISSUANCE OF REVOCABLE PERMIT TO IMUA REHAB COVERING PORTION OF THE LAHAINA COMPREHENSIVE HEALTH CENTER AT WAHIKULI, LAHAINA, MAUI, TMK 4-5-21:16

ACTION Mr. Arisumi moved for approval of Items F-1-a to F-1-c. Seconded by Mr. Arata, motion carried unanimously.

ITEM F-2 REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS HAVING RESOURCE VALUE TO THE STATE, TMK 7-2-04:08, 09, 10 AND 12, KUKIO 2ND AND MANINIOWALI, NORTH KONA, HAWAII

ACTION See pages 7-8.

ITEM F-3 ACQUISITION OF 450± ACRES OF QUEEN LILIUOKALANI TRUST ESTATE LANDS, KEAHUOLU, NORTH KONA, HAWAII, TMK 7-4-08:POR. 12

ACTION Unanimously approved as submitted. (ARATA/ARISUMI)

ITEM F-4 AMENDMENT TO PRIOR BOARD ACTION OF SEPTEMBER 9, 1988 (AGENDA ITEM F-7) RELATIVE TO THE DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE ACCESS AND WATERLINE EASEMENT AT KAMAOLE, KULA, MAKAWAO, MAUI

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM F-5 BOARD OF LAND AND NATURAL RESOURCES ON BEHALF OF THE DEPARTMENT OF CORRECTIONS FOR A LEASE FROM THE COUNTY OF MAUI FOR EXPANSION OF THE MAUI COMMUNITY CORRECTIONAL CENTER AT WAILUKU, MAUI, TMK 3-8-46:6

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM F-6 MASONS UNION REQUESTS REDUCTION IN RENT FOR REVOCABLE PERMIT NO. S-6185, LOT 210A, SAND ISLAND INDUSTRIAL SUBDIVISION, SAND ISLAND, HONOLULU, OAHU, TMK 1-5-41:POR. 82

Mr. Kealoha explained that the Board was getting criticized for special treatment of permittees, not only for Sand Island but outer islands also for other unions. The Board should take an action by either coming up to current rate or relinquish the permit.

In answer to Mr. Yuen, Mr. Young said that it was not a deliberate omission when the permit was issued in 1978, staff forgot to include the 1/7th charge of the monthly rent.

ACTION Mr. Kealoha made a motion to deny applicant's request to reduce the rent but allow them to maintain the permit on the current rental basis that the other Sand Island Permittees are being charged; seconded by Mr. Apaka, motion carried.

Note: Mr. Arisumi was absent from the Board room during the discussion and voting on item F-6.

ITEM F-7 SPECTRUM INVESTMENTS, INC. REQUESTS WAIVER OF RESTRICTIVE CONDITIONS CONTAINED IN LAND PATENT NO. 5770, AUWAIOLIMU LOTS, PUNCHBOWL, HONOLULU, OAHU, TMK 2-1-21:05

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM F-8 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 27, 1986 (AGENDA ITEM F-11) NUUANU VALLEY, NUUANU, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM F-9 DEPARTMENT OF AGRICULTURE REQUESTS SET ASIDE OF STATE LANDS AT WAIMANALO, KOOLAUPOKO, OAHU FOR AGRICULTURAL PARK PURPOSES

ACTION Unanimously approved as submitted. (Yuen/Arata)

- RESUBMITTAL--STAFF RECOMMENDATION TO REINSTATE GENERAL LEASE NO. S-5167 TO GEORGE M. AND HAZEL K. ILAE AND SUBSEQUENT CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-5167, WAIMANALO, KOOLAUPOKO, OAHU
- ITEM F-10
- ACTION See page 9.
- EXTENSION OF TIME LIMIT CONDITION ON PRIOR BOARD ACTION OF FEBRUARY 24, 1989 (AGENDA ITEM F-14) FOR WITHDRAWAL OF LANDS FROM E.O. 2955 (PUPUKEA BEACH PARK), CONVEYANCE IN FEE OF WITHDRAWN AREA AND PORTION OF KE NUI ROAD, PUPUKEA-PAUMALU, KOOLAULO, OAHU
- ITEM F-11
- ACTION See pages 4-5.
- REQUEST TO (1) AMEND PRIOR LAND BOARD SUBMITTAL (MARCH 24, 1988, ITEM F-10) AUTHORIZING ACQUISITION OF CITY'S RICHARDS STREET PARKING GARAGE SITE; (2) APPROVE TRI-PARTY AGREEMENT BETWEEN THE STATE, CITY AND EQUITY RICHARDS VENTURE; (3) APPROVE PERPETUAL EASEMENT GRANTED TO STATE FOR USE OF PARKING STALLS, TMK 2-1-17:18, HONOLULU, OAHU
- ITEM F-12
- ACTION See pages 6-7.
- STAFF RECOMMENDATION TO TERMINATE REVOCABLE PERMIT NO. S-6392 TO WAIMANALO POLO CLUB, WAIMANALO, KOOLAUPOKO, OAHU
- ITEM F-13
- Mr. Young requested that this item be withdrawn from the agenda. He said that the polo club is in compliance with the terms of the permit. They have done a very nice job and staff has been monitoring the area. They have also brought to the attention of the Department of Transportation, the pillars of the bridge being too narrow and that being a cause of congestion during the heavy rainy season.
- ACTION Mr. Yuen entertained a motion to withdraw item F-13 from the agenda; seconded by Mr. Arata, motion carried.
- ATLANTIS SUBMARINE HAWAII REQUESTS NON-EXCLUSIVE EASEMENT COVERING OFFSHORE WATERS AND SUBMERGED LANDS FOR DIVE SITE FOR SUBMARINE TOURS, WAIKIKI, HONOLULU, OAHU
- ITEM F-14
- ACTION See pages 8-9.
- CITY AND COUNTY OF HONOLULU REQUESTS SET ASIDE OF BEACH RESERVE FRONTING KUHIO BEACH AND KAPIOLANI PARK FOR PARK PURPOSES, WAIKIKI, HONOLULU, OAHU
- ITEM F-15
- ACTION Unanimously approved as submitted. (Yuen/Arata)
- AUTHORIZATION TO SELL LOT 5, BLOCK S, KAPAA TOWN LOTS, FIRST SERIES, KAPAA, KAUAI
- ITEM F-16
- ACTION Unanimously approved as submitted. (Apaka/Kealoha)
- JACK AND PATSY YOUNG REQUEST ON BEHALF OF CITIZENS UTILITIES COMPANY AND HAWAIIAN TELEPHONE COMPANY A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR UTILITY PURPOSES, ANAHOLA, KAUAI
- ITEM F-17
- ACTION Unanimously approved as submitted. (Apaka/Kealoha)
- DIRECT SALE OF REMNANT GOVERNMENT ROAD TO MR. RONALD C. YANKE AT MOLOAA, ANAHOLA, KAWAIHAU (KOOLAU), KAUAI
- ITEM F-18
- ACTION Unanimously approved as submitted. (Apaka/Kealoha)
- DIRECT SALE OF ABANDONED GOVERNMENT ROAD TO KAKELA MAKAI PARTNERS I AND MCBRYDE SUGAR CO., LTD., KALAHEO, KAUAI
- ITEM F-19
- ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM H-1 TEMPORARY VARIANCE REQUEST FOR THE USE OF EXPLOSIVES AT KAWAINUI MARSH, OAHU; APPLICANT - DEPARTMENT OF PUBLIC WORKS, CITY AND COUNTY OF HONOLULU

ACTION See page 2.

ITEM H-2 CDUA FOR "PIA WELL," AN EXPLORATORY WELL TO LOCATE NEW GROUND WATER SOURCES, ETC.; APPLICANT - DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF WATER AND LAND DEVELOPMENT

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM H-3 CDUA FOR A CO-HABITATION TELECOMMUNICATION FACILITY AT KAUPULEHU CRATER, HAWAII; APPLICANT - MOTOROLA COMMUNICATIONS INTERNATIONAL INC.; AGENT - MR. PATRICK M. CUMMINS

ACTION See page 3.

ITEM H-4 CDUA AMENDMENT FOR TELECOMMUNICATION FACILITY, PUU MANAWAHUA, OAHU; APPLICANT - HAWAIIAN ELECTRIC COMPANY, INC.

ACTION See page 3.

ITEM H-5 CDUA FOR AFTER-THE-FACT, FOR A DECK EXTENSION OVER SUBMERGED LAND; APPLICANT - RICHARD H. CHASEN

ACTION See pages 9-10.

ITEM H-6 AMENDMENT TO APPROVED CDUA, TO EXPAND AN EXISTING CINDER REMOVAL OPERATION; APPLICANT - BRYSON KUWAHARA

ACTION See pages 5-6.

ITEM H-7 REVISED REQUEST FOR LAND BOARD APPROVAL OF "AMENDMENT AND COMPILATION" OF TITLE 13, CHAPTER 2, HAWAII ADMINISTRATIVE RULES - INCLUDING THE DEFINITION OF "KULEANA LAND", LISTING "KULEANA LAND" USE AS "NONCONFORMING USE" AND THE DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR SUCH USES IN THE CONSERVATION DISTRICT; ETC.; APPLICANT - DEPARTMENT OF LAND AND NATURAL RESOURCES, OFFICE OF CONSERVATION AND ENVIRONMENTAL AFFAIRS

Mr. Evans requested deferral of this item as there is a staff requirement still remaining outstanding. There being no objections from the Board, item H-7 was deferred.

ITEM H-8 PERMISSION TO HIRE A CONSULTANT TO ASSIST IN THE PLANNING AND DESIGN OF A LARGE-SCALE POND FACILITY

ACTION Unanimously approved as submitted. (Yuen/Arata)

ADDED
ITEM H-9 REQUEST FOR BOARD APPROVAL ON STRATEGIC PLAN FOR SAND ISLAND

See page 2.

ITEM J-1 LEASE - VENDING AGREEMENT, CURBSIDE-MAIN TERMINAL, COMMUTER TERMINAL AND INTER-ISLAND TERMINAL, HONOLULU INTERNATIONAL AIRPORT, OAHU (U.S.A. TODAY)

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM J-2 AMENDMENT NO. 6 TO LEASE NO. DOT-A-78-23, LIHUE AIRPORT, KAUAI (ALOHA AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4622, ETC., AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4608, ETC., AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-5 APPROVAL OF CONSENT TO SHORT FORM LEASE, HARBOR LEASE NO. H-89-14, BARBERS POINT HARBOR, OAHU (HAWAII PACIFIC INDUSTRIES, INC.)

ACTION See page 3.

ITEM J-6 APPROVAL OF CONSENT TO SUBLEASE PORTIONS OF HARBOR LEASE NO. H-89-14, BARBERS POINT HARBOR, OAHU (HAWAII PACIFIC INDUSTRIES, INC. TO AES BARBERS POINT, INC.)

ACTION See page 3.

ITEM J-7 CONSENT TO ASSIGNMENT OF LEASE, HARBOR LEASE NO. H-86-23, KEWALO BASIN, OAHU (KEEHI MARINE, INC.)

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-8 CONTINUANCE OF REVOCABLE PERMITS H-78-687, ETC., HARBORS DIVISION

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-9 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY LAND, NIU, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT NO. HY-89-044, HIGHWAYS DIVISION, LUNALILO FREEWAY, FAP NO. I-HI-1-(23), REMNANT PARCEL R-2, HONOLULU, OAHU (HAWAIIAN DREDGING & CONSTRUCTION COMPANY)


ACTION Unanimously approved as submitted. (Yuen/Arata)

ADDED
ITEM J-11 CONSENT TO THE ASSIGNMENT OF SUBLEASE NO. GKM-01, HARBOR LEASE NO. H-82-4.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ADJOURNMENT There being no further business, the meeting adjourned at 1:17 p.m.

Respectfully submitted,


Dorothy C. Chun
Secretary

APPROVED FOR SUBMITTAL


WILLIAM W. PATY, Chairperson