

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

**DATE:** FRIDAY, JANUARY 24, 1992  
**TIME:** 9:00 A.M.  
**PLACE:** BOARD ROOM  
KALANIMOKU BUILDING, ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

**ROLL CALL** Vice Chairman John Arisumi called the meeting of the Board of Land and Natural Resources to order at 9:07 a.m. The following were in attendance:

**MEMBERS:** Mr. John Arisumi  
Mr. Herbert Apaka  
Mr. Christopher Yuen  
Ms. Sharon Himeno  
Mr. T.C. Yim  
Mr. William Paty (10:25 am)

**STAFF:** Mr. Ralston Nagata  
Mr. Roger Evans  
Mr. W. Mason Young  
Mr. Gordon Akita  
Ms. Dorothy Chun

**OTHERS:** Mr. Randall Young, Deputy Attorney General  
Mr. Peter Garcia, Department of Transportation  
Mr. Bill Lucas (Item E-1)  
Mr. Ronald Weidenbach (Item H-2)  
Dr. Leon Brunos (Item A-1)  
Mr. Tyrone Kusao (Item H-1)  
Mr. Allan Hoe, Mr. Dennis Kanahela (Item F-9)

**MINUTES** Unanimously approved minutes of October 25, 1991 as circulated.  
(Apaka/Himeno)

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

**ITEM E-1** PERMISSION TO DISPENSE LIQUOR BY THE DAUGHTERS OF HAWAII AT THEIR LEASED PROPERTIES DURING OCCASIONAL GATHERINGS AND/OR FUNDRAISING EVENTS

Mr. Nagata presented the request of the Daughters of Hawaii for permission to dispense liquor by the Daughters or its support group, The Calabash Cousins in conjunction with their occasional gatherings or fundraising events at Queen Emma Summer Palace and the Hulihee Palace.

Mr. Bill Lucas said that he was formerly with the Honolulu Liquor Commission and his wife is a member of the Daughters of Hawaii. He said that he was the one that had suggested that they get a license for these functions. He explained that these are small gatherings but nevertheless wherever liquor is involved for consideration, he felt they should be licensed.

Mr. Yuen asked him if the general liability policy covers the sale of liquor.

Mr. Lucas said to his knowledge it doesn't and the State is co-insured with this.

Mr. Yuen instructed Mr. Nagata to be sure to check on the liability coverage if this item is approved this morning.

Discussion followed on the frequency of the occasional events and whether it could be spelt out. The Board was informed that these gatherings or events would be only about 4 to 5 times per year.

Mr. Apaka suggested that approval be given for six times per year, per site.

**ACTION** Mr. Yuen moved for approval as amended; seconded by Mr. Apaka, motion carried.

For the record, Mr. Arisumi announced that Chairman Paty was presently at another meeting but would be here shortly.

**CDUA FOR A COMMERCIAL AQUACULTURE FACILITY AT DILLINGHAM QUARRY AT KAENA, WAIALUA, OAHU, TAX MAP KEY 6-9-01:3 AND 33, APPLICANT: MR. RONALD P. WEIDENBACH, dba HAWAII FISH COMPANY**

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**ITEM H-2**

Before beginning his presentation, Mr. Evans requested to make a change in his submittal on page 2. The second paragraph which starts off, "The Hawaii Army National Guard ...", in the last sentence, the word "completed" should be changed to begun. His explanation was that during the Gulf War, the Army National Guard had pulled all their manpower away from this project.

Mr. Evans said that should the Board approve this request, a follow-up by the Division of Land Management for a disposition usually follows. For the record, the Division of Land Management has indicated to the Office of Conservation and Environmental Affairs that their intent at this time would be to issue a month to month tenancy or some form of tenancy and not a long-term lease. This has been explained to the applicant.

Mr. Evans said that the applicant is aware of the situation should their permit be revoked. They understand that they would need to vacate the premises and restore it to its original condition.

Mr. Ronald Weidenbach said that he understands the conditions and the implications that have been presented and although he would like to have a 20 to 50 years lease, he realizes that's not a possibility. Instead what he will be doing is setting up an operation that is basically portable in nature. He will use cages in the lake. They would be just wired cages that are held together that are easily assembled and disassembled. His structures will be primarily modified Matson containers, truck on and off in a matter of hours. He knows it's a gamble, the date 5 years has been mentioned but he realizes it could be 2 or 3 years or conceivably be in 10 or 20 years. He said that he would not be taking out loans but paying as he goes.

He said that there weren't many sites on Oahu for aquaculture so they would like to develop this site as long as it was available. At the same time they will be looking at the outer islands for a future site if they had to give this one up.

**ACTION** Unanimously approved as submitted. (Himeno/Yuen)

**CONSERVATION DISTRICT USE APPLICATION FOR A BOAT DOCK ON  
SUBMERGED LAND OFF AINA HAINA, OAHU; TAX MAP KEY 3-6-01:17  
(OFFSHORE), APPLICANT: TADASHI OKUYAMA; AGENT: TYRONE  
KUSAO**

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**ITEM H-1**

Mr. Evans said that staff recommends the Board approve applicant's request subject to the 16 conditions on pages 8 and 9.

Mr. Yim had questions regarding the criteria to allow or disallow boat docks.

Mr. Evans explained that docks would be disallowed if the area were not suitable or if it would require dredging. As a matter of policy, dredging would probably would not be allowed. He said that it would be hard to say that they have a statewide policy that does not consider a case by case.

Discussion followed on what the State was receiving from the Revocable Permits (R.P.'s) and whether they were getting the value from them.

Also discussed was the use of the pier or dock by the public. Mr. Evans explained if the owner were to sun bathe on the pier, then he must put a sign up and if the public uses it, he will be liable for the liability. But if the owner says that he is using it only to dock his boat, then he is does not have to put up a sign and would not be liable. Size of the pier was questioned.

Mr. Tyrone Kusao, agent for the applicant said that he discussed the matter of the size of the dock and the applicant is willing to decrease the size of the dock. At this time he really doesn't know what size of boat he will be getting. Referring to the staff report, several of the docks in that area are larger than the one being proposed by the applicant.

**ACTION** Unanimously approved as submitted. (Yim/Apaka)

**APPROVAL TO ENTER INTO A CONTRACT WITH BISHOP MUSEUM FOR  
A SATELLITE MUSEUM FACILITY AT KONA, HAWAII**

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**ITEM A-1**

Dr. Donald Hibbard said that this is the first step in the direction of creating a satellite museum facility at Kona, Hawaii.

Dr. Leon Brunos, Director of Lyman Museum in Hilo, addressed the Board referring to the study that is before the legislature presently. For future reference, the Lyman Museum would be interested and would like to be a party to any activity of this nature on this island.

There was clarification of the \$75,000.00 requested and the legislature awarding the money to the Bishop Museum who are exempt from Chapter 42, Grant In

Aid. Essentially this is a grant that is being passed through the department to the museum.

**ACTION** Unanimously approved as submitted. (Yuen/Himeno)

**ITEM F-9** **KAPILI ENTERTAINMENT GROUP REQUEST RIGHT-OF-ENTRY TO STATE LAND AT WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-09:262 AND 271**

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Mr. Young said that this was a request by Kapili Entertainment Group as part of the inaugural of the polo season. He went over the purpose, consideration and remarks in the submittal. Staff contacted the people at Kualoa Ranch regarding consideration of similar events, so this morning staff is suggesting that "we take the \$163.00 as a minimum and in the event that the 5% that was suggested exceeds that minimum, that we take a percentage of the action, rather than the 10% or 25% that Kualoa would normally charge." The applicant has been informed of this suggested amendment.

Discussion followed on the use of the land under the revocable permit. Mr. Young explained that the permit to the applicant is for polo field activities and this was not an ancillary use or consistent with the character use with which the disposition was made. To allow this activity to happen, they are coming before the Board with the consent of the Polo Club.

Vice-Chair Arisumi questioned under Item F, the insurance coverage.

Mr. Young said that any user of State lands must have liability coverage which would also hold harmless the State. The people wanting to use the land for the event must also take out an insurance policy for liability and to insure the State as well as the polo club.

Mr. Dennis Kanahale of the Kapili Entertainment Group, expressed concern over one section of the highway that might cause some problems with the traffic and it's a section that he thinks is under the jurisdiction of the Department of Hawaiian Home Lands (DHHL). He said that they would like to use the gate but he wasn't sure whom he should contact.

Mr. Young said that it appears that the polo club works with the DHHL as well as the Department of Transportation. If they wish to use it, then they have to work something out with the DHHL.

Mr. Allan Hoe of the polo club responded. He said that the polo club has been occupants there for almost seven years and they have major investments in terms of improvements on the field, primarily the maintenance of the grass. They have been approached on numerous occasions by various promoters to conduct these types of activities and they have always felt it to be against their best interest to have the kind of heavy usage of the field in which they have invested lots of money in. Mr. Kanahale and his group basically have convinced them that this is something they need to do for the community and for the Hawaiian community in Waimanalo. This is more of a cultural, social type of function opposed to rock concerts. They have joined in and assisted Mr. Kanahale in this approach.

With regard the the gate on the highway, Mr. Hoe said that is something they will have to discuss with Mr. Kanahale and DOT. That gate is on DHHL's property and they have an agreement with them as to the utilization. The real issue would be the liability of the highway and they'll discuss that to see what arrangements can be made.

Mr. Young mentioned that they haven't as yet received clearance from the neighborhood board. They want to be sure that the neighborhood is aware of this and support it.

Mr. Kanahale said that the Chairman of the neighborhood board was away on vacation and he spoke to the Vice-Chair who felt there wouldn't be any problem, but they just missed the last meeting of the board. He also said the halaus that were participating will be involved with the ticket selling and some of the proceeds will go back to their halaus.

Mr. Apaka questioned the time of the event and the hours that they would need to set up and take down the booths. After the discussion on the time needed, Mr. Kanahale said they would like to request using the area from 12 noon on March 27 and ending on March 29, 1992 at 12 noon.

**ACTION** Ms. Himeno moved for approval as amended; Mr. Apaka seconded and motion carried unanimously.

**ITEM D-1** PERMISSION TO ENTER INTO AGREEMENT FOR CONSTRUCTION, DEDICATION AND OPERATION OF DEMONSTRATION DESALTING PLANT, OAHU

Mr. Akita issued an addendum to the Board members in which they explained further what the agreement provided. The basic purpose of the desalting plant was to demonstrate the reliability and feasibility of the current desalting technologies on the Hawaiian environment.

10:25am (Mr. Paty arrived at meeting.)

Mr. Akita went over the additional information in the addendum.

Discussion followed on the cost of water, funding by the legislature and different processes in removing the salt from the water.

Mr. Akita said their revised recommendation is, "That the Board authorize the Chairperson to sign the necessary documents to enter into the agreement with the Estate of James Campbell and the Honolulu Board of Water Supply for the operation of the Demonstration Desalting Plant, subject to the consent of and necessary approvals from the Commission on Water Resource Management."

Mr. Arisumi referred to the testimony of Mr. David Martin in the letter from the Native Hawaiian Advisory Council.

Mr. Akita referred to the first point which said they were registering their disappointment with the State and the County in their approach to desalting.

They feel that desalting has been extensively tested in other areas. Mr. Akita responded by saying that in the study that they've made, they've found that Hawaii's water as compared to California is different. The caprock and basal water is different because some of the chemical content of the water out of the ground is very different. One of the major things that they will be looking at is the caprock water which has a high content of silica and they wanted to see how the desalting would address the silica.

He referred to the 2nd paragraph of the Native Hawaiian Advisory Council's letter regarding the Division of Water Resource Management (DOWRM) getting out of the water development business. When the Water Code was passed, they had an ongoing program in their division and one of the ongoing programs was under Chapter 174 which would be the Alternate Water Source Program. They also have their geothermal program and staffing to support those programs.

Mr. Akita mentioned that there was a 5-year review of the Water Code that's coming up and in getting totally out of the water development area, he felt it would entail revising the statutes and reorganization.

Discussion followed with Chair Paty as to the clarification of the separate functions of the Water Code and the DOWRM. There will still be a support service by DOWRM to the Water Commission.

**ACTION** Unanimously approved as amended. (Arisumi/Himeno)

**ITEM D-2 PERMISSION TO ENTER INTO AGREEMENT FOR OPERATIONS AND MAINTENANCE OF THE DEMONSTRATION DESALTING PLANT, OAHU**

Mr. Arita informed the Board that Item D-2 is a part or parcel of Item D-1. It is a request for permission to enter into an agreement with the Honolulu Board of Water Supply (BWS). This is just for the operations and maintenance of the desalting plant. He said that his presentation earlier on Item D-1 would also apply to this item.

Mr. Arita said that should the Board of Water Supply decide to continue its operation, then the State after the five year demonstration period, the State would transfer all lands, easements, facilities, equipment, comprising of the plant to the BWS at no cost subject to the approval of this Board.

Mr. Yuen asked if they were agreeing that they're going to take over and continue the operation at the end of five years if the State lives up to their part of the agreement.

Mr. Akita said, "No, they have not. They want to see what the outcome will be."

Because it's a known fact that water resources, probably by the year 2000 will be fully committed and because of that more and more people, private as well as the BWS is looking at alternate sources. He thinks the Honolulu Board of Water Supply will be doing a feasibility study on the ocean water desalting plant.

**ACTION** Unanimously approved as submitted. (Arisumi/Yuen)

**ITEM D-3** PERMISSION TO HIRE CONSULTANTS FOR JOB NO. 8-HW-D, KEEI WELL 4 (2753-03) DEVELOPMENT, HAWAII

**ACTION** Unanimously approved as submitted. (Yuen/Himeno)

**ITEM D-4** APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH U.S. BUREAU OF MINES FOR CANVASSING OF MINERAL PRODUCTION DATA IN HAWAII

**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

**ITEM E-1** See Page 2 for Action.

**ITEM F-1** DOCUMENTS FOR BOARD CONSIDERATION

**Item F-1-a** Assignment of General Lease No. S-4548 between Alexander Penovaroff, Jr. and Candice A. Penovaroff, Assignor and Alexander Penovaroff, Jr. (Unmarried), Assignee, Lalamilo, Waimea, So. Kohala, Hawaii, Tax Map Key 6-6-05:21

**ITEM F-1-b** Issuance of Revocable Permit to Shoichi Nagamine, Lots 12-A-1, 12-B and 13-B, Hanapepe Rice and Kula Lots, Hanapepe, Kauai, Tax Map Key 1-9-03:6

**Item F-1-c** Assignment of General Lease No. S-5087, Jand Winter and Ihor Basko, Assignors, to Thomas Cassidy and Annette Cassidy, Husband and Wife, as Tenants by the Entirety, Assignees, Lot 62, Puu Ka Pele Park Lots, Waimea (Kona), Kauai, Tax Map Key 1-4-02:62

**ACTION** Mr. Arisumi moved for the approval of Items F-1-a, F-1-b and F-1-c; seconded by Mr. Apaka, motion carried.

**ITEM F-2** HISTORIC PRESERVATION DIVISION REQUESTS RIGHT-OF-ENTRY TO REINTER HAWAIIAN SKELETAL REMAINS RECOVERED FROM CAMP MALUHIA, KAHAKULOA, WAILUKU, MAUI, TAX MAP KEY 3-1-01:29

**ACTION** Unanimously approved as submitted. (Arisumi/Himeno)

**ITEM F-3** DEPARTMENT OF TRANSPORTATION REQUEST SET ASIDE OF STATE LAND AT UPPER HONOKOWAI, LAHAINA, MAUI FOR BASEYARD SITE PURPOSES, TAX MAP KEY 4-4-01:POR. 15 AND 16

**ACTION** Unanimously approved as submitted. (Arisumi/Himeno)

**ITEM F-4** DIRECT AWARD OF NON-EXCLUSIVE EASEMENT FOR AN AFTER-THE-FACT REVETMENT AT KAILUA, KOOLAUPOKO, OAHU, TAX MAP KEY 4-4-39:34

Mr. Young informed the Board that staff would like to make an amendment to the submittal on page 3 in Condition 9. It says that the public shall have access across the easement area. What he would like to do is, after the word,

'across', include "and use for recreation purposes." Because it's a beach area adjoining the ocean, the public should not only have the ability to cross it but the ability to use it. It's already in the sand and Mr. Perry has indicated no objections to this submittal.

**ACTION** Ms. Himeno moved to approve Item F-4 as amended by staff; seconded by Mr. Yim, motion carried.

**ITEM F-5** GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR FIRE HYDRANT LINES AT PEARL RIDGE ELEMENTARY SCHOOL, WAIMALU, KALAUAO, EWA, OAHU

**ACTION** Unanimously approved as submitted. (Yim/Himeno)

**ITEM F-6** DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUESTS RIGHT-OF-ENTRY TO STATE LANDS AT IWILEI, HONOLULU, OAHU FOR TOPOGRAPHIC SURVEY OF UTILITIES, TAX MAP KEY 1-5-07:1, 14, 15, 18, 57, 58, 60, 62-76

**ACTION** Unanimously approved as submitted. (Himeno/Yim)

**ITEM F-7** CITY AND COUNTY OF HONOLULU REQUESTS GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR SEAWALL AND OTHER EMERGENCY IMPROVEMENTS AT SWANZY BEACH PARK, KAAAWA, KOOLAULO, OAHU, TAX MAP KEY 5-1-12:11

**ACTION** Unanimously approved as submitted. (Himeno/Apaka)

**ITEM F-8** GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR FIRE HYDRANT AND WATER METER AT SALT LAKE/MOANALUA PUBLIC LIBRARY, MOANALUA, OAHU, TAX MAP KEY 1-1-10:33

**ACTION** Unanimously approved as submitted. (Yim/Apaka)

**ITEM F-9** See Page 5 for Action.

**ITEM F-10** SAND ISLAND MASTER LEASE

**WITHDRAWN** Mr. Young requested that this item be withdrawn. He had received a request from an officer of the Sand Island Business Association that they had just received a copy of the master lease and would like some time to review it and would also like the Board to have the opportunity to review it also.

Mr. Young said that staff would be able to brief the Board prior to the meeting it is placed on.

There were no objections from the Board.

**ITEM H-1** See Page 3 for Action.

**ITEM H-2** See Page 3 for Action.



**REINSTATEMENT REQUEST FOR CONSERVATION DISTRICT USE PERMIT FOR EXPLORATORY WELL DRILLING AND SUBDIVISION OF THE WELL SITE AND ACCESS ROAD AT KAPAKAHI GULCH, WAIALAE, OAHU, TAX MAP KEY 3-5-24:01, APPLICANT: BOARD OF WATER SUPPLY; AGENT: DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF WATER RESOURCE MANAGEMENT**

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**ITEM H-3**

Mr. Evans said that staff did receive a letter (testimony) this morning from the Native Hawaiian Advisory Council that questioned specifically the agent in this case which is the Division of Water Resource Management (DOWRM). They disapproved and claimed a conflict of functional responsibilities, duties of staff to the Water Commission and they feel that the staff are largely influential in the recommendation of the staff.

Mr. Evans said that the DOWRM is doing this project for the Board of Water Supply. If DOWRM were not doing it, some other entity perhaps, the Board of Water Supply would be doing the project themselves.

He explained the rationale for their involvement. When the Legislature appropriated money for this project to be done, the Legislature could appropriate the money to different entities to do the project. In their deliberations, the legislature chose to appropriate to this Division in this Department to do the project and that is the reason they are the agent.

Staff is recommending approval.

**ACTION** Unanimously approved as submitted. (Himeno/Yim)

**TIME EXTENSION REQUEST FOR CDUA OA-2441 FOR PROPERTY CONSOLIDATION, RESUBDIVISION, AND SINGLE FAMILY RESIDENCE AT ROUND TOP DRIVE, TANTALUS, OAHU, TAX MAP KEY 2-9-55:04, APPLICANT: DR. AND MRS. J. GROBE; AGENT: DON S. KITAOKA**

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**ITEM H-4**

Mr. Evans brought the Board up-to-date informing them that the department is in the process of a contested case. The hearing has been completed and they are now in the process of receiving from the parties their findings of fact for review with the Department of Attorney General. This is the reason for the extension request.

**ACTION** Unanimously approved as submitted. (Yim/Apaka)

**REQUEST TO TERMINATE VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, ISLAND OF HAWAII**

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**ITEM I-1**

Mr. Nagata presented the I-Items.

**ACTION** Unanimously approved as submitted. (Yuen/Arisumi)

**ITEM I-2 APPOINTMENT OF VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, ISLAND OF HAWAII**

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**ACTION** Unanimously approved as submitted. (Yuen/Arisumi)

**ITEM I-3 APPOINTMENT OF VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, ISLAND OF OAHU**

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**ACTION** Unanimously approved as submitted. (Himeno/Yim)

**ITEM J-1 RIGHT OF ENTRY, HONOLULU INTERNATIONAL AIRPORT, ROGERS BOULEVARD, OAHU (HAWAIIAN ELECTRIC COMPANY, INC.)**

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Ms. Himeno declared a conflict and asked to be excused. Chairperson so noted.

**ACTION** Unanimously approved as submitted. (Yuen/Apaka)

**ITEM J-2 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4787, ETC., AIRPORTS DIVISION**

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**ACTION** Unanimously approved as submitted. (Apaka/Arisumi)

**ITEM J-3 RENEWAL OF REVOCABLE PERMITS 2086, ETC., AIRPORTS DIVISION**

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**ACTION** Unanimously approved as submitted. (Himeno/Yim)

**ITEM J-4 CONTINUANCE OF REVOCABLE PERMITS H-86-1383, ETC., HARBORS DIVISION**

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Ms. Himeno asked to be excused from acting on R. P. H-82-1030 and R. P. H-84-1237 both for Matson. It was so noted by the Chairperson.

**ACTION** Approved as submitted. (Arisumi/Apaka)

**ITEM J-5 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY THE REAL PROPERTY INTEREST OF PORTIONS OF BETHEL STREET AND NUUANU AVENUE, OAHU, STATE HIGHWAY SYSTEM AGREEMENT SUPPLEMENT NO. 13 AND SUPPLEMENT NO. 14**

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**ACTION** Unanimously approved as submitted. (Himeno/Yim)

**RESOLUTION:** The Board adopted a Resolution to express its appreciation to Mr. James S. Izumi, Fishery Technician V in the Division of Aquatic Resources, for his more than twenty-four years of faithful service. He will be retiring from the State of Hawaii on the thirty-first day of January, 1992.

The Board also extended its sincere congratulations and best wishes in his well-earned retirement and good health and happiness in his future endeavors.

ADJOURNMENT The meeting was adjourned at 11:05 a.m.

Respectfully submitted,

*Dorothy Chun*  
Dorothy Chun  
Secretary

APPROVED:

A handwritten signature in black ink, appearing to be 'W. Paty', enclosed within a large, loopy oval shape.

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WILLIAM W. PATY, Chairperson

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