

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

DATE: FRIDAY, MAY 8, 1992  
TIME: 9:00 A.M.  
PLACE: BOARD ROOM  
KALANIMOKU BUILDING, ROOM 132  
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. Herbert Apaka  
Ms. Sharon Himeno  
Mr. T.C. Yim  
Mr. William Paty

**ABSENT & EXCUSED:** Mr. John Arisumi  
Mr. Christopher Yuen

**STAFF:** Mr. Roger Evans  
Mr. Mason Young  
Mr. Thomas Kam  
Mr. Ralston Nagata  
Ms. Dorothy Chun

**OTHERS:** Mr. Randall Young, Deputy Attorney General  
Mr. Peter Garcia, Department of Transportation  
Mr. Chester Koga (Item H-3)  
Mr. Roy Hedani (Item F-3)  
Mr. Williamson Chang (Item F-3)

**MINUTES** Minutes of March 13, 1992 were approved as submitted. (Apaka/Himeno)

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

**ITEM H-3** AMENDMENT TO CONSERVATION DISTRICT USE PERMIT OA-1417 FOR EXPANSION OF CABLE LANDINGS AT WAIANAE, OAHU, TAX MAP KEY 8-1-01:7, 8, 18 & 23; APPLICANT: AMERICAN TELEPHONE & TELEGRAPH CO.; AGENT: R. M. TOWILL CORPORATION

Mr. Evans presented Item H-3 to the board with staff's recommendation that the Board approve this amendment.

Mr. Chester Koga of R. M. Towill, representing the applicant, said he spoke with his clients and had no objections to the conditions. He pointed out that there should be a correction to exhibit no. 4. He said that he had submitted the correct map at the time of the public hearing and noticed that it wasn't included in the latest board submittal.

Mr. Evans said that staff has a copy of the corrected map that shows the 10 foot wide cable easement delineated on the map and the new 10 foot easement.

Mr. Koga informed the Board that ATT currently maintains and has a lease with the State. The amendment is for the inclusion of two additional cables in the ocean and the easement.

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

**AMENDMENT TO PRIOR BOARD ACTION OF OCTOBER 14, 1988  
(AGENDA ITEM F-5) RELATIVE TO THE DIRECT SALE TO KUKUI  
(MOLOKAI), INC., A WATER PIPELINE EASEMENT, MOLOKAI TASK  
FORCE AGRICULTURE SUBDIVISION, HOOLEHUA, MOLOKAI,  
TAX MAP KEY 5-2-01:POR. 24**

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**ITEM F-3**

Mr. Young explained to the Board that the applicant was requesting an amendment to their original request because they were not able to get all the necessary approvals on the other lands, other than State lands. They are therefore submitting a revised amendment which would go around the areas on which they were not able to get approvals for the easement and portions of it will pass through a small section of the State's Molokai agricultural lots.

Staff has gone through the different agencies for comments and they just received one last night from the Department of Public Works, County of Maui. They have no objections except they have some additional conditions which they would like to impose. For example: The solid waste reduction reuse and recycling programs to reduce the amount of solid waste and they could dispose of that at a County landfill. All yard debris shall be composted and reused on their landscaping plantings. An alternative means of disposal of grubb material and rock shall be utilized other than disposed at the County landfills.

Staff is suggesting today that the Board amend its action of October 14, 1988 under agenda Item F-5 by revising the alignment of the easement to a portion of the State's ag farm lots and the terms and conditions previously approved remain the same. Also included in there, the comments received from the County of Maui's Department of Public Works with respect to the conditions that have been imposed.

Mr. Ron Hedani, Senior Vice-President of Kukui Molokai, Inc. said that Mr. Young made it very clear exactly what the request is and looking at the map he pointed out that they would not be crossing any of the Hawaiian Homes Lands. They have a request pending with the Hawaiian Homes Lands for the last two years and no action has been taken. The reason for the water line is that they have to get off the MIS system, which they are currently using that runs through Hawaiian Homes Lands and which is part of the Board of Agriculture's irrigation system for home lands. From their well 17, water goes into that 1.4 billion gallon tank and from there its transported through the MIS system and they pick it up on the far end down at Mahana. There it is transported through their lines to the property. Currently that's the way they transport the water from their well 17 to the property. They have taken over the property from Louisiana Land and about six years ago as part of the Kaiaka Agreement, Louisiana Land was told to build their own waterline from their well 17 to the property and it has not been completed yet. The other problem that is facing the company is that the State will enact on June 29, 1993, the Safe Drinking Water Act and all of the waters that are being used for domestic potable water has to meet very

stringent Federal requirements. Currently because the water goes through the open reservoir, the 1.4 billion gallon tank, the safe water they draw out from the ground goes through this 1.4 billion gallon exposed reservoir. This waterline is imperative for drinking purposes for the west end of Molokai. This is the reason why there is some urgency to get this line completed.

The Chairperson asked how much water was he was moving.

Mr. Hedani said that from their well 17, they can withdraw about 2 million gallons. Currently they're moving during the summer months about 1.2 million gallons and during the winter months about 600,000 or 700,000 gallons.

Responding to Mr. Yim's questions, he said that they were trying to complete their own waterline. The law does not say that they cannot use government lines but there was an agreement (Kaiaka Agreement) back in the mid '70's and one of the conditions to meet was to complete their own waterline and this has not been done. The deadline for that is April 4, 1993.

Mr. Hedani said they had no problems with the County of Maui's concerns.

Mr. Williamson Chang, attorney with Native Hawaiian Advisory Council which assist native Hawaiians on water rights issues, said he is representing a group called West Maui-Molokai Taro Farmers which is a group of taro farmers on both islands. He said he was present today to represent the taro farmers who farm within the area described on the map. He also represents in the personal capacity, the Kalamaula Homestead Association, whose president is Mrs. Liko Grambush. They would be opposing the proposed amendment and would like the commissioners to defer action and if necessary would be moving for a contested case proceeding at this time if the board decides on any affirmative action. They would like to intervene and petition on behalf of three individuals who are Hawaiian homesteaders, they are Matthew Adolpho, Robert L. Cane and Larry Aki.

Mr. Chang asked to give a quick history why they are opposing what appears to be a very small little "gaza strip" cutting across there. He said that it deals with the whole question of lack of water to Hawaiian homesteads on Molokai.

Mr. Chang continued to give extensive testimony and dwelled on people who don't have any water at all, size of the pipelines, the Congressional Record at the time of Statehood and negotiations between the United States and the delegates of Hawaii. He talked of the concern to protect the rights of the native Hawaiians mentioning ceded lands and the Hawaiian Homes Commission Act.

Board member Yim asked Mr. Chang what was his bottom line for objecting this applicant's request.

Mr. Chang responding to questioning of the Board said that when Hawaiian homesteaders don't get water no water should go to anyone else and that it's not a matter of pre-existing agreements, that may have been made.

During more discussion, Mr. Chang said that he objected to both the 24 inch potable waterline and a 16 inch non-potable waterline because that was a lot of

water. If it were less or much less he would not object. He said that the Water Commission has a very important decision to make on May 13, 1992

There were more discussions between the Board and Mr. Chang, and Mr. Young of staff.

Applicant was asked to react to the discussions.

Mr. Hedani said that regarding their proposed additional development, it's in its infant stages. Before they felt they could proceed with any additional development on the island of Molokai, they realized quite early and how important it is to communicate this information with the community. They are working with the community and after a few meetings they have been asked to do a complete EIS on the project and that's where they're at.

Responding to Mr. Yim, Mr. Hedani said to get additional water and additional wells, they would need to go to go before the Water Commission. A lot of additional water studies need to be completed also.

Mr. Chang added that at present Molokai is not a designated area so the Commission is taking a position that well construction permits cannot be blocked by native Hawaiian rights. So they don't feel protected, but he felt the real question is, Hawaiian Homes is not giving them cooperation on the access through Hawaiian Home Lands. "What's the reason for that, why would you go forward without hearing?"

Chairperson Paty recommended in view of the contested case request, that action on this item be deferred.

**DEFERRED** Mr. Yim moved that this item be deferred, motion was seconded by Ms. Himeno and motion carried.

**RECESS** 10 minutes.

**ITEM J-1** **RIGHT-OF-ENTRY -- HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (HAWAII AIR AMBULANCE, INC.)**

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

**ITEM J-2** **APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF HARBOR LEASE NO. H-90-10, BARBERS POINT HARBOR, OAHU (MARISCO, LTD.)**

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

**ITEM J-3** **ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 23, HONOLULU HARBOR, OAHU (KERR PACIFIC CORPORATION, DBA HFM)**

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

**ITEM J-4** CONTINUANCE OF REVOCABLE PERMITS, H-87-1459, ETC., HARBORS DIVISION

Ms. Himeno asked to be excused from acting upon Revocable Permits for Brewer Chemical Corporation, H-86-1341 and H-82-983.

**ACTION** Ms. Himeno moved for approval of Item J-4 with the exception of R.P.'s H-86-1341 and H-82-983; seconded by Mr. Yim, motion carried.

**ITEM D-1** PERMISSION TO HIRE CONSULTANT TO CONDUCT DAM SAFETY INSPECTIONS

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

**ITEM E-1** REQUEST TO HOLD A BOOGIE BOARD SURF CONTEST AT THE OLD KONA AIRPORT STATE RECREATION AREA, KONA, HAWAII

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

**ITEM E-2** REQUEST TO REINSTATE LEASE TO NETWORK ENTERPRISES, INC. AND RESCIND LEASE APPROVAL FOR ALTERNATIVE BUILDING CONCEPTS GROUP, INC. FOR THE OPERATION OF PUBLIC CAMPING AND CABIN RENTALS AT MALAEKAHANA STATE RECREATION AREA, KAHUKU, OAHU

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

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

- Item F-1-a Issuance of Land Patent In Confirmation of Land Commission Award Nos. 6378 and 6267, Apand 1, to Kaleoku, Situated at Peekauai, Waimea, Kauai
- Item F-1-b Assignment of General Lease No. S-4008, Lot 38, Wai-manalo Agriculture Subdivision, Wai-manalo, Koolaupoko, Oahu, Tax Map Key 4-1-27:14
- Item F-1-c Issuance of Revocable Permit to Kauai Independent Care Services, Inc., Government Land at Kapaa, Kauai, Tax Map Key 4-5-08:11

**ACTION** Mr. Apaka moved to approve Items F-1-a, F-1-b and F-1-c; seconded by Ms. Himeno, motion carried.

**ITEM F-2** AMENDMENT TO PRIOR BOARD ACTION OF SEPTEMBER 13, 1985 (AGENDA ITEM F-3) RELATIVE TO AUTHORIZATION FOR PUBLIC AUCTION SALE OF DIVERSIFIED AGRICULTURAL LEASE COVERING FORMER KAPAPALA SCHOOL LOT AT KAILIULA AND AHULILI, KAU, TAX MAP KEY 9-6-09:4

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

**ITEM F-3** Deferred. See Page 4.

**REQUEST FOR AUTHORIZATION TO ACQUIRE ADDITIONAL LAND FOR KALIHI ELEMENTARY SCHOOL, KALIHI UKA, HONOLULU, OAHU AND SUBSEQUENT SET ASIDE TO DEPARTMENT OF EDUCATION, TAX MAP KEY 1-4-07:01**

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**ITEM F-4**

**WITHDRAWN** Mr. Young requested that Item F-4 be withdrawn.

**ITEM F-5** **AMENDMENT TO PRIOR BOARD ACTION OF FEBRUARY 14, 1992 (AGENDA ITEM F-9) CONCERNING KAUAI RACING ASSOCIATION'S RACING EVENTS AT KAUAI RACEWAY PARK, MANA, KAUAI**

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

**ITEM F-6** **SALE AT PUBLIC AUCTION FOR SINGLE-FAMILY RESIDENCE PURPOSES, WAIMEA TOWN LOTS, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-6-04:3**

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

**ITEM F-7** **HAWAII HOUSING AUTHORITY'S REQUEST TO RESCIND PREVIOUS BOARD ACTION OF DECEMBER 15, 1989 (AGENDA ITEM F-18), WAILUA, KAUAI**

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

**ITEM F-8** **KAMOKILA, INC. REQUESTS RIGHT-OF-ENTRY TO STATE LAND FOR MARITIME PURPOSES, WAILUA MARINA AND RIVER, WAILUA, LIHUE, KAUAI, TAX MAP KEYS 3-9-04:POR. 3 AND 4-2-03:5**

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

**ITEM F-9** **AMENDMENTS TO PRIOR BOARD ACTION OF APRIL 12, 1991 (AGENDA ITEM F-1-b), ISSUANCE OF LAND LICENSE, KAWAIELE, MANA, KAUAI, TAX MAP KEY 1-2-02:POR. 1**

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

**ITEM F-10** **AMENDMENTS TO PRIOR BOARD ACTION OF FEBRUARY 8, 1991 (AGENDA ITEM F-5) AUTHORIZING PUBLIC AUCTION, KAPAA, KAWAIHAU (PUNA), KAUAI, TAX MAP KEY 4-3-04:12**

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

**ITEM H-1** **CONSERVATION DISTRICT USE APPLICATION FOR A SMALL COMMERCIAL AGRICULTURAL OPERATION AT LAUPAHOEHOE, HAWAII, TAX MAP KEY 3-6-2:12; APPLICANT: JOHN GRACE**

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Mr. Evans reminded the Board that this item was deferred at the last meeting at the request of the Hawaii land board member. Staff reviewed the application again and would like to amend Condition No. 8. Where it mentions construction plans, staff would like to add "grading and landscaping plans."

Ms. Himeno said that Board Member Yuen had contacted her yesterday and requested to have several conditions added.

**ACTION** Ms. Himeno moved for approval with the following added conditions:

1. No clearing or building on steep slopes or closer to 75 feet from the top bank of the river.
2. No cutting trees more than 10 inches in diameter.
3. Can plant trees in the ground as long as he uses only 1/2 acre of the land to do so.

Motion was seconded by Mr. Yim and motion carried.

For clarification, the Hawaii land board member's concerns were specific to this project as he did make an on-site visit.

**CDUA FOR THE INSTALLATION OF NAVIGATIONAL AIDS AT MALA LAUNCH RAMP, LAHAINA, MAUI; OFFSHORE OF TAX MAP KEY 4-5-5; APPLICANT: DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION**

**ITEM H-2**

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

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

**ITEM J-1** See Page 4 for Action.

**ITEM J-2** See Page 4 for Action.

**ITEM J-3** See Page 4 for Action.

**ITEM J-4** See Page 5 for Action.

**ADJOURNMENT** The meeting adjourned at 10:30 a.m.

Respectfully submitted,

*Dorothy Chun*  
 Dorothy Chun  
 Secretary

APPROVED:




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WILLIAM W. PATY, Chairperson

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