

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

DATE: October 23, 1992
TIME: 9:00 a.m.
PLACE: Board Room, Room 132
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

ROLL CALL Acting Chairperson John Arisumi called the meeting of the Board of Land and Natural Resources to order at 9:15 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi
Mr. Herbert Apaka
Mr. Christopher Yuen
Ms. Sharon Himeno

STAFF: Mr. Mason Young
Mr. Dean Uchida
Mr. Ed Henry
Mr. Henry Sakuda
Ms. Geraldine M. Besse

OTHERS: Mr. Peter Garcia, Dept. of Transportation
Ms. Linnell Nishioka, Dept. of the Attorney General
Ms. Ann Lo-Shimazu (Item No. F-4)
Mr. Edgar Hamasu and Walter Arakaki (Item No. F-6)
Mr. Mark Murakami (Item No. H-1)
Mr. Frederic Abeshima (Item No. H-3)
Mr. Walton Hong (Item Nos. H-4 & H-5)
Mr. Michael Park and Ms. Pat Tummons (Item No. H-4)
Mr. Grant Perrish (Item No. H-6)

MINUTES Minutes of the meeting of September 25, 1992, were unanimously approved as submitted (Himeno/Yuen).

ADDED ITEM: Unanimously approved to add the following item to the agenda (Himeno/Apaka):

Item B-1 -- Request for Approval to Enter into an Agreement for Consultant Services with Calvin Hsia Consulting Agreement to Complete Implementation of the Commercial Marine Licensing System

Items were heard in the following order to accommodate the applicants and interested parties present at the meeting:

ITEM H-3: CDUA TO WIDEN THE MAUNALUA BRIDGE FROM FOUR TO SIX LANES AT HONOLULU, OAHU, TAX MAP KEY 3-9-35:17; APPLICANT: DEPARTMENT OF TRANSPORTATION

Mr. Henry stated a letter was received from Representative Gene Ward urging speedy approval of the project. Mr. Fred Abeshima, project manager, commented that the project will take approximately 18 months.

ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM F-6: FOURTH SUBMITTAL -- CLARIFICATION ON RENT CREDIT UNDER MASTER LEASE, SAND ISLAND INDUSTRIAL PARK, SAND ISLAND, HONOLULU, OAHU, TAX MAP KEY 1-5-41

Mr. Uchida reported that a meeting was held earlier during the week to discuss the rent credit. Basically, SIBA's request is to cover three specific items: (1) removal of the State buildings and foundations; (2) removal and possible clean-up of three underground storage tanks, which existed prior to the State acquiring the site; and (3) cost of security guard service within the park during construction.

Staff's position is that SIBA takes over the property "as is" and incurs all the costs and expenses. Subsequent discussions were held with parties initially involved in the negotiations on the development agreement; the Division of Land Management was not a party to the early discussions. The concern, specifically, was the payment of the cost for removal of the buildings. As part of the lease and development agreement, specific language states that SIBA would be responsible for the removal of the asbestos but no mention is made of other State-owned improvements. The early negotiators could not recall whether there had been discussion on that point.

Mr. Uchida stated staff is asking that a rent credit be allowed for: (1) actual cost to remove the State-owned buildings and foundations, and (2) cost to remove and clean the underground storage tanks. The staff does not feel the State should pay for the security guard service. Mr. Uchida explained the cost figure runs from \$115,000-\$250,000 and that the unknown variable is the testing on the underground tanks, which would quadruple the cost. SIBA is now prepared, he said, to obtain cost estimates. He stated that as the costs become firmer, the staff can come back to the Board or authorize the Chairperson to deal with the cost figure. Mr. Uchida explained that SIBA has \$153,000 outstanding and they will be allowed to work off that figure for costs already incurred for environmental consultant work to do the tests on the tank removal and to obtain the estimates for removal of the buildings and foundation. He noted there is a large foundation, about four-feet thick concrete, covering approximately 25,000 square feet, which was an old docking area.

Mr. Hamasu explained that the estimates for the removal of the tanks run from \$25,000 to \$108,000/\$109,000. The three buildings were estimated to cost \$100,000; however, some of the contractors estimated the costs may run to \$150,000. He said the area was once used as a military camp and SIBA is unsure what will be found in the infrastructure area. Construction, he said, will begin by the end of the year. He said he will follow-up with bids as Mr. Arisumi indicated that SIBA should not be given an open-ended cost figure.

Mr. Arakaki stated that when the one-cent arrangement was granted to SIBA, discussion was held regarding security and clean-up. Many of the tenants are existing tenants under revocable permits and removal of structures is covered under revocable permit. Mr. Arakaki stated that they are still having security problems and asked for the State's help to defray that expense and was not asking for an open-ended arrangement. He stated that monthly reports are sent to the Department. Mr. Arakaki said they have a one-cent credit from July to December and are asking that portion be left untouched. He said that in discussions with the Division of Land Management SIBA was asking for additional six months under that arrangement and were willing to reimburse the State if any credit existed. Mr. Arakaki stated that it was understanding that the one-cent credit was to cover security, removal of State buildings and removal of hazardous tanks. Mr. Arakaki stated that the cost for security amounts to \$7,000-\$8,000 each month and is asking for that until the infrastructure is completed. Mr. Young commented that it is estimated to take two to five years.

Mr. Arakaki asked for the guard service until the end of December, which amounts to \$48,000 for a six-month period.

ACTION Ms. Himeno moved to approve staff recommendation in regards to the credit for removal of the State buildings and tanks and three-months credit for guard service. The motion was seconded by Mr. Yuen and unanimously approved staff submittal, as amended.

ITEM F-4: DIRECT LEASE TO PIONEER MILL COMPANY, LTD. AS PART OF NEGOTIATED SETTLEMENT OF LAND COURT APPLICATION 439 (PENDING), PUUKI, LAHAINA, MAUI

ACTION Unanimously approved as settlement (Yuen/Himeno).

ITEM F-8: REQUEST AUTHORIZATION TO ACCEPT GRANT OF CONSERVATION EASEMENT, KALIHIWAI RIDGE, KILAUEA, KAUAI, TAX MAP KEY 5-2-02:POR. 10

Ms. Himeno stated she had a conflict and asked that it put to the end of the agenda.

ITEM H-4: EXTENSION OF TIME REQUEST FOR CONSERVATION DISTRICT USE PERMIT KA-2086 FOR SEAWALL AT HAENA, KAUAI, TAX MAP KEY 5-9-35:17; PETITIONER: MURCIA-TORO, INC.; AGENT: WALTON D. Y. HONG

Mr. Henry stated that the reason for the present extension is petitioner's inattention to the SMA permit deadline. Staff recommends denial of the time extension but noted that revocation would be a separate item. [Mr. Paty joined the Board at 10:15 a.m.].

Mr. Hong stated that were it not for Hurricane Iniki, he would agree to the staff recommendation. He said it is now impossible to start the seawall prior to March as the County is not handling SMA applications except for the rebuilding of structures or improvements prior to the hurricane. Coupled to that fact, he noted, is the lack of contractors available. He also commented that transporting of the rocks was a problem because of the Haena bridge capacity. He said the wall would be approximately 160 feet along the shoreline. Mr. Hong asked for an extension until March 1994.

Mr. Michael Park from the Geography Department, University of Hawaii, stated that he has worked on shoreline erosion since 1988 and that he wrote his thesis on the Zimmerman property next door. He stated he believed the Board erred in granting the Zimmerman seawall because it was the first seawall for the entire area, a pristine area. He stated that a number of OSP reports have indicated that the area is not subject to erosion at all, that it's a very dynamic shoreline area, subject to erosion and accretion episodes over time and the evidence points to long-term accretion as opposed to long-term erosion. It means, he said, that if the applicant is allowed to build the wall in an area that is accreting it will cause loss of beach. He stated that the Zimmerman wall was granted the permit because the present application was granted.

Mr. Hong disputed Mr. Park's statement and believes the area is eroding and that archaeological concerns are addressed in the contract with the contractor.

Ms. Pat Tummons said she is a member of the State's Committee on Coastal and Ocean Management Policy Advisory Group, a newly-established committee, which succeeded the Statewide Advisory Committee to the Coastal Zone Management program. She supported the statements made by Mr. Park concerning seawalls and subsequent erosion. She said given the cultural, historic, and recreational significance she did not feel there was justification for the permit.

Mr. Park stated that he completed his thesis and informally submitted a copy to OCEA. He said he had not been able to prepare a "check list." He said that Mr. Hong was correct in his statement about the bath house collapsing from the dune onto the beach; Mr. Park indicated the collapse occurred during a heavy storm in 1976-78. Since that time, he said, there has been no more progressive erosion. Aerial photographic analysis of the area indicates there is as much as 78 feet of migration back and forth of the dune face and of the beach. If the dune face is locked, he said, perhaps the wall that collapsed was built during those extreme phases of accretion. If the dune face is locked into a particular position by building a seawall that disallows any further migration either seaward or landward of the beach and if there are any tendencies towards further erosion what would erode would not be the property behind the wall but the property next to the wall and the beach fronting the wall. If this wall is approved other property owners, during an erosion episode, will ask for walls and there will be no beach. He said this beach is unlike Ala Moana or Waikiki; it is a pristine coral beach.

He further stated that if there was no chance of the swell reaching the wall there would be no risk of erosion. He said if during the period of high waves there is rebounding of the wave off the wall, the sand is scoured and is deposited into the reef area, which will not only kill the reef coral but also remove the sand from the beach. The sand is not recoverable, he said.

ACTION Mr. Apaka moved to approve staff's recommendation for the reasons stated. Mr. Paty commented that there is increasing concern about seawalls and the Board will move cautiously on that issue. He stated that recent studies on seawalls and erosion came down on the side of "no walls." The motion was seconded by Mr. Yuen and unanimously approved.

ITEM H-5: EXTENSION OF TIME REQUEST FOR THE DECISION AND ORDER ON CDUA KA-7/31/89-2303 FOR 69/57 KV TRANSMISSION LINE AT KALIHIWAI, KAUAI, TAX MAP KEYS 5-3-1:3 & 7, 5-2-10, APPLICANT: KAUAI ELECTRIC DIVISION, CITIZENS UTILITIES COMPANY

ACTION Unanimously approved as submitted (Apaka/Yuen).

ITEM F-7: STAFF REPORT COVERING THE ACQUISITION OF VARIOUS PARCELS FOR THE KAWAINUI MARSH RESOURCE MANAGEMENT PLAN, KAILUA, KOOLAUPOKO, OAHU

ACTION Report of staff accepted by the Board.

ITEM F-8: REQUEST AUTHORIZATION TO ACCEPT GRANT OF CONSERVATION EASEMENT, KALIHIWAI RIDGE, KILAUEA, KAUAI, TAX MAP KEY 5-2-02:POR. 10

Ms. Himeno asked to be recused

ACTION Unanimously approved as submitted (Apaka/Yuen).

RECESS The Chairperson called a recess from 11:10 to 11:24 a.m.

ITEM H-6: PETITION TO AMEND TITLE 13, CHAPTER 2, HAWAII ADMINISTRATIVE RULES IN ORDER TO RECLASSIFY A PARCEL FROM THE LIMITED SUBZONE TO THE RESOURCE SUBZONE AT LAUPAHOEHOE, NORTH HILO, HAWAII, TAX MAP KEY 3-6-02:11; PETITIONERS; GRANT AND SHARON GERRISH

ACTION Unanimously approved as submitted (Yuen/Himeno).

ITEM H-1: AMENDMENT REQUEST TO CONSERVATION DISTRICT USE PERMIT OA-1947 CONSOLIDATION AND SUBDIVISION AT KOOLAUPOKO, KANEOHE, OAHU, TAX MAP KEYS 4-5-41:1 & 4, AND 4-5-42:1 & 6; APPLICANT: MINAMI GROUP (USA), INC.

ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM B-1: REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT FOR CONSULTANT SERVICES WITH CALVIN HSIA CONSULTING AGREEMENT TO COMPLETE IMPLEMENTATION OF THE COMMERCIAL MARINE LICENSING SYSTEM

ACTION Unanimously approved as submitted (Himeno/Arisumi).

ITEM F: DOCUMENTS FOR BOARD CONSIDERATION:

Item F-1-a: SUBLEASE BETWEEN GEM OF HAWAII, INC., SUBLESSOR AND CITY AND COUNTY OF HONOLULU, SUBLESSEE, COVERING GENERAL LEASE NO. S-4643 AT KUWILI, HONOLULU, OAHU, TAX MAP KEY 1-5-20:POR. 6

Mr. Young asked to amend the commencement date to August 15.

Item F-1-b: ASSIGNMENT OF GENERAL LEASE NO. S-5053, LOT 5, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-4-02:32

Item F-1-c: ASSIGNMENT OF GENERAL LEASE NO. S-3977 BETWEEN RKU ENTERPRISES, INC., ASSIGNOR AND HAROLD SPEAR, M.D., ASSIGNEE, LOT 23, HANAPEPE TOWN LOTS, FIRST SERIES, HANAPEPE, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-9-05:7

Item F-1-d: SUBLEASE BETWEEN GEM OF HAWAII, INC., SUBLESSOR, AND CHILD EVANGELISM FELLOWSHIP OF HAWAII, SUBLESSEE, GENERAL LEASE NO. S-4643, GOVERNMENT LAND AT KUWILI, HONOLULU, OAHU, TAX MAP KEY 1-5-20:POR. 6

and

Item F-1-e: AMENDMENT TO SUBLEASE BETWEEN GEM OF HAWAII, INC., SUBLESSOR AND GOLDTONE PHOTO STUDIO, INC., SUBLESSEE, GENERAL LEASE NO. S-4643, GOVERNMENT LAND AT KUWILI, HONOLULU, OAHU, TAX MAP KEY 1-5-20:POR. 6

In reference to Item F-1-d, Mr. Young asked to amend the term 7/1/92 to 6/30/93; rent of \$1,814.40 per month for an area of 3,024 square feet.

With respect to Item F-1-e, Mr. Young asked to amend the term 5/16/92 to 5/14/94; rent of \$1,100 per month for 880 square feet.

ACTION Unanimously approved as amended (Yuen/Himeno)

ITEM F-2: RESUBMITTAL -- ROYAL VISTA ESTATES AND COUNTRY CLUB REQUEST FOR AMENDMENT TO PRIOR BOARD ACTION OF MAY 24, 1990 (AGENDA ITEM F-14), AS AMENDED, BEING GOVERNMENT PAPER ROADS, PUU ANAHULU HOMESTEADS, NO. KONA, HAWAII, TAX MAP KEY 7-1-05:PAPER ROADS

ACTION Ms. Himeno asked to be recused. Mr. Young asked that the item be withdrawn as it was put on the October 16, 1992, agenda. Withdrawn (Yuen/Arisumi).

ITEM F-3: RESUBMITTAL -- F. NEWELL BOHNETT, ET AL REQUEST TO PURCHASE GOVERNMENT PAPER ROADS AT PUU ANAHULU HOMESTEADS, NO. KONA, HAWAII, TAX MAP KEY 7-1-05:PAPER ROADS

ACTION Ms. Himeno asked to be recused. Mr. Young asked that the item be withdrawn as it was put on the October 16, 1992, agenda. Withdrawn (Yuen/Arisumi).

ITEM F-4: See page 3.

ITEM F-5: DEPARTMENT OF HEALTH REQUEST APPROVAL TO LEASE OFFICE SPACE AT WAIKIKI, HONOLULU, OAHU, TAX MAP KEY 2-6-03:POR. 24

ACTION Unanimously approved as submitted (Himeno/Arisumi).

ITEM F-6: See page 3.

ITEM F-7: See page 4.

ITEM F-8: See page 4.

ITEM F-9: AUTHORIZATION TO CANCEL REVOCABLE PERMIT NO. S-4816 AND ISSUANCE OF REVOCABLE PERMIT TO MAURO AND FRANCIS MADRID; LOT 2, BLK R, KAPAA TOWN LOTS, KAPAA, KAWAIHUA (PUNA), KAUAI, TAX MAP KEY 4-5-18:12

ACTION Mr. Young stated that due to Hurricane Iniki the tenants have vacated the premises. Withdrawn (Apaka/Arisumi).

ITEM H-1: See page 5.

ITEM H-2: CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR A TELECOMMUNICATION HUT AT WAINIHA, HANAIEI, KAUAI, TAX MAP KEY 5-8-2:3; APPLICANT: GTE HAWAIIAN TELEPHONE COMPANY

Mr. Henry indicated that the staff has been attempting to contact the County regarding the SMA approval but no information has been received to date. He asked to amend the submittal to denial due to the failure to obtain SMA clearance for the proposed project. Mr. Henry indicated that due to Hurricane Iniki emergency authorizations have been issued for non, long-term structural improvements to telecommunication towers and equipment on the island.

Mr. Paty asked that the staff pursue the matter with GTE possibly using emergency authorization.

ACTION Unanimously approved as amended (Apaka/Arisumi).

ITEM H-3: See page 2.

ITEM H-4: See page 4.

ITEM H-5: See page 4.

ITEM H-6: See page 4.

ITEM H-7: DECISION AND ORDER OF THE BOARD OF LAND AND NATURAL RESOURCES IN THE MATTER OF CDUA OA-2441 FOR PROPERTY CONSOLIDATION, RESUBDIVISION AND SINGLE FAMILY RESIDENCE AT TANTALUS, OAHU, TAX MAP KEY 2-9-55:04; APPLICANT: DR. AND MRS. J. GROBE; AGENTS: MS. JAN N. SULLIVAN, TAKEYAMA & SULLIVAN, MR. DON S. KITAOKA, ATTORNEY AT LAW

Mr. Henry indicated that the hearings officer has agreed to applicant's request for a 30-day extension.

ACTION Unanimously approved as submitted (Himeno/Yuen).

ITEM K-1: RENEWAL OF REVOCABLE PERMITS 2725, ETC., AIRPORTS DIVISION, ITO

ACTION Unanimously approved as submitted (Himeno/Yuen).

ITEM K-2: RESUBMITTAL OF REVOCABLE PERMIT 4871, HONOLULU INTERNATIONAL AIRPORT, OAHU (ACKERLY AIRPORT ADVERTISING, INC.)

ACTION Unanimously approved as submitted (Himeno/Arisumi).

ITEM K-3: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NEAR PIER 31, HONOLULU HARBOR, OAHU (HONDO OIL & GAS COMPANY)

ACTION Unanimously approved as submitted (Himeno/Arisumi).

ITEM K-4: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 40, HONOLULU HARBOR, OAHU (ATLANTIS SUBMARINES HAWAII, LP.)


Ms. Himeno asked to be recused.

Ms. Tummons stated her concern about debris following the hurricane. Mr. Paty assured her that the department has been working with Atlantis to address that problem.

ACTION Approved as submitted (Arisumi/Apaka).

ADJOURN- There being no further business, the Chairperson adjourned the meeting
MENT at 12 noon.

Respectfully submitted,


Geraldine M. Besse
Secretary

APPROVED:



William W. Paty, Chairperson