

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

DATE: FRIDAY, NOVEMBER 20, 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 9:15 a.m. The following were in attendance:

MEMBERS:

Mr. John Arisumi
Mr. Herbert Apaka
Ms. Sharon Himeno
Mr. Christopher Yuen
Mr. William Paty

STAFF:

Mr. W. Mason Young
Mr. Roger Evans
Mr. Manabu Tagomori
Mr. Ralston Nagata
Mr. Ronald Walker
Mr. Maurice Matsuzaki
Mr. David Parsons
Ms. Dorothy Chun

OTHERS:

Ms. Linnel Nishioka, Esq., Dept. of Attorney General
Mr. Peter Garcia, Department of Transportation
Mr. Harold Edwards (Item F-7)
Mr. John Rowe (Item F-7)
Mayor JoAnn Yukimura (Item F-11)
Mr. Dale Burton (Item F-11)
Mr. Jerry Friesen (Item F-11)
Mr. John Harder (Item F-11)
Mr. Steven Mechler (Item H-2)
Mr. Will Chee (Item H-2)
Mr. Bruce McClure (Item F-3)
Mr. Roy Tsutsui (Item F-3)
Mr. David Arakawa (Item K-15)
Mr. Lex Smith (Item H-3)
Mr. Kerry Kondo (Item H-3)
Ms. Pat Tummons (Item H-3)
Mr. Bob Nishida (Item F-6)

MINUTES

The minutes of the meeting of October 16, 1992 were unanimously approved as submitted. (Apaka/Arisumi)

**ADDED
ITEM:**

Upon motion by Mr. Arisumi and a second by Mr. Apaka, the following item was added to the agenda:

Item K-15 Amended Agreement for Exchange of Easements across Railroad Right-of-Way, West Beach, Honolulu, Oahu (West Beach Estates)

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

RESCIND PRIOR BOARD ACTION OF JANUARY 23, 1987 (AGENDA ITEM F-7) FOR DIRECT ISSUANCE OF LEASE TO DEPARTMENT OF HAWAIIAN HOME LANDS AND SET ASIDE TO DEPARTMENT OF EDUCATION LIBRARY SERVICES; AUTHORIZE DIRECT ISSUANCE OF A LEASE TO DEPARTMENT OF HAWAIIAN HOME LANDS; CONSENT TO ASSIGNMENT OF LEASE FROM DEPARTMENT OF HAWAIIAN HOME LANDS TO HAWAII COMMUNITY DEVELOPMENT ASSOCIATION; AND CONSENT TO ASSIGNMENT OF LEASE FROM HAWAII COMMUNITY DEVELOPMENT ASSOCIATION TO POHUKAINA VENTURE, FORMER POHUKAINA SCHOOL LOT AT KAKAAKO, HONOLULU, OAHU, TAX MAP KEY 2-1-51:8 AND 9

ITEM F-7

Mr. Young made the presentation on Item F-7. He went over the background of the previous related submittal in great detail which was approved by the Board in January 1987.

Mr. Harold Edwards of the Hawaii Community Development Association (HCDA) did not have anything further to add, saying that Mr. Young had covered the presentation quite well.

Mr. Yuen had a question to staff regarding the condition regarding rental to native Hawaiians.

Mr. Young said that this would be Condition No. 8 on page 4. He then suggested that an amendment be made to Condition 8 that it should read: "Department of Hawaiian Home Lands may provide preference to Native Hawaiians of up to 50% of rental units in this development."

Mr. Apaka asked if the native Hawaiians that will be allowed to have a condominium unit and who were also on the Hawaiian Homes list for land somewhere, "Will their names be removed?"

Mr. Young said that it was his understanding that their names would not be removed and mentioned that Mr. John Rowe from the DHHL was present and could explain.

Mr. John Rowe, Deputy at DHHL responded, "The project is a lengthy project and the people on the waiting list have the right to a leasehold homestead lot, because they will not receive their award, they will still remain in their position on the waiting list. They will have the opportunity to rent the apartments during that period of time until they get their own awards."

Mr. Edwards then explained the difference in rents and options. Also explaining that the developer has to collect enough rent to pay all the bills to operate the project.

ACTION Unanimously approved as amended. (Himeno/Yuen)

DECISION AND ORDER OF THE BOARD OF LAND AND NATURAL RESOURCES IN THE MATTER OF Cдуа 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

ITEM H-4

Chairperson Paty announced, "Yesterday, November 19th, a further hearing was held by the Board to try to determine the location of the subzone boundary pursuant to Section 13-2-10b of the Hawaii Administrative Rules and it was an interesting review. But on taking into consideration the testimony given in evidence submitted by the parties, the Board determines that the subzone boundary as depicted by the State surveyor, Exhibit D-4 and D-5, the vast majority, the proposed residential lot A is therefore located in the Limited Subzone. So it is the decision of the Board for the reasons set forth in the Board's Findings of Facts, Conclusions of Law and Decision and Order to venture forthwith, that the applicant's Conservation District Use Application to consolidate, resubdivide the subject properties and to construct a single family residence is denied. So I ask for a motion to accept the Findings of Fact, Conclusions of Law and Decisions and Order before the Board of Land and Natural Resources."

ACTION Mr. Yuen so moved to accept the Findings of Fact, Conclusions of Law and Decision and Order of the Board of Land and Natural Resources. His motion was seconded by Mr. Apaka. There was no discussion. Chairperson called for the question, motion carried. Mr. Arisumi voted "No" for the record.

Board member Yuen commented, "Mr. Chairman, something came up as a result of this that maybe we might need to address, a procedure for applicants to get a definitive reading from the department about the location of their property in respect to the subzone line. I think the rules now say that the Board determines the subzone lines, is that right Roger?"

Mr. Evans answered in the affirmative.

Mr. Yuen said, "I wonder, if we might want to look at that and first of all it should be done at the staff level rather than on the Board level to make it a simpler determination for applicants. Secondly, to put in a rule that the applicant/landowner then has a right to rely on the department's decision, assuming that they are providing us with accurate information that we are using to make a decision. That is just a suggestion as far as possible rule changes."

Mr. Evans said that based upon Mr. Yuen's consideration, staff could work up a delegation of authority from the Board making that determination to the Chairman and it could be done through a Board submittal whereby having greater discussion on it.

Chairperson Paty commented that the Board certainly is not educated to the complexity at this time to determine where the line is and they found out that a line is not necessary a line. It can vary substantially and both parties made it very evident that they had problems in duplicating and determining exactly to just where these are. Given the fact that we're facing substantial acreages in a

new conservation boundary review, I think it's encumbered upon the people involved to try to address this issue.

**RESUBMITTAL--WITHDRAWAL OF LAND FROM THE OPERATION OF
GENERAL LEASE NO. S-4222 AND SUBSEQUENT SET ASIDE TO COUNTY
OF KAUAI AS ADDITION TO KEKAHA SANITARY LANDFILL SITE, KEKAHA,
ITEM F-11 KAUAI, TAX MAP KEY 1-2-02:POR. 1**

Mr. Young presented the resubmittal of Item F-11 to the Board. He explained that in 1988 as well as January of 1992, the Board has asked the County to address certain concerns with respect to the dump site, such as roads, the automobiles, the height, concerns of water and whether it's going to be at the existing ground level or dug out and lined and filled-in. Also per the Board's direction, asked the County to provide for and submit to the Board a solid waste management plan. It was staff's understanding that all the Counties would as a result of the Department of Health's requirement, was to provide a solid waste management plan for the existing and proposed sites on each respective island. Staff was also informed that the counties would provide by the end of this year the respective plans. Hurricane Iniki has caused some destruction with respect to the planning of this particular dump site to the extent that the debris caused by the hurricane itself has caused the County to establish five temporary landfill sites. The overloading has taxed the fill at Kekaha and the County as well as the Department of Health is recognizing the need to accelerate the Kekaha fill site by asking for the additional 60 acres.

Mr. Young informed the Board that this morning the Department of Health submitted a communique in support of this move. A representative from that department is present and will later further expand on their support of the County's request for expansion.

Mayor JoAnn Yukimura appeared before the Board and also presented the members of the Board with copies of a written statement. Mayor Yukimura addressed the Board describing the terrible situation caused by Hurricane Iniki. She emphasized that the problem of solid waste was a major problem before Hurricane Iniki but after the hurricane it was a major crisis. She said that she was here today to personally urge the Board to grant a right-of-entry at Kekaha and also that a new landfill is very critical to the recovery of Kauai, to the revitalization of the economy and to the well-being of their residents. Mayor Yukimura said that temporary dumping areas were created after Iniki and eventually they would need to get off these temporary sites.

Present with Mayor Yukimura to answer any questions were Mr. Dale Burton, Solid Waste Manager in the County's Department of Public Works, Mr. Jerry Friesen of Harding Lawson Associates, consultants in solid waste management who are also helping them to find solutions. Also present was Mr. John Harder, a former County employee, presently with the Solid Waste Coordinator with the State Department of Health (DOH).

The Board then had questions regarding the level or height limitation at the landfill, possibility of other sites, a visual buffer and related issues.

Mr. Harder of the DOH passed out a memo from Director John Lewin to the members of the Board. He mentioned that the DOH has been involved with

Kauai County since the emergency and prior to that time. Prior to the emergency DOH had been working with all the counties on reviewing their integrated waste management plan. None of the counties have submitted plans as yet although they're drawing close to the deadline.

Discussion followed on the difficulty of locating suitable areas, visual buffers, landscaping and coverage of additional land by existing EIS.

Mr. Apaka asked counsel present if the County would need a new EIS.

Deputy A.G. Nishioka said that not having seen the original EIS, generally speaking if there is going to be a major change from the present EIS, then they would probably need to do a supplemental or amended EIS.

Mayor Yukimura stated that she felt Mr. Apaka's concerns were addressed in the EIS.

MOTION Mr. Apaka made a motion that an amendment be made to Condition No. 4 whereby there will be a review of the height limitation and come up with a recommendation whereby a new proposal can be done as far as changing the height.

DISCUSSION Discussion followed Mr. Apaka's motion. Mayor Yukimura stated that they were willing to come up with a plan to address the issue of height impact.

Mr. Young felt the key concern may not be the height fact because there is already an EIS submitted. He said that there may be concern in the event that there's a supplement or change to the EIS, that you may want to have the right to review and approve it. At that time the matter of the height as well as the aesthetics will be addressed.

Chairperson Paty commented that he felt that it would be a mistake to put a limitation on that which would circumvent the adequate handling of the crisis on Kauai of the major refuse problem they have.

Executive Session

Mr. Apaka requested an executive session to confer with counsel through a motion. Seconded by Mr. Arisumi, motion carried.

10:35a.m. -10:45a.m.

Chairperson Paty called the meeting back to order.

ACTION I Mr. Apaka requested to restate his motion. He moved for approval of Item F-11 and that the landscaping plan be submitted to the Board for approval. Seconded by Mr. Arisumi, motion carried unanimously.

******* Mr. Young informed the Board that upon his review of the submittal he noticed that a right-of-entry had been omitted. He suggested an amendment to the motion because as part of the plan that the Board is requesting of the applicant, they would need to go in to do some testing and engineering studies.

ACTION II Mr. Apaka amended his motion to include a right-of-entry, seconded by Mr. Arisumi, motion carried.

RESUBMITTAL--REQUEST FOR AUTHORIZATION TO PROVIDE FINANCIAL ASSISTANCE TO COUNTY OF KAUAI IN ACQUIRING LANDS HAVING RESOURCE VALUE TO STATE, POIPU BEACH (BALDWIN PROPERTY), WELIWELI, KOLOA, KAUAI, TAX MAP KEY 2-8-18:21 & 22

ITEM F-10

Mr. Young presented the resubmittal and recommended that the Board approve and authorize to provide financial assistance to the County of Kauai in acquiring the parcels described in the submittal.

Mayor Yukimura stated that all of the beach parks in Poipu were severely damaged by Hurricane Iniki and that they were in the process of rebuilding. The County would still like to acquire this parcel as this is just part of their process in completing their shoreline acquisition for the full-length Poipu Beach Park. She also mentioned that Item F-12 on today's agenda is actually asking assistance for sand to replenish the eroded beach areas in Poipu Beach Park.

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

COUNTY OF KAUAI REQUEST FOR SAND TO REPLENISH ERODED BEACH AREAS OF POIPU BEACH PARK, POIPU, KAUAI

ITEM F-12

Mr. Young informed the Board that the Corps of Engineers has just informed staff that the County is exempt with respect to restoration of beaches.

ACTION Unanimously approved as submitted. (Apaka/Himeno)

CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR A SINGLE FAMILY RESIDENCE, LANDSCAPING AND DRIVEWAY IMPROVEMENTS AT KOOLAUPOKO, HONOLULU, OAHU, TAX MAP KEY 4-4-13:45; APPLICANT: MR. STEPHEN F. MECHLER

ITEM H-2

Mr. Evans presented Item H-2 to the Board explaining that the previous owner had obtained a CDUA to build a single family residence but that the permit had expired in 1984. Because of staff's concern on the size of the house, applicant made a survey of the homes in the area and the information provided indicates that homes in excess of 4,000 square feet are typical for the area.

Mr. Steve Mechler, applicant informed the Board that this has been an ongoing process for 10 years now, getting the approval, instituting a number of projects along the line and completing the approval process and then having the catch '22' overlay associated with the City and State. This is the last step in his father's estate planning process but unfortunately his father passed away a couple of years ago. He said that he responded to a number of questions raised when the application was reintroduced to the department, namely roof color, wall colors and image of where the house will be sitting relative to the original application. Mr. Mechler claimed that the house site will not be viewed from the road. He also explained how plans were made to accommodate his mother.

Mr. Wil Chee informed the Board that he was involved with the original application in preparing the Environmental Assessment and actual preparation of the application itself. He wanted to add to what Mr. Mechler had just said regarding the size of the house. The intent of the 5000 square foot house is

primarily so that he has on record what the ultimate size of the house could be in the event that he decides to have his mother move there. The intended house at this time is roughly about 3500 square feet. That is the reason it was made very clear in the set of plans submitted that there is a Phase II which will not be built at this point.

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

REQUEST TO AMEND CONSERVATION DISTRICT USE PERMIT OA-36 FOR IMPROVEMENTS AT HONOLULU COUNTRY CLUB, SALT LAKE, MOANALUA, OAHU, TAX MAP KEY 1-1-63:17, APPLICANT: HONOLULU COUNTRY CLUB; AGENT: ALAN K. MAEDA (KOBAYASHI, SUGITA & GODA)

ITEM H-3

For the record, Ms. Himeno asked to be excused because of a conflict.

Mr. Evans made the presentation of Item H-3 to the Board. He informed the Board that during the interim since the last meeting, staff contacted the people at the Office of Environmental Quality Control and they indicated to staff that insofar that this is an applicant action, the environmental requirements if any were with the department. After staff's review, the recommendation remains the same. Subsequent to the writing of this submittal, staff was informed that the proposed project would not need a stream alteration permit. Thus the conditions should remain the same.

Mr. Yuen questioned the statement in the submittal, "It is now apparent that the scope of the project be greater than the department's administrative authority approval."

Mr. Evans explained that all of the golf holes are going to be eventually changed. Basically there are 20 holes for this 18 hole golf course. Two holes are closed during the revamping period and because of this type of scope, staff felt they needed to come back to the Board.

Mr. Evans explained that should the Board deny this request today, the applicant would be advised to adhere to the original master plan. Also because they are revamping or changing the reconfiguration of one golf hole, then another, that they have asked the applicant to complete their master plan and return to the board.

Responding to Mr. Yuen's questions, Mr. Evans said that this request has not been sent to the different divisions or departments for comments and there was no public hearing scheduled at this time.

Mr. Evans said for consideration, there are several conditions listed on this submittal that did not exist before. If the applicant is told to go back to square one, they go back to square one without the approval but they also go back to square one without the conditions that are listed on pages 5 and 6, conditions No. 1, 7, and 8 primarily.

Mr. Lex Smith, Esquire representing the applicant said that he had with him today, Mr. Kerry Kondo of Belt Collins & Associates who is very familiar with the project.

Mr. Smith said that based on what they've seen from Mr. Kondo and from the staff, it seems the conclusion reached is that they're dealing with the land, the same use and the same impacts. It's been there and approved since 1966.

Mr. Apaka asked for a quick overview of what's happening.

Mr. Kondo explained, "At the present time, I believe that there's two holes which have been recently reconstructed and is in the process of grow-in, so called growing with the grass, has been planted and they're allowing the grass to become established before they can open those holes for play. Once that's completed, they would develop plans to work on an additional two holes so that those two holes will be taken out of play and the construction activities would again take place."

Mr. Apaka asked what would need to be done for the development of the two holes, how long will it take.

Mr. Kondo explained, "It can be completed in 8 years. One of the main reasons why the longer length of time is required is, they've learned that they'd like to get about four to five months after construction is completed to allow the grass to become established. The design would be done for these two holes and they would actually construct and grade it and rebuild greens and put in new irrigation system so that it's normally taken three to five months. After that earth moving operations is completed, they will plant the grass, put in landscaping and then allow four to five months for the grass to grow and establish this mat of grass where the golf would be played. If they allow golfing to be occur on these new holes before the grass is established, the grass has a harder time establishing itself, a harder time growing and for that reason they would prefer having a longer time to allow these grass to become established."

Mr. Apaka asked, "So you're talking about 11 months for two holes?"

Mr. Kondo said, "Right, and at the present time, two of the ultimate holes have been reconstructed and so there remains to be constructed 16 holes. If we say that it takes approximately on the long side, one year to construct two holes, then in 8 years they should be able to have enough time to reconstruct the remaining 16 holes."

More questions were asked by the Board.

Mr. Kondo said that when the revised CDUA was issued in 1976, that master plan called for a 27-hole golf course and not an 18-hole golf course. So the existing CDUA calls for a 27-hole golf course. That CDUA also did not have a time limit on the construction.

Mr. Smith mentioned that with this new proposal it will benefit by setting a time limit.

Discussion followed on probable flooding of Salt Lake and the adjoining golf course. Only under severe conditions will the entire golf course be submerged by rain flooding.

Mr. Yuen then directed questions to Mr. Ronald Walker of the Division of Forestry and Wildlife. In response, Mr. Walker said that the Salt Lake is definitely a bird habitat. Even the water hazards of the golf course afford habitat for these water birds. There's a remnant across from the clubhouse considered a wetland.

Mr. Yuen asked if the applicant were going to change or fill any of the water hazards, ponds and lakes within the golf course.

Mr. Kondo answered that new ones may be made and he didn't recall if there were any plans to fill any of the existing water features that is considered a wetland, but if it is decided in the future to do any filling in an area that's considered a wetland, they still would need to obtain the necessary permits and require an approval by the department or the corps of engineers would need to be contacted.

Ms. Pat Tummons commented, "I think that Roger Evans made an important point that by virtue of this master plan submittal the Board now has the opportunity to impose requirements that were not there in the first place. I think some of the discussions so far have pointed to the need to have greater agency review in determining what new requirements the Board might wish to impose. For example, given that there are endangered species of birds that inhabit Salt Lake, the remnant Salt Lake, I think the Fish and Wildlife Service review would be appropriate. Given that there is the possibility of runoff entering the existing wetlands, I think Corps of Engineers review should be sought. There was a concern recently regarding Salt Lake and the City's work there on land adjoining Salt Lake. It was actually State property, the City was grading the area and the Corps was very concerned. Inappropriate and inadequate runoff controls were allowing soils to fill parts of Salt Lake.

"I do think that whatever remains of Salt Lake needs to be protected against further deterioration and I think this is an opportunity to solicit review from appropriate agencies that might have ideas as to how the existing damage is not exacerbated."

Mr. Yuen expressed concern that there was a significant amount of activity going on in this project and he would prefer that this item be deferred and circulated to the different departments and agencies for review and comments.

MOTION Mr. Yuen said that his motion would be to defer and that this be circulated for review for potential environmental impacts and see whether mitigation can be suggested for any of those impacts. Seconded by Mr. Apaka.

DISCUSSION Mr. Arisumi asked if this were on State or privately owned land. Staff responded privately owned.

Deputy A.G. Nishioka addressed the Chair and pointed out a 180-day date of December 5, 1992 on the submittal which would be prior to the next Board meeting. If this were deferred, then the application would expire.

Discussion followed on whether it could be approved subject to review of the various agencies, etc.

Counsel informed the Board that problems may arise if negative comments are received from a department or agency after approval given.

After more discussion, Mr. Yuen withdrew his motion to defer.

MOTION Mr. Yuen said in view of the 180-day expiration date, his motion would be to deny this request.

There was no second to the motion. Mr. Yuen withdrew his motion.

ACTION Mr. Yuen presented his motion to approve subject to the circulation of the master plan to the normal agencies and divisions that are consulted for CDUA. That they be given the opportunity to comment and ask to prepare mitigation proposals if necessary. That the applicant be directed to consult on an ongoing basis with DOFAW about birdlife to the extent that DOFAW wants to be consulted. That the applicant be required to do that. After comments received, that the master plan be brought back to the board for further review. Motion was seconded by Mr. Apaka and motion carried.

ITEM F-3 COUNTY OF HAWAII REQUEST SET ASIDE OF GOVERNMENT LAND FOR WEST HAWAII SANITARY LANDFILL SITE SITUATE AT PUU ANAHULU, NORTH KONA, HAWAII, TAX MAP KEY 7-1-03:POR. 1

Mr. Young made staff's presentation with the recommendation for approval.

Mr. Bruce McClure of the Public Works Department of the County of Hawaii described the area for the proposed landfill and mentioned that they probably will be going back to the planning commission later to request permission to go higher in height.

Mr. Yuen expressed concerns of this area for fire and asked Mr. McClure if they had a fire management plan.

Mr. McClure said that they had a plan which was previously reviewed by their fire chief and by the DLNR Hawaii Manager in the Division of Forestry and Wildlife.

Mr. Yuen questioned whether a fire break would be built around the field site.

Mr. Roy Tsutsui, consultant from R.M. Towill confirmed that there will be a fire break around.

ACTION Mr. Yuen moved for approval as amended. That a condition be added to the E.O. that County of Hawaii be required to file and comply with fire management plan which had been previously approved by the department. Motion was seconded by Ms. Himeno and carried unanimously.

ADDED AMENDED AGREEMENT FOR EXCHANGE OF EASEMENTS ACROSS
ITEM K-15 RIGHT-OF-WAY, WEST BEACH, HONOLULU, OAHU (WEST BEACH
ESTATES)

Mr. Garcia made the presentation of Item K-15 which were amendments to a previously approved agreement.

Mr. David Arakawa representing the applicant mentioned that as described by Mr. Garcia, it was the intent of the parties involved with respect to the three issues to cover them however, in the drafting of the original agreement it was not covered.

ACTION Unanimously approved as submitted. (Himeno/Apaka)

AMENDMENT TO PRIOR BOARD ACTION OF MARCH 27, 1992 (AGENDA ITEM F-5) RELATIVE TO THE DIRECT AWARD TO CITY AND COUNTY OF HONOLULU OF PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR SEWER FORCE MAIN ADDITION, KAMEHAMEHA HIGHWAY, MOANALUA, KALIHIKAI, OAHU, TAX MAP KEY 1-1-03:POR. 138

ITEM F-6

Mr. Bob Nishida from the City and County of Honolulu was present to answer any questions of the Board.

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

RECESS 12:14 p.m. --12:45 p.m.

PERMISSION TO ADVERTISE FOR BIDS - PROJECT NO. 40562DHE, ADDITIONS AND RENOVATIONS TO THE DLNR KAHULUI BASEYARD OFFICE, KAHULUI, MAUI

ITEM C-1

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

PERMISSION TO ENTER INTO AN AGREEMENT WITH HAWAIIAN ELECTRIC COMPANY (HECO) AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM (DBED) FOR A FEASIBILITY STUDY FOR SITE SELECTION AND PRELIMINARY ENGINEERING DESIGN FOR A PUMPED STORAGE HYDROELECTRIC POWER PLANT

ITEM D-1

Mr. Tagomori made the presentation of Item D-1. He said that although the write-up states Phases I, II and III, and it makes reference to the draft memorandum about grievances, he would like to recommend that the submittal be limited to only Phase I. This is the result of budget constraints, and since Phase I will not involve any departmental funding upfront, their involvement here is simply one of in-kind services. He then requested to delete all references to Phase II and III regarding the draft memorandum of agreement.

Mr. Tagomori addressed another point with regard to the project. He explained why DLNR was involved with this particular study. Reasons were that this is basically a water project and because of the department's expertise in water and because all the related programs that will be impacted by the projects, i.e. archaeology program, forestry, aquatic resources and other related programs.

Mr. Tagomori said that DLNR has agreed with DBED and Hawaiian Electric to be the lead and in that respect because of our data expertise. They have the in-kind services that could be put forward into the project. Staff's recommendation as worded is consistent with the reference to the amendment. The recommendation just limits staff to Phase I of the project.

Board member Yuen asked for clarification that the MOU mentioned that the

legislature did not ask for appropriation. Mr. Tagomori said that there was a proposal last year which did not pass and for that reason there is no reference to future funding, however Hawaiian Electric and DBED have current money and without in-kind, staff could look at the eventual feasibility.

Mr. Tagomori also responded that the MOU does not involve any DLNR cash except in-kind services where there are ongoing programs and the data within the department where it could be made available.

ACTION Unanimously approved of Phase I as submitted. (Arisumi/Apaka)

ITEM D-2 **PERMISSION TO HIRE A CONSULTANT FOR JOB NO. 17-0W-G, MAKAKILO WELLS DEVELOPMENT, OAHU**

ACTION Unanimously approved as submitted. (Arisumi/Himeno)

ITEM E-1 **REQUEST TO CONDUCT A HILO RUBBER DUCKIE RACE IN THE WATERWAYS OF THE WAILOA RIVER STATE RECREATION AREA**

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM E-2 **REQUEST TO USE A PORTION OF THE OLD KONA AIRPORT STATE RECREATION AREA FOR KAMEHAMEHA SCHOOLS PROGRAM**

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM F-1 **TRANSMITTAL OF DOCUMENTS**

- (a) Assignment of General Lease No. S-4989, lot 23, Kokee camp site lots, Waimea (Kona), Kauai, Tax Map Key 1-4-04:18
- (b) Issuance of revocable permit to Mr. Michael Malone, Lot 3 and improvements, Brodie Lots, Hanapepe, Waimea (Kona), Kauai, Tax Map Key 1-8-08:50
- (c) Resubmittal--Issuance of land license to L. Rego Dump Truck & Heavy Equipment, government land at Kawalele, Mana, Kauai, Tax Map Key 1-2-02:por. 1

Mr. Apaka questioned Mr. Young if the licensee had completed the removal of sand. Mr. Young said that the licensee had not completed the first license and they had conferred with staff from the Division of Forestry and Wildlife. It was suggested that staff would not issue the license until prior license complied with.

Amendment: License shall not be issued until the prior license to the applicant has been complied with to the satisfaction of the department.

- (d) Resubmittal--Issuance of land license to O. Thronas, Inc., Government land at Kawalele, Mana, Kauai, Tax Map Key 1-2-02:por. 1

Amendment: License shall not be issued until the prior license to the applicant has been complied with to the satisfaction of the department.

- (e) **Assignment of General Lease No. S-4411 between Honolulu Community Theatre, assignor, and Diamond Head Theatre, assignee, portion of block 56, Kaimuki Tract, Kapahulu, Honolulu, Oahu, Tax Map Key 3-2-30:1**
- (f) **Assignment of Grant of Easement No. S-4098 between Jerry M. And Mary E. Alley, assignors, and Yoshito Iwamoto, assignee, parcel B, Waihinu government remnants, Waihinu, Kau, Hawaii, Tax Map Key 9-5-02:40**
- (g) **Assignment of General Lease no. S-5136 from Yvonne L. Teves, assignor, to Sheldon E. Baniaga, assignee, Lot 9, Milolii-Hoopuloa lots, Phase II, Hoopuloa, So. Kona, Hawaii, Tax Map Key 8-9-14:22**

Item F-1-g Deferred. Board questioned whether (1) this would set a precedent for future assignments, which they did not want; (2) we should look to lottery list that was established and award (assign) based on order of ranking on list; (3) the association should be contacted first for review and comment, and (4) any actual dollar value (consideration) was being paid for this assignment. The Board directed the staff to write the Milolii-Hoopuloa Association for its review and comments.

- (h) **Issuance of Revocable Permit to M & N Construction, Inc., Lot 82, Hanapepe Town Lots, 1st series, Hanapepe, Waimea, Kauai, Tax Map Key 1-9-10:35**
- (i) **Assignment of lease (25% interest) to trust and assignment of sale of leasehold by agreement of sale (25% interest) to trust, General Lease No. S-4330 covering Lot 4, Hilo Industrial Development, Lellani Street Section, at Waialae, South Hilo, Hawaii, Tax Map Key 2-2-37:122**

ACTION Mr. Apaka moved for the approval of Items F-1-a, F-1-b, F-1-e, F-1-f, F-1-h and F-1-i as submitted; Items F-1-c and F-1-d approve as amended and requested the deferment of Item F-1-g. Motion was seconded by Mr. Yuen and unanimously approved.

ITEM F-2 REQUEST FOR RIGHT-OF-ENTRY, PIIHONUA, SOUTH HILO, HAWAII, APPLICANTS: CLARENCE AND SHARON FUNAKI

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM F-3 See page 10 for Action.

(1) CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1640 COVERING TERRITORIAL TAX AND HEALTH BUILDING SITE; (2) ISSUANCE OF EXECUTIVE ORDER FOR ENTIRE KAUNAKAKAI CIVIC CENTER SITE; (3) DEDICATION OF ROAD WIDENING STRIP TO COUNTY OF MAUI, AND (4) PETITION TO LAND COURT FOR CONSOLIDATION AND SUBDIVISION OF VARIOUS LAND COURT LOTS, KAUNAKAKAI, MOLOKAI, TAX MAP KEY 5-3-05:12, 13 AND 14

ITEM F-4

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

RESUBMITTAL--DIRECT LEASE TO TRUSTEES OF APOSTOLIC CHURCH OF HONOLULU AT LAHAINA, MAUI, TAX MAP KEY 4-5-05:POR. 17

ITEM F-5

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-6 See page 11 for Action.

ITEM F-7 See page 2 for Action.

REQUEST FOR DIRECT LEASE FOR PRE-SCHOOL DAY CARE PURPOSES, LOTS 3 AND 4, BLOCK R, KAPAA TOWN LOTS, KAPAA, KAWAIHAU (PUNA), KAUAI, TAX MAP KEY 4-5-08:11

ITEM F-8

WITHDRAWN Mr. Young requested that Item F-8 be withdrawn because they will need to comply with Chapter 343.

REQUEST FOR EXTENSION OF CONSTRUCTION DEADLINE, SPECIAL SALE AGREEMENT NO. S-5592, LOT 4, BLOCK S, KAPAA TOWN LOTS, FIRST SERIES, KAPAA, KAWAIHAU (PUNA), KAUAI, TAX MAP KEY 4-5-08:33

ITEM F-9

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM F-10 See page 6 for Action.

ITEM F-11 See page 5 for Action.

ITEM F-12 See page 6 for Action.

AMENDMENT TO PRIOR BOARD ACTION OF OCTOBER 16, 1992 (AGENDA ITEM F-20) CONCERNING EMERGENCY RULES RELATING TO APPLICATION FOR SHORELINE CERTIFICATION ON SHORELINE PROPERTY DAMAGED BY HURRICANE INIKI

ITEM F-13

WITHDRAWN Mr. Young requested that this item be withdrawn.

EXTENSION OF TIME REQUEST FOR CONSERVATION DISTRICT USE PERMIT HA-2463 FOR ACCESS EASEMENT AT KAUPULEHU, NORTH KONA, HAWAII, TAX MAP KEY 7-2-3:01; APPLICANT: KAUPULEHU DEVELOPMENT AND KONA VILLAGE ASSOCIATES; AGENT: GRAY, HONG, BILLS AND ASSOCIATES

ITEM H-1

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM H-2 See page 7 for Action.

ITEM H-3 See page 10 for Action.

ITEM H-4 See page 3 for Action.

ITEM I-1 APPOINTMENT OF LICENSE AGENT: SCOTT'S KNIFE CENTER, ISLAND OF HAWAII

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM I-2 APPOINTMENT OF HUNTER EDUCATION INSTRUCTOR, ISLAND OF HAWAII

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM I-3 APPOINTMENT OF LICENSE AGENT: WEST MAUI SPORTS AND FISHING SUPPLY, ISLAND OF MAUI

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-1 AUTHORIZATION FOR CHAIRPERSON TO EXECUTE DOCUMENTS FOR THE DIVISION OF BOATING AND OCEAN RECREATION

ACTION Unanimously approved as submitted. (Himeno/Yuen)

ITEM J-2 AMENDMENT TO HARBOR LEASE NO. H-92-12, KAUNAKAKAI SMALL BOAT HARBOR, MOLOKAI, COUNTY OF MAUI (MOLOKA'I ICE HOUSE, INC.)

WITHDRAWN Mr. Parsons explained that they have since received another letter from the applicant saying that the electric company says the power available at the harbor office location is not suitable and they would need three phase power for their refrigeration equipment.

ITEM J-3 APPROVAL OF CONSENT TO ASSIGNMENT OF SUBLEASE, HONOKOHAU SMALL BOAT HARBOR, NORTH KONA, ISLAND OF HAWAII (GENTRY PROPERTIES)

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, MALA BOAT RAMP, LAHAINA, MAUI FOR STORAGE OF LASER BOATS (LAHAINA YACHT CLUB)

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HONOKOHAU SMALL BOAT HARBOR, NORTH KONA, ISLAND OF HAWAII FOR TEMPORARY OCCUPANCY TO COMPLETE BOAT REPAIR (JEFFREY AMES ZAGER)

ACTION Unanimously approved as submitted. (Yuen/Himeno)

- ITEM J-6** **ADOPTION OF BOATING RULES UNDER TITLE 13, NEW CHAPTER NUMBERS, HAWAII REVISED STATUTES**
- ACTION** Unanimously approved as submitted. (Himeno/Yuen)
- ITEM K-1** **RESTAURANT AND LOUNGE CONCESSION LEASE, HILO INTERNATIONAL AIRPORT, HAWAII**
- ACTION** Unanimously approved as submitted. (Yuen/Himeno)
- ITEM K-2** **REQUEST FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR FORCE MAIN AND GRAVITY EFFLUENT PIPELINE SITUATED AT HILO INTERNATIONAL AIRPORT, HAWAII (COUNTY OF HAWAII)**
- ACTION** Unanimously approved as submitted. (Yuen/Himeno)
- ITEM K-3** **AMENDMENT NO. 1 TO LEASE NO. DOT-A-90-5, HONOLULU INTERNATIONAL AIRPORT, OAHU (GREETERS OF HAWAII, LTD.)**
- ACTION** Unanimously approved as submitted. (Himeno/Yuen)
- ITEM K-4** **RESUBMITTAL OF REVOCABLE PERMIT, KEAHOLE AIRPORT HAWAII (AMERICAN PACIFIC AIR, INC.)**
- ACTION** Unanimously approved as submitted. (Himeno/Arisumi)
- ITEM K-5** **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4905, ETC., AIRPORTS DIVISION, HONOLULU, LIHUE, DILLINGHAM, KAHULUI, HILO**
- ACTION** Unanimously approved as submitted. (Himeno/Yuen)
- ITEM K-6** **RENEWAL OF REVOCABLE PERMITS 2972, ETC., AIRPORTS DIVISION, HILO, KAHULUI, KONA, HONOLULU, DILLINGHAM, MOLOKAI**
- ACTION** Unanimously approved as submitted. (Himeno/Arisumi)
- ITEM K-7** **ISSUANCE OF LEASE BY DIRECT NEGOTIATIONS, NAWILIWILI HARBOR, KAUAI (THE LIHUE PLANTATION COMPANY, LTD.)**
- ACTION** Unanimously approved as submitted. (Apaka/Himeno)
- ITEM K-8** **CONSENT TO ASSIGNMENT OF INDENTURE OF LEASE NO. 2767, DATED SEPTEMBER 1, 1958, HONOLULU HARBOR, OAHU, HAWAII (ASSIGNOR: HAWAIIAN GRAIN CORPORATION/ ASSIGNEE: KAHOLALOA VENTURE, A HAWAII PARTNERSHIP)**
- ACTION** Unanimously approved as submitted. (Himeno/Arisumi)
- ITEM K-9** **REQUEST FOR APPROVAL FOR INCREASE OF SHORT-TERM RENTAL RATES, PIERS 9 AND 10 PASSENGER-FREIGHT TERMINALS, HONOLULU HARBOR (ALOHA TOWER), OAHU, EFFECTIVE JANUARY 1, 1993**
- ACTION** Unanimously approved as submitted. (Apaka/Arisumi)

ISSUANCE OF REVOCABLE PERMIT HARBORS DIVISION, HILO HARBOR, HAWAII (DEPARTMENT OF PUBLIC SAFETY, HARBOR PATROL/MARINE PATROL)

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 32, HONOLULU, OAHU (HONOLULU AGENCY, INC. AND OCEANIC GLOBAL TRADING, A HAWAII PARTNERSHIP)

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (JENCO HAWAII, INC.)

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

CONTINUANCE OF REVOCABLE PERMITS NOS. H-85-128, ETC., HARBORS DIVISION, HONOLULU HARBOR, KEWALO BASIN, KEEHI LAGOON, HILO HARBOR, KAWAIHAE HARBOR, NAWILIWILI HARBOR, PORT ALLEN

ACTION Unanimously approved as submitted. (Himeno/Yuen)

ISSUANCE OF REVOCABLE PERMIT, HIGHWAYS DIVISION, HONOLULU, OAHU (HAWAIIAN SUPER GRAND PRIX, INC.)

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

ADDED
ITEM K-15 See page 11 for Action.

ADJOURNMENT There being no further business, the meeting adjourned at 1:45 p.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED:


WILLIAM W. PATY, Chairperson

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