

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

DATE: FRIDAY, JANUARY 8, 1993
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 9:05 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. Roger Evans
Mr. W. Mason Young
Mr. David Parsons
Ms. Dorothy Chun

OTHERS: Ms. Linnel Nishioka, Esq., Department of the Attorney General
Mr. Peter Garcia, Department of Transportation
Mr. Renton Nip (Item H-3)
Mr. Darryl Wong (Item H-3)
Mr. Sidney Fuke (Item H-2)
Mr. Harry McDonald (Item H-2)
Mr. Rodney Funakoshi (Item H-1)

MINUTES Ms. Himeno had one amendment to the minutes of November 20, 1992 to reflect her absence from the board room at the time Item D-1 was taken up and action taken. Mr. Arisumi moved for approval of the minutes as amended, seconded by Mr. Apaka, motion carried.

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

ITEM H-3 PARADISE PARK ANNUAL REPORT, FUTURE PLANS AND EXHIBITS, MANOA VALLEY, OAHU, TAX MAP KEY 2-9-54:18; APPLICANT: MR. JAMES W.Y. WONG, PRESIDENT, PARADISE PARK, INC.

Mr. Evans informed the board that this item was deferred at the last board meeting and was a follow-up of the annual report by Paradise Park.

Staff has looked at the report itself, the future plans in the exhibit, the activities and events and the landscape changes. They have also incorporated the reviews by various divisions of the department and the Manoa Neighborhood Board.

Mr. Evans then read the three recommendations presented by staff as listed in the submittal under VI. RECOMMENDATIONS, A. Findings, B. Violation and C.

Recommendation: 1. Exhibits, 2. Entrance Sign, 3. Landscaping, 4. Master Plan, 5. Streamline Approval Process and 6. Eliminate the Monthly and Annual reporting requirements, the restriction on the number of tour buses and the annual visitor ceiling limitation.

Mr. Evans went over the above recommendations in detail as listed in the submittal.

Lengthy discussion followed regarding the fines for the exhibits, correlation between the current exhibits and the original basic intent of a botanical and zoological garden.

Ms. Himeno questioned whether the board was notified that Paradise Park was going to put in the mazes. Going through the attachments she said that she did not notice the board responding that they see a problem.

Mr. Evans said that their first knowledge of what was happening on site was from the newspapers.

Ms. Himeno said that her question was that as of August 18, 1992, looking at the letter, it appears that the exhibits were not in yet and that Paradise Park was giving the Land Board notice that they would be coming. If there were no objections by the Land Board at that point in time, do we really have a basis to impose a fine.

Mr. Evans said that he felt staff did have a basis to impose a fine. He said that the letter is their annual report to the Land Board and the annual report was to be brought before the Board for acceptance. He clarified that the Park should have gotten some kind of approval before putting in the mazes, etc.

Mr. Apaka asked what did the permit allow the applicant.

Mr. Evans said, "The original permit, the permit allowed for a botanical and zoological garden on a commercial basis. Botanical and zoological garden for recreational purposes. So it does not allow for recreational. It allows for a botanical and zoological garden for recreational purposes. Only two items."

Mr. Apaka asked, "No others?"

Mr. Evans replied, "Not under the permit that you have approved."

Responding to Mr. Arisumi, Mr. Evans said that the applicant is free to reapply at anytime for the recreational facilities but it would be for the Land Board to allow or disallow the present structures to remain while under review.

Mr. Renton Nip, Esquire representing the applicant addressed the Board and at the same time introduced Mr. Darryl Wong, Acting General Manager and Mr. Lau associated with Paradise Park. He said that he had submitted a response to the particular findings and recommendations that Mr. Evans and staff has prepared but at this time he wanted to speak somewhat informally and suggest methods which they could go through. He then gave a background of Paradise Park going back to the very beginning and the concerns of the neighborhood.

He said that there was a great concern that the dinosaur exhibit would be so spectacular that attendance would soar far beyond previous attractions. The visitor counts for the past two years made it apparent that the addition did not produce the overcrowded theme park as predicted.

Mr. Nip said that presently Paradise Park is at a crossroad, and in very difficult financial conditions. It cannot continue as things are now, in limbo. They are trying to reach some understanding of what the community would like to see. If the conflicts continue and if the desire of the community is simply not to have anything up there to attract anyone, then they have suggested to their district Senator Ann Kobayashi and she brought it before the neighborhood board. An appropriate solution might be for the State to condemn the park or to take the park or part of it as gift.

Mr. Nip then used a graph to illustrate the attendance of Paradise Park during the past 10 years. He gave figures during the dinosaur exhibit and after. Presently the park is laboring under adverse conditions and under those circumstances, somewhat trying to survive economically, they need to have the flexibility to attempt to raise these attendance figures. He cited the amount of excise tax paid by the park and that they employ about 90 people. They also contributed to the City and County by way of property taxes.

Mr. Nip said that it is a zoological and botanical park. He then presented a few comparisons with Waimea Falls Park and Sea Life Park. Another statement made was that it would probably be impossible for the park to survive economically if the restriction on the tour buses remain.

Ms. Himeno asked Mr. Nip what was the long range plan for the park regarding the exhibits changing periodically and do they plan on expanding out of the footprints of the building that they are presently housing and radically change the type of exhibits.

Mr. Nip said that the park has always acknowledged if they planned any physical change of the park they would need prior Board approval. He also stated that Mr. Evans was correct, that prior to the newspaper article, there had not been any notice. Subsequent to that and after inquiry by Mr. Evans' staff, there was a letter and a full explanation of what was installed and what was planned in a letter with respect to the new exhibits.

Responding to Ms. Himeno, Mr. Nip said that the park would have no objections on informing the Board of any changes in the park.

Question of the number and control of buses came up. Mr. Wong said that right now there are about 4 to 5 buses daily. They have no control on the size of the bus. Mr. Nip said that they would like any decisions deferred until such time that they have spoken before the neighborhood board on this matter. The neighborhood board is scheduled to meet sometime in February.

ACTION Ms. Himeno moved that Item H-3 be deferred to the first Land Board meeting in March to allow the applicant to get input from the community at the neighborhood meeting and allow any member of the Board to make a site visit. Motion was seconded by Mr. Arisumi and motion carried unanimously.

10:00 a.m. Meeting was chaired by Vice Chairman Arisumi.

BUILDING PLAN REVIEW, LANDSCAPING PLAN REVIEW AND VIEWPLANE ANALYSIS AS PER CONDITION NO. 6 OF CDUP HA-2562 FOR A SINGLE FAMILY RESIDENCE AT KIHOLA BAY, NORTH KONA, HAWAII, TAX MAP KEY 7-1-02:12; APPLICANT: JOHN PAUL DEJORIA C/O HARRY MCDONALD; AGENT: SIDNEY FUKE & ASSOCIATES

ITEM H-2

Before his presentation, Mr. Evans presented each board member with a copy of the landscaping plan with photos. He explained that the photo showed a stick or pole, placed to show the highest point of the house. He explained that at the last meeting the board was concerned of the viewplane from the ocean or mauka. Staff is prepared this morning to recommend that the Board approve the submitted landscaping and construction plans based primarily on the viewplane analysis.

Mr. Sidney Fuke, planning consultant was present and also Mr. Harry McDonald, the owner's representative.

Mr. Fuke said that in the original submittal they did have pictures of the area showing the neighboring structure. He said that the proposed structure will be barely visible. He pointed out on the landscaping plan the different areas in question. Another comment he added was that the applicant's timetable was to begin construction in about 3-4 months. It would take about 6-8 months for the construction if everything goes well. The County would have to issue an occupancy permit before they can occupy the structure.

Mr. Fuke said that Mr. McDonald informed him that he has had discussions with the landscaper in trying to obtain more matured trees to plant in the area.

Mr. Evans stated that there are time constraints to start the project and time constraints to complete the project. The board could ask for notification when the project is completed.

ACTION Mr. Yuen moved for approval of their landscaping plan and construction plan which was submitted earlier. He also would like to add a condition that the landscaping plan should be implemented no later than the beginning of construction; before applicant applies for the occupant permit from the County that they submit a brief report or brief statement to the department that construction has been completed and the landscaping has also been completed. Motion was seconded by Ms. Himeno and unanimously carried.

RECESS 10:10 am to 10:20 am

The meeting was called back to order by Vice-Chairman Arisumi.

CONSERVATION DISTRICT USE APPLICATION FOR CONSTRUCTION OF A BOAT RAMP, REVETMENTS, JIB CRANES, FLOATING DOCK, AND INLET AND FINGER PIER AT KALIHI CHANNEL, TMK 1-5-41:06; APPLICANTS: DBEDT-HONOLULU WATERFRONT PROJECT

ITEM H-1

Mr. Evans said that present today for Item H-1 were representatives from DBED and their consultant Mr. Rodney Funakoshi.

After completing standard reviews and analysis, staff is recommending approval of this project, a proposed marine education training center at Sand Island subject to the conditions as listed in the submittal.

Responding to Mr. Apaka, the representative from DBED explained that it will train students to repair boats. Students would be from the Honolulu Community College classes. DBED will be the sponsor and carry it through the development process, then the Honolulu Community College

Mr. David Parsons of DLNR's Division of Boating and Ocean Recreation (DBOR) said that their division is directly involved in this project. The ramp that will be constructed under this project at no cost to them will be turned over to DBOR for operation. The ramp will be theirs and the marine education center is primarily part of the community college's vocational education program to provide instruction to the local students on how to repair marine diesel engines and get into the repair business so that they can be gainfully employed by the various shipyards in the state.

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM H-4 UNCOLLECTIBLE DEBTS (RELATING TO FILM INDUSTRY BRANCH)

Mr. Evans explained that there are no representatives present from the Department of Business and Economic Development and Tourism (DBED) regarding this item. It was clarified that this item was not asked to be moved up on the agenda.

Mr. Evans said that this is not the Department of Land and Natural Resources' (DLNR) problem but this is a DBED program. He said that staff's task relative to this program is to assist DBED wherever we can under our Administrative rules to see that their program is a success. A problem relative to uncollectible debts has come forward and it needs to be resolved. There are 11 that remain unpaid to the State. He went on to explain if the Board declares these uncollectible debts, then it reiterates their position that as long as these applicants remain debtors to the State, they will no longer be given film permits for either conservation and/or State managed lands.

The Industry Promotion Division was contacted and problems were indicated to them. They told staff they would call but they never called back.

Mr. Evans then cited attachment #1 in the submittal. He informed the Board that there were 11 applicants listed and he would need to make a correction. The first applicant is Johnny Utah in the amount of \$7.50. He informed the Board that since Tuesday he had made 2 telephone calls and had received two checks, both for \$7.50. Relative to HKM Production Agency which had an outstanding balance of \$25.00, he had received a faxed copy of receipt showing that they had presented a check to the land department in Lihue, Kauai.

DLNR has entered into a contract with a collection agency to collect these outstanding bills although this is not a DLNR program. In both cases, they have indicated that if they had just received a telephone call the problem would have been resolved. He requested to remove from the list on Attachment 1, No. 1. Johnny Utah production and No. 2. HKM Production Agency.

The department's current review of the proposed new memorandum of agreement will consider this as an element in their review. The department is currently undergoing a review of what they have proposed to us as a new memorandum of agreement.

Mr. Evans said that prior to this submittal being transmitted formally to the director of DBED, they transmitted the submittal informally to the Industry Promotion Division indicating that perhaps they would want to have a meeting on this for today's meeting. The response received from DBED is that they would be unable to come today.

Mr. Evans pointed out that by going through the exhibits, it shows that DBED had and has had no intention of even trying to collect the outstanding balances. Their position is just write them off.

Mr. Evans said that we want to support the industry but at the same time we want to make sure our financial house is in order.

Vice Chair Arisumi then asked if anyone were present to speak on behalf of DBED.

There was no representative from DBED for this item.

ACTION Unanimously approved as amended. (Apaka/Himeno)

ITEM F-1 TRANSMITTAL OF DOCUMENTS

Item F-1-a Assignment of Grant of Easement No. S-4098 between Yoshito Iwamoto, assignor and Larry R. Oler and Midge J.L. Oler, husband and wife, assignees, access easement at Walohinu, Kau, Hawaii, Tax Map Key 9-5-02:40

Item F-1-b Issuance of Revocable Permit to Gomes School Bus Service, Ltd., Government land at Leleo and Kuwill, Honolulu, Oahu, Tax Map Key 1-5-07:75

ACTION Ms. Himeno moved for the approval of Items F-1-a and F-1-b; seconded by Mr. Apaka, motion carried unanimously.

AMENDMENT TO PRIOR BOARD ACTION OF JUNE 12, 1992 (AGENDA ITEM F-5) TO GTE HAWAIIAN TELEPHONE COMPANY, INC. AT PUUKAPU HOMESTEADS, 2ND SERIES, WAIMEA, SO. KOHALA, HAWAII, TAX MAP 6-4-03:POR. 97

ITEM F-2

ACTION Unanimously approved as submitted. (Yuen/Himeno)

CANCELLATION OF GENERAL LEASE NO. S-5017 TO DOROTHY E. NISHIE AND GRACE M. SHIMA, TRUSTEES OF THE PHILLIPS FAMILY TRUST, LALAMILO, WAIMEA, SO. KOHALA, HAWAII, TAX MAP KEY

ITEM F-3

6-6-09:52

ACTION Unanimously approved as submitted. (Yuen/Himeno)

**DEPARTMENT OF EDUCATION REQUEST FOR APPROVAL OF LEASE
CONTRACT NO. DACA84-1-93-18, PORTION OF SCHOFIELD BARRACKS
MILITARY RESERVATION FOR PUBLIC SCHOOL PURPOSES, WAHIAWA,
OAHU**

ITEM F-4

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM H-1 See page 5 for Action.

ITEM H-2 See page 4 for Action.

ITEM H-3 See page 3 for Action.

ITEM H-4 See page 6 for Action.

**MEMORANDUM OF AGREEMENT AND LICENSES FOR USE OF REAL
PROPERTY, HONOLULU INTERNATIONAL AIRPORT, HONOLULU
INTERNATIONAL AIRPORT, LIHUE AIRPORT, KAHULUI AIRPORT, HILO
INTERNATIONAL AIRPORT (NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION)**

ITEM K-1

ACTION Unanimously approved as submitted. (Himeno/Apaka)

**APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4912, 4922,
4927, AIRPORTS DIVISION, HONOLULU INTERNATIONAL AIRPORT, OAHU**

ITEM K-2

ACTION Unanimously approved as submitted. (Himeno/Apaka)

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

ITEM K-3

Ms. Himeno recused herself from acting on permits for Matson Navigation Company, Inc. H-82-1030 and H-84-1237 because of a conflict.

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ADJOURNMENT The meeting adjourned at 10:50 a.m.

Respectfully submitted,

Dorothy Chun
Dorothy Chun
Secretary

APPROVED:



WILLIAM W. PATY, Chairperson

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