

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

DATE: FRIDAY, JANUARY 22, 1993
TIME: 8:30 A.M.
PLACE: KOHALA CONFERENCE ROOM
KONA SURF HOTEL
78-128 EHUKAI STREET
KAILUA-KONA, HAWAII

**ROLL
CALL**

Chairman William Paty called the meeting of the Board of Land and Natural Resources to order at 8:30 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi
Mr. Herbert Apaka
Mr. Christopher Yuen
Mr. William Paty

ABSENT & EXCUSED: Ms. Sharon Himeno

STAFF: Mr. Roger Evans
Mr. W. Mason Young
Mr. Ralston Nagata
Mr. Gordon Akita
Mr. Glenn Taguchi
Mr. Charles Supe
Ms. Dorothy Chun

OTHERS: Mr. Johnson Wong, Esq., Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Mr. Dominic Sekich (Item F-4)
Mr. Joe Vierra (Item H-1)
Mr. Albert Lono Lyman (Item H-2)
Ms. Leimana DaMate (Item E-1)
Ms. Lei Collins (Item E-1)

MINUTES The minutes of the meeting of December 18, 1992 were approved as submitted. (Apaka/Arisumi)

**ADDED
ITEMS:** Upon motion by Mr. Arisumi and a second by Mr. Apaka, the following were added to the Agenda:

- ITEM B-1 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAII, HAWAII INSTITUTE OF MARINE BIOLOGY DURING FY 1992-93
- ITEM D-2 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 82-OP-Q FEASIBILITY STUDY FOR WAIOLA STATE PARK, OAHU, HAWAII
- ITEM D-3 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 6-OW-A, ALTERNATIVE WATER SOURCE DEVELOPMENT, PEARL HARBOR SPRING WATER SUPPLY, OAHU

He explained the reason for a level home which stretches further on the property deals with the visibility. The size could have been cut in half by going two stories but they elected not to do that because of where it was.

If the staff recommendation is acceptable and approved by the board, Mr. Vierra said that he would like to request on behalf of the property owner that condition no. 7 which deals with all work or construction to be done on the land shall be initiated within one year of the approval of such use and all work and construction must be completed within three years of the approval of such use. Because it is on Kauai and will undoubtedly take longer for a permit for a home that is not there now and in respect for people getting permits for their residences due to the recent disaster, he felt they would probably not start right away. He asked for consideration for the initiation to begin within a three year period instead of one and for completion within a five year period instead of the three.

Mr. Apaka asked Mr. Evans if this could be a possibility as Kauai is a difficult place to obtain a contractor.

Mr. Evans said, "We'd go along if the applicant would consider one change in the condition, if the applicant's agent can guarantee that this mainland applicant upon receiving the permit under this new condition will not sell the property. The purpose or reason that this board back in 1978 discussed this with the staff was specifically to stop speculation in the conservation district. The area was Round Top, Tantalus on Oahu, people would come in with a piece of property worth \$100,000.00. They would come before this board and go through the CDUA process. The board would grant them a permit. That piece of property as an example, immediately with the new permit became worth \$200,000.00 because the property owner that had just gotten the permit would now advertise I have a piece of vacant land that has a permit to build, that permit that you issue via the CDUA is of value to the property owner. So if Mr. Vierra will guarantee that this property will not be sold, then we will more than willing to go along. If he can't guarantee it, then we would feel that maybe let him start in two years and complete in three."

Mr. Vierra responded that the reason is the same and that is that the conditions on Kauai just seem to take longer periods of time before anything is accomplished. He said that he cannot guarantee that the owner will not sell the property. The reality on Kauai today is different from the example given on Tantalus, Oahu.

Chairperson Paty commented that it would seem quite difficult to hold someone to a commitment because there may be an unexpected death or serious condition or emergency situation which might alter their plans for a house.

More discussion followed.

Mr. Vierra then stated that he would rather stick with the conditions and go along with a suggestion by Mr. Evans of 2 and 4 which is at least a recognition of the Iniki situation and if it's still not possible they would come back to the board with a request for an extension.

Mr. Evans said that he had first heard of the request for change of condition

this morning and he did suggest 2 and 4 which is acceptable.

After more discussion, Mr. Yuen asked Mr. Evans if a specific condition could be added that there would not be any vegetation removal aside from the footprint, the grading, the trimming of trees in the makai viewplane. Mr. Vierra commented that was their intention.

Mr. Apaka asked Mr. Evans to repeat the amendments.

Mr. Evans said that should the Board approve this item, it would be modified, Condition No. 17 would be changed from "1 year to 3 years" to "2 years to 4 years" and a new Condition No. 19, There's to be no tree removal except for the footprint and grading and trimming of trees on the makai viewplane.

ACTION Unanimously approved as amended. (Apaka/Arisumi)

**AMENDMENT TO PRIOR BOARD ACTION OF MAY 11, 1990 (AGENDA
ITEM F-6) REGARDING THE DIRECT AWARD OF NON-EXCLUSIVE
EASEMENT FOR WOODEN DECK AND CONCRETE PIERS COVERING
GOVERNMENT SUBMERGED LAND AT LAHAINA, MAUI, TAX MAP KEY
4-5-01:SEAWARD OF 6**

Mr. Young informed the board that this submittal was an amendment to prior board action to take care of changing the name of the grantee from Hanson Galleries to the new applicant which is Elizabeth D. Wilson, as Trustee for the Lakala Trust. All the terms and conditions which had previously been approved will remain the same.

Mr. Dominic Sekich representing the applicant, Elizabeth D. Wilson, Trustee for the Lakala Trust was present. He said he had seen the conditions and had no objections.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

**CDUA FOR A METEOROLOGICAL TOWER AT THE KEAHOLE
GENERATOR STATION, NORTH KONA, HAWAII, TAX MAP KEY 7-3-49:36;
APPLICANT: HAWAII ELECTRIC LIGHT COMPANY**

Mr. Evans made the presentation on Item H-2 with staff's recommendation that the Board approve the proposed meteorological tower at the Keahole Generating Station subject to the following conditions on pages 3 and 4. Basically a test is done and at the end of testing, the tower is taken down. He then commented that at the public hearing last evening, an individual, Mr. Jerry Rothstein did want it put in the record that he was in opposition to this.

Discussion followed with the board questioning Mr. Evans why was the testing going to be at 190 feet and the tower height would be at 104 feet. Mr. Evans said that was the representation given by the applicant and they would need to ask the applicant for their reasoning.

Mr. Albert Lono Lyman, Senior Project Manager with CH2M Hill representing HELCO said that just by way of background, originally the tower height that HELCO was anticipating was no more than 210 feet. That's the standard height

that air quality testing starts and you can go down. They went down to 190 feet after consultation with FAA when they indicated that they would not approve a met tower or stack above 192 feet so they rounded it down to 190 feet. At that point HELCO environmental determined that that would not be a problem. Subsequent to that and in very late November, based on air quality modeling and actually how they placed structures on the sight, they determined that they needed the stack of no more than 104 feet. He said that they submitted several letters last night to DLNR and one of them was indicating that the met tower would be no more than 104 feet ±. With lights it may be a little taller than 104 feet.

More discussion followed.

Mr. Arisumi posed a question to Mr. Evans asking how would the public know that this tower was just for testing purposes.

Mr. Evans stated that he would know how the people would be notified as of this point.

He said that last night culminated a request before the department in two instances for a contested case hearing. That contested case hearing was based on a separate CDUA but those raised red flags relative to what we're doing here. This CDUA unlike the other one does not expire till the first meeting in March and the Board may consider deferring both of these because of the request for a contested case hearing.

Mr. Yuen commented that although Mr. Rothstein testified last night and asked the Board to deny the two CDUA's today, he did not recall anyone requesting a contested case hearing on the met tower or the borings.

Mr. Evans said that they did not but he was not sure if a tower is put up, how does staff explain a CDUA for a tower for testing and the possibility of a contested case pending.

Mr. Yuen said that he saw a difference. He clarified with Mr. Lyman that this pole was not a 24 feet in diameter stack but a lattice tower, like an antenna. There is one similar at Puuanahulu site mauka of the Waikoloa Resort.

Mr. Lyman said that is was necessary to gather data.

Mr. Yuen commented that the data gathering is a critical path and there was a critical time frame involved. With the data gathered they may find out that they can't put a power plant over there. He didn't feel that the public is being cheated out of any notification it is entitled to.

Chairperson suggested that if approved, applicant could make a press release or announcement in the local newspaper relative to what board action had been taken that it's just gathering information and has nothing to do with the permitting per se of the expansion.

ACTION Mr. Arisumi moved for approval as amended, that the tower is not to exceed 114 feet. Seconded by Mr. Yuen, motion carried unanimously.

ITEM H-3 TEMPORARY VARIANCE REQUEST FOR EXPLORATORY WELLS AND GEOTECHNICAL BORINGS AT KEAHOLE GENERATOR STATION, KEAHOLE, NORTH KONA, HAWAII, TAX MAP KEY 7-3-49:36; APPLICANT: HAWAII ELECTRIC LIGHT COMPANY

Mr. Evans said that the applicant on Item H-3 was the same but for a temporary variance at the same place, same purpose, same recommendation subject to conditions listed.

Mr. Yuen had a question on the process.

Mr. Evans explained the differences of a CDUA with permitted uses where they go to the Chairman for signature of approval and conditional uses going to the Board. This item is not a CDUA process because it is a temporary variance where an applicant can do something that is in good conservation practice up to a year. The Board has not ever delegated to the Chairman the authority to approve temporary variances.

Discussion followed on noise concerns and regulations that apply.

ACTION Mr. Yuen moved for approval with the condition that night time drilling noise level be 65 dba at the property line, another condition that HELCO maintain a log of all noise complaints at Keahole both for the drilling and normal operations. Motion was seconded by Mr. Arisumi and carried unanimously.

ADDED REQUEST FROM ONIPAA, THE QUEEN LILI'UOKALANI COMMEMORATION COMMISSION, TO CONSTRUCT AN AHU WITHIN WAILOA RIVER STATE RECREATION AREA

ITEM E-1

Mr. Nagata made the presentation of Item E-1 of the request of the Queen Lili'uokalani Commemoration Commission-Hawaii Committee for permission to construct an ahu within the Wailoa River State Recreation Area. This is in conjunction with the 100th Anniversary of the overthrow of Queen Lili'uokalani and this would be essentially a commemorative mound of stones. He explained the details and what was being planned and the significance to the project.

Ms. Leimana DaMate and Ms. Lei Collins of the West Hawaii committee of Onipa'a were present. Ms. DaMate said they were present to answer any questions of the board. At the request of the Chairman she reviewed the plans in general and how it came about. Ms. DaMate said that part of the commemoration ceremony was to be the construction of this ahu which was to have taken place on January 17th. Because of the time frame, their commission did meet and decided that it would be better to postpone the building of the ahu until it could be worked through the DLNR and done in the right way. The original concept for the ahu was brought about at their commission at the end of November and the concept for the ahu in Hilo is not a shrine or heiau. It is a memorial to the commemoration which is why they are requesting that it be made permanent and cemented to address the liability concerns and safety factor.

Mr. Charles Supe, of Hawaii's Division of State Parks, informed the Board that he worked with Kauano'e Kamana as to the location of the ahu in the State park. He said that she was looking for an area that had pedestrian traffic. This

site was picked by a representative of the West Hawaii committee. Ms. DaMate informed the board that Kauanoë is their commissioner in Hilo and she's the one that has really been working on this project together with Mr. Supe.

Ms. DaMate said that the week that was picked to put this on was the week of April 11 to coincide with the Merry Monarch Festivities. Her understanding is that it will not go any higher than 8 feet at the highest. The size of the rocks that they're asking people to bring will be a little bigger than the size of your fist, big enough to cement and not so big that it's a boulder. It will be like a pyramid with sloping sides. There will be a plaque on the bottom for people to read and it will let people know the significance of the ahu, how the rocks were brought in from all the different areas and that it is being put in place by the State of Hawaii for the people.

ACTION Unanimously approved as submitted. (Yuen/Apaka)

RECESS 10:00 am --10:10 am

Chairperson Paty called the meeting back to order.

**ADDED
ITEM B-1** REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE
UNIVERSITY OF HAWAII, HAWAII INSTITUTE OF MARINE BIOLOGY
DURING FY 1992-93

Mr. Akita presented Item B-1 to the Board.

Discussion followed and Chairperson Paty explained how the tagging would be done.

ACTION Unanimously approved as submitted. (Apaka/Yuen)

ITEM D-1 AUTHORIZATION TO EXECUTE RIGHT-OF-ENTRY DOCUMENT PREPARED
BY DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE PUUKAPU
DEEPWELL DEVELOPMENT (WELL NO. 6337-01) AND PUUKAPU
SHALLOW EXPLORATORY WELL, WAIMEA, HAWAII

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

**ADDED
ITEM D-2** PERMISSION TO HIRE CONSULTANT FOR JOB NO. 82-OP-Q FEASIBILITY
STUDY FOR WAIOLA STATE PARK, OAHU, HAWAII

After the studies are done, Mr. Arisumi asked if the board gets a final report.

Mr. Akita explained that these are feasibility studies so the developed product would be a report. He said that they could provide a copy to the board members.

More discussion followed regarding past approved consultants and whether the projects were done or just sitting on the shelves.

It was also suggested that an approximate amount be listed so that it would be helpful for the board members when they review the submittal.

ACTION Mr. Arisumi moved for the approval of Items D-2 and D-3. Seconded by Mr. Apaka, motion carried unanimously.

**ADDED
ITEM D-3** PERMISSION TO HIRE CONSULTANT FOR JOB NO. 6-OW-A,
ALTERNATIVE WATER SOURCE DEVELOPMENT, PEARL HARBOR
SPRING WATER SUPPLY, OAHU

See above Item D-2 for Action.

**ADDED
ITEM E-1** See page 7 for Action.

**ADDED
ITEM E-2** REQUEST FROM THE UNIVERSITY OF HAWAII TO USE THE OLD KONA
AIRPORT STATE RECREATION AREA TO CONDUCT MOTORCYCLE
INSTRUCTIONAL AND TRAINING CLASSES

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM F-1 TRANSMITTAL OF DOCUMENTS

Item F-1-a Assignment of General Lease No. S-3604 between Walter Kiyoshi, Hamal, dba W. K. Hamal Repair Shop, Assignor, and Roger Antonio, dba Antonio's Repair Shop, Assignee, Lot 46, Kanoelehua Industrial Lots, Waialae, So. Hilo, Hawaii, Tax Map Key 2-2-49:02

Item F-1-b Issuance of Revocable Permit to City Produce, Former OR&L Depot and Iwilei Produce Center site, Iwilei, Honolulu, Oahu, Tax Map Key 1-5-07:Por. 14

ACTION Mr. Arisumi moved for approval of Items F-1-a and F-1-b as submitted. Seconded by Mr. Apaka, motion carried unanimously.

ITEM F-2 REQUEST FOR AUTHORIZATION TO ACCEPT TRANSFER OF 4.5 ACRES
OF LAND AND IMPROVEMENTS THEREON, FROM COUNTY OF HAWAII,
SITUATED AT NAMOKU AND HAINA, HAMAKUA, HAWAII, TAX MAP KEY
27:POR. 121

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM F-3 CANCELLATION OF GENERAL LEASE NO. S-4541, HAKALAU-IKI, SOUTH
HILO, HAWAII, TAX MAP KEY 2-9-02:47

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM F-4 See page 4 for Action.

ITEM F-5 AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 21, 1986
(AGENDA ITEM F-15), SET ASIDE OF SAND ISLAND PARKWAY, DOT
PROJECT NO. 64A-02-82, UNIT 2, TO DEPARTMENT OF
TRANSPORTATION, SAND ISLAND, HONOLULU, OAHU, TAX MAP KEY
1-5-41

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-6 REQUEST FOR LAND BOARD APPROVAL OF SETTLEMENT ON RENTAL DELINQUENCY, REVOCABLE PERMIT NO. S-4408, QUALITY SHEETMETAL CO., LTD., LOT 1, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT 1, MOANALUA, HONOLULU, OAHU, TAX MAP KEY 1-1-64:03

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-7 AMENDMENT OF GENERAL LEASE NO. S-4906 TO GUY AND DALE L. KAAIAI FOR ADDITIONAL AREA TO LEASEHOLD, LOT 23, MAUNALAHA HOMESITES, MAKIKI, OAHU, TAX MAP KEY 2-5-24:22

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM F-8 STAFF REQUEST FOR AUTHORIZATION OF INTENT TO INCLUDE STATE LAND PREVIOUSLY COVERED BY GENERAL LEASE NO. S-3883 AS PART OF A MASTER PLAN FOR STATE LANDS IN THE HANAPEPE AREA, LOT 58A, HANAPEPE TOWN LOTS, 1ST SERIES, WAIMEA, KAUAI, TAX MAP KEY 1-9-10:33

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM H-1 See page 4 for Action.

ITEM H-2 See page 5 for Action.

ITEM H-3 See page 6 for Action.

ITEM K-1 CONSENT TO SUBLEASE, KAHULUI AIRPORT, MAUI (NEIGHBOR ISLAND TERMINAL, INC./CENTURY AVIATION, INC.)

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM K-2 AMENDMENT NO. 14 TO LEASE NO. DOT-A-73-22, HONOLULU INTERNATIONAL AIRPORT, OAHU (CONTINENTAL AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM K-3 AMENDMENT NO. 7 TO LEASE NO. DOT-A-78-22, LIHUE AIRPORT, KAUAI (HAWAIIAN AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM K-4 CONSENT TO ASSIGNMENT OF LEASE FOR LOT 929 AT UALENA STREET, HONOLULU INTERNATIONAL AIRPORT, OAHU (ROKAN PARTNERS/MISSIE INVESTMENTS, INC.)

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM K-5 CONSENT TO ASSIGNMENT OF LEASE FOR LOT 930 AT UALENA STREET, HONOLULU INTERNATIONAL AIRPORT, OAHU (ROKAN PARTNERS/MISSIE INVESTMENTS, INC.)

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM K-6 RESUBMITTAL OF REVOCABLE PERMIT NO. 4951 HONOLULU INTERNATIONAL AIRPORT, OAHU (VALENTINE MAHUKA)

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM K-7 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4968, ETC., AIRPORTS DIVISION, HDH, LIH, OGG, ITO, HNL

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM K-8 CONTINUANCE OF REVOCABLE PERMITS RP-2834, ETC., HNL, OGG, KOA, HMN

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM K-9 REQUEST FOR EXECUTION OF LANDLORD'S WAIVER FORMS, NAWILIWILI HARBOR, KAUAI, R.P. NOS. H-85-1274 AND H-86-1391 (ROBERT C. JORDAN, GENT-LEE CHARTERS, INC.)

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM K-10 ISSUANCE OF REVOCABLE PERMIT, PIER 35, HONOLULU HARBOR, OAHU (HAWAII STEVEDORES, INC.)

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

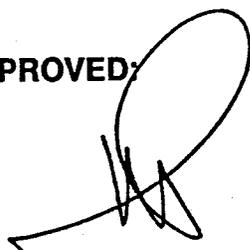
ANNOUNCEMENT Vice Chairman Arisumi on behalf of the members of the Land Board wished the Chairman well in his new assignment.

ADJOURNMENT No further business, the meeting was adjourned at 11:15 a.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED:



WILLIAM W. PATY, Chairperson

dc