

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

DATE: May 14, 1993
TIME: 9:00 a.m.
PLACE: 1151 Punchbowl Street
Board Room, Room 132
Honolulu, Hawaii

**ROLL
CALL**

Chairperson Keith W. Ahue 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. William W. Paty
Mr. Herbert K. Apaka, Jr.
Ms. Sharon Himeno
Mr. Christopher Yuen
Mr. Keith W. Ahue (excused at 10:45 a.m.)

STAFF: Mr. Ralston Nagata
Mr. Henry Sakuda
Mr. Ed Henry
Dr. Donald Hibbard
Mr. Ronald Walker
Mr. Mason Young
Mr. Dave parsons
Mr. Maurice Matsuzaki
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Dept. of the Attorney General
Mr. Tom Toyama, Dept. of Transportation
Ms. Susan Matsuura and Ms. Mindy (Item E-2)
Mr. Herbert Tao (Item H-1)
Mr. Al Lyman (Item H-3)

**ADDED
ITEMS**

Upon motion by Mr. Arisumi and a second by Mr. Apaka, the board voted unanimously to add the following items to the agenda:

Item A-1 Allocation of Historic Preservation Grants-in-Aid to Certified Local Governments.

Item A-2 Allocation of INIKI Disaster Relief Supplemental Historic Preservation Grant Funds.

Dr. Anthony asked for assurance from the Land Board that the matter concerning the Diamond Head Beach Road dispute was not on this morning's agenda. Mr. Ahue assured him that it was not.

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

ITEM H-3 REQUEST TO AMEND CONSERVATION DISTRICT USE PERMIT HA-487A FOR EXPANSION OF KEAHOLE GENERATOR STATION AT KEAHOLE, NO. KONA, HAWAII: TMK 7-3-49:36; APPLICANT: HAWAII ELECTRIC LIGHT CO.; AGENT: CH2M HILL.

Ed Henry informed the board that we were in a contested case process and that the applicant was developing their final environmental impact statement and, accordingly, asked for a second extension of time.

Al Lyman of CH2M said that the applicant was working on the final EIS and was taking additional time to address the issues that have come up through the review of the draft EIS. Mr. Lyman said that the final EIS is expected to be submitted in June and asked if there was any way of expediting the selection of the hearing officer.

Mr. Yuen asked if monies were available for a hearing officer. Mr. Henry stated that there is a contested case fund, although there's not much money in the fund. He stated, also, that it would help if he knew when the final EIS would be available. Mr. Lyman said that they expected to be internally publishing within the next two weeks, so the EIS would be available by mid-June. Mr. Henry felt, then, that the hearing could probably be scheduled about the first week of July.

Ms. Himeno asked to be recused from participating on this item because of a conflict.

Mr. Arisumi questioned the request for a 90-day extension. He felt that it was very time consuming and expensive for both the applicant and the staff to keep coming back for these 90-day extensions. He suggested a 180-day extension instead.

Discussion continued with respect to the pros and cons of the 90-day extension vs. the 180-day extension. Mr. Lyman had no objection to the 180-day extension, but he did voice concern that, from HELCO's standpoint, they would be looking to completing everything, including the contested case, within the 180-day period.

ACTION Mr. Yuen moved to approve an extension for 180 days. Motion carried with a second by Mr. Paty. Ms. Himeno recused from participating.

REQUEST FOR A ONE-YEAR EXTENSION FOR THREE SPECIAL USE PERMITS TO MOOR AT KEALAKEKUA BAY STATE UNDERWATER PARK, KEALAKEKUA-KONA, HAWAII.

ITEM E-2

Mr. Yuen questioned whether this extension should be done every year or maybe every two years. Mr. Nagata referred this question to Mr. Parsons since they are considering having the Boating Division issue the permit. Dave Parsons, head of the Boating Division, explained that normally they would try to tie this in to the commercial permit, which they have for Kailua Bay, and these permits are issued on an annual basis.

Susan Matsuura of Royal Hawaiian Crusies and Mindy Damp of Fair Wind, Inc. were present to answer questions from the Board. Mr. Paty asked about how business was, the tourist business being what it is today. Ms. Matsuura said that business has been much slower than in previous years but that they have been working to generate more business through the local community i.e. schools, boy scouts, girl scouts, etc. Ms. Damp said that they had lost their 100-passenger vessel "Hookele" to INIKI and have been leasing the "party boat" for five months. However, they have been real busy since they had marketed for five years for a 100-passenger vessel but had to cut back to half of that. They are expecting their new 100-passenger vessel in August.

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ADDED ITEMS: Upon motion by Mr. Arisumi and a second by Mr. Apaka, the board voted unanimously to add the following items to the agenda:

Item A-1 Allocation of Historic Preservation Grants-in-Aid to Certified Local Governments.

Item A-2 Allocation of INIKI Disaster Relief Supplemental Historic Preservation Grant Funds.

MINUTES: April 8, 1993 and April 23, 1993.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM A-1 ALLOCATION OF HISTORIC PRESERVATION GRANTS-IN-AID TO CERTIFIED GOVERNMENTS.

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM A-2 ALLOCATION OF INIKI DISASTER RELIEF SUPPLEMENTAL HISTORIC PRESERVATION GRANT FUNDS.

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT FOR CONSULTANT SERVICES WITH THE UNIVERSITY OF HAWAII, HAWAII INSTITUTE OF MARINE BIOLOGY FOR A 3-PARTY STUDY TO EVALUATE 1) MOVEMENT AND GROWTH OF MOBILE FINFISHES, 2) NUTRIENT INPUTS, NUTRIENT LIMITATION AND THEIR IMPACT ON FISH PRODUCTION AND 3) BIOTURBATION AND RECENT SEDIMENTATION RATES AT FOUR SITES IN KANEOHE BAY, OAHU.

ITEM B-1

ACTION Unanimously approved as submitted. (Paty/Arisumi)

APPLICATION FOR FY 1993, RURAL COMMUNITY FIRE PROTECTION FUNDS (HAWAII COUNTY FIRE DEPT.)

ITEM C-1

ACTION Unanimously approved as submitted. (Yuen/Himeno)

REQUEST BY WAIKOLOA CANOE CLUB TO SPONSOR A HAWAIIAN OUTRIGGER CANOE RACE AT HAPUNA BEACH STATE RECREATION AREA.

ITEM E-1

Written testimony from Mike Atwood of the Waikoloa Canoe Club was presented to the Board by Ralston Nagata. Mr. Atwood regretted that no representative from their club could be present at this meeting even though they were aware of staff's recommendation to deny their request.

Mr. Nagata said that the boundary shown in the submittal might have to be amended inasmuch as the the boundary listed was just taken from the Canoe Club's application. Discussion continued with respect to how the canoes would be taken to the area; parking; hours of use, including set-up and take-down time; enforcement, etc.

Mr. Yuen asked if they were requesting to camp overnight. Ralston Nagata said, no. However, even though there was no request to camp, Mr Nagata said that someone would have to stay with the canoes overnight. Because a few details still needed to be worked out, he suggested deferring this item.

Mr. Paty suggested, instead, that the board move to approve this request, conditioned upon a designated representative group and staff sitting down together to work on the logistics of this event in order to minimize any problems.

ACTION Mr. Yuen moved that the board not accept staff's recommendation to deny but approve the use with the special conditions as discussed, and as amended and attached to the application. Mr. Arisumi seconded, motion carried unanimously.

ITEM E-3

RIGHT-OF-ENTRY TO PREPARE PLANS FOR A PROPOSED RECREATIONAL SUPPORT FACILITY AT MAKAPUU POINT.

Mr. Nagata presented the proposal of the Ohana Council of the Hawaiian Kingdom for a Hawaiian cultural healing center tentatively called Hale Hooponopono Makapuu. The Ohana Council will incorporate or augment appropriate public recreation activities in their planning efforts as the entire area is set aside as the Makapuu Point State Wayside Park..

Ms. Himeno said that today's approval is just for a right of entry to continue their planning and designing efforts, not for the structure or how it's to be set up. Assuming that the plan is approved, Mr. Ahue asked if it would then go up for bid. Mr. Nagata said, no, since no public funds would be used.

Mr. Nagata said that the applicant had expressed a desire to be at this morning's meeting. However, there must have been a breakdown in communication since no one was present to represent the applicant.

Mr. Paty asked, "if they proceed with the planning concept, do you think it would have a significant impact on the general public being able to utilize it so the compatibility of this area would be minimized by this group?" Mr. Nagata felt that it could work if everyone put their heads together. However, the council would need to understand that they have to go through the planning process and whatever regulatory hurdles that may come up. Because their proposal is more of a cultural center type of thing, the federal government may not buy into it.

Mr. Ahue asked if the center would be open to the public. Mr. Nagata said it would.

Mr. Paty moved to approve the Ohana Council's request to continue their planning and design efforts for a Hawaiian cultural healing center at Makapuu Point, Oahu, subject to a continuing review to assure that the balance for public utilization is maintained.

Mr. Nagata presented the board with some special conditions for use of this area. Ms. Himeno did not feel that these conditions needed to be a part of the motion. She felt that Mr. Nagata could just discuss the conditions with the applicant. If there was a problem then, instead of pursuing the design work and wasting their time and money, they should come back to the board.

ACTION Mr. Paty moved to amend his earlier motion by approving the Ohana Council's request subject to a review by the staff and approval by the Chairperson of appropriate conditions necessary to proceed with this design and plan. Ms. Himeno seconded. Motion carried unanimously.

ITEM F-1 DOCUMENTS FOR BOARD CONSIDERATION.

Item F-1-a Assignment of General Lease No. S-5040 Between Salvatore M. Bosco, Assignor, and Edward James Taylor and Vicky Cox Taylor, Husband and Wife, Assigness, Lot 85, Kokee Campsite Lots, Waimea (Kona), Kauai, TMK 2-4-04:58.

Item F-1-b Dept. of Agriculture Issuing a Lease to Kamuela Vacuum Cooling Cooperative for Kamuela Vacuum Cooling Facility at Lalamilo, Waimea, So. Kohala, Hawaii, TMK 6-6-02:por. 37.

Item F-1-c Dept. of Agriculture Issuing a Lease to Maui Produce Processing Cooperative for Kula Vacuum Cooling Facility at Omaopio, Makawao (Kula), Maui, TMK 2-3-03:118

Item F-1-d Dept. of Agriculture Issuing a Lease to Kona Producers Cooperative for Kona Producers Cooperative for Kona Producing Marshalling Facility at Honalo, No. Kona, Hawaii, TMK 7-9-16:4, 8 and 18.

ACTION Mr. Arisumi moved to approve Items F-1-a, b, c and d as submitted. Mr. Apaka seconded. Motion carried unanimously.

AMENDMENT TO PRIOR BOARD ACTION OF MAY 12, 1989, AGENDA ITEM F-6, KANEOHE, KOOLAUPOKO, OAHU, TMK 4-4-07:SEAWARD OF 21.

ITEM F-2

ACTION Unanimously approved as submitted. (Himeno/Apaka)

STAFF REQUEST FOR AUTHORIZATION OF INTENT TO INCLUDE STATE LAND PREVIOUSLY COVERED UNDER REVOCABLE PERMIT NO. S-6189 AS PART OF THE MASTER PLAN FOR STATE LANDS IN THE HANAPEPE AREA AND GRANT INTERIM REVOCABLE PERMIT, LOT 54-B, HANAPEPE TOWN LOTS, 1ST SERIES, HANAPEPE, WAIMEA (KONA), KAUAI, TMK 2-9-10:3.

ITEM F-3

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

**CDUA FOR ROADWAY IMPROVEMENTS AT THE KIPAHOEHOE
NATURAL AREA RESERVE, SO. KONA, HAWAII; TMK 8-8-1:5,
APPLICANT: DEPT. OF TRANSPORTATION, HIGHWAYS DIVISION.**

ITEM H-1

Mr. Herbert Tao of the Department of Transportation was present to answer any questions that might come up.

Mr. Henry asked to amend the submittal by adding a Condition No. 7 to read as follows:

7. That the applicant consult with the Department of Land and Natural Resources and the Natural Area Reserves Commission to insure that the project is completed in an appropriate manner.

ACTION Unanimously approved as amended. (Yuen/Himeno)

ITEM H-2 **TIME EXTENSION REQUEST FOR CONSERVATION DISTRICT USE PERMIT KA-2260; MOTOROLA FACILITY AT MT. LAAUKAHI, KAUAI, TMK 2-8-01:1, 2 & 5; APPLICANT: MOTOROLA COMMUNICATIONS & ELECTRONICS, INC.; AGENT: CUMMINS AND CUMMINS.**

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM H-3 See Page 2 for Action.

ITEM I-1 **APPOINTMENT OF LICENSE AGENT: SHOOTERS CHOICE, INC., ISLAND OF HAWAII.**

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-1 **CONSENT TO ASSIGNMENT OF LEASE NO. H-89-12, ALA WAI BOAT HARBOR, ISLAND OF OAHU, FOR FUEL FACILITIES (ALA WAI HARBOR FUEL SERVICES).**

Mr. Parsons asked that the agenda be amended to read: for "fuel services" instead of for "yacht club".

ACTION Unanimously approved as amended. (Himeno/Paty)

ITEM J-2 **GRANTS OF RIGHT-OF-ENTRY AGREEMENT, MAUNALUA BAY BOAT RAMP, ISLAND OF OAHU (KIEWIT PACIFIC COMAPNY).**

ACTON Unanimously approved as submitted. (Himeno/Apaka)

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

ACTION Unanimously approved as submitted. (Yuen/Himeno)

**ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, LAHAINA HARBOR, ISLAND OF
MAUI FOR TICKET BOOTH SITE (PARDNER, INC.)**

ACTION Unanimously approved as submitted. (Himeno/Paty)

**ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, KEEHI LAGOON, ISLAND OF
OAHU FOR WATER SKI CLUB ACTIVITIES (NA ALII WATER SKI CLUB)**

ACTION Unanimously approved as submitted. (Himeno/Paty)

**ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, KAILUA-KONA PIER AND
KEAUHOU HARBOR, ISLAND OF HAWAII FOR NONEXCLUSIVE ROUTE
FOR FUELING OF VESSELS VIA TANK TRUCK (AKANA PETROLEUM
INC.).**

**ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, KAILUA-KONA PIER, ISLAND OF
HAWAII FOR NONEXCLUSIVE ROUTE FOR FUELING OF VESSELS VIA
TANK TRUCK (HAWAII PETROLEUM DISTRIBUTORS, INC.).**

ACTION Mr. Paty moved to approve Items J-6 and J-7 as submitted. Motion carried with a second by Mr. Apaka. Ms. Himeno recused from participating in any action taken on Items J-6 and J-7 because of a possible conflict.

**ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HONOKOHAU BOAT HARBOR,
ISLAND OF HAWAII FOR OPEN UNPAVED LAND FOR BOAT REPAIRS
(MDR, INC.).**

ACTION Unanimously approved as submitted. (Apaka/Himeno)

**ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, LAHAINA HARBOR, ISLAND OF
MAUI FOR TICKET BOOTH SITE (KOLEA CHARTERS OF LAHAINA,
INC.).**

ACTION Unanimously approved as submitted. (Himeno/Paty)

**ITEM K-1 AMENDMENT NO. 26 TO LEASE NO. DOT-A-62-19, HONOLULU
INTERNATIONAL AIRPORT, OAHU (UNITED AIRLINES, INC.)**

ACTION Unanimously approved as submitted. (Himeno/Apaka)

- ITEM K-2** **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5006, ETC., AIRPORTS DIVISION - KAHULUI, KEAHOE, LIHUE.**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-3** **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5024, ETC., AIRPORTS DIVISION - LANAI, HONOLULU INTERNATIONAL, KEAHOE, WAIMEA-KOHALA.**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-4** **APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 5021, HONOLULU INTERNATIONAL AIRPORT, OAHU (HANSEN, TILL).**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-5** **RENEWAL OF REVOCABLE PERMITS 2853, ETC., AIRPORTS DIVISION HNL, ITO, KOA, MKK, OGG, LNY.**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-6** **ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY FOR INTERIM OFFICE IMPROVEMENTS AT PIER 11, HONOLULU HARBOR, OAHU (ALOHA TOWER ASSOCIATES (ATA)).**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-7** **ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 21 SHED, HONOLULU HARBOR, OAHU (HAWAIIAN TUG & BARGE CORPORATION.**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-8** **ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 21 SHED, HONOLULU HARBOR, OAHU (SAUSE MARINE SERVICES, INC.)**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-9** **ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 21 SHED, HONOLULU HARBOR, OAHU (UAUKEWAI DIVING SALVAGE & FISHING, INC.).**
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM K-10** **ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (CANTOR BROS. HAULING SERVICES, INC.).**
- ACTION** Unanimously approved as submitted. (Yuen/Himeno)

ITEM K-11 CONTINUANCE OF REVOCABLE PERMITS H-87-1459, ETC., HARBORS DIVISION.

ACTION Mr. Yuen moved to approve as submitted. Motion carried with a second by Mr. Apaka. Ms. Himeno asked to be recused from participating in any action taken on Permits issued to Brewer Chemical Corp.

ITEM K-12 CONTINUANCE OF REVOCABLE PERMITS H-85-1270, ETC., HARBORS DIVISION.

ACTION Mr. Yuen moved to approve as submitted. Motion carried with a second by Mr. Apaka. Mis Himeno asked to be recused from participating in any action taken on Permits issued to Brewer Chemical Corp.

ITEM K-13 RESUBMITTAL OF REVOCABLE PERMIT, AIRPORTS DIVISION (TASHIMA, WILFRED).

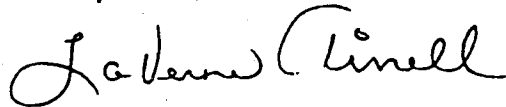
ACTION Unanimously approved as submitted. (Himeno/Paty)

ITEM K-14 RESUBMITTAL OF REVOCABLE PERMIT 4994, AIRPORTS DIVISION.

ACTION Unanimously approved as subitted. (Himeno/Apaka)

ADJOURN-MENT: Vice-Chair Arisumi adjourned the meeting at 11:05 a.m.

Respectfully submitted,



LaVerne Tirrell, Secretary

APPROVED:



KEITH W. AHUE, Chairperson

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