

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

DATE: May 28, 1993
TIME: 8:30 a.m.
PLACE: Maui Community College
Community Service Building
310 Kaahumanu Avenue
Kahului, Maui

**ROLL
CALL**

Chairperson Keith W. Ahue called the meeting of the Board of Land and Natural Resources to order at 8:34 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi
Mr. Herbert Apaka
Mr. William W. Paty
Mr. Keith W. Ahue

**ABSENT &
EXCUSED:** Ms. Sharon Himeno
Mr. Christopher Yuen

STAFF: Mr. Ralston Nagata
Mr. Mason Young
Mr. Ed Henry
Ms. Geraldine M. Besse

OTHERS: Mr. Johnson H. Wong, Dept. of the Attorney General
Mr. Peter Garcia, Dept. of Transportation
Ms. Meredith Ching, Mr. Garret Hew, Mr. Carl
Christensen, Mr. Jack Banks and Mr. David Craddick
(Item nos. F-1c, d, e, and f)
Mr. Dan Thomas (Item F-3)
Mr. Paul Mancini (Item F-8)
Mr. Grant Chun (Item H-3)
Ms. Nani Rapoza (Item H-4)
Mr. Eric B. Guenther (Item H-5)
Mr. Ralph Masuda (Item H-6)
Mr. Byron McCann and Mr. Doug Armstrong (Item H-7)
Mr. Chester Koga (Item H-8)

MINUTES: Minutes of the meetings of March 12, 1993, and May 14, 1993, were unanimously approved as circulated (Apaka/Arisumi).

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

ITEM F-8 DENIAL OF PRIOR BOARD ACTION OF OCTOBER 27, 1989 (AGENDA ITEM F-12), REGARDING THE DIRECT SALE OF NON-EXCLUSIVE EASEMENT FOR MAINTENANCE AND REPAIR OF EXISTING CONCRETE PIERS AND FOR USE, REPAIR AND MAINTENANCE OF EXISTING IMPROVEMENTS COVERING PORTION OF SUBMERGED LAND FRONTING TAX MAP KEY 4-5-01:4, LAHAINA, MAUI

Mr. Paul Mancini, representing the applicant, presented written testimony that the restrictions served no useful purpose and has caused numerous practical problems for the owner.

ACTION Mr. Arisumi moved to deny the staff recommendation; seconded by Mr. Paty. Mr. Arisumi's motion was amended to include the following language to be inserted in condition no. 5:

"No expansion of the existing improvements shall be permitted, also, any renovations and/or reconstruction of the existing improvements within the easement area as a result of fire or other causes, natural or otherwise, may be permissible, subject to:

- "1. Prior review and approval of the plans by the Board.
- "2. Approval of the Maui Historic Commission.
- "3. Obtaining SMA permit from the County of Maui, if applicable.
- "4. Filing and receiving approval of an amended CDUA, if applicable."

Mr. Arisumi's amended motion was unanimously approved.

ITEM H-4 EXTENSION OF TIME REQUEST FOR A STAY OF ENFORCEMENT ON CDUA HA-2555, AFTER-THE-FACT SINGLE FAMILY RESIDENCE AT KEEKEE, SOUTH KONA, HAWAII, TAX MAP KEY 8-1-4:13; APPLICANT: WILLIAM AND RITA COWELL; AGENT: CADES SCHUTTE FLEMING & WRIGHT

Mr. Henry asked to amend the time extension to 180 days.

Ms. Nani Rapoza, representing applicant, stated the applicants have received a conditional SMA from the County. She indicated the applicant has been working to resolve the concerns of Historic Preservation.

ACTION Mr. Arisumi moved for approval of the time extension for one year from May 28, 1993, for the reason that the archaeological concerns could possibly require additional time to resolve. The motion was seconded by Mr. Paty and the item was unanimously approved as amended.

ITEM F-1c ISSUANCE OF REVOCABLE PERMIT TO A&B HAWAII, INC., PORTION OF THE KOOLAU FOREST RESERVE IDENTIFIED AT THE "NAHIKU LICENSE" AREA AT NAHIKU, HANA, MAUI, TAX MAP KEY 1-2-04:5 AND 7

- ITEM F-1d** ISSUANCE OF REVOCABLE PERMIT TO EAST MAUI IRRIGATION CO., LTD., PORTION OF THE KOOLAU FOREST IDENTIFIED AS THE "HONOMANU LICENSE" AREA AT HONOMANU, HANA, MAUI, TAX MAP KEY 1-1-01:44
- ITEM F-1e** ISSUANCE OF REVOCABLE PERMIT TO EAST MAUI IRRIGATION CO., LTD., PORTION OF THE KOOLAU FOREST RESERVE BETWEEN PUOHOKAMOA AND HONO POU STREAM IDENTIFIED AS THE "HUELO LICENSE" AREA, KEOPUKA EAST MAKAIWA, HANA, MAUI, TAX MAP KEYS 1-1-01:2 & 50 AND 2-9-14:1, 5, 11, 12 & 17
- ITEM F-1f** ISSUANCE OF REVOCABLE PERMIT TO EAST MAUI IRRIGATION CO., LTD., PORTION OF KOOLAU FOREST RESERVE IDENTIFIED AS THE "KEANAE LICENSE" AREA, WAILUA-IKI-KEANAE, HANA, MAUI, TAX MAP KEY 1-1-02:POR.2

Mr. Young presented the above items for revocable permits until the legal issues in the McBryde case are resolved. He also recommended an 8 percent increase in rental and 60 days' notice for withdrawal of water. Ms. Meredith Ching from A & B stated that the rental increase was "high" and the 60 days' notice was too short and asked for one year's notice.

Ms. Ching and Mr. Garret Hew, general supervisor, EMI, distributed the East Maui Watershed Management Plan.

Mr. Carl Christensen, Native Hawaiian Legal Corporation staff attorney, presented written testimony and stated he concurred with the two amendments presented by Mr. Young.

Mr. Jack Banks, a Kula farmer, asked for the status quo on the permits.

Mr. David Craddick of Maui County also commented on the short term of the leases.

ACTION Mr. Arisumi moved for approval of the submittal; however, in reference to the suggested staff amendments, Mr. Arisumi moved to: (1) deny the increase in rental; (2) have the implementation of the watershed management determined by the Chairperson; and (3) the addition of the following condition:

"The State reserves the right, subject to not less than one year advance written notice, to withdraw water from this revocable permit to meet the following requirements as the State in its sole discretion may determine. Constitutionally protected water rights, instream flow standards, reservations needed to meet the Department of Hawaiian Home Lands rights under sec. 221 of the Hawaii Homes Commission Act, as well as other statutorily or judicially recognized interests. In addition the State expressly reserves the right to withdraw water from the purposes and in accordance with the provisions of H.R.S. sec. 171-58(d)."

Mr. Arisumi's motion was unanimously approved.

Mr. Paty commented that at some future time, the Board may want to consider some adjustments to the leases.

ITEM F-6 DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AND IMMEDIATE CONSTRUCTION RIGHT-OF-ENTRY, GOVERNMENT LAND AT HONOPOU-HOOLAWA, HAMAKUALOA, MAKAWAO, MAUI, TAX MAP KEY 2-9-03:POR. 8

ACTION Unanimously approved as submitted (Arisumi/Apaka).

ITEM F-3 REQUEST FOR RIGHT-OF-ENTRY FOR HAWAII PILOT HOLE PROJECT TO A PORTION OF THE GOVERNMENT LANDS SITUATE AT WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-1-09:1 AND 41

Mr. Dan Thomas, representing Dr. Raleigh, appeared to answer questions concerning the study.

ACTION Unanimously approved as submitted (Paty/Arisumi).

ITEM H-6 CDUA FOR A RESERVOIR, ACCESS ROAD AND APPURTENANT WATERLINES AT LANAI CITY, KAMOKU, ISLAND OF LANAI, TAX MAP KEY 4-9-02:1; APPLICANT: LANAI COMPANY, INC.; AGENT: BELT COLLINS AND ASSOCIATES

Mr. Ralph Masuda from Lanai Co. stated they had no problems with the conditions.

ACTION Unanimously approved as submitted (Arisumi/Apaka).

RECESS: The Chairperson called for a recess from 10:25 a.m. to 10:39 a.m.

ITEM H-7 TIME EXTENSION REQUEST FOR CDUP HA-2514 FOR A TELEVISION TRANSLATOR FACILITY AT HUMUULA, NORTH HILO, HAWAII, TAX MAP KEY 3-8-01:01(POR.); APPLICANTS: KFVE JOINT VENTURE & DIVISION OF LAND MANAGEMENT, DLNR

Mr. Henry asked that the construction deadline date be amended to April 22, 2003.

Mr. Byron McCann of KFVE and Doug Armstrong were present to answer questions of the Board.

ACTION Unanimously approved as amended (Apaka/Arisumi).

ITEM H-5 CDUA FOR A SEAWATER FLOW THROUGH OUTLET AT KO OLINO, EWA, OAHU (SUBMERGED LAND OFF COASTLINE), APPLICANT: PAN PACIFIC HOTELIERS, INC.; AGENT: AECOS, INC.

Mr. Henry asked to amend his submittal to include the condition that the applicant shall notify the Board in writing when activity is initiated and when it is completed.

Mr. Eric B. Guinther of AECOS was present.

ACTION Unanimously approved as amended (Paty/Apaka).

ITEM H-8 **CDUA FOR RECREATIONAL CAMPING AT WAILAU VALLEY, KOOLAU, MOLOKAI, TAX MAP KEY 5-9-06:09, APPLICANT: LORIN GILL; AGENT: R.M. TOWILL CORPORATION**

Mr. Arisumi asked that Mr. Gill's request be referred to the Chairperson for administrative action because it is a permitted use. He also requested that the Board be briefed on conservation district land uses. Mr. Henry advised that OCEA is considering the hiring of a consultant to review the conservation district rules.

Mr. Chester Koga was present to answer any questions of the Board.

ACTION Mr. Arisumi moved for the administrative handling of the application; seconded by Mr. Paty and unanimously approved.

ITEM H-3 **REQUEST FOR A TIME EXTENSION ON CDUP MA-2296 TO RENOVATE A DECK EXTENSION OVER SUBMERGED LANDS AT LAHAINA, MAUI; SEAWARD OF TAX MAP KEY 4-5-1:6; APPLICANT: LAKALA TRUST; AGENT: CARLSMITH BALL WICHMAN MURRAY CASE MUKAI & ICHIKI**

Mr. Grant Chun was present to answer questions.

ACTION Unanimously approved as submitted (Arisumi/Apaka).

ITEM F-4: **MAUI COUNTY COUNCIL BOY SCOUTS OF AMERICA REQUEST TO CONSTRUCT WATER TANK ON GENERAL LEASE NO. S-5177 AT KAHAKULOA, WAILUKU (KAANAPALI), MAUI, TAX MAP KEY 3-1-01:1**

Mr. Young asked to amend condition no. 3 to provide no increase in the lease rent.

ACTION Unanimously approved as amended (Arisumi/Paty).

ITEM E-1 **APPROVAL OF A RIGHT OF ENTRY AND A GENERAL LEASE TO THE DEPARTMENT OF EDUCATION FOR AN OUTDOOR EDUCATION CAMP AT KOKEE STATE PARK, KAUAI**

Mr. Nagata asked to amend condition no. 5 to state that the construction plans must be approved prior to construction.

ACTION Unanimously approved as amended (Apaka/Arisumi).

ITEM E-2 **APPROVAL FOR AWARD OF CONTRACT - JOB NO. A-293, DIAMOND HEAD CRATER ACCESS ROAD IMPROVEMENTS, HONOLULU, HAWAII**

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM F DOCUMENTS FOR BOARD CONSIDERATION

Item F-1a ASSIGNMENT OF GENERAL LEASE NO. S-4946 BETWEEN GLEN ALQUIZA, ASSIGNOR, AND MOANA LOIS KINIMAKA, ASSIGNEE, LOTS 53 AND 54-A, HANAPEPE TOWN LOTS, 1ST SERIES, HANAPEPE, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-9-10:36 & 37

ACTION Unanimously approved as submitted (Apaka/Paty).

ITEM F-1b ASSIGNMENT OF GENERAL LEASE NO. S-4306 BETWEEN GRAYSON INOUE, ASSIGNOR, AND SEARS, ROEBUCK AND CO., ASSIGNEE, LOT 2, HILO INDUSTRIAL DEVELOPMENT, POHAKU STREET SECTION, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-2-58:4

ACTION Unanimously approved as submitted (Apaka/paty).

ITEM F-1c See page 3.

ITEM F-1d See page 3.

ITEM F-1e See page 3.

ITEM F-1f See page 3.

ITEM F-2 REQUEST TO AMEND PRIOR BOARD ACTION OF JUNE 26, 1992 (AGENDA ITEM F-2) RELATIVE TO A REAL ESTATE TRANSACTION AGREEMENT WITH WAIKOLOA DEVELOPMENT COMPANY OR CONSTRUCTION AND CONVEYANCE OF WAIKOLOA ELEMENTARY SCHOOL, WAIKOLOA, SO. KOHALA, HAWAII, TAX MAP KEY 6-8-02:PORS. OF 26 AND 31

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM F-3 See page 4.

ITEM F-4 See page 5.

ITEM F-5 AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 14, 1984 (AGENDA ITEM F-17) RELATIVE TO EXCHANGE OF LANDS WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS; (2) RESCISSIONS OF PRIOR BOARD ACTIONS OF DECEMBER 18, 1987 (AGENDA ITEM F-4) RELATIVE TO THE WITHDRAWAL OF LAND FROM OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2427 ISSUED TO THE DEPARTMENT OF TRANSPORTATION FOR KAHULUI AIRPORT PURPOSES

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM F-6 See page 4.

ITEM F-7 AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 20, 1991 (AGENDA ITEM F-15), WAIOMAO, PALOLO VALLEY, HONOLULU, OAHU, TAX MAP KEY 3-4-03:POR. 4

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM F-8 See page 2.

ITEM H-1 CONSERVATION DISTRICT USE APPLICATION (CDUA) TO RENOVATE/IMPROVE WATER SYSTEM, REPLACE CLUBHOUSE, EXPAND CART BARN AND CONSTRUCT NEW EMPLOYEE PARKING LOT AT PALI GOLF COURSE, KANEOHE, HAWAII, TAX MAP KEY 4-5-35:01; APPLICANT: DEPARTMENT OF PARKS AND RECREATION, CITY AND COUNTY OF HONOLULU

ACTION Unanimously approved as submitted (Paty/Arisumi).

ITEM H-2 TIME EXTENSION REQUEST FOR CONSERVATION DISTRICT USE PERMIT (CDUP) KA-2262 TO CONSTRUCT A SINGLE FAMILY RESIDENCE AT ALIOMANU, KAUAI, TAX MAP KEY 4-9-05:05; APPLICANT: RICKEY B. CARLSBERG, AGENT: CARLSMITH BALL WICHMAN MURRAY CASE MUKAI & ICHIKI

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM H-3 See page 5.

ITEM H-4 See page 2.

ITEM H-5 See page 4.

ITEM H-6 See page 4.

ITEM H-7 See page 4.

ITEM H-8 See page 5.

ITEM H-9 APPROVAL TO PROCEED WITH THE SINGLE AUDIT OF THE DEPARTMENT'S FEDERAL AID PROGRAMS

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM K-1 PUBLIC AUCTION FOR BASEYARD LEASE FOR RENT-A-CAR OPERATIONS, KAHULUI AIRPORT, MAUI

ACTION Unanimously approved as submitted (Arisumi/Apaka).

ITEM K-2 RENEWAL OF REVOCABLE PERMITS 2010, ETC., AIRPORTS DIVISION-ITO, KOA

ACTION Unanimously approved as submitted (Paty/Apaka).

ITEM K-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4908, ETC., AIRPORTS DIVISION-HNL, OGG, LIH, ITO, KAPALUA

ACTION Unanimously approved as submitted (Paty/Apaka).

ITEM K-4 RESUBMITTAL OF REVOCABLE PERMIT 4848 (PHIL AULDRIDGE DBA BENCHMARK SERVICES)

ACTION Unanimously approved as submitted (Paty/Apaka).

ITEM K-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 42, (KAPALAMA) HONOLULU HARBOR, OAHU (BILLY PUPUHI, DBA BILLY'S MARINE REPAIR)

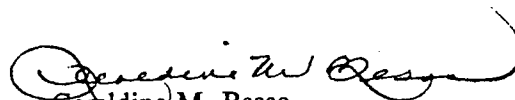
ACTION Unanimously approved as submitted (Paty/Arisumi).

ITEM K-6 EXTENSION OF CONSTRUCTION RIGHT-OF-ENTRY AGREEMENT, SAND ISLAND CONTAINER FACILITY, OAHU (SEA-LAND SERVICE, INC.)

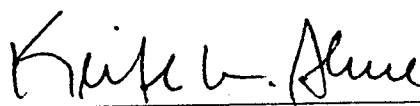
ACTION Unanimously approved as submitted (Paty/Apaka).

ADJOURN-MENT There being no further business, the Chairperson adjourned the meeting at 11:19 a.m.

Respectfully submitted,


Geraldine M. Besse
Secretary

APPROVED:



KEITH W. AHUE, Chairperson
Board of Land and Natural Resources

6/4/93