

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

**DATE:** July 9, 1993  
**TIME:** 9 a.m.  
**PLACE:** 1151 Kalanimoku Building  
Board Room, Room 131  
Honolulu, Hawaii

**ROLL  
CALL**

Chairperson Ahue called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

**BOARD MEMBERS:** Mr. Herbert Apaka  
Ms. Sharon Himeno  
Mr. Christopher Yuen  
Mr. Michael Nekoba  
Mr. William Kennison  
Mr. Keith W. Ahue

**STAFF:** Mr. Don Hibbard  
Mr. Michael Buck  
Mr. Linford Chang  
Mr. Ralston Nagata  
Mr. Mason Young  
Mr. Dean Uchida  
Mr. Roger Evans  
Mr. John Corbin  
Mr. Gary Moniz  
Ms. Geraldine Besse

**OTHERS:** Ms. Linnel Nishioka, Dept. of the  
Attorney General  
Mr. Peter Garcia, Dept. of  
Transportation  
Mrs. Margaret Young (Item D-1)  
Mr. Darryl Yagodich (Item E-1)  
Mr. Marvin Awaya (Item F-1)  
Mr. Phil Leas (Item F-2)  
Mr. Bill Kirby and Mr. Chandler  
Rowan (Item F-5)  
Mr. Alan Holt (Item H-2)  
Mr. Bob Rouchlier (Item H-3)

Mr. Bill Santos, Mr. Chester Koga,  
Mr. Pat Mau, Mr. Dick Brock,  
and Mr. Bob Rochlea (Item H-  
4)

**ADDED  
ITEM:**

Mr. Yuen moved to add the following item to the agenda:

Item No. A-2: Request for Approval to Hold Meetings and Public Hearings on Department Administrative Rules for the Historic Preservation Program, Burials Program and Grants Administration

The motion was seconded by Mr. Apaka and unanimously approved.

Items were heard in the following order to accommodate those applicants and interested persons present:

**ITEM H-4 CDUA FOR AN INTERISLAND TELECOMMUNICATION CABLE (VARIOUS SITES AND TAX MAP KEYS); APPLICANT: GTE HAWAIIAN TELEPHONE; AGENT: R.M. TOWILL CORPORATION**

Mr. Evans asked to amend the CDUA description to include a "non-exclusive easement" for the reason that should another firm in the future request the same use it would not require another CDUA process, and this is the same procedure used in the past. The second amendment was to add the word "not" to Condition No. 3, page 21.

Mr. Evans explained that the application is a two-step process. The first step is the application for a CDUA, followed by a land disposition through the Division of Land Management.

He said additional comments have been received from the State Department of Education, Budget and Finance, Defense, Office of the Director of Civil Defense, Hawaii Public Television, a legislator, Mr. James Lawshea, and Mr. AL Haslip in support of the application.

The Chairperson noted that the Board had already been briefed on the application.

Mr. Bill Santos, director of Governmental Affairs, GTE, introduced Mr. Chester Koga, of R.M. Towill (consultant), Mr. Pat Mau, GTE (project engineer), Mr. Dick Brock (marine biologist), and Mr. Bob Rochlea (ocean and marine engineer).

Mr. Yuen raised the subject of the State obtaining four out of 12 fibre optic strands for free. He commented that one formulation might be for the State or public users to piggy-back on to the existing cable by paying for the incremental cost of additional strands. Mr. Santos replied that the existing state-of-the art goes up to 12 strands. In the case of incremental cable costs, it would not be a small portion. He said the entire project would need to be reviewed as well as the total costs. If the State took one-third of the cable and capacity, the State would be looking at one-third of the costs. Mr. Santos also indicated that the users would be paying greater cost because of less capacity.

**ACTION** Mr. Apaka moved to approve as amended; seconded by Mr. Yuen, and unanimously carried.

Mr. Santos asked that GTE be allowed to negotiate with the Division of Aquatic Resources in reference to Condition No. 3. Mr. Apaka moved to amend his motion as to Condition No. 3 to allow the applicant and appropriate agencies to work out the time period for laying the cable. Said motion was seconded by Ms. Himeno and unanimously carried.

**ITEM D-1: PERMISSION TO HIRE ENGINEERS FOR JOB NO. 61-OF-A1, BASEYARD ADDITION, MAKIKI, OAHU**

In response to a question from Mr. Yuen, Mr. Chang explained the selection process.

**ACTION** Unanimously approved as submitted (Nekoba/Kennison).

**ITEM D-2: PERMISSION TO HIRE A CIVIL ENGINEER FOR JOB NO. 33-HL-C, KIKALA-KEOKEA RESIDENTIAL SUBDIVISION, HAWAII**

**ACTION** Unanimously approved as submitted (Yuen/Apaka).

**ITEM F-5: RESUBMITTAL -- MEMORANDUM OF AGREEMENT FOR THE KEEHI INDUSTRIAL PARK DEVELOPMENT AT KEEHI LAGOON, OAHU, TAX MAY KEY 1-2-23:VARIOUS**

Mr. Young presented the memorandum of agreement, representing the initial steps towards the development of the industrial park and the master lease.

Mr. Nekoba expressed his concerns regarding the responsibility for hazardous waste clean-up under the MOA. Mr. Bill Kirby from KIPA pointed out that the matter may be moot for the reason that a Level 1 assessment has been completed, and they have "virtually, a clean bill of health." Upon Board approval of the MOA, KIPA would undertake the Level 2 assessment. Mr. Kirby informed the Board that KIPA employs an environmental coordinator. It is believed that they will find contamination of the ground water. The coordinator indicated that some of the contamination might be left in place, as in the case of the water table/Pier 60 area.

Mr. Nekoba pointed out that the MOA indicated that KIPA could exclude lots. His concern was having a contaminated parcel in the middle of the park and that parcel being excluded by KIPA, leaving the State and tenant to resolve the clean-up costs. The tenant would also have the benefit of the infrastructure, and KIPA could not control what was put on the property.

Mr. Young commented that it was not the intent of the industrial park law to carve out properties; and, in response to Mr. Yuen, stated they are working on relocation but the relocation was dependent on the design of the subdivision. He said KIPA is working to accommodate all the tenants. Mr. Kirby confirmed it was KIPA's goal to keep all tenants and that the project would become less viable when lots are cut out. Mr. Nekoba suggested that after the Level 2 assessment is completed and dirty parcels are identified and are located on the edge of the park, which KIPA preferred to exclude, possibly those lots could be excluded, subject to approval from BLNR.

Mr. Chandler Rowan, vice-president of KIPA, stated there is a budget for clean-up they feel is adequate. He noted that a tenant has to be in good standing to be a member of KIPA and that they had an adequate system of "checks and balances" regarding any violations of the hazardous waste law.

Mr. Uchida stated that the MOA is preliminary to the master lease and there were a number of details to be worked out and that the Board's concerns would be addressed in the master lease. He noted that when the DOT transfers the lots to DLNR, there will be an automatic 20% increase in rent because it is ceded land; there would be a 2% management fee, as well. He also noted the DOT bond commitment to be undertaken by DLNR. Mr. Uchida stated that once the figures are determined on the development costs and performance, they would return to the Board on the rent structure.

**ACTION** Mr. Nekoba moved to approve with the amendment of item 6B of the Memorandum of Agreement stating that any exclusion of lots be subject to the Board's approval. Seconded by Ms. Himeno and unanimously carried as amended.

**RECESS:** The Chairperson called a recess from 10:30 a.m. to 10:37 a.m.

**ADDENDUM** Mrs. Margaret Young stated that she has been working on Makiki State Park **TO**  
**ITEM** on behalf of the Outdoor Circle for many years. She noted that a master plan was  
**D-1:** done in 1975-77 which recommended that only the maintenance crew should stay  
in the park; however, at the hearing on the new master plan, plans showed the whole section of  
the valley for industrial with a two-story auxiliary building right next to the stream. She said  
Mr. Steelquist of the Neighborhood Board felt that DOFAW would eventually have to move to  
allow the park to serve more people and questioned the replacement of the elderly buildings.  
She said they feel that in 1992 the Board indicated that they had stopped looking for a place in  
the valley. She asked that the Board only allow what is required for maintenance be built and  
that it be built against the valley's ewa wall.

**ITEM H-5: REQUEST FOR APPROVAL TO ENTER INTO THIRTEEN AQUACULTURE RESEARCH CONTRACTS**

Mr. Corbin presented a brief overview of the 13 contracts for FY 1993-94. He said there were four areas targeted: food fish technology development, aquarium industry development, marine bio-technology, and small scale commercial demonstration and industry expansion. He said these are priority items selected by a panel. He said they looked for matching funds or piggy-backed on other funding.

ACTION Unanimously approved as submitted (Himeno/Apaka).

**ITEM H-2: AMENDMENT TO CDUA SH-2028 FOR THE MANAGEMENT OF STATEWIDE NATURE PRESERVE SYSTEM (VARIOUS TMKS); APPLICANT: THE NATURE CONSERVANCY OF HAWAII**

Mr. Evans stated that he received a fax from George Peabody asking that unless the submittal is modified to exclude snaring of animals that the Board deny the applicant's request. Mr. Evans stated that this is a management practice, the most viable known to date. He said other alternatives have been explored by DOFAW but not unilaterally by the Nature Conservancy. The request, he said, is primarily a time extension but pointed to Condition No. 3 where the Board could consider Mr. Peabody's recommendations.

Mr. Alan Holt from the Nature Conservancy was present and available to answer any questions.

ACTION Unanimously approved as submitted (Kennison/Yuen).

**ITEM C-1: PU'U KUKUI WATERSHED MANAGEMENT AREA/NATURAL AREA PARTNERSHIP**

ACTION Unanimously approved as submitted (Kennison/Himeno). Mr. Kennison took the opportunity to congratulate Maui Pineapple for doing a good job in the conservation area.

**ITEM F-1: STEADFAST HOUSING DEVELOPMENT CORPORATION ON BEHALF OF SHDC NO. 2 REQUEST FOR APPROVAL IN PRINCIPLE OF A DIRECT LEASE OF GOVERNMENT LANDS SITUATE AT WAIAKEA, S. HILO, HAWAII, TAX MAP KEY 2-4-28:34**

Mr. Marvin Awaya was present to answer questions.

ACTION Unanimously approved as submitted (Yuen/Himeno).

**ITEM H-3: TIME EXTENSION REQUEST FOR MARINA FACILITIES AT "THE PENINSULA," HAWAII KAI, OAHU, TAX MAP KEY 3-9-08:35; APPLICANT: NANSAY HAWAII, INC.**

Mr. Bob Rouchlier, Nansay consultant, asked for a two-year extension because of the prevailing economic situation in the State.

**ACTION** Unanimously approved with the amendment that the extension be granted for one year and if another year is needed, the Board delegate authority to the Chairperson to grant an additional one-year extension (Himeno/Yuen).

**ITEM F-2: AMENDMENT TO PRIOR BOARD ACTION OF OCTOBER 16, 1992 (AGENDA ITEM F-7), DIRECT SALE OF REMNANT AT PUU ANAHULU, NORTH KONA, HAWAII, TAX AMP KEY 7-1-05:PAPER ROADS**

Ms. Himeno recused from participating on this item.

Mr. Phil Leas, representing applicant, explained the easement design.

Mr. Leas stated that he hoped there was an understanding that the compensation Nansay would have to pay for the remnant would be adjusted for the offsetting benefit of the present easement, as well as another easement they are seeking to acquire. Mr. Yuen explained it came to the Board as a paper road and the EA had not been published. However, after it was published individuals felt that the remnant should not be sold and the roadway reserved.

Approved as submitted with the added condition that there be consultation with interested citizens involved before the final alignment is accepted by the department (Yuen/Apaka).

Mr. Yuen asked for a report on why the EA came after the Board action and a report of work being done across the road remnants without a right of entry.

**ITEM E-1: APPROVAL OF LICENSE FROM THE DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL) FOR THE USE OF LANDS AT PALAAU STATE PARK, MOLOKAI**

Mr. Darryl Yagodich from the Department of Hawaiian Home Lands was present and available to answer questions.

**ACTION** Unanimously approved as submitted (Kennison/Yuen).

**ITEM A-1: APPROVAL TO AWARD GRANTS FOR THE ADMINISTRATION AND OPERATION OF THE MAIN STREET PROGRAMS**

ACTION Unanimously approved as submitted (Apaka/Kennison).

**ADDED ITEM A-2: REQUEST FOR APPROVAL TO HOLD MEETINGS AND PUBLIC HEARINGS ON DEPARTMENT ADMINISTRATIVE RULES FOR THE HISTORIC PRESERVATION PROGRAM, BURIALS PROGRAM AND GRANTS ADMINISTRATION**

Mr. Hibbard asked to amend his request to include Eddie Ayau, Ross Cordy and himself as masters for the hearings.

ACTION Unanimously approved as amended (Yuen/Himeno).

**ITEM C-1:** See page 5.

**ITEM D-1:** See page 3.

**ITEM D-2:** See page 3.

**ITEM E-1:** See page 6.

**ITEM F-1:** See page 5.

**ITEM F-2:** See page 6.

**ITEM F-3: LEASE, PUBLIC AUCTION COVERING STATE LAND AT KALUAPULANI GULCH, KULA, MAKAWAO, MAUI, TAX MAP KEY 2-3-07:15**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM F-4: AMENDMENT OF LEASE AGREEMENT NO. 90-679 FOR STORAGE SPACE FOR THE DEPARTMENT OF HEALTH AT KAHULUI, MAUI**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM F-5:** See page 4.

**ITEM F-6: AMENDMENT TO PRIOR BOARD ACTION OF JUNE 10, 1993 (AGENDA ITEM F-3), M. HARADA, LTD., WAHIAWA, OAHU, TAX MAP KEY 7-4-22:50**

**ACTION** Unanimously approved as submitted (Himeno/Apaka).

**ITEM F-7: SET ASIDE TO DIVISION O FORESTRY AND WILDLIFE (DOFAW) LAND AT LANIKAI, KOOLAUPOKO, OAHU, BEING KAIWA RIDGE FOR INCORPORATION INTO THE NA ALA HELE TRAIL PROGRAM, TAX MAP KEY 4-2-02:17**

**ACTION** Unanimously approved as submitted (Apaka/Kennison).

**ITEM F-8: REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR STORM DRAIN OUTLET, NAWILIWILI, KAUAI, TAX MAP KEY 3-2-03:CONFLUENCE OF NIUMALU STREAM AND NAWILIWILI HARBOR**

**ACTION** Withdrawn (Apaka/Kennison).

**ITEM F-9: AMENDMENT TO PRIOR BOARD ACTION OF JUNE 25, 1993 (AGENDA ITEM F-1-B), CONSENT TO ISSUANCE OF LAND LICENSE TO COUNTY OF KAUAI, KAWAIELE SAND MINING SITE, KAWAIELE, KEKAHA, KAUAI, TAX MAP KEY 1-2-02:POR. 1**

**ACTION** Unanimously approved as submitted (Apaka/Himeno).

**ITEM H-1: AMENDMENT TO CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR MILITARY TRAINING ACTIVITIES AFFECTING PORTIONS OF NORTH AND SOUTH HILO, ISLAND OF HAWAII (VARIOUS SITES); APPLICANT: STATE OF HAWAII DEPARTMENT OF DEFENSE**

**ACTION** Unanimously approved as submitted (Yuen/Himeno).

**ITEM H-2:** See page 5.

**ITEM H-3:** See page 6.

**ITEM H-4:** See page 3.

**ITEM H-5:** See page 5.



ITEM I-1: See page 10.

ITEM K-1: **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5037, ETC., AIRPORTS DIVISION - HNL, ITO, LIH, OGG**

Mr. Garcia asked to withdraw Permit Nos. 5051 and 5050.

ACTION Unanimously approved as amended (Himeno/Apaka).

ITEM K-2: **RENEWAL OF REVOCABLE PERMITS 3047, ETC., AIRPORTS DIVISION - OGG, HNL, HDH, LIH, LNY, HNM**

Ms. Himeno asked to be recused from participating on RP 4867 and RP 4786; Mr. Nekoba asked to be recused on RP 4470.

Mr. Young called attention to RP 4786 which was for a non-conforming use--golf course purpose; therefore, the permit should come from DLNR and not DOT.

ACTION Mr. Kennison moved for approval of the submittal, except for RP 4786, which would be deferred (Kennison/Apaka).

ITEM K-3: **DIRECT NEGOTIATION FOR A NEW LEASE AND APPROVAL OF ONE YEAR HOLDOVER OF HARBOR LEASE NO. H-82-, SECOND FLOOR, PIER 2 TRANSIT SHED, NAWILIWILI, KAUAI (MATSON NAVIGATION COMPANY, INC.)**

Ms. Himeno asked to be recused.

ACTION Approved as submitted (Apaka/Kennison).

ITEM K-4: **HOLDOVER OF HARBOR LICE NO. H-82-5, SECOND FLOOR, PIER 1 TRANSIT SHED, HILO, HAWAII (MATSON NAVIGATION COMPANY, INC.)**

Ms. Himeno recused.

ACTION Approved as submitted (Yuen/Apaka).

ITEM K-5: **HOLDOVER OF LICENSE NOS. 47 AND 81, NAWILIWILI HARBOR, KAUAI (SHELL OIL COMPANY)**

ACTION Unanimously approved as submitted (Apaka/Kennison).

ITEM K-6: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 38, HONOLULU HARBOR, OAHU (CHEVRON U.S.A. INC.)

ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM K-7: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 37, HONOLULU HARBOR, OAHU (CHEVRON U.S.A. INC.)

ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM K-8: ISSUANCE OF REVOCABLE PERMIT. HARBORS DIVISION, PIER 21, HONOLULU HARBOR, OAHU (MR. DAN A. SHIMABUKU DBA PIER 21 LUNCHROOM)

ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM K-9: CONTINUANCE OF REVOCABLE PERMITS H-88-1484, ETC., HARBORS DIVISION


ACTION Unanimously approved as submitted (Himeno/Apaka).

ITEM I-1: APPOINTMENT OF LICENSE AGENTS AND VOLUNTEER HUNTER EDUCATION INSTRUCTORS


ACTION Unanimously approved as submitted (Himeno/Apaka).

ADJOURN- There being no further business, the meeting was adjourned at 12:12 p.m.  
MENT

Respectfully submitted,

  
Geraldine M. Besse, Secretary

APPROVED:

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