

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

**DATE:** August 13, 1993  
**TIME:** 9:00 a.m.  
**PLACE:** 1151 Punchbowl Street  
Board Room, Room 131  
Honolulu, Hawaii

**ROLL  
CALL:**

Chairperson Keith W. Ahue called the meeting of the Board of Land and Natural Resources to order at 9:08 a.m. The following were in attendance:

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

**STAFF:** Ms. Dodie Lau  
Mr. Michael Buck  
Mr. Manabu Tagomori  
Mr. Ralston Nagata  
Mr. Dean Uchida  
Mr. Roger Evans  
Mr. David Parsons  
Ms. Geraldine Besse

**OTHERS:** Ms. Linnel Nishioka (Dept. of Atty.  
Gen)  
Mr. Peter Garcia (Dept. of  
Transportation)  
Ms. Tamar Chotzen (Item No. E-2)  
Mr. Al Jeremiah (Item No. E-3)  
Mr. Robert Lindsey (Item No. F-3)  
Mr. Everett Dowling (Item No. F-5)  
Mr. Marvin Awaya and Mr. Dixon Lee  
(Item No. F-11)  
Mr. Jordan Wagner and Mr. Nolan  
George (Item No. F-12)  
Mr. Tobias Seaman (Item No. J-10)

**MINUTES:** The minutes of the meeting of July 9, 1993, were unanimously approved as submitted (Apaka/Yuen).

**ADDED ITEMS:** The following items were added to the agenda upon motion by Mr. Apaka and a second by Mr. Kennison:

Item C-2 -- Submission of Supplement No. 6 to Master Cooperative Agreement between the Hawaii State Department of Land and Natural Resources, Division of Forestry and Wildlife, and the United States Department of Agriculture, Forest Service Pacific Southwest Region

Item F-17 - Department of Labor and Industrial Relations Request for Approval of License Agreements Covering Placement of Temporary Multimedia Touchscreen Kiosks at Various Shopping Malls and Community Centers, Statewide

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

**ITEM H-1: CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR THE HONOLULU POLICE DEPARTMENT COMMUNICATIONS FACILITY UPGRADE ON VARIOUS OAHU SITES; APPLICANT: CITY & COUNTY OF HONOLULU, BUILDING DEPARTMENT; CONSULTANT: LACAYO PLANNING, INC.**

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

**ITEM F-12: REQUEST FOR AUTHORIZATION TO CANCEL GENERAL LEASE NO. S-3861 TO NOLAN GEORGE AT WAIMANALO, OAHU, TAX MAP KEY 4-1-27:16**

Mr. Jordan Wagner, representing the applicant, asked for deferral to the next Oahu meeting as he was just retained by Mr. George and indicated that a number of items cited in the report could be resolved by the next Oahu meeting (September 10, 1993).

**ACTION** Item deferred (Apaka/Nekoba).

**ITEM E-2: APPROVAL OF A GRANT-IN-AID FOR THE HAWAII NATURE CENTER, INC., OAHU**

Tamar Chotzen was present to answer any questions of the Board and submitted written testimony on behalf of the Nature Center.

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

**ITEM E-3: REQUEST TO TERMINATE CONTRACT SP-7, HAPUNA BEACH STATE RECREATION AREA, HAPUNA, HAWAII**

Mr. Al Jeremiah of Hawaii Untouched asked for deferral of a month. He said they are presently working on bringing their contract current, discussing sharing of lifeguard service costs with adjacent landowners, working on the cabins, and are contemplating a food cart on the beach. Mr. Nagata commented that the food cart on the beach could possibly be presented to the Board; however, the concessionaire was being asked to bring all financial affairs current before going to the Board.

ACTION Item deferred (Yuen/Himeno).

**ITEM F-5: REQUEST FOR AUTHORIZATION TO ACQUIRE LAND FOR KIHEI II ELEMENTARY SCHOOL, KIHEI, MAUI, TAX MAP KEY 3-9-19:POR. 6**

Mr. Everett Dowling, owner of the parcel, was present to answer any questions of the Board.

ACTION Unanimously approved as submitted (Kennison/Himeno).

**ITEM F-3: REQUEST FOR AUTHORIZATION TO ACQUIRE PRIVATE LANDS BY LAND EXCHANGE AT MAKALAWENA, NORTH KONA, HAWAII, TAX MAP KEY 7-2-04:1**

Mr. Uchida asked to make two corrections to the submittal: (1) The submittal stated that it was a Bishop Estate proposal; however, Mr. Uchida stated the State is proposing to make a land exchange; and (2) under "Recommendation," Item F, it should be reworded to reflect that if ceded lands are involved, the Chairperson would notify OHA.

Mr. Robert Lindsey, regional manager for the Assets Management Group, Kamehameha Schools/Bishop Estate, read the following statement:

"I want to thank you for this opportunity to speak to a proposed land exchange between the State of Hawaii and Kamehameha Schools/Bishop Estate for the following KS/BE properties on the island of Hawaii:

"TMK 7-2-004:001	Makalawena, North Kona
TMK 5-2-001:006	Akoakoa Point, North Kohala
TMK 5-2-001:012	Akoakoa Point, North Kohala

"Regarding the matter of TMK's 5-2-001:006 and 012, Akoakoa Point, North Kohala, I have authorization from our Board of Trustees to enter into land exchange negotiations with your staff wherein Kamehameha Schools/Bishop Estate will exchange these properties for State of Hawaii lands. The value issue needs to be resolved along with identifying which state lands we are interested in.

"Regarding the matter of TMK 7-2-004:001, Makalawena, North Kona, I want to put your Board on notice that I do not have authorization as yet from our Board of Trustees to commence formal discussions with the State of Hawaii for Makalawena. The application before you is in error when it states that Bishop Estate proposes to convey that parcel to the State. The proposal for an exchange of Makalawena for State land was initiated by the State. While we are not averse to looking at what might be possible, KS/BE has two fundamental concerns. For one, the State of Hawaii is being presumptuous about this exchange. And secondly, we are concerned about the 'fast track' on which this exchange has been placed. Our Board has not had the opportunity to discuss Makalawena formally as a Board. From an operational perspective an exchange of this magnitude requires much in the way of due diligence and at this point we are faced with more questions than answers. What I do know is we need time to look at this exchange, to assess its constraints and opportunities and ultimately, to respond to Governor Waihee. In our view, the rush to bring this before the 1994 Legislative Session is unfair to Kamehameha Schools/Bishop Estate and unrealistic to the people of the State of Hawaii.

"I hope there is a way to slow up a 'speeding train.'"

ACTION Unanimously approved as amended (Yuen/Himeno).

**ITEM J-10: ADOPTION OF TITLE 13, CHAPTERS 230-235, 240-245 AND 250-256, HAWAII ADMINISTRATIVE RULES REGARDING SMALL BOAT HARBORS, BOATING AND OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES**

Mr. Parsons reviewed the rules and explained that the rules needed to be adopted under the DLNR format before further changes could be made. Mr. Ahue stated that technically DLNR does not have boating rules as the rules are still under DOT; however, they are being implemented by DLNR. Mr. Yuen stated that the Kona boaters expressed concerns about future amendments. The Chairperson stated that the general rule on changes has been every five years; however, if there were significant concerns that need to be addressed, it can be done at any time. If the rules are adopted, he said, DLNR could renew the process of review and public hearings. Mr. Parsons assured Mr. Yuen that rulemaking revision is considered "ongoing."

Mr. Tobias Seaman from Keehi testified that the rules are broad in scope and are oppressive. He asked for deferral of adoption of the rules until the Board has the opportunity to review the testimony of the past two years.

ACTION Unanimously approved as submitted (Nekoba/Apaka).

**ITEM J-11: ADOPTION OF EMERGENCY RULES RELATING TO ADMINISTRATIVE HEARING PROCEDURES FOR THE DIVISION OF BOATING AND OCEAN RECREATION**

Mr. Tobias Seaman also testified against the broadness and scope of the rules and asked that the non-emergency items be deleted.

ACTION Unanimously approved as submitted (Nekoba/Kennison).

**ITEM F-11: AMENDMENT TO PRIOR BOARD ACTION OF JUNE 8, 1990 (AGENDA ITEM F-16) FOR DIRECT ISSUANCE OF LEASE TO THE HAWAII HOUSING AUTHORITY AT KAPALAMA, OAHU, TAX MAP KEY 1-6-09:14**

Mr. Uchida noted that there is a HUD financial time constraint involved. He asked to amend the request to provide a direct lease to Pacific Housing Assistance Corporation, including access and utility easements, and upon securing the HUD financing, the area be set-aside with a lease to HHA.

ACTION Unanimously approved as amended (Nekoba/Apaka).

**RECESS:** The Chairperson called a recess from 11:00 to 11:09 a.m.

**ITEM A-1: AWARDING OF HISTORIC PRESERVATION GRANTS-IN-AID**

Ms. Dodie Lau represented the division and was available to answer questions from the Board.

ACTION Unanimously approved as submitted (Himeno/Yuen).

**ITEM C-1: APPROVAL OF EXPENDITURE CATEGORIES FOR THE WILDLIFE REVOLVING FUND**

ACTION Unanimously approved as submitted (Himeno/Apaka).

**ADDED  
ITEM C-2: SUBMISSION OF SUPPLEMENT NO. 6 TO MASTER COOPERATIVE AGREEMENT BETWEEN THE HAWAII STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE PACIFIC SOUTHWEST REGION**

ACTION Unanimously approved as submitted (Yuen/Himeno).

**ITEM D-1: CERTIFICATION OF ELECTION AND APPOINTMENT OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS**

ACTION Unanimously approved as submitted (Yuen/Himeno).

**ITEM D-2: PERMISSION TO HIRE ARCHITECT FOR JOB NO. 40-MB-A, MALA WHARF IMPROVEMENTS, MAUI**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM E-1: APPROVAL OF RANT-IN-AID FOR MOOKINI LUAKINI, INC., OAHU**

ACTION Unanimously approved as submitted (Yuen/Himeno).

**ITEM E-2:** See page 2.

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

**ITEM F-1: DOCUMENTS FOR BOARD CONSIDERATION:**

**Item F-1a: ASSIGNMENT OF GENERAL LEASE NO. S-4998, LOT 45, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-4-04:9**

and

**Item F-1b: ISSUANCE OF REVOCABLE PERMIT TO HIDEKI KURAHASHI, GOVERNMENT LAND AT WAIAKOA, MAKAWAO, MAUI, TAX MAP KEY 2-2-15:5**

ACTION Unanimously approved (Apaka/Himeno).

**ITEM F-2: DIRECT SALE OF UTILITY EASEMENT TO HELCO AT HAINA, HAMAKUA, HAWAII, TAX MAP KEY 4-5-10:91 POR.**

ACTION Approved as submitted, with Ms. Himeno recused (Yuen/Apaka).

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

**ITEM F-4: REQUEST FOR TERMINATION OF GENERAL LEASE NO. S-4936 FOR NONDIRECTIONAL BEACON FACILITY SITE AT MCGREGOR POINT, UKUMEHAME, LAHAINA, MAUI, TAX MAP KEY 3-6-01:8**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM F-5:** See page 3.

**ITEM F-6: REQUEST FOR AUTHORIZATION TO ACCEPT CONVEYANCE OF LAND AND IMPROVEMENTS THEREON FROM COUNTY OF MAUI SITUATE AT WAILUKU, MAUI, TAX MAP KEY 3-8-46:13 AND 24**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM F-7: REQUEST TO SET ASIDE LAND TO DEPARTMENT OF TRANSPORTATION FOR HARBOR/AIRPORT PURPOSES, PORTION OF KAPALAMA MILITARY RESERVATION, MOKAUEA, KALIHI, HONOLULU, OAHU, TAX MAP KEY 1-2-25:POR 2**

ACTION Unanimously approved as submitted (Nekoba/Apaka).

**ITEM F-8: AMENDMENT TO PRIOR BOARD ACTION OF JUNE 28, 1991, FOR DIRECT LEASE TO QUALIFIED PERMITTEES UNDER ACT 237, SLH 1988**

ACTION Unanimously approved as submitted (Himeno/Yuen).

**ITEM F-9: DIRECT ISSUANCE OF A PERPETUAL, NONEXCLUSIVE ROADWAY EASEMENT AT KALUAPUHI, KANEOHE, KOOLAUPOKO, OAHU, TAX MAP KEY 4-5-64:35**

Mr. Uchida asked to amend the recommendation that upon acceptance of the appraisal by the applicant the existing general lease is cancelled and the date of valuation for the perpetual easement will be the reopening date, June 27, 1991.

ACTION Unanimously approved as amended (Nekoba/Yuen).

**ITEM F-10: DIRECT ISSUANCE TO THE CITY AND COUNTY OF HONOLULU BOARD OF WATER SUPPLY, FOR A PERPETUAL, NONEXCLUSIVE EASEMENT FOR WATERLINE PURPOSES AT WAIANAE-UKA, WAHIAWA, OAHU, TAX MAP KEY 7-6-01:POR. 3**

ACTION Unanimously approved as submitted (Apaka/Nekoba).

**ITEM F-11: See page 5.**

**ITEM F-12: See page 2.**

**ITEM F-13: RESCIND PRIOR BOARD ACTION OF OCTOBER 14, 1977 AUTHORIZING LAND EXCHANGE AT WAIANAE VALLEY, OAHU, TAX MAP KEY 8-5-04:POR 12 AND POR. 18**

ACTION Unanimously approved as submitted (Nekoba/Himeno).

**ITEM F-14: AMENDMENT TO PRIOR BOARD ACTION OF MARCH 27, 1992 (AGENDA ITEM F-9) FOR DIRECT ISSUANCE OF FLOWAGE AND DRAINAGE EASEMENTS AND GRANT CONSTRUCTION RIGHT-OF-ENTRY TO THE DEPARTMENT OF TRANSPORTATION AT STATE HOSPITAL SITE, KANEOHE, KOOLAUPOKO, OAHU, TAX MAP KEY 4-5-23:01, POR. 2 AND POR. 3**

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

**ITEM F-15: AMENDMENT TO PRIOR BOARD ACTION OF FEBRUARY 26, 1993 (AGENDA ITEM F-8) RELATIVE TO THE DIRECT ISSUANCE OF A LEASE TO THE HAWAII HOUSING AUTHORITY AT WAIMANALO, KOOLAUPOKO, OAHU, TAX MAP KEY 4-1-09:POR. 12**

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

**ITEM F-16: PERMISSION TO HIRE CONSULTANT TO CONDUCT MARKET FEASIBILITY ANALYSIS FOR INDUSTRIAL PARK PROGRAM, STATEWIDE**

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

**ITEM F-17: DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS REQUEST FOR APPROVAL OF LICENSE AGREEMENTS COVERING PLACEMENT OF TEMPORARY MULTIMEDIA TOUCHSCREEN KIOSKS AT VARIOUS SHOPPING MALLS AND COMMUNITY CENTERS, STATEWIDE**

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

**ITEM H-1: See page 2.**

**ITEM J-1: ISSUANCE OF REVOCABLE PERMIT, ALA WAI BOAT HARBOR, ISLAND OF OAHU FOR PARKING AND STORAGE (ALA WAI MARINE, LTD.)**

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

**ITEM J-2: ISSUANCE OF REVOCABLE PERMIT, HEEIA-KEA BOAT HARBOR, ISLAND OF OAHU FOR MARINE FUELING, CONVENIENCE STORE AND SNACK BAR (THE DELI CORPORATION)**

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

**ITEM J-3: ISSUANCE OF REVOCABLE PERMIT, ALA WAI BOAT HARBOR, ISLAND OF OAHU FOR MOBILE LUNCH WAGON OPERATION (HULA DOG)**

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



**ITEM J-4: ISSUANCE OF REVOCABLE PERMIT, KEEHI LAGOON, ISLAND OF OAHU FOR WATER SKI CLUB ACTIVITIES (OAHU WATER SKI CLUB, INC.)**

ACTION Unanimously approved as submitted (Yuen/Himeno).

**ITEM J-5: ISSUANCE OF REVOCABLE PERMIT, MAALAEA BOAT HARBOR ISLAND OF MAUI FOR CHARTER BOAT OFFICE SITE (MAALAEA CHARTERS, INC.)**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM J-6: ISSUANCE OF REVOCABLE PERMIT, MAALAEA BOAT HARBOR, ISLAND OF MAUI FOR NONEXCLUSIVE PARKING AREA, LANDSCAPING AND DRIVEWAY (PINEAPPLE HILL RESORT, LTD.)**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM J-7: ISSUANCE OF REVOCABLE PERMIT, KEEHI LAGOON, ISLAND OF OAHU FOR EXPANSION OF EXISTING MARINE (ARUDY KEEHI MARINE, INC.)**

ACTION Unanimously approved as submitted (Himeno/Nekoba).

**ITEM J-8: ISSUANCE OF REVOCABLE PERMIT, LAHAINA HARBOR, ISLAND OF MAUI FOR SITE FOR TWO TICKET BOOTHS (SLIP 10, INC.)**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM J-9: APPROVAL OF CONSENTS TO SUBLEASE, HONOKOHAU BOAT HARBOR, ISLAND OF HAWAII (GENTRY PROPERTIES)**

ACTION Unanimously approved as submitted (Kennison/Apaka).

**ITEM J-10: See page 4.**

**ITEM J-11: See page 5.**

**ITEM K-1: RESUBMITTAL OF RESTAURANT AND LOUNGE CONCESSION LEASE, HILO INTERNATIONAL AIRPORT, HAWAII**

ACTION Unanimously approved as submitted (Yuen/Himeno).

**ITEM K-2: APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 5049, ETC., AIRPORTS DIVISION - ITO, HNL, OGG**

ACTION Unanimously approved as submitted (Himeno/Nekoba).

**ITEM K-3: CONSTRUCTION RIGHT-OF-ENTRY AND GRANT OF EASEMENT FOR ELECTRIC AND TELEPHONE TRANSMISSION, HARBORS DIVISION, NAWILIWILI HARBOR AND NAWILIWILI SMALL BOAT HARBOR, KAUAI (CITIZENS UTILITIES COMPANY (KAUAI) ELECTRIC DIVISION AND GTE HAWAIIAN TELEPHONE CO. INC.)**


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

**ITEM K-4: CONTINUANCE OF REVOCABLE PERMITS H-89-1596A, ETC., HARBORS DIVISION**


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

**ADJOURN-  
MENT:** There being no further business, the Chairperson adjourned the meeting at 11:36 a.m.

Respectfully submitted,

  
Geraldine Besse

APPROVED:

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