

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

**DATE:** July 8, 1994  
**TIME:** 9:00 a.m.  
**PLACE:** Boy Scout Service Center  
200 Liholiho Street  
Wailuku, Hawaii

**ROLL  
CALL**

Chairperson Keith W. Ahue called the meeting of the Board of Land and Natural Resources to order at 9:10 a.m. The following were in attendance:

**MEMBERS:** Mr. Herbert K. Apaka, Jr.  
Mr. Christopher J. Yuen  
Mr. William Kennison  
Mr. Michael Nekoba  
Mr. Libert K. Landgraf  
Mr. Keith W. Ahue

**STAFF:** Mr. Manabu Tagomori  
Mr. Floyd Miyazono  
Mr. Mason Young  
Mr. Roger Evans  
Ms. Geraldine M. Besse

**OTHERS:** Johnson H. Wong, Esq., Dept. of the Atty General  
Mr. Peter Garcia, Dept. of Transportation  
Mr. Tom Yeh and Ms. JoAnn McCabe (Item No. F-1-f)  
Mr. Jeff Pearson (Item No. F-2)  
Ms. Gayle Bochard and Mr. David Park (Item No. H-1)  
Mr. Charles Wilson (Item No. H-2)  
Mr. Charles Jencks (Item No. H-5)  
Mr. Grant Chun, Mr. Wayne Nishiki, Ms. Pat Tummons, Mr. Rudy Luuwai, Mr. Charles Maxwell, Ms. Dana Naone Hall, Ms. Mary Evanson, and Ms. Lesley Ann Bruce (Item No. H-7)

**MINUTES:** The minutes of the meeting of May 13, 1994, were unanimously approved as submitted (Apaka/Kennison). An amendment was made to the minutes of the meeting of May 27, 1994, page 3, line 1, by deleting the word "tents," and beginning the sentence with "It . . . ." Unanimously approved as amended (Apaka/Kennison).

The Chairperson introduced new at-large board member, Mr. Libert K. Landgraf.

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

**ITEM H-7 REVOCATION OF CONSERVATION DISTRICT USE APPLICATION MA-2635 FOR A LANDSCAPING USE ON STATE-OWNED PROPERTY, AT MAKENA, MAUI; TAX MAP KEY 2-1-06:10; APPLICANT: JUDITH CARLSBERG; AGENT: B. MARTIN LUNA, CARLSMITH, BALL, WICHMAN, MURRAY, CASE AND ICHIKI, ATTORNEYS AT LAW**

Mr. Evans advised that the applicant had not complied with conditions no. 20 and 21 as set forth in the permit. Mr. Evans informed the Board that he received a communication from applicant's attorney on July 7, 1994, clarifying a staff concern regarding the Declaration of Restrictive Covenants which had been submitted on March 21, 1994. Mr. Evans stated it did not change the recommendation.

Mr. Landgraf asked whether Mr. Evans was aware of an agreement by Mrs. Carlsberg to the revocation and restoration. Mr. Evans answered that he was only aware of the June 25, 1994, letter from her attorney. Mr. Landgraf asked that correspondence be made available to the Board.

Mr. Grant Chun appeared on behalf of applicant's attorney, Martin Luna, who was unable to be present. He advised that on June 25, applicant requested that the approval be cancelled and that the applicant was willing to work with the department for the restoration of the premises.

In response to Mr. Kennison's question, Mr. Evans stated that staff should be able to approve the restoration plan within 60 days of today's meeting and allowing 180 days to carry out the restoration.

Mr. Wayne Nishiki testified in favor of the revocation of the permit and restoration of the area.

Ms. Pat Tummons submitted written testimony citing the need for a permit for the proposed restoration as well as the necessity for an environmental assessment and for SMA clearance from the County and perhaps a Department of Health permit because of possible runoff into the nearshore water.

Mr. Rudy Luuwai of the Makena Community Association supported the State's actions. Mr. Charles Maxwell urged the Board to protect the land and its natural resources and strongly supported the staff's recommendations.

Ms. Dana Naone Hall stated she also supported the staff's recommendations. Ms. Mary Evanson spoke of the need for signs or markers differentiating between private and public lands. Ms. Lesley Ann Bruce, Maalaea, commended staff's report.

**ACTION** Mr. Kennison moved to accept staff recommendation with the following amendments: (1) restoration plan to be submitted and approved within 60 days of today's Board action; and (2) applicant to restore the property in accordance with the plan within 180 days of the plan's approval. Seconded by Mr. Apaka and unanimously approved as amended.

Ms. Tummons asked to file for a contested case hearing. Mr. Wong advised that when the Board approves the plan it is inferred that the Board gives a right-of-entry. Mr. Ahue confirmed that as part of the recommendation to restore whatever permits are necessary to complete the restoration work, whether it is a right-of-entry or CDUA would be included. He also advised Ms. Tummons that she had 10 days to file the contested case.

**ITEM H-5    CONDITION COMPLIANCE ON CONSERVATION DISTRICT USE PERMIT MA-536 FOR PUBLIC SEWERAGE SYSTEM USE AT KAUNAKAKAI, MOLOKAI; TAX MAP KEY 5-3-5:2; APPLICANT: DEPT. OF PUBLIC WORKS AND WASTE MANAGEMENT, COUNTY OF MAUI**

Mr. Charles Jencks from the Department of Public Works stated that the sand filter was a piece of equipment to improve the affluent and that the shed and trailer were temporary structures; therefore, only site plans were filed. He asked that the Board not impose the fines. Mr. Evans advised that in the past in similar situations the Board has accepted in-kind service.

**ACTION** Mr. Kennison moved for approval accepting in-kind services in the amount of \$4,000 to restore the area with plant landscaping. Seconded by Mr. Nekoba and unanimously approved as amended.

**ITEM H-1    CONSERVATION DISTRICT USE APPLICATION FOR A 69 KV TRANSMISSION LINE BETWEEN MAALAEA AND LAHAINA, MAUI; TAX MAP KEYS 3-6-1:14 AND 4-8-1:1 & 2; APPLICANT: MAUI ELECTRIC CO., INC.**

Ms. Gayle Bochard, consultant to HECO, clarified the alignment of the transmission line. Mr. David Park from MECO was also present.

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

**ITEM F-2 ERNEST K. HIRATA & ASSOCIATES REQUEST RIGHT-OF-ENTRY TO CONDUCT SOILS INVESTIGATIONS ON STATE LANDS SITUATE AT LAHAINA, MAUI, TAX MAP KEYS 4-5-21:3 & 11 AND 4-5-30:138**

Mr. Jeff Pearson, engineer, was present.

Mr. Young requested that the tenants also be listed as additional insured on the liability insurance policy.

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

**ITEM F-1-e DOCUMENT FOR BOARD CONSIDERATION: ISSUANCE OF REVOCABLE PERMIT TO MARINE CONSULTING AND ENGINEERING COVERING LOT 6, KEKAHA TOWN LOTS, KEKAHA, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-3-08:5**

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

**ITEM F-1-f DOCUMENT FOR BOARD CONSIDERATION: ASSIGNMENT OF GENERAL LEASE NO. S-5266, PARCEL A-2, POR. OF THE GOVERNMENT (CROWN) LAND OF PIIHONUA, PIIHONUA, SO. HILO, HAWAII, TAX MAP KEY 2-3-31:POR. 1**

Mr. Thomas Yeh, applicant, and JoAnn McCabe from the Bank of Hawaii were present. Applicant asked for a 45 day extension.

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

**ITEM H-2 CONSERVATION DISTRICT USE APPLICATION TO CONSTRUCT A 500' LONG 12' HIGH RUBBLEMOUND REVETMENT AT LAUNIUPOKO, LAHAINA, MAUI; TAX MAP KEY 4-7-01:17; APPLICANT: DEPT. OF TRANSPORTATION, HIGHWAYS DIVISION; AGENT: EMC, INC.**

**ACTION** Mr. Kennison moved to approve with the amendment that every reasonable effort be made to keep two lanes open at all times; seconded by Mr. Apaka and unanimously approved as amended.

**ITEM D-1 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT, JOB NO. 49-0H-A2, RESTORATION OF WAIALUA COURTHOUSE, OAHU**

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

**ITEM D-2 APPROVAL FOR AWARD OF CONSTRUCTION CONTRACT, JOB NO. 80-MP-L1, IAO VALLEY STATE MONUMENT WATER SYSTEM IMPROVEMENTS, MAUI**

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

**ITEM E-1 REQUEST TO INSTALL A PLAQUE AT MAKAPUU POINT RECOGNIZING THE CONTRIBUTIONS OF AUTHOR JAMES JONES**

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

**ITEM E-2 REQUEST BY THE FRIENDS OF HEEIA STATE PARKS, INC. TO INCREASE BANQUET RENTAL FEES**

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

**ITEM F DOCUMENTS FOR BOARD CONSIDERATION:**

**ITEM F-1-a ISSUANCE OF LAND LICENSE TO ELIMA ENGINEERING, GOVERNMENT LAND SITUATE AT HANA, MAUI, TAX MAP KEY 1-3-04:POR. 12**

**ITEM F-1-b CANCELLATION OF REVOCABLE PERMIT NO. S-6638 AND ISSUANCE OF REVOCABLE PERMIT TO HARRY K. AND PEARL O. PAHUKOA, LOTS 20 AND 20-A, WAILUA HOMESTEADS, WAILUA, HANA (KOOLAU), MAUI, TAX MAP KEY 1-1-04:6 & 8**

**ITEM F-1-c ASSIGNMENT OF GENERAL LEASE NO. S-3166, LOT 33, OCEAN VIEW LEASE LOTS, 2ND SERIES, EAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-1-07:32**

**ITEM F-1-d ASSIGNMENT OF GENERAL LEASE NO. S-3742, LOTS 8 TO 13, BLOCK 48, WAIAKEA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY 2-2-58:14**

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

**ITEM F-1-e** See page 4.

**ITEM F-1-f** See page 4.

**ITEM F-2** See page 4.

**ITEM F-3 MAUI COUNTY DEPARTMENT OF WATER REQUEST RIGHT-OF-ENTRY AND PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT COVERING GOVERNMENT LAND AT HAIKU AND PUOMALEI, MAKAWA0, MAUI, TAX MAP KEYS 2-7-02:16 AND 2-7-03:60**

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

**ITEM F-4 ASSIGNMENT AND EXTENSION OF LEASE TERM, GENERAL LEASE NO. S-3674, LOT 25 (REVISED), WAILUA RICE AND KULA LOTS, WAILUA, KAWAIHAU (PUNA), KAUAI, TAX MAP KEY 4-2-03:5**

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

**ITEM H-1** See page 3.

**ITEM H-2** See page 4.

**ITEM H-3 CONSERVATION DISTRICT USE APPLICATION TO CONSTRUCT A SINGLE FAMILY RESIDENCE, SUBSISTENCE FARM, AND RELATED ACCESSORY USES AT PUNA, HAWAII; TAX MAP KEY 1-5-10:7; APPLICANTS: MS. LESLIE LENDRA, DR. ROBERT D. SCOREN**

Mr. Evans reported that subsequent to submittal, the staff was advised that the County had granted a SMA permit and, therefore, Option B was presented for the Board's consideration.

Mr. Landgraf asked that copies of the correspondence be made available to the Board.

**ACTION** Mr. Yuen moved for approval of Option B; seconded by Mr. Apaka and unanimously approved as amended.

**ITEM H-4 TIME EXTENSION REQUEST TO EXPAND THE OLOMANA GOLF COURSE ONTO APPROXIMATELY 12.2 ACRES OF STATE LAND AT WAIMANALO, OAHU; TAX MAP KEY 4-1-13:PORTION OF 11; APPLICANTS: OLOMANA GOLF LINKS, INC.; AGENT: WILSON OKAMOTO AND ASSOCIATES, INC.**

Mr. Landgraf queried Mr. Evans concerning the standing of OHA in this particular case because it deals with ceded lands. Mr. Evans stated that he did obtain a written opinion from the Attorney General's office received on August 19, 1993. Mr. Evans further stated that he had been advised that the Attorney General's office in the past has asked that their opinions remain confidential. Mr. Landgraf asked for assurance that there was Attorney General documentation that OHA has standing.

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

**ITEM H-5** See page 3.

**ITEM H-6** **REQUEST FOR TIME EXTENSION OF CONSERVATION DISTRICT USE PERMIT MA-2409; SINGLE FAMILY RESIDENCE AND FARMING USE AT NUAALIA BAY, HANA, MAUI TAX MAP KEY 1-1-002:4; APPLICANT: MS. CLAUDIA S. GERBAULET**

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

**ITEM H-7** See page 3.

**ITEM K-1** **REQUEST FOR DELEGATION OF AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION FOR THE ISSUANCE OF REVOCABLE PERMITS AT KAPALAMA MILITARY RESERVATION FOR INCONSISTENT PURPOSES**

Mr. Young noted that the Board had requested a status report at a prior meeting. Mr. Garcia, who was not present at that meeting, indicated that he was unaware of that fact and was not sure he would be able to get a report prepared before the next meeting.

**ACTION** Mr. Nekoba moved to delegate an additional 30 days to DOT; that DOT provide a status report before the end of the 30-day period; and the DOT initiate meetings to include the Director of Transportation, the Chairperson of the BLNR and Mason Young to try to resolve the tri-party agreement. Seconded by Mr. Landgraf and unanimously approved as amended.

**ITEM K-2** **CONSENT TO ASSIGNMENT OF LEASE NOS. DOT A-84-20 AND DOT A-84:38, KAHULUI AND MOLOKAI AIRPORTS, MAUI & MOLOKAI (JAMES S. FELTMAN, CHAPTER 7 TRUSTEE IN BANKRUPTCY FOR THE ESTATE OF AUTO RENTAL COMPANY, LTD. - PACIFIC INTERNATIONAL SERVICES CORP., DBA DOLLAR RENT-A-CAR)**

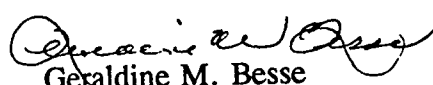
**ACTION** Unanimously approved as submitted (Kennison/Apaka).

**ITEM K-3** **AUTHORIZATION TO ISSUE A LEASE AT THE HONOLULU INTERNATIONAL AIRPORT FOR THE ESTABLISHMENT OF A CHILD CARE CENTER**

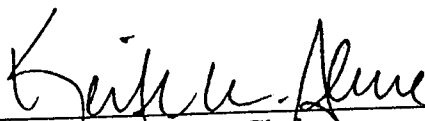
**ACTION** Unanimously approved as submitted (Yuen/Nekoba).

ADJOURN- There being no further business, the meeting was adjourned at 12:10 p.m.  
MENT

Respectfully submitted,

  
Geraldine M. Besse  
Secretary

APPROVED:

  
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KEITH W. AHUE, Chairperson