

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

DATE: FRIDAY, AUGUST 12, 1994  
TIME: 9:00 A.M.  
PLACE: STATE OFFICE BUILDING  
CONFERENCE ROOMS A,B AND C  
3060 EIWA STREET  
LIHUE, KAUAI

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

**MEMBERS:** Mr. Herbert Apaka  
Mr. Christopher Yuen  
Mr. William Kennison  
Mr. Michael Nekoba  
Mr. Libert Landgraf  
Mr. Keith Ahue

**STAFF:** Mr. Roger Evans  
Mr. W. Mason Young  
Mr. Mike Laureta  
Ms. Dorothy Chun

**OTHERS:** Deputy Attorney General Johnson Wong  
Mr. Peter Garcia, Department of Transportation  
Mr. Rex Johnson (Item K-1)  
Mr. Vernon T. Soga (Item E-1)  
Mr. Walton Hong (Item H-3)  
Rev. William Terbeek (Item F-1-C)  
Mr. Allen Watanabe (Items F-6, F-7 F-8)  
Mr. Calvert Chun, Mr. Wayne Scott (Item H-1)  
Mr. Paul Kyno, Mr. John Frazier (Item F-12)

**MINUTES** The minutes of June 9, 1994 and July 8, 1994 were approved as submitted. (Kennison/Apaka)

**ADDED ITEM** Upon motion by Mr. Apaka and second by Mr. Kennison, the following was added to the agenda:

Item F-1-d Request for Consent to Collateral Agreement, Special Sale Agreement No. S-5599, Lot 285, Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Key 1-3-05:80

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

**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. Rex Johnson, Director of the Department of Transportation presented Item K-1 for the Board's approval. He offered a brief explanation that a tri-party agreement was initiated back in 1984 between the Departments of Transportation, Land and Natural Resources and Hawaiian Home Lands. He then went over the different transfers that were to take place which were included in DOT's Closure Report of the 1984 Tri-Party Land Exchange.

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

**ITEM E-1** REQUEST FOR CHANGES IN THE APPROVED KAHANA VALLEY RESIDENTIAL LEASES FOR VERNON NANA SOGA AND VERNON TOKIHARU SOGA

Mr. Young made the presentation of Item E-1. He explained that the Soga family had sought all the necessary regulatory requirements. The difficulty was that they were given till June 30, 1994. They were able to obtain the City and County Building Permit on July 22, 1994.

Staff feels that the Soga's have made a great effort in obtaining the necessary regulatory permits and in view of that, staff is recommending that the Board grant an after-the-fact extension of the time period from June 30, 1994 to July 22, 1994. In the event that the Board grants this after the fact extension, the Division of State Parks is also recommending that the Board authorize transferring two lots that were originally earmarked for the trout farm road and have them remain in the existing lots on the ocean side.

Mr. Vernon T. Soga had nothing to add but wished to express his appreciation to the Board for their consideration. He also presented a copy of the C & C Building permit to the Chairperson.

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

**ITEM H-3** EXTENSION OF TIME REQUEST ON CONSERVATION DISTRICT USE APPLICATION KA-1977 TO COMPLETE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AT HAENA, KAUAI, HAWAII TAX MAP KEY 5-9-6: 01, APPLICANT: JILL AND DONALD CANAPARO; AGENT: WALTON D.Y. HONG

Mr. Evans gave the background of the CDUA which was first approved in 1987. He pointed out that in the submittal by staff to the Board, the applicant made the representation that the delays were beyond control of the applicant. Staff is in disagreement with that statement. Basically staff felt in reviewing the applicant's request, that "government" is being blamed for this delay. Staff feels many of the reasons cited by the agent are due to poor planning on the part of either the applicant or the agent.

Applicant has already initiated the construction of the driveway.

Thus staff is recommending approval subject to the three conditions listed.

Mr. Yuen raised a question of why there were so many applicants returning to the Board to request extensions.

Mr. Evans informed Mr. Yuen that he would be able to give him a figure or percentage but would need to obtain this information in his Honolulu office. It was brought up that there were quite a few requests for extensions and these requests were quite varied in reasons also. The majority of requests fell within the initiation stage.

Mr. Walton Hong representing the applicant, Don and Jill Canaparo stated that his letter for the extension was not intended to point fingers at anyone but was just a chronological sequence of what happened. He stated that the present status of construction is that the driveway has been graded. The house foundation has been started. He also stated that this was an unusual case, although three years seems like a reasonable time to complete a house. Normally they would get an archaeological study done first and that could take from 6 months to a year to get it done. They were also faced with processing various permits in different levels of development from both State and County. The problems were compounded as the applicants live in the bay area and were affected by the earthquake in California. He stated that he had shown that the Canaparos had tried to work towards completing the residence but for circumstances beyond their control they are asking for an extension till July 1995.

Mr. Landgraf asked Mr. Hong how long had he represented his clients.

Mr. Hong responded since 1987.

Mr. Landgraf commented that then it was actually seven years and not three years in trying to complete this house.

Mr. Hong stated again that this case was different because of circumstances. He understood the theory of the seven years.

Mr. Hong stated that the contractor has given him a completion date of July 24, 1995 barring any unforeseen difficulty arising. Thus they are asking for a 15 months extension or discretion of the board.

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

**Item F-1-c** **Sublease Between Coalition for Specialized Housing, Sublessor, and Hale Mohalu, Ltd., Sublessee, Covering General Lease No. S-5273, Being Former Hale Mohalu Site, Pearl City, Waimano, Oahu, Tax Map Key 9-7-19:35**

Mr. Young stated that the action on this item would hopefully get Hale Mohalu and the senior citizens affordable housing off the ground. The present lessee, the Coalition for Specialized Housing is a non-profit organization and staff is coming before the Board today to create a profit by way of a sublease. He then went over the details of the submittal.

The Reverend William Turbeek stated that this project was for low-income housing in the Pearl City site. The Hansen disease patients lived there for a number of years and they are planning 15 units for the Hansen disease patients and 186 units for low-income housing and disabled persons.

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

**ITEM F-7** **COUNTY OF MAUI REQUEST SET ASIDE FOR PARK PURPOSES  
KAMAOLE BEACH LOTS, KAMAOLE, KULA, MAUI, TAX MAP  
KEY 3-9-05:POR. 52**

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Mr. Young requested that Items F-7 and F-8 be taken up together. He then used a map to explain the County of Maui's request to set aside government land for addition to Kalama Park situate at Kamaole Beach Lots.

**ITEM F-8** **WITHDRAWAL OF LAND FROM GOVERNOR'S EXECUTIVE ORDER  
NOS. 854 (KALAMA PARK) AND 2595 (KIHEI FIRE STATION);  
CONVEYANCE IN FEE TO COUNTY OF MAUI FOR ROADWAY  
PURPOSES; AND SET ASIDE TO COUNTY OF MAUI FOR SEWER  
PUMP STATION, ELECTRICAL EASEMENTS, AND DRAINAGE  
EASEMENT, KIHEI, MAUI, TAX MAP KEY 3-9-05:52 AND 3-9-12:36**

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Mr. Young also went over the withdrawal of land for roadway purposes and set aside to the County of Maui for sewer pump station, electrical easements and drainage easements.

Mr. Allen Watanabe of the County of Maui did not have anything further to add.

**ACTION** Unanimously approved Items F-7 and F-8 as submitted.  
(Kennison/Yuen)

**AMENDMENT OF CONSERVATION DISTRICT USE PERMIT KA-2480  
FOR THE REPLACEMENT OF A TEMPORARY MICROWAVE  
(CELLULAR TELEPHONE) REPEATER STATION ANTENNA AND  
EQUIPMENT MODIFICATIONS, KUKUIOLONO, KOLOA, KAUAI; TAX  
MAP KEY 2-3-05:8, APPLICANT: GTE MOBILNET - HAWAII REGION**

**ITEM H-1**

Before making his presentation, Mr. Evans requested to make a modification to the submittal. On page 4, the second paragraph which begins, "Replacing the 30Kw diesel generator ..." should be removed or deleted entirely. He explained that there will not be any replacement of the diesel generator.

Mr. Evans stated that the basic request is an amendment to replace an 80 foot tower on the property at Kukuolono Park in Koloa. This is a follow up of an emergency authorization. Staff is recommending approval subject to the conditions listed on page 8.

Mr. Calvert Chun and Mr. Wayne Scott from GTE were present to answer any questions.

Questions that arose were related to the height of the tower and height difference for receptors.

Mr. Chun stated that in the aftermath of Hurricane Iniki they were in a big rush to restore communication and the best way was wireless and that was how they came up with the temporary 60' tower. More discussion followed on different sites, towers and use of cellular systems.

**ACTION** Unanimously approved as amended. Amendment: Delete the second paragraph on page 4 of the submittal. (Apaka/Landgraf)

**COUNTY OF MAUI REQUEST DIRECT AWARD OF PERPETUAL,  
NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT TOGETHER  
WITH IMMEDIATE RIGHT-OF-ENTRY OVER, ON, UNDER AND  
ACROSS STATE LAND AT KAA NAPALI, LAHAINA, MAUI, TAX MAP  
KEY 4-4-02:POR 3**

**ITEM F-6**

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

Amendment: Consideration to be determined by independent appraisal establishing fair market value of the easement based on a one-time payment.

**ITEM E-1** See page 2 for Action.

**ITEM F-1    TRANSMITTAL OF DOCUMENTS**

**Item F-1-a**    Assignment of General Lease No. S-5053, Lot 5, Puu Ka Pele Park Lots Waimea (Kona), Kauai, Tax Map Key 1-4-02:32

**Item F-1-b**    Assignment of General Lease No. S-5094, Lot 76, Puu Ka Pele Park Lots, Waimea (Kauai), Kauai, Tax Map Key 1-4-02:73

**Item F-1-c**    See page 4 for action.

**Added Item F-1-d**    Request for Consent to Collateral Agreement, Special Sale Agreement No. S-5599, Lot 285, Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Key 1-3-05:80

**ACTION**    Mr. Apaka's motion was for approval of Items F-1-a, F-1-b and F-1-d. Seconded by Mr. Kennison, motion carried.

**OFFICE OF STATE PLANNING REQUESTS RIGHT-OF-ENTRY TO CONDUCT BIOLOGICAL STUDIES FOR STATE LAND USE DISTRICT BOUNDARY REVIEW, UPPER PAAUHAU-KAHOE/HAMAKUA, HAWAII, TAX MAP KEYS 4-3-10:PORS. 2 & 8; 4-4-14:PORS. 2, 3 & 4 AND 4-4-15:PORS. 2 & 4**

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**ITEM F-2**

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

**RESUBMITTAL -- REQUEST TO RELOCATE A FARM DWELLING TO LOT 7, LALAMILO FARM LOTS, WAIMEA, SO. KOHALA, HAWAII, TAX MAP KEY 6-6-05:POR 25**

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**ITEM F-3**

Mr. Young asked to withdraw Item F-3.

**WITHDRAWN**    Unanimously approved for withdrawal. (Yuen/Kennison)

**AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 8, 1991 (AGENDA ITEM F-18) REGARDING CONVEYANCE IN FEE SIMPLE STATE-OWNED PARKS TO EACH COUNTY AND CERTAIN COUNTY PARKS TO THE STATE OF HAWAII AT VARIOUS LOCATIONS STATEWIDE**

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**ITEM F-4**

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

**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUESTS SET ASIDE OF STATE LAND AND CONSTRUCTION RIGHT-OF-ENTRY FOR KEALAKEHE HIGH SCHOOL, KEALAKEHE, NO. KONA, HAWAII, TAX MAP KEY 7-4-08:POR.17**

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**ITEM F-5**

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

**ITEM F-6** See page 5 for Action.

**ITEM F-7** See page 5 for Action.

**ITEM F-8** See page 5 for Action.

**ITEM F-9** **STAFF REQUESTS AUTHORIZATION TO SELL REMNANT LOT BY SEALED BID, HALEAHA, KOOLAULOA, OAHU, TAX MAP KEYS 5-3-06:47**

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

Amendment: Consideration or upset price to be determined by staff appraiser.

**ITEM F-10** **HAWAIIAN ELECTRIC COMPANY, INC. REQUESTS DIRECT ISSUANCE OF PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT, LOWER MANOA, MOILILI, OAHU, TAX MAP KEY 2-8-26:POR 34**

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

Amendments:

Page 1 -- "Status" to read "unencumbered";

Page 1 -- "Consideration" to read:

Gratis (because it is for the University's facility), but subject to the following conditions:

In the event that Grantees, or their successors, assigns or permittees, should extend electrical service to areas outside of the University of Hawaii facility by way of or with the assistance of the easement areas granted by the Grantor, then:

1. The Grantees shall notify the Grantor, in writing, within sixty (60) days of such an occurrence; and
2. A monetary consideration shall be paid to the Grantor. The consideration paid to the Grantor shall be determined by an independent appraisal establishing the fair market value of the easement areas at the time of such electrical service extensions. Further, the completed independent appraisal report shall be subject to the review and approval of the Grantor. Responsibility for the new payment of all appraisal services costs shall be borne by Hawaiian Electric Company, Inc., their successors, assigns or permittees. (Exact wording of these conditions shall be

determined by the Department of Attorney General.)

Under "Recommendation":

- Paragraph B, Condition 3, amend to waive relocation requirement if utility easement solely for U.H. facility; however, if not, standard relocation clause to be imposed.
- Paragraph C, Condition 7 be deleted.

**DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION  
REQUESTS SET ASIDE OF STATE LAND AS AN ADDITION TO  
ITEM F-11 KAUMUALII HIGHWAY, KEKAHA, KAUAI, TAX MAP KEY 1-3-05:1**

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

**KAUAI HOUSING DEVELOPMENT CORPORATION REQUESTS  
RIGHT-OF-ENTRY TO CONDUCT FEASIBILITY STUDIES FOR  
AFFORDABLE RENTAL HOUSING, LOTS 2-C-1 AND 2-C-2, KAPAA  
RICE AND KULA LOTS, KAPAA, KAWAIHAU, KAUAI, TAX MAP KEY  
ITEM F-12 4-5-15:35**

Mr. Paul Kyno, Executive Director of Kauai Housing Development Corporation (KHDC) stated that they were a local non-profit. He then used a map to show the location and area. He stated that presently they have a proposal before the County for funds from the disaster fund from the Federal government for affordable housing, mostly rentals about 500 and about 100 single family homes.

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

Amendment: Kauai Housing Development Corporation shall submit to the Chairperson a copy of their study/report of their finding under the right-of-entry granted to them.

**COUNTY OF KAUAI AND CITIZENS UTILITIES COMPANY REQUEST  
PERPETUAL, NON-EXCLUSIVE EASEMENTS FOR WATER  
PIPELINES AND PUMP STATION, AND OVERHEAD ELECTRICAL  
LINE PURPOSES, RESPECTIVELY, TOGETHER WITH INTERIM  
CONSTRUCTION RIGHT-OF-ENTRY, KEKAHA, KAUAI, TAX MAP KEY  
ITEM F-13 1-2-02:POR 1 AND 10**

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

Amendments:



1. Applicant name on first page and in "Recommendation" changed to County of Kauai.
2. First page under "Subject" and "For", parcel 10 is deleted.

**LEASE OF NON-EXCLUSIVE TERM EASEMENT TO INSTALL  
MAGNESIUM ANODES, KEKAHA, WAIMEA, KAUAI, TAX MAP KEY  
1-2-02:POR 1**

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**ITEM F-14**

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

**ITEM H-1** See Page for Action.

**REQUEST FOR A TIME EXTENSION ON CONSERVATION DISTRICT  
USE APPLICATION OA-2619 TO INITIATE CONSTRUCTION OF THE  
KAWAINUI MARSH FLOOD CONTROL PROJECT AT KAILUA, OAHU,  
TAX MAP KEY 2-5-16:1, APPLICANT: CITY AND COUNTY OF  
HONOLULU, DEPARTMENT OF PUBLIC WORKS**

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**ITEM H-2**

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

**ITEM H-3** See page 4 for Action.

**ITEM K-1** See page 2 for Action.

**CONSENT TO SUBLEASE - KAHULUI AIRPORT, MAUI (ARAKI TAXI  
& U-DRIVE, INC. -PACIFIC INTERNATIONAL SERVICES, INC.  
DOLLAR RENT-A-CAR HAWAII)**

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**ITEM K-2**

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

**DEPARTMENT OF TRANSPORTATION REQUEST FOR AUTHORITY  
TO GRANT EASEMENTS AND RIGHT-OF-ENTRY FOR WATER  
PIPELINE PURPOSES, NAWILIWILI HARBOR, LIHUE, KAUAI**

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**ITEM K-3**

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

**CONSENT TO ASSIGNMENT OF INDENTURE OF LEASE, HARBOR  
LEASE NO. 2767 DATED SEPTEMBER 1, 1958, PIER 23, HONOLULU  
HARBOR, OAHU (KAHOLALOA VENTURE, A HAWAII PARTNERSHIP  
KERR PACIFIC CORP., dba HFM)**

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**ITEM K-4**

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

**ITEM K-5** AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANTS SITUATE AT NORTH HILO, ISLAND OF HAWAII, TAX MAP KEY 3-04-03

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

**ITEM K-6** REPORT ON REVOCABLE PERMITS ISSUED AT KAPALAMA MILITARY RESERVATION

The Board accepted the report on revocable permits from the Department of Transportation.

**RESOLUTION** The Board passed a resolution expressing its appreciation to Mr. Chosei Maekawa, truck operator laborer in the State Parks Division for services rendered over a period of twenty years. The board expressed its sincere congratulations and best wishes on his well-earned retirement on the thirty-first day of May 1994.

**ADJOURNMENT** The meeting adjourned at 11:15 a.m.

Respectfully submitted,

*Dorothy Chun*  
Dorothy Chun  
Secretary

APPROVED

*Keith W. Ahue*  
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KEITH W. AHUE, Chairperson, BLNR

8/31/94