

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

DATE: FRIDAY, DECEMBER 16, 1994  
TIME: 9:00 A.M.  
PLACE: BOARD ROOM  
KALANIMOKU BUILDING, RM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

ROLL

Chairperson Keith Ahue called the meeting of the Board of Land and Natural Resources to order at 9:15 a.m. The following were in attendance:

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

STAFF: Mr. Mason Young  
Mr. Michael Buck  
Mr. Donald Horiuchi  
Mr. Donald Hibbard  
Mr. David Parsons  
Mr. Ralston Nagata  
Mr. Larry Cobb

OTHERS: Mrs. Dawn Chang, Dept. of the  
Atty. General  
Mr. Peter Garcia, Dept. of  
Transportation  
Mr. Michael Wilson  
Mr. Gilbert Agaran  
Mr. Clayton Hee, OHA  
(Item No. F-5)  
Ms. Juliet Begley  
Mr. Larry Rufferte, Haseko Hawaii  
Corp.  
Dr. Donald Hall, UH Institute  
for Astronomy (Item No. H-4)  
Mr. Craig Chapman (Item No. E-2)  
Ms. Anne Low-Shimazu (Item No. F-10)  
Mr. Lyle Holden (Item No. F-5)  
Mr. Richard Cox, Namahana Farms Inc.  
(Item H-5)

All written testimony submitted at the meeting are filed in the Chairperson's office and are available for review. Some items were taken out of sequence to accommodate applicants of interested

parties present.

**ITEM H-4 REVISED MANAGEMENT PLAN FOR UH MANAGEMENT AREAS ON MAUNA KEA TO INCLUDE A COMMERCIAL ACTIVITIES ELEMENT; TMKS: 4-4-15: 09 & 12 APPLICANTS: UH INST.FOR ASTRONOMY & DLNR**

Mr. Donald Horiuchi reported on three components of the final management plan regarding commercial use of Mauna Kea's summit. They include the U.H. Institute of Astronomy requests that management and enforcement of commercial and public use of the area be under DLNR jurisdiction. The UH Institute of Astronomy also suggests some limits for recreational and commercial use of the area and also that some uses be reviewed on a case-by-case basis. They also recommended some public safety control measures be in place upon adoption of the management plan. Mr. Horiuchi also presented DLNR concerns from the Historic Preservation, Forestry and Wildlife and Land Management divisions, and concluded that previously issued CDUA'S for this area become null and void upon approval of the Revised Management Plan. He recommended that the Revised Management Plan be approved by the Land Board subject to the conditions state above.

Mr.Yuen asked that a vote on this plan be deferred so that some aspects may be worked on and that it be brought up again for a vote at the March 10th, 1995 Land Board meeting in Hilo, Hawaii.

Dr.Donald Hall, representing the UH Institute of Astronomy commented that they were satisfied with the Revised Management Plan and that they were comfortable with deferring a vote on it until the March 10th, 1995 Land Board meeting in Hilo.

Mr.Landgraf asked what the Legislature expected of DLNR in regards to the time frame in which this plan was to be completed and brought before the Board. Mr. Horiuchi said that a Legislative Committee had been told by Mr. Roger Evans that it would be placed before the board by the end of 1994.

**ACTION:** The motion to defer was unanimously approved

**ITEM K-2 CONSENT TO CONTRACTUAL AGREEMENT FOR MARITIME HERITAGE TOUR BOAT LANDINGS AT PIER 7, HONOLULU, OAHU (HAWAII MARITIME CENTER (HMC), A NONPROFIT CORPORATION, AND X5 CORPORATION (X5), A HAWAII CORPORATION**

Mr.Apaka asked Peter Garcia why the HMC receives annual extensions of their contractual agreement as opposed to a longer term agreement. Mr.Garcia replied that the yearly renewal was a precaution in case HMC's initial efforts to provide tour boat services was not successful. He said that in the future HMC may want to come in for a longer term contractual agreement.

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

**ITEM H-3 AMENDMENT TO CDUP OA-257 FOR THE REVISED MASTER**

PLAN FOR CAMP ERDMAN AT MOKULEIA; TMK: 6-9-04:  
3 & 4 APPLICANT: YMCA

Mr. Nekoba asked if the Camp will really be using more water than the original CDUP required and Mr. Horiuchi answered that at the present time the Camp has not increased its size to meet the maximum stipulated in CDUP OA-257. He added that the water usage is also below the maximum usage levels of that permit. Mr. Ahue also restated that if this CDUP were approved, the stipulation that all future construction plans would be subject to our approval and that Dept. of Transportation would also need to authorize water use for the Camp. Presently the water is taken from the Dillingham Airfield well.

Mr. Don Anderson representing Camp Erdman (YMCA of Honolulu) and their agent Mr. Keith Kurahashi then said that water consumption might be positively affected by a proposed re-use of a portion of their waste water to irrigate their lawns.

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

**ITEM H-6** PURSUANT TO CONTESTED CASE HEARING UNDER CHAPTER 91, HRS, DECISION AND ORDER OF THE BOARD OF LAND AND NATURAL RESOURCES IN THE MATTER OF CDUA OA-2670 TO CONSTRUCT A MARINA ENTRANCE CHANNEL USING STATE-OWNED SUBMERGED LANDS AT HONOULIULI, EWA, OAHU; TMK:9-1-12: 6 (OFFSHORE) APPLICANT: HASEKO (EWA), INC. ATTORNEY: OSHIMA CHUN FONG & CHUNG

Mr. Horiuchi requested a deferral of this item, upon advice of legal counsel and the applicants agreed to this request. Ms. Cheryl Nicholson, counsel for the applicant asked when the item would come before the board again and was told by Mr. Ahue that the return date had not been set yet.

**ACTION:** The motion to defer was unanimously approved.

**ITEM F-5** AUTHORIZATION TO CONVEY TO OFFICE OF HAWAIIAN AFFAIRS: (1) FEE SIMPLE TITLE TO STATE-OWNED, PUBLIC LANDS, PURSUANT TO ACT 304, SLH 1990, AT MOANALUA, ILINUI AND KALIAWA, KALIHU, HONOLULU, OAHU; TAX MAP KEY: 1-1-03:3, 204, 205, 206 AND 207; AND TAX MAP KEY: 1-2-21:35, 36, 37, 39, 40, 41, 42, 43 AND 44; AND AT KALIA (WAIKIKI YACHT CLUB SITE), WAIKIKI, HONOLULU, OAHU; TAX MAP KEY: 2-3-37:6; AND (2) PERPETUAL, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF SUBMERGED LANDS AND OCEAN WATERS WITHIN ALA WAI BOAT HARBOR BASIN, SITUATE OFFSHORE OF KALIA, WAIKIKI, HONOLULU, OAHU; TAX MAP KEY: 2-3-37:POR  
12

Mr. Mason Young presented this item and requested that the term "ocean pleasure craft" on pages 3, 5 and 10 of the submittal be deleted and in its place the term "ocean craft" be

inserted as to give OHA more flexibility as to the type of craft they could have at the facility. Mr. Young also suggested that we delete the words "yacht club and/or" and that the Attorney General has advised DLNR that all improvements at the Waikiki Yacht Club site are indeed property of the Yacht Club. Upon cancellation of the permit the permittee has 30 days to remove any improvements and if they do not remove them then it becomes property of the State. If this were to occur, then the State would include the improvements as part of its offering to OHA and be part of the purchase price.

Mr. Landgraf asked what the State land trust owes to OHA and why did we offer them non-ceded lands as well as ceded lands? Mr. Young's response was that we offered our whole inventory of available state lands to OHA and they in turn chose both ceded and non-ceded lands.

Mr. Young also asked that paragraph F in the recommendation portion of the submittal be amended so that the first line of that section would read "Pursuant to Section 171-53, HRS and in the event that if it is applicable, authorize...".

Mr. Yuen asked for a clarification on how the improvements on the Waikiki Yacht Club site would influence DLNR's offer to OHA and Mr. Young said that if at the time of the sale the Waikiki Yacht Club improvements are still on site, then their value would become part of the purchase price to OHA. Mr. Nekoba then stated that we should terminate the Waikiki Yacht Club Revocable Permit at least 30 days prior to the sale of this property to OHA and Mr. Young agreed.

Mr. Ahue then asked if any agreement on price had occurred and Mr. Young said no, however the next step would be to hire an independent appraiser to place a value on the site and that we could arbitrate with OHA based on this independent appraisal price. Mr. Yuen asked if either DLNR or OHA would be bound by the price quoted by this appraiser and Mr. Young answered that neither party will be bound by this figure.

Mr. Clayton Hee presented some background information and clarifications of the data of this item and Mr. Ahue then stated that negotiations on this land sale have primarily been between OHA and the Office of State Planning and that any clarification that Mr. Hee could give the BLNR would be appreciated. Mr. Hee added that negotiations on retroactive land entitlements under Act 304 have been ongoing since 1991. OHA has received \$134,000,000.00 thus far and that this particular land sale will not complete the State's obligation to OHA as stated in Act 304.

Mr. Hee said that OHA filed a complaint against the State of Hawaii on January 14, 1994 for unfulfilled entitlements in the amount of \$100,000,000.00 that is still owed to native Hawaiians. OHA's settlement from the State will include land and cash. The particular State land parcels being offered to OHA in this submittal are offerings made by the State.

The Canoe Center site and accreted peninsula in the Sand Island area of Kalihi was thrown in as a "freebie" by OSP at Harold Masumoto's suggestion so that OHA could satisfy the Hawaii

Canoe Racing Association's request to build a Canoe Center headquarters for the State. OHA is required to improve this site for HCRA as part of this acquisition.

The State commissioned Mits Shimizu to do an appraisal on the Waikiki Yacht Club site and OHA had an appraisal done by Rothstein and both appraisals were based on an income revenue producing formula because there are no comparable sales in Hawaii.

OSP and OHA agreed that immediate improvements are required and one of these is the reconstruction of a receding seawall costing about 1.25 million dollars. The lands in question are ceded and not non-ceded and OHA disagrees with the DLNR recommendation that 20% should be discounted off of the ceded portion of lands because throughout OHA's negotiations with OSP on any parcel that contained both ceded and non-ceded lands they agreed that the ceded portion enhanced the non-ceded portion and any revenues generated by these properties.

At this point Mr. Hee asked to go through the DLNR F-5 submittal page by page to offer the following comments:

(a) on page one it is OHA's understanding that these negotiations follow Act 304

(b) has nothing to do with Hawaii Revised Statutes Chapter 171-53 and 95. OHA considers the Moanalua, Ilinui and Kaliawa Fisheries and the Sand Island site as non-ceded properties. The government owned Ilinui Fishery is ceded as is the Waikiki Yacht Club site as stated in submittal section 3a. The lands described in submittal sections 3b and 3c are considered non-ceded and the lands as described in section 3d as well as section 4 is considered ceded lands.

(c) Mr. Hee agreed with Mr. Youngs request to delete the term "pleasure craft" be deleted from section 4 and anywhere else this term appears in the submittal, so as to add to OHA's flexibility as potential owners of the Waikiki Yacht Club site.

(d) Mr. Hee recommended that DLNR share in the cost of a third appraisal if this is required and that the buildings on the Waikiki Yacht Club site, not be considered as property of the landowner and that this be reflected in the final appraisal. OHA feels that there should not be any time constraints placed upon them, where purchase and acquisition of these properties is concerned but that they (OHA) too would like to reconcile this matter quickly.

(e) In reference to page 9 section C(1) as well as page 10 sections E and F, these do not follow along with the intent of Act 304, by which OHA and OSP had conducted their negotiations so the outcome of DLNR negotiations with OHA should not have to go back to the legislature for their approval and authorization. Mr. Ahue then clarified that according to what Mr. Hee was saying, Act 304 supersedes all other statutes in regard to the conveyance of these lands to OHA and Mr. Hee agreed. Mr. Young then said that the use of HRS 171-53 was incidental to the act of withdrawing these lands from Executive Order No. 1330 (dated 6/16/49) so that they will

become unencumbered and thus freeing them to be sold to OHA. Mr. Young said that the Attorney General's office should review the matter of use of Act 304 or HRS 171-53 and advise us as to what is appropriate in this matter.

Mr. Nekoba asked why a third appraisal is necessary and Mr. Young said that the existing two appraisals were quite different and this is why a suggestion to have an independent appraiser come in and give a third opinion was necessary. Mr. Ahue asked if DLNR's appraisal was based on income revenue producing formula and Mr. Young said no, that our appraisal was based on comparable sales.

He further added that the third appraiser will probably look at all approaches to the property value (income revenue as well as comparables) before presenting his estimates to all parties concerned. Both Mr. Ahue and Mr. Yuen voiced the concern that DLNR needs to have the Attorney General's office clarify what rules and regulations we are bound by in these negotiations and once this is done we can proceed with or without the Legislatures input.

Mr. Hee said that OHA should not have to buy the Canoe site at the Waikiki Yacht Club and that to require 20% depreciation off of ceded lands is unfair to the Hawaiian people. He also reminded the BLNR that we owe OHA 1.9 million dollars as of December 16, 1994 and that the State owes OHA 11.7 million as of the same date. Mr. Landgraf clarified that the intentions of today's Board action is to settle part of OHA's entitlements under Act 304 and that this would not complete the settlement of entitlements to OHA by the State and Mr. Hee agreed. Mr. Hee then stated that the outstanding amount that OHA is still owed by the State is about a \$100,000,000.00 and that the price of \$16 to \$19 million dollars seemed appropriate for the three parcels being offered to OHA today in item F-5.

Mr. Landgraf asked Mr. Hee how the debt of the entitlements built up and Mr. Hee said that the State did not pay OHA their 20% on all funds derived from ceded lands for a ten year period. Mr. Nekoba asked Mr. Young to research several problem areas of this submittal including going back to OSP for clarification on Act 304 and the issue of ceded versus non-ceeded lands and which of these will the 20% be taken from? The A.G.'s input was requested on determining the value and transference of the Waikiki Yacht Club improvements and finally whether the submerged lands near the Yacht Club is OHA's land or does a perpetual easement exist there.

Another area of concern seems to be the status of the Canoe site near the Yacht Club and if this is part of the land sale to OHA or is it gratis to them? Mr. Nekoba stated that five points of clarification need to be addressed before this submittal can come before the board for a vote again.

Mr. Young then commented that two points need to be considered in respect to the twelve acres at Middle Street and that this property, to his knowledge was not a "freebie" and that a portion of that area is earmarked for a canoe facility with the majority of the property zoned for commercial use. He will clarify this with OSP. The other point that he will need clarification on

is the price that was discussed for the sale and if it was 16 or 19 million.

Mr. Ahue posed the question of DLNR and OHA sharing the cost of a 3rd or 4th appraisal. Mr. Young said it could probably be worked out.

At that point, Mr. Dave Parsons of the Boating and Ocean Recreation Division of the DLNR testified that he opposes the transfer of the Waikiki Yacht Club site to OHA because the Yacht Club has been a reliable source of income to the boating special fund and presently the Yacht Club generates \$13,800.00 a month for the boating division or a total of \$200,000.00 a year for the boating special fund. These funds would be lost from Boating Division's annual revenue and the only recourse they would have in trying to offset this loss would be to increase user fees.

If the BLNR approves the sale of the Waikiki Yacht Club to OHA, then BOR recommends that an additional condition of transfer be added that would require OHA to pay its fare share in costs of maintenance of the Ala Wai boat harbor entrance channel, turning basin and aids to navigation that jointly serve the Ala Wai boat harbor and the Waikiki Yacht Club site. Mr. Parson's also requested that prior to the deletion of the term "pleasure" craft that our legal council for interpretation of the legality of this deletion.

Mr. Hee added that OSP offered the Waikiki Yacht Club site to OHA and that OHA did not seek out this site as part of their land settlement with the state, so perhaps Boating should have worked with OSP on this matter.

Mr. Hee added that he has seen commercial activities in the Ala Wai Harbor and that this is not allowed according to our rules.

At this point Commodore Lyle Holden of the Waikiki Yacht Club testified that the Yacht Club would like to keep the lease and operate at their present location regardless of who the owner may be.

**ACTION:** Member Nekoba then moved to defer action on this item and Mr. Kennison seconded the motion and it was unanimously approved by the remaining members of the board. No action would be taken on this item today.

**ITEM E-2. REQUEST TO PROVIDE SOME ACCOMMODATIONS BEING OFFERED AND ADJUST RENTAL FEES AT MALAEKAHANA STATE RECREATION AREA, KAHUKU, OAHU**

Mr. Ahue asked if improvements at Malaekahana State Recreation Area were ongoing and Mr. Nagata said the improvements are definitely ongoing and that the Koolauloa Hawaiian Civic Club has the community's support where their efforts are concerned.

Mr. Nagata stated that he was satisfied where the arrangement with the Civic Club was concerned and that he recommends that this item be approved. Mr. Craig Chapman the president of the Friends of Malaekahana, the management team for the Koolauloa Hawaiian Civic

Club, then stated that the Civic Club has been making significant improvements at Malaekahana SRA, in particular, they have built an alternative learning center for the children of Kahuku. Hopefully they will build another four or five of these under DLNR guidance and also additions of Hawaiiana type tent cabins that will hopefully encourage Kamaaina's to come and stay at the park. This would expose them to solar and wind power as well as compost type lavatory facilities that would encourage an alternative type of life style. Mr. Chapman added that the community was really rallying around the causes that the Civic Club was undertaking at Malaekahana, even to the point where the community board was helping to underwrite the costs of building these alternative learning centers at the park. He stated that the children of the Kahuku community were the winners in this situation.

Chairman Ahue thanked Mr. Chapman for his efforts at Malaekaha State Park. Mr Nagata wanted to correct the number of people accommodated in the proposed Kawananakoa Day Use pavilion as stated on page two of item E-2 as 50 to 99 persons as it should be stated in section (2) of the second paragraph.

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

**ITEM E-1 SPECIAL USE PERMIT EXTENSION FOR MICHAEL A. MEIERDIERCKS FOR RESIDENTIAL PURPOSES, KALIHI, OAHU**

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

**ITEM A-1 APPROVAL TO CONTRACT FOR CONSULTANT SERVICES FOR THE INVENTORY OF TRADITIONAL HAWAIIAN FISHPONDS AT PEARL HARBOR, OAHU, HAWAII**

Mr. Yuen asked how this particular study of Hawaiian Fishponds was chosen by DLNR to pursue using Federal grant funds and Mr. Hibbard explained that DLNR has been compiling the original coastline of the state so as to have a better idea of where the sensitive areas will be when development is proposed. The Pearl Harbor area is always being dug up and fishpond areas should be left alone since they are culturally sensitive areas. This study will help us to determine which areas these fishponds were in so that any future construction and excavations will not happen on these sites.

Mr. Landgraf asked Mr. Hibbard who the consultant firm, International Archaeological Research Institute is and if they are a local firm. Mr. Hibbard answered that they are headed by Dr. Steve Athens and they have been in Hawaii at least 15 years. Mr. Hibbard then explained briefly, the process of selecting a consultant.

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

**ITEM C-1 PERMISSION TO CONDUCT PUBLIC HEARINGS TO AMEND HAWAII**



ADMINISTRATIVE RULES FOR THREATENED AND ENDANGERED PLANTS  
INDIGENOUS WILDLIFE, ENDANGERED AND THREATENED WILDLIFE  
AND PLANTS, AND INTRODUCED WILD BIRDS (CHAPTER 124)

ACTION: Unanimously approved as submitted (Yuen/Ahue)

ITEM C-2 REQUEST FOR BOARD APPROVAL TO ENTER INTO A MANAGER'S  
REVOCABLE LICENSE BETWEEN WAILUKU AGRIBUSINESS COMPANY,  
INC. AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR  
ACCESS TO THE OLD LAHAINA PALI TRAIL, MAUI

Mr. Kennison asked Mr. Buck exactly where this trail was located and he explained that it was the Old Lahaina Pali Trail on west Maui and that it is a beautiful trail in Kihei and it used to be the access trail from Lahaina to Wailuku.

ACTION: Unanimously approved as submitted (Kennison/Ahue)

ITEM F-1a ISSUANCE OF REVOCABLE PERMIT TO PRIDE COMPANY, INC.,  
LOT 56-B, ILI OF WAIHOLE, WAIMEA VALLEY, WAIMEA,  
KAUAI, TAX MAP KEY: 1-5-03:1

ACTION: Unanimously approved as submitted (Apaka/Yuen)

ITEM F-1b ASSIGNMENT OF GENERAL LEASE NO. S-4978, LOT 12, KOKEE  
CAMP SITE LOTS, WAIMEA (KONA), KAUAI,  
TAX MAP KEY: 1-4-03:10

ACTION: Unanimously approved as submitted (Kennison/Ahue)

ITEM F-2 RESUBMITTAL -- AUTHORIZE FINAL APPROVAL TO LAND  
EXCHANGE BETWEEN THE STATE OF HAWAII AND MAUNA KEA  
AGRIBUSINESS CO., INC. AT SOUTH HILO, HAWAII, TAX MAP  
KEYS: 2-9-03:44 & 2-6-13:POR 7

ACTION: Unanimously approved as submitted (Kennison/Ahue)

ITEM F-3 AUTHORIZATION TO AWARD DIRECT RESIDENTIAL LEASES  
PURSUANT TO ACT 314, SLH 1991, AS AMENDED, COVERING  
PORTIONS OF THE GOVERNMENT LANDS OF KIKALA AND  
KEOKEA, SITUATE AT KIKALA AND KEOKEA, PUNA, HAWAII,  
TAX MAP KEY: 1-2-07:POR 2 (TO BE DISTRIBUTED AT  
MEETING)

Mr. Ahue asked if the Gibson Foundation and Ms. Mililani Trask was pleased with this subdivision and Mr. Young said they were satisfied with this plan. Mr. Young stated that this subdivision will be rural in nature with a limited infrastructure and gravel roads. The lease rentals will be nominal and the displaced lessees of the Puna area must live on the property. HFDC gave DLNR a million dollars to begin work on the subdivision and have promised us another million. HFDC will assist lessees in getting mortgage

loans. Mililani Trask has a list of who the displaced lessees are and this will help us to qualify the lessees according to their ties to the area.

**ACTION:** Unanimously approved as submitted (Yuen/Ahue)

**ITEM F-4** DIRECT ISSUANCE OF A NON-EXCLUSIVE TERM EASEMENT FOR ACCESS AND UTILITY PURPOSES AND GRANT AN IMMEDIATE RIGHT-OF-ENTRY AT UALAPUE, KONA, MOLOKAI, TAX MAP KEY: 5-6-02:POR 34

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

**ITEM F-6** REQUEST FOR AUTHORIZATION TO ACQUIRE LAND FOR PRESERVATION OF KALIHI VALLEY HILLSIDE, KALIHI UKA, HONOLULU, OAHU, TAX MAP KEY: 1-4-07:1

**ACTION:** Unanimously approved as submitted (Ahue/Landgraf)

**ITEM F-7** AMENDMENT TO PRIOR BOARD ACTION OF JUNE 28, 1991 (AGENDA ITEM F-8) FOR DIRECT LEASE TO QUALIFIED PERMITTEES UNDER ACT 237, SLH, 1988, ISLAND OF OAHU

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

**ITEM F-8** EXTENSION OF LAND LICENSE NO.S-319 TO L. REGO DUMP TRUCK AND HEAVY EQUIPMENT, KAWAIELE, MANA, KAUAI, TAX MAP KEY: 1-2-02: POR 1

Mr.Young suggested that anyone who travels to Kauai should go to see the Kawaiele Wildbird Habitat Sanctuary that was created with no cost to the state by the removal of sand from the area by the lessee. The Habitat created is a jewel for wildlife conservation, the staff recommends approval of this request for an extension of land license No.S-319 to L.Rego.

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

**ITEM F-9** REQUEST FOR AUTHORIZATION TO ACQUIRE EIGHTEEN (18) ACRES FOR THE DEVELOPMENT OF THE NEW KAPAA INTERMEDIATE SCHOOL, AND SUBSEQUENT SET ASIDE TO DEPARTMENT OF EDUCATION, SITUATE AT KAPAA, KAUAI, TAX MAP KEY: 4-3-03: POR 1

Mr.Young said that the Board of Education and the Department of Education is putting this on the fast track and that the money for this project is coming from the DOE superfund. The site selection is not yet definite because the project is still in its initial stages.

**ACTION:** Unanimously approved as submitted (Apaka/Ahue)

ITEM F-10 RENT ADJUSTMENTS TO GENERAL LEASE NOS. S-3827, S-4412, S-4576 AND REVOCABLE PERMIT NO.S-6542, AND ISSUANCE OF REVOCABLE PERMITS TO OAHU SUGAR COMPANY, LIMITED AND TO REPLACE EXPIRED GENERAL LEASE NOS. S-4222 AND S-4229, ALL INVOLVING SUGARCANE CULTIVATION THROUGH SUBSIDIARIES OF AMFAC/JMB HAWAII, INC. ON KAUAI, OAHU AND MAUI

ACTION: Unanimously approved as submitted (Apaka/Kennison)

ITEM H-1 CONSERVATION DISTRICT USE APPLICATION FOR A SINGLE FAMILY RESIDENCE AT KONA PARADISE SUBDIVISION, KAOHE 4TH, SOUTH KONA, HAWAII; TMK:8-7-19:31  
APPLICANT: MR. RALPH FUKUMITSU

Mr. Yuen asked how if any of the existing homes in this subdivision are in the Conservation District and had to go through the Conservation District Use Application process and Mr. Horiuchi said that the home next to the applicants lot was non-conforming so it went through the CDUA process two years ago.

Mr. Landgraf then asked when the subdivision was created and Mr. Horiuchi answered that in 1959 the subdivision was established under Hawaii County regulations.

ACTION: Unanimously approved as submitted (Yuen/Landgraf)

ITEM H-2 CONSERVATION DISTRICT USE APPLICATION (TEMPORARY VARIANCE) TO CONSTRUCT TWO TEMPORARY DETOUR ROADS MAKAI OF FARRINGTON HIGHWAY AT MAKAHA, OAHU; TMKS: 8-3-01: 1 & 14 APPLICANT: DEPT. OF TRANSPORTATION, HIGHWAYS DIVISION

ACTION: Unanimously approved as submitted (Landgraf/Yuen)

ITEM H-5 EXTENSION OF TIME REQUEST FOR CDUP KA-2472, WATER SYSTEM AT KILAUEA, KAUAI; TMK: 5-2-1:3  
APPLICANT:NAMAHANA FARMS, INC.

Mr. Horiuchi stated that their submittal H-5 contained an error and that this parcel of land was on Kauai, not Maui. Mr. Apaka asked if the existing water tanks utilize a "gravity flow" type of pump system and Mr. Horiuchi said that the water tank system utilizes both a gravity flow and a mechanized pump system. Mr. Horiuchi stated that only the water tanks and pumps are in the Conservation District.

ACTION: Unanimously approved as submitted (Apaka/Ahue)

Mr. Richard Cox spoke on behalf of the owner and developer of this project, B.A. Dyer and he explained that the two water tanks need

to have the pumps installed but this could not be completed until the subdivision itself was complete. If the pumps were to sit idle they would deteriorate and this would be costly the Mr. Dyer. Mr. Apaka asked how much of the subdivision is completed and Mr. Dyer said that it was half completed.

**ITEM I-1 APPOINTMENT OF VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS**

Mr. Ahue asked Mr. Matsuzaki of the DOCARE office if these new volunteer officers were retirees from his division and he answered yes. The comment was made that our department was truly fortunate to receive the services and experience of these new volunteer DOCARE officers. Mr. Ahue congratulated Mr. Matsuzaki on his upcoming retirement and thanked him for his many years of service to our department.

**ACTION:** Unanimously approved as submitted (Ahue/Landgraf)

**ITEM J-1 A REQUEST FOR CONTINUANCE OF REVOCABLE PERMITS WAIKIKI YACHT CLUB, ALA WAI BOAT HARBOR, ISLAND OF OAHU**

Mr. Nekoba asked Mr. Parson's how long the Revocable Permit was for and if the improvements on the property would become the property of the State at the end of the term of the lease. Mr. Parsons answered that the permit was for one year and that at the end of the one year the permittee has 30 days to remove the improvements. If the State does not renew the Revocable Permit and the permittee cannot remove the improvements then after 30 days these improvements become the property of the State.

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

**ITEM J-1 B MALCOLM AHLO AND VICTOR RAPOZA, WAIANAE BOAT HARBOR, ISLAND OF OAHU**

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

**ITEM K-1 CONSENT TO SUBLEASE - LEASE NO. DOT-A-81-37, HONOLULU INTERNATIONAL AIRPORT, SOUTH RAMP, OAHU (AIRCRAFT SHEET METAL SPECIALIST, INC.)**

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

**ITEM K-3 APPROVAL OF CONSENT TO SUBLEASE, PIER 35, HONOLULU HARBOR, OAHU (HAWAII STEVEDORES, INC./CASTLE AND COOKE-HAWAII FEDERAL CREDIT UNION**

**ACTION:** Unanimously approved as submitted (Nekoba/Ahue)

**ITEM K-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (MAUI SCRAP METAL CO., INC.)**

Mr. Yuen asked Mr. Peter Garcia of the Department of Transportation if the property was unused at the present time and Mr. Garcia said yes. This was the former site of the Water World movie set and that they are presently dismantling the set.

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

**ITEM K-5** AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY THE REAL PROPERTY INTEREST OF PORTION OF LUSITANA STREET, STATE HIGHWAY SYSTEM AGREEMENT SUPPLEMENT NO.4 OAHU

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

**ITEMS K-6,7 AND 8** WERE REPORTS TO THE LAND BOARD ON PERMITS THE DEPARTMENT OF TRANSPORTATION HAD ISSUED AND THEY DID NOT REQUIRE ANY ACTION ON THE PART OF THE BOARD

**ADJOURNMENT:** The meeting was adjourned at 12:30 p.m.

Respectfully submitted,

*Susan N. Richey*

Susan N. Richey  
Stenographer

**APPROVED:**

*Albert A. Coloma-Agaran*  
for MICHAEL D. WILSON Chairperson  
Department of Land and Natural Resources

1/13/95