

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

DATE: FRIDAY, FEBRUARY 11, 2000  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

Chairperson Timothy Johns called the meeting of the Board of Land and Natural Resources to order at 9:42 a.m. The following were in attendance:

**MEMBERS:**

Mr. Timothy Johns  
Ms. Lynn McCrory  
Mr. Russell Kokubun

Mr. Colbert Matsumoto  
Ms. Kathryn Inouye

**STAFF:**

Mr. Dean Uchida, Land Division  
Mr. Sam Lemmo, Land Division  
Mr. John Hino, Division of Boating and  
Ocean Recreation

Mr. Randy Kennedy, Division of Forestry  
and Wildlife (DOFAW)  
Mr. Nelson Ayers, DOFAW

**OTHERS:**

Ms. Linden Joesting, Department of the  
Attorney General  
Ms. Karen Chun, D-16  
Mr. Randy Bartlett, C-1  
Mr. Stephen Lee, D-4  
Mr. Richard Heaton, D-5

Mr. Peter Garcia, Department of  
Transportation  
Mr. Stanley Boc, D-16  
Mr. Robert Garcia, D-14  
Ms. Sharon Miyashiro, D-17

**ITEM K-1: GRANT OF PERPETUAL, NON-EXCLUSIVE EASEMENT FOR A SEWER FORCE MAIN, TOGETHER WITH A CONSTRUCTION RIGHT-OF-ENTRY AT KAPALAMA, HONOLULU HARBOR AND SAND ISLAND, OAHU (CITY AND COUNTY OF HONOLULU) TMK: (1)-1-5-34, -1-5-41 AND -1-5-42**

Mr. Peter Garcia, Property Management Officer for the Department of Transportation (DOT), briefed the Board and recommended that the Board authorize the granting of the non-exclusive easement for sewer force main purposes to the City and County of Honolulu together with a construction right-of-entry over the proposed easement areas and the temporary additional base yards with staging areas, subject to terms and conditions.

**Unanimously approved as submitted (Matsumoto/Kokubun).**

**ITEM D-16: CONSERVATION DISTRICT USE APPLICATION (CDUA) NO. OA-2972B FOR THE CONSTRUCTION OF A 500-FOOT LONG, 12-FOOT HIGH RUBBLEMOUND REVETMENT AT LAUNIUPOKO, LAHAINA, MAUI, TMK: 4-7-01: 17, INCLUDING PORTIONS OF SUBMERGED LAND**

Mr. Sam Lemmo, Staff Planner for the Land Division, explained that this was a subject of a previous application approved by the Board in 1994. However, the permit expired because the project was not initiated in a timely manner. In July 1999, another application was accepted from DOT for the same project, but withdrawn because the required Special Management Area (SMA) use permit was not obtained. The SMA permit was finally issued on December 14, 1999, by the Maui County Planning Commission and this CDUA was again resubmitted. Staff looked at the proposed revetment, with conservation district objectives in mind and on the surface didn't feel that a revetment was necessarily consistent with the purpose of conservation district resources, nor the policies or recommendations of the Coastal Erosion Management Plan (COEMAP). Staff, however, came up with an assessment that the project should be approved given the circumstances that the Honoapiilani Highway is in danger of being undermined, and has been in that situation for about 6-7 years. This road is the only link to the West Maui area, so in the case of the highway failing, it could create a very serious health and safety problem. The beach resources in this particular area are considered marginal. Given the circumstances and mitigating measures, staff recommended approval of this project, subject to 23 conditions, with one special condition that DOT look at a long-term plan for highway relocation in this area.

Chairperson Johns noted that written testimony was received from Mr. Robert Mullane, Coastal Processes Extension Agent for the University of Hawaii, in opposition to the project, and from Mr. Peter and Mrs. Luanna McKenney, asking for further community input.

In response to a question raised by Member Kokubun, Mr. Lemmo said they have been looking at the project from the prospective of COEMAP, often times they look at trade-offs in these situations, and the loss of the highway tends to be a compelling factor. He believed that the revetment would not have a negative effect on marine biota, that it could possibly make it better because of the eroding escarpment, basically red dirt. The revetment may tend to prevent high waves from reflecting off of the eroding escarpment, which could create a lot of water turbidity and impact marine resources. Member Kokubun wanted to be sure that COEMAP is consistent when applied in other areas.

Member McCrory asked if there was an opportunity for public to comment on this project. Mr. Lemmo said the Maui County Planning Commission has seen this several times, and have entertained

public input. Ms. Karen Chun, Engineer for DOT, Highways Division, stated that the public was given an opportunity when they did their Environmental Assessment in 1994, no public input was received. The public also had an opportunity during the Department of Health's 401 Water Quality certificate process, and through the processing of the CUA. Mr. Stanley Boc, Coastal Engineer for the Army Corps of Engineers, testified that he attended 3 of the Maui County Planning Commission meetings and there was no public testimony presented for this project.

Mr. Boc explained the difference between the rip-rap method, as suggested in Mr. Mullane's written testimony, and a revetment. The rip-rap method involves various size rocks that are dumped, which would make it harder for people to traverse over. The rocks in a revetment is placed in an orderly fashion, they are keyed and fitted, is a nicer appearance and easier to provide access. He added that the footprint of a dumped rip-rap would normally be larger than a revetment.

In response to a question raised by Chairperson Johns regarding relocation of the highway, Ms. Chun explained that they currently have 2 projects, the Lahaina Bypass which is basically relocating the highway, and the Highway Shoreline Protection Statewide Study which hasn't been executed yet. DOT is looking at relocating the highway, but can't give a final answer until the study is done.

The Board amended condition no. 20 to read as follows:

20. The DOT, Highways Division, shall submit: 1) a long term plan for the relocation of Honoapiilani Highway, and 2) a plan based on the DOT's "Highway Shoreline Protection Statewide Study" which is intended to look at all alternatives, including relocation of the Highway, to the Department of Land and Natural Resources Planning Branch, within 3 years of this approval.

**Unanimously approved as amended (Inouye/Kokubun).**

#### **ITEM C-1: PUU KUKUI WATERSHED MANAGEMENT AREA/NATURAL AREA PARTNERSHIP**

Mr. Randy Kennedy, Program Manager for DOFAW's Natural Area Reserves System, briefed the Board and recommended that the Board: 1) grant a permit to the applicants designating the project as a permitted government use within the Conservation District to support the programs of DOFAW that are consistent with the objectives of the Protective subzone; 2) approve the Puu Kukui Watershed Management Area project as part of the Natural Area Partnership Program; and 3) direct DOFAW to enter into the Puu Kukui Watershed Management Area/Natural Area Partnership Agreement with the Maui Land and Pineapple Company, Ltd. with the following conditions: a. The long-range management plan is accepted for a six-year period; and b. Funding is authorized for the full six-year period as described in the agreement.

Mr. Randy Bartlett, Manager of Maui Pineapple Co., Ltd., was present to answer questions.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM C-2: REQUEST APPROVAL OF CONTRACT WITH MR. WALTER MENDES TO PARTICIPATE IN THE STATE FOREST STEWARDSHIP PROGRAM**

Mr. Nelson Ayers, Service Forestry for DOFAW, briefed the Board and recommended that the Board approve the contract with Mr. Mendes and DOFAW, to participate in the implementation of the State Forest Stewardship Program.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM D-9: FORFEITURE OF GENERAL LEASE (GL) NO. S-4453, MR. JONATHAN P. AND MRS. MARY NANI SPIES, LESSEE, LOT 24, PANAWEA FARM LOTS, 2<sup>ND</sup> SERIES, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-4-49: 09**

Mr. Uchida requested that this item be withdrawn, the lessee has brought everything current.

**Unanimously approved to withdraw (Kokubun/Inouye).**

**ITEM D-14: RESUBMITTAL: CONSENT TO VARIOUS SUBLEASES AND ASSIGNMENT OF GL NO. S-4359, MR. WILLIAM T. WHITE, III, TRUSTEE OF THE WILLIAM T. WHITE, III REVOCABLE TRUST UNDER THE DECLARATION OF TRUST EXECUTED ON SEPTEMBER 7, 1988, ASSIGNOR, TO MR. MICHAEL NAKASHIMA, ASSIGNEE; LOT 3, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-2-37:88**

Mr. Uchida briefed the Board and recommended that the Board authorize the consent to various subleases; consent to the assignment of GL No. S-4359 from Mr. William White to Mr. Michael Nakashima; authorize the consent to assignment of the sublease to HIE Holdings, Inc.; authorize all of the foregoing consents and actions; and such other terms and conditions as may be prescribed by the Chairperson.

Mr. Robert Garcia, representing Mr. William White, testified in favor of staff's recommendation.

**Unanimously approved as submitted (Kokubun/McCrory).**

**ITEM D-4: TERMINATION OF REVOCABLE PERMIT NO. S-4031 AND ISSUANCE OF REVOCABLE PERMIT TO HAWAIIAN PAAKAI, INC. SITUATE AT KALHI-KAI, HONOLULU, OAHU, TMK: 1-2-021: 45**

Mr. Uchida amended the staff recommendation by changing the spelling in recommendation A. from "... dba Hawaiian [Paaika]", to "... dba Hawaiian Paakai", and in recommendation B. from "... permit to Hawaiian [Paaika], Inc.," to "... permit to Hawaiian Paakai, Inc.,". Staff's recommendation is that the Board cancel the existing permit and issue a new permit to Hawaiian Paakai, Inc., subject to standard conditions.

Mr. Stephen Lee, representing Hawaiian Paakai Inc., was present to answer questions.

**Unanimously approved as submitted (Inouye/McCrory).**

**ITEM D-17: APPROVAL IN PRINCIPLE TO CONVEY TO THE DEPARTMENT OF HAWAIIAN HOME LANDS VILLAGE 4 AND FORMER NEIGHBORHOOD PARK OF THE VILLAGES OF LAIOPUA, KEALAKEHE, NORTH KONA, HAWAII, TMKs: 7-4-21: 10 AND 12**

Mr. Uchida briefed the Board and recommended that the Board approve in principle, the conveyance in fee simple, of Village 4, Villages of Laiopua, subject to the approval by the Department of the Attorney General, and subject to standard conditions.

Ms. Sharon Miyashiro, Acting Executive Director of the Housing and Community Development Corporation of Hawaii, testified in favor of staff's recommendation.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM D-5: TIME EXTENSION REQUEST FOR CDUA OA-2794 FOR THE HILTON LAGOON PROJECT: A PRIVATE AQUATIC RECREATIONAL FACILITY INCLUDING AN UNDERWATER TROPICAL MARINE ENVIRONMENT AND SEAWATER INTAKE PIPE AT WAIKIKI, HONOLULU, OAHU, TMK: 2-3-37: 21**

Mr. Uchida briefed the Board and recommended that the Board approve the request for a 1-year time extension to both the initiation and completion deadlines, subject to: 1) that condition 18 be amended to provide that the Permittee has until January 10, 2001 to initiate construction on the subject project and until January 10, 2003 to complete all authorized work; and 2) that all other conditions by the Board under CDUA OA-2794 shall remain in effect, and are not amended by this time extension.

There was some discussion about the co-applicant, Hilton Hawaiian Village Joint Venture's (HHV's), involvement in this project. The Board was concerned that the extension request was made by only one applicant. Mr. Richard Heaton of the EnterOcean Group, explained that they have not heard from HHV since March 1999, and is not certain if HHV is still interested in participating. The EnterOcean Group may end up pulling this project alone which may necessitate a relocation of the attraction away from the shoreline that abuts the HHV. He mentioned that they have been in discussions with the Ilikai Hotel who is interested in working with them. Mr. Uchida was not aware

that HHV may not be interested in participating in this project. The Board decided to defer this item to allow staff time to contact HHV to find out what their position is.

**Unanimously approved to defer (Matsumoto/Kokubun).**

**ITEM D-13: AMEND PRIOR BOARD ACTION FOR APPROVAL TO LAND DIVISION'S EXEMPTION LIST IN ACCORDANCE WITH CHAPTER 343-6(7), HAWAII REVISED STATUTES AND SECTION 11-200-8(D), HAWAII ADMINISTRATIVE RULES**

Mr. Uchida briefed the Board and recommended that the Board amend its action of September 12, 1997 by rescinding the approval of the exemption list as exhibit "A", approving the revised exemption list as exhibit "C", authorize the Land Division to re-submit the revised exemption list to the Environmental Council, and authorize the Chairperson to take any actions necessary to implement the exemption list. Also, delegate to the Chairperson the authority to declare an exemption from the preparation of an environmental assessment, and delegate to the Chairperson the authority to review, approve, and declare a Finding of No Significant Impact of an environmental assessment or impact statement under Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules.

**Unanimously approved as submitted (Inouye/McCrory).**

**ITEM A-1: APPROVAL OF THE JANUARY 14, 2000 MINUTES**

**Unanimously approved as submitted (McCrory/Inouye).**

**ITEM D-1: SALE OF PORTION OF ABANDONED DITCH RIGHTS OF WAY TO ABUTTING OWNER, POR. KAPAA HOUSELOTS, KAPAA, KAWAIIHAU, KAUAI, TMK: 4-6-15**

Mr. Uchida briefed the Board and amended the staff recommendation to read: "That the Board authorize the direct sale of the subject remnant property to the applicant under the terms and conditions cited above and further subject to the following:".

**Unanimously approved as amended (McCrory/Inouye).**

**ITEM D-2: AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 19, 1999 (ITEM D-38), CANCELLATION OF REVOCABLE PERMIT S-1159, ISSUANCE OF A REVOCABLE PERMIT TO MR. HEINE W. ARUDA, AND QUALIFY FOR PERMIT TO LEASE CONVERSION, WAIMANALO, KOOLAUPOKO, OAHU, TMK: 4-1-13: 21**

Mr. Uchida briefed the Board and recommended that the Board amend its prior action of November 19, 1999, by adding Mrs. Gladys L. Aruda, wife of Mr. Heine Aruda, as joint tenant to the revocable permit for pasture and equestrian purpose.

**Unanimously approved as submitted (Inouye/McCrory).**

**ITEM D-3: AMEND PRIOR BOARD ACTION FOR AFTER-THE-FACT CONSENT TO ASSIGN GL NO. S-5160, WEST BEACH ESTATES AT HONOULIULI, OAHU, TMK: (1) 9-1-15: SEAWARD OF 3 AND 10**

Mr. Uchida briefed the Board and recommended that the Board amend approval of October 22, 1999, by deleting any references to "General Lease" and replace it with "Grant of Easement".

**Unanimously approved as submitted (Inouye/Kokubun).**

**ITEM D-6: GRANT OF THREE (3) PERPETUAL, NON-EXCLUSIVE EASEMENTS AND CONSTRUCTION RIGHT-OF-ENTRY TO THE HAWAII ELECTRIC LIGHT COMPANY AND GTE HAWAIIAN TELEPHONE COMPANY, FOR UTILITY PURPOSES, KEALAKAHA, HAMAKUA, HAWAII, TMKS: 3<sup>RD</sup>/4-1-03: 32 AND 4-1-04: 33**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of the grant of easements, and grant an immediate construction right-of-entry to the applicant, subject to standard conditions.

**Unanimously approved as submitted (Kokubun/Inouye).**

**ITEM D-7: GRANT OF TWO (2) PERPETUAL, NON-EXCLUSIVE EASEMENTS TO DOT, HIGHWAYS DIVISION, AND A CONSTRUCTION RIGHT-OF-ENTRY FOR DRAINAGE PURPOSES, KAALAALA, KAU, HAWAII, TMKS: 3<sup>RD</sup>/9-6-12: 04 AND 9-6-13: 02**

Mr. Uchida briefed the Board and recommended that the Board authorize the easement, and grant an immediate construction right-of-entry to DOT, subject to standard conditions.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM D-8: REQUEST FOR RIGHT-OF-ENTRY BY THE EASTERN WASHINGTON UNIVERSITY, FOR PURPOSES OF CONDUCTING ITS LEARNING ABOUT VOLCANIC ACTIVITY PROJECT AT PUU KAWAIWAI, KAWAIHAE 2<sup>ND</sup>, SOUTH KOHALA HAWAII, TMK: 3<sup>RD</sup>/6-2-01: 15**

Mr. Uchida briefed the Board and recommended that the Board authorize the issuance of a right-of-entry to Eastern Washington University, subject to conditions listed.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM D-10: FORFEITURE OF GL NO. S-4205, FLOWERS INCORPORATED, LESSEE, PORTION OF GOVERNMENT LAND, WAIAKEA FOREST RESERVE, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-4-49: 31**

Mr. Uchida requested that this item be withdrawn, the applicant has brought everything current.

**Unanimously approved to withdraw (Kokubun/Matsumoto).**

**ITEM D-11: REQUEST ISSUANCE OF A LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD 7073, APANA 1, TO KAPAE, LOCATED AT KAHULUI 2<sup>ND</sup>, NORTH KONA, ISLAND OF HAWAII, TMK: 3<sup>RD</sup>/7-5-19: 11, 12, 30, 31, 32, 33 & 34**

Mr. Uchida briefed the Board and recommended that the Board consent to the issuance of a Land Patent in confirmation of Land Commission Award No. 7073, subject to standard conditions.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM D-12: RESUBMITTAL: AMENDMENT OF PREVIOUS BOARD ACTIONS OF SEPTEMBER 24, 1993 (ITEM F-8) AND JULY 22, 1994 (ITEM F-6), NAME CHANGE TO ALOHA FIRST, DIRECT LEASE, WAIMANALO, OAHU, TMK: 4-1-10: 96, 97, 98 & 99**

Mr. Uchida briefed the Board and recommended that the Board amend its previous actions of September 24, 1993 and July 22, 1994 to change the name of the applicant from Eco Art, Inc. to Aloha First.

**Unanimously approved as submitted (Inouye/Matsumoto).**

**ITEM D-15: RESUBMITTAL: CONSENT TO ASSIGN GL NO. S-4330, TEHO, VILLA, ET. AL., ASSIGNOR, TO MR. MICHAEL T. NAKASHIMA AND MRS. JANIS Y. NAKASHIMA, ASSIGNEE; AFTER-THE-FACT CONSENT TO VARIOUS SUBLEASES UNDER GL NO. S-4330; CONSENT TO MORTGAGE; LOT 4, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SOUTH HILO, HAWAII, TMK: 3<sup>RD</sup>/2-2-37: 122**



Mr. Uchida briefed the Board and recommended that the Board consent to the assignment of GL No. S-4330 from Teho/Villa etal, to Mr. and Mrs. Nakashima; consent to the various subleases under GL No. S-4330; authorize the consent to any previous assignment, cancellation of agreements; authorize the consent to the mortgage between Mr. and Mrs. Nakashima, and City Bank; and approve all consent subject to review and approval by the Department of the Attorney General's.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM J-1: APPROVAL OF CONSENT TO SUBLEASE, HONOKOHAU BOAT HARBOR, NORTH KONA, ISLAND OF HAWAII**

Mr. John Hino, Property Manager for the Division of Boating and Ocean Recreation, briefed the Board and recommended that the Board approve the consent to sublease with the following conditions: 1) the standard terms and conditions of the most current consent to sublease form; 2) review and approval by the Attorney General's Office; and 3) other terms and conditions as may be required by the Chairperson.

**Unanimously approved as submitted (Kokubun/Matsumoto).**

**ITEM J-2: ISSUANCE OF AN NON-EXCLUSIVE EASEMENT TO THE U.S. NATIONAL WEATHER SERVICE FOR THE INSTALLATION OF AN AUTOMATED METEOROLOGICAL OBSERVING STATION AT THE WAIANAE BOAT HARBOR, ISLAND OF OAHU**

Mr. Hino briefed the Board and recommended that the Board approve the non-exclusive easement as requested, subject to the following conditions: 1) that the non-exclusive document be submitted to the Attorney General for review and approval as to form; and 2) other terms and conditions as may be required by the Chairperson.

**Unanimously approved as submitted (Matsumoto/Kokubun).**

**ITEM J-3: AUTHORIZATION TO SELL AT PUBLIC AUCTION A LEASE OF GOVERNMENT LANDS FOR MARITIME PURPOSES SITUATED AT NAWILIWILI BOAT HARBOR, ISLAND OF KAUAI, BEING AT PORTION TMK: 3-2-03**

Mr. Hino requested that Item J-3 be deferred.

**Unanimously approved to defer (Matsumoto/Kokubun).**

There being no further business, Chairperson Johns adjourned the meeting at 11:52 a.m.

Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Kimberly C. Kelihoomalau

Approval for submittal:

  
TIMOTHY E. JOHNS

Chairperson

Board of Land and Natural Resources