

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

DATE: April 25, 1986  
TIME: 9:00 A. M.  
PLACE: State Building, Section B  
Conference Room, Third Floor  
54 So. High Street  
Wailuku, Maui

ROLL  
CALL

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:05 A.M. The following were in attendance:

MEMBERS

Mr. J. Douglas Ing  
Mr. Moses Kealoha  
Mr. Leonard Zalopany  
Mr. John Arisumi  
Mr. Susumu Ono

Absent & Excused

Mr. Roland Higashi

STAFF

Mr. Libert Landgraf  
Mr. Ralston Nagata  
Mr. Manabu Tagomori  
Mr. Mike Shimabukuro  
Mr. Roger Evans  
Mr. Maurice Matsuzaki  
Mrs. LaVerne Tirrell

OTHERS

Mr. Johnson Wong, Deputy A.G.  
Mr. Peter Garcia, DOT  
Ms. Mary Helen Styan & Alice Guild (Item E-5)  
Mr. Lafayette Young (Item H-3)  
Mr. Kelvin Taketa (Item H-4)

MINUTES:

Mr. Ing moved to approve the minutes of February 14 and 28, 1986 as distributed. Mr. Arisumi seconded, motion carried unanimously.

ADDED  
ITEM

Upon motion by Mr. Ing and a second by Mr. Kealoha, the board voted unanimously to add the following item to the Agenda:

Item E-7 -- Filling of Tractor Operator Position No. 28239, Oahu Park Section.

Items on the Agenda were considered in the following order to accommodate those applicants present at the meeting:

ITEM E-5

REQUEST FOR APPROVAL TO USE IOLANI PALACE AND GROUNDS FOR EVENTS DURING THE KING KALAKAUA JUBILEE CENTENNIAL CELEBRATION.

Mr. Nagata said that about eight events scheduled for this celebration include activities not normally allowed on the Palace grounds. However, when viewed in light of the nature of this celebration, and the Friends Management Contract which includes a provision where the State reserves the right to use or allow use of the Iolani Palace Complex to commemorate great historical events in Hawaiian history, most of these activities seemed appropriate. Mr. Nagata presented to the board the events which have been reviewed by State Parks staff and a summary of their concerns.

EVENT NO. 1 will re-create the decorations including hunting, flags and electric lighting which were suspended on the outside of the Palace building during King Kalakaua's Jubilee in 1886. This is scheduled to be done during the hours of 8:00 a.m. - 4:30 p.m. from November 3-8, 1986.

EVENT NO. 2 is scheduled for Sunday, November 9, 1986 between 6:00 p.m. and 7:30 p.m. This will be a reenactment of the 1886 firemen's torchlight procession onto the grounds leading up to the opening ceremonies.

EVENT NO. 3 is the opening ceremony in conjunction with the Firemens' torchlight procession. Ceremonies will involve the use of the makai stairs of the Palace and the Coronation Pavilion, and include a blessing, speeches, and music by the Royal Hawaiian Band. A fireworks display is planned to be held across the street in front of the post office building.

EVENT NO. 4 is the erection of two tents, a stage and dance floor for future events. These facilities will be erected on November 12 and 13, 1986 and will remain until November 17. A 200' x 60' tent will be erected in the King Street entry driveway, blocking vehicular access through that entry.

EVENT NO. 5 is the re-creation of the Royal Ball to be held in the large tent from 4:00 p.m. to 12:00 midnight on Friday, November 14, 1986. Admission by ticket only.

Mr. Nagata said that the admission price has not yet been determined but he understands that it will be in the \$100 to \$150 range. This request is to serve food and alcoholic beverages, to remove all vehicles from the grounds by 4:00 p.m. (except service personnel and Royal Ball attendees) and to close the grounds to the public at 5:30 p.m.

Mr. Nagata said that, after having further discussed the matter with the Friends, the request for alcoholic beverages is now being limited to serving of wine that was on the menu in 1886.

EVENT NO. 6 includes a hula program and military drill competition from 9:30 a.m. to 3:30 p.m. on Saturday November 15. The original request was to sell non-alcoholic beverages and light snacks, but that has been withdrawn.

EVENT NO. 7 is the Grand Luau from 1:00 p.m. to 4:00 p.m. on Sunday, November 16. Activities include a church service, entertainment and the luau dinner. This event will be a fund raiser open to the public with the tentative cost set at \$30.00 a ticket.

EVENT NO. 8 is to disassemble and clean up from 8:00 a.m. to 4:50 p.m. Monday, November 17.

Staff is recommending issuance of a permit to the Friends for use of the Iolani Palace complex from November 3-8 to decorate the Palace, and from November 8-17 for the King Kalakaua Jubilee Centennial Celebration with conditions.

Referring to Event No. 5, Mr. Ono asked how we would go about having the vehicles removed from the grounds by 4:00 p.m.

Mr. Nagata said that the Friends have been talking to the DAGS parking control branch and they have indicated to staff that if the Board does allow this activity they will do what they can to have their permittees comply.

Mr. Ono asked how they would do this inasmuch as these permittees pay a parking fee. It would be very disruptive since they would have to take off from work earlier to move their cars.

To mitigate this concern, Mr. Nagata said that a possibility would be to work it out with the Parking Control Branch where the cars could be removed at a later time -- these would be the cars under permit. The actual Ball itself will not happen until later in the evening and 4:00 p.m. is the time which they will begin setting up.

Mr. Ono wanted to make sure that there would be no disruption -- it has to be worked out ahead of time. He did not want word coming back that the Land Board forced the cars to be removed.

Mr. Nagata believed that something could be worked out which would be reasonable in terms of the Permittees with the guidance just given by the Board.

Mr. Nagata said that staff had left out conditions for Event No. 6. They are recommending that the hula program and military drill competition be allowed on Saturday. But, as was indicated to staff, the request to sell non-alcoholic snacks for this particular event has been withdrawn.

Calling the board's attention to Item 11, Mr. Nagata said that this relates to the two paid events -- the ball and the luau. In order to make sure that the public is not discriminated upon from being able to participate in these events, staff is recommending that a more detailed plan be submitted for approval by the Chairperson as to how these events will be publicized and made available to the public. The other events which the public will be welcome -- there are no fees. But for Nos. 5 and 7, there will be a charge and staff feels that the general public should be given full opportunity to attend these events. Mr. Nagata said that his concern is that there will be a limited number of attendees or slots available for attendance. Mr. Ono

Mr. Ono asked whether the luau was a re-creation of an actual event that took place.

Mr. Nagata was not sure.

Mr. Ono said that if this is not a re-creation of an event and is strictly a fund raiser, he would have reservations about anybody holding a fund raiser event of this type on the Palace grounds. This was just his personal opinion.

Mr. Nagata said that the fundraiser is to defray expenses to pull off the Jubilee celebration since there is no funding for these activities.

Mr. Kealoha could see no difference from any other club wanting to hold a fundraiser.

Mr. Nagata said that the difference he saw was that it is tied into wanting to commemorate a particular historic event at the Palace.

Mr. Ono asked what would happen should one or both of the fundraiser events not be approved.

Mr. Nagata said that he was not prepared to answer that question.

Mr. Ing asked if the charge for these events was to raise funds for other activities or was this charge to defray the cost of the event. He would make a distinction inasmuch as some people have luaus so that they can raise funds to do something else.

Mr. Nagata said, as he understands, the monies would be raised to defray expenses related to those two activities as well as the other Jubilee activities which will be held at Iolani Palace during this week long celebration. He understands that it is not intended to have a large surplus for operations, acquisition, etc.

Mr. Ing asked who would decide who gets to go to the luau inasmuch as you can't open it to the general public unless there is an unlimited supply of food.

Mr. Nagata said that this is why he focused on Condition No. 11 wherein there would have to be some kind of a plan to make sure the general public has an equal opportunity to be selected as one of the attendees.

Mr. Ing could not understand how this could be accomplished inasmuch as there are only so many seats.

Mr. Nagata felt that maybe some kind of drawing would have to be held if the number of interested were far greater than the number of seats that were available.

Mr. Kealoha asked if Condition 11 addressed both the ball and the luau.

Mr. Nagata said, "that is correct."

Mr. Kealoha asked, "what if the Friends say that for the ball they only want to have invitations for the membership only and if the membership does not respond to the full 500 tickets, and then the balance go to the general public, and with respect to the luau they say first come first served -- the first 1000 people acquire the tickets at the gate and then that is it?"

Mrs. Alice Guild, Managing Director of Iolani Palace, addressed the following concerns which were expressed today.

First of all, the parking stalls that would be displaced by the tent seems to be the main concern inasmuch as the tent would remain up for a couple of days. She said that they have been monitoring the 36 parking stalls over a period of time and they have noted that there has always been more than 36 spaces available in the reserved parking area. She also spoke to Mr. Hirota and he believes that this can be handled without disrupting any of the State paid reserved parking.

Regarding the luau, Mrs. Guild said that this is a re-creation of this historic event. The fundraising is secondary and is to pay for the luau which was one of the major events of Kalakaua's Jubilee and re-creation includes everything from the decorations to the type of food served and it is to be held in the exact location where it was held then.

Mary Helen Styan said that champagne was served at the luau during the Jubilee but they are not asking for that inasmuch as Kaumakapili Church is going to cater the luau and it is Sunday, church services, etc. so they did not want to serve liquor at the luau.

Mr. Ono questioned use of the \$30.00 to be charged.

Mrs. Guild said that their purpose for this event is not to make money but to pay for the event. Particularly since the majority of the events will be free to the public.

In answer to Mr. Zalopany's question regarding the cost of the Jubilee, Mrs. Guild said that the entire cost will be almost \$100,000.00. If anything is left, they would like it to go to education. The program which the State

asked them to put through is that they must have an educational service and right now they are not having enough money for that educational purpose so if anything is left over it would have to go into that program.

Mrs. Guild said that OHA is supporting this project. They feel that it is very appropriate and they have expressed an interest in assisting with the educational portion of this project that will go into schools so the school children will be able to participate in this event.

With respect to the ticket situation, Mrs. Guild said that they do want the general public to attend these events. However, if possible, they would like to at least offer the membership of the Friends of Iolani Palace which at the present time numbers about 1000 and, out of that, many are elderly people that usually do not attend these functions but they would like to be able to give them an opportunity to secure tickets. At the same time, they would make an announcement or have a major feature story in the newspapers making the public aware of this and giving them the opportunity.

Mrs. Styan said that they are working on the liability insurance.

Mr. Kealoha again questioned the parking situation.

Mrs. Styan said that parking would have to be found for the permittees, but Mr. Hirota of the Parking Control Branch did not think that this would be a problem.

Mr. Kealoha said that we would have to know exactly the arrangements worked out with the permittee parking versus the visitor parking.

Mrs. Guild did not feel there would be a problem with them leaving during their regular schedule. It would be a matter of not having others come in. However, they would work this out with DAGS.

Mr. Ono asked whether the Friends would have any problem with the board knocking out "the luau as a fundraiser."

Mrs. Guild said that would be no problem.

Mr. Ono suggested indicating that a fee will be charged just for defraying expenses.

Mr. Kealoha felt that the ball and the luau needed to be clarified. Will both be public or will one be private.

Mrs. Guild said that both events would be public but they would like the opportunity to offer tickets to the membership of the Friends of Iolani Palace who have supported them for over 20 years. However, any tickets above and beyond that would be offered to the public and she feels that the greater part will be by the public.

Mr. Kealoha asked that Mr. Nagata consider, should the board act favorably on this request, that a complete and detailed audit be submitted to the board and that "any other terms and conditions as may be set by the Chairman" be included as one of the conditions.

Mr. Ono asked Mrs. Guild if there would be a problem if this item were to be decided on at the May 9th meeting.

Mrs. Guild said that there would be a problem inasmuch as they need to secure equipment, the tent, etc.

Mr. Ono said that there are still so many things which need to be put together and Mr. Nagata could have a revised submission. However, if time is of the essence then the board may have to act on this item today.

Mr. Kealoha thought that if the board acted on a conceptual approval then they could come back with some of the details which need to be clarified in terms of the language. He felt that they could then proceed with getting their contracts, etc.

**ACTION**

Mr. Ing moved to approve with the following amendments:

1. With regard to Condition No. 4, that wine be allowed to be served as a part of the Royal Ball. However, that there will not be an open bar and that limited quantities of wine be served.
2. That an additional condition be added for Event No. 6, which is the hula program, that no alcoholic beverages be allowed.
3. That Condition No. 11 be amended as follows:
  11. That a more detailed plan be submitted for approval to the board instead of the Chairperson to allow the general public an opportunity to participate.
4. That a Condition No. 14 be added requiring liability insurance.
5. That a Condition No. 15 be added as follows:
  15. Any displacement of parking stalls be worked out with DAGS and that the board is not ordering any vehicles with parking permits to be displaced during this event.
6. That a Condition No. 16 be added as follows:
  16. That an audit of the funds collected as a result of this event be submitted to the State Parks Division.
7. That the following Condition No. 17 be added:
  17. Subject to any other terms and conditions as may be prescribed by the Chairperson.

Mr. Zalopany seconded. Motion carried unanimously.

ITEM E-3

REQUEST TO USE A PORTION OF THE IOLANI PALACE GROUNDS FOR A CADET-ETTE PERFORMANCE.

**ACTION**

The board unanimously approved issuance of a permit to the Cadet-Ette to use the grounds of the Iolani Palace for their program performance on August 14, 1986, subject to the conditions listed in the submittal. (Ing/Kealoha)

ITEM H-4

CDUA FOR A SUBDIVISION AND TO ESTABLISH THE UPPER HAKALAU NATIONAL WILDLIFE REFUGE AT HILO FOREST RESERVE (KELVIN TAKETA).

Mr. Evans said that Condition No. 2, which is the hold-harmless condition, is usually a standard condition of all applications. However, through review with the AG's office they had substituted a differently worded hold-harmless condition to be used when the Federal government is involved. This was due to concerns expressed by the Federal government in the past. In terms of staff, they call this condition 2.a. Accordingly, Mr. Evans asked that Condition 2 as presently listed be replaced by Condition 2.a.

Mr. Evans explained that although the applicant is a private group, immediately upon board approval, should the board approve, there will be a transfer over to the Federal government in this case, and the concern is that while Condition 2 as it presently reads is o.k. with the private guy, when it gets transferred to the Federal government then we would have to have the federal "hold-harmless" clause incorporated.

As a result of the public hearing, there was one concern and that was the diminished opportunity of pig hunting without dogs.

Based upon staff's analysis they do feel that this concern of pig hunting can be resolved when a management plan is discussed with the community.

**ACTION**

Mr. Ing moved for approval as amended. The amendment being the modification of Condition No. 2.

Mr. Ono asked whether the applicant had had an opportunity to review the conditions.

Mr. Evans said, yes. Because of their review, staff was informed of this one change and staff does agree.

Mr. Kealoha asked, "in addressing the pig hunting when you say, through a management plan, you are not saying that you will be eliminating pig hunting?"

Mr. Evans felt that the Management Plan would provide an opportunity to bring it up, lay it on the table, and through that decide what they are going to do -- whether it becomes elimination they would hope would develop out of the Management Plan unless the board so stipulated now that it would not.

Mr. Kealoha said that if the Management Plan comes up with eliminating or near-eliminating pig hunting, then he would prefer that as a part of the condition that it comes back to the board.

Mr. Ono asked Mr. Taketa if he concurred with the conditions as recommended by staff.

Mr. Ing asked about adding a condition that the hunting aspects of the Management Plan be submitted for board review.

Mr. Taketa said that unfortunately the Nature Conservancy would be transferring the management obligations to the Fish and Wildlife Service. By law, the Fish and Wildlife Service is required to hold public hearings and to work with the Department of Land and Natural Resources in management plans. However, even though no one was present from the Fish and Wildlife Service, he did not think that would be a problem.

Mr. Ono called for the vote. Motion carried unanimously.

ITEM F-1-b

APPLICATION FOR LAND LICENSE BY REGO TRUCKING, LTD., KEKAHA, KAUAI.

**ACTION**

Unanimously approved as submitted. (Zalopany/Arisumi)

ITEM C-1

PERMISSION TO CONDUCT PUBLIC HEARING TO INCLUDE PUBLIC ACCESS FOOT TRAIL IN NONOU FOREST RESERVE, WAILUA, KAUAI.

Mr. Landgraf explained that this was just a request for a public hearing. Staff would come back to the board for approval.

Mr. Kealoha said that staff indicated a recommendation for a right of way.

Mr. Landgraf said, yes, but after the public hearing they would still have to come back with a formal agenda item.

Mr. Ono asked, "if it is not included in the Forest Reserve, Land Management would be involved?"

Mr. Landgraf said, yes.

With regard to Mr. Kealoha's question, Mr. Ing said that we are just authorizing the public hearing, we are not saying that the right of way is included. We would have to go through a public hearing first.

Mr. Landgraf said, yes.

Mr. Ing felt that Condition No. 1 should be amended.

ACTION

Mr. Zalopany moved as amended, the amendment being that this approval is only to hold a public hearing, subject to the Governor's approval, to receive testimony for including the right-of-way into the Nonou Forest Reserve; and appointing DOFAW Administrative Libert K. Landgraf as master.

ITEM C-2

FILLING OF POSITION NO. 27063, GENERAL LABORER I, ISLAND OF KAUAI.

ACTION

Mr. Zalopany moved to approve the appointment of Mr. James Wolf, Jr. to fill Position No. 27063. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM D-1

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 9-OF-F - CLEARING DRAINAGE DITCH AND CULVERTS, KALIHI-KAI, OAHU.

ACTION

The board voted unanimously to award the contract to Richard K. W. Tom, Inc. for a bid price of \$41,211.00. (Ing/Kealoha)

ITEM D-2

PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 12-KW-B - IMPROVEMENTS TO KULA RICE LOTS DITCH, WAILUA, KAUAI.

ACTION

Unanimously approved as submitted. (Zalopany/Ing)

ITEM D-3

PERMISSION TO ADVERTISE FOR CONSTRUCTION BIDS - DIVISION OF WATER AND LAND DEVELOPMENT.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM D-4

PERMISSION TO ADVERTISE FOR CONSTRUCTION BIDS - DIVISION OF AQUATIC RESOURCES.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM D-5

PERMISSION TO ADVERTISE FOR CONSTRUCTION BIDS - DIVISION OF STATE PARKS.

ACTION

Unanimously approved as submitted. (Zalopany/Arisumi)

ITEM E-1

FILLING OF GROUNDSKEEPER I POSITION FOR THE OAHU PARK SECTION.

ACTION

Mr. Ing moved to approve the selection of Mr. Jon Danner to Position No. 21599. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM E-2

REQUEST FOR PERMIT TO HOLD BOOGIE BODYBOARD CONTEST AT WAIMANALO BAY STATE RECREATION AREA.

ACTION

Unanimously approved subject to the conditions listed in the submittal. (Ing/Kealoha)

ITEM E-3

REQUEST TO USE A PORTION OF THE IOLANI PALACE GROUNDS FOR A CADET-ETTE PERFORMANCE.

(See Page 6 for Action.)



ITEM E-4

REQUEST BY THE GIRL SCOUT COUNCIL TO USE TWO STATE RECREATION AREAS FOR CAMPS.

Mr. Arisumi asked that the following Condition No. 11 be added:

11. Subject to any other terms and conditions as prescribed by the Chairperson.

ACTION

Mr. Ing moved for approval as amended. Seconded by Mr. Kealoha, motion carried unanimously.

ADDED  
ITEM E-6

Mr. Nagata said that there was no submittal to be distributed.

ADDED  
ITEM E-7

FILLING OF TRACTOR OPERATOR POSITION NO. 28239, OAHU PARK SECTION.

ACTION

Mr. Kealoha moved to approve the appointment of Mr. Benjamin Asuncion to Position No. 28239. Seconded by Mr. Ing, motion carried unanimously.

ITEM F-1

DOCUMENTS FOR CONSIDERATION.

Item F-1-a

ROBERT M. KAYA BUILDERS, INC. REQUEST FOR REVOCABLE PERMIT, LOT 110, SAND ISLAND, OAHU, FOR OFFICE, WAREHOUSE, CARPENTRY SHOP AND STORAGE PURPOSES. RENTAL: \$1,181.00 PER MO.

Item F-1-b

APPLICATION FOR LAND LICENSE BY REGO TRUCKING, LTD., KEKAHA, KAUAI.

(See Page 7 for Action.)

Item F-1-c

APPLICATION FOR REVOCABLE PERMIT BY SAIVA SIDDHANTA CHURCH, WAILUA, KAWAIHAU, KAUAI, TMK 4-2-02:114 FOR RELIGIOUS PURPOSES: RENTAL: TO BE DETERMINED BY STAFF APPRAISAL.

Item F-1-d

MR. & MRS. ROBERT C. FRENCH REQUEST FOR CONSENT TO ASSIGNMENT OF G.L. S-4974, LOT 12, KOKEE CAMP SITE LOTS, KAUAI TO LEALANI CORPORATION.

Mr. Ono asked whether the corporation would have been eligible to bid.

Mr. Shimabukuro said that he would have to check this out.

Mr. Ono felt that if the corporation was ineligible to bid in the first place then he didn't think that this is proper for the successful bidder to transfer to the corporation.

ACTION

Deferred. Staff to check whether the Lealani Corporation would have been eligible to bid at the time the auction took place.

Item F-1-e

RANDALL J. HEE AND BOB A. HEE REQUEST CONSENT TO ASSISNGMENT OF G. L. NO. S-4978, LOT 12 KOKEE CAMP SITE LOTS, KAUAI.

Item F-1-f

FIBERGLASS CREATIONS HAWAII APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND OAHU FOR OFFICE-SHOP FOR THE STORAGE AND ASSEMBLY OF FIBERGLASS PRODUCTS PURPOSE. RENTAL: \$625.00 PER MO.

Mr. Shimabukuro said that this is the same area which was assigned to Henry Vincent. However, at the last meeting the board approved cancellation of Mr. Vincent's permit.

Mr. Ono said that Mr. Vincent had requested additional time to clear his property, he asked whether there would be any problem to allow him this extension.

Mr. Shimabukuro did not think there would be any problem inasmuch as no commencement date has been set for this permit to take effect.

Mr. Ono asked the board if it would be o.k. to let Mr. Vincent remain on the property for an additional sixty days, with the understanding that he will continue to pay the rent. This is not an agenda item, but related to this particular request.

The board had no problem with allowing Mr. Vincent the additional sixty days.

Item F-1-g

JONAH'S DELIVERY SERVICE APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND, OAHU FOR OFFICE AND OPERATION OF A BUSINESS PERTAINING TO GENERAL FREIGHT, HOUSE MOVING, HEAVY HAULING AND MANUFACTURING OF CABINETS PURPOSES. RENTAL: \$868.75 COMMENCING JUNE 1, 1986.

Item F-1-h

ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 10361, APANAS 1 THRU 4 TO NOI, BY APPLICATION OF KUALOA RANCH, INC.

ACTION

Mr. Kealoha moved for approval Items F-1-a, c, e, and h as submitted, and F-1-f and g, as amended. Seconded by Mr. Ing, motion carried unanimously.

Item F-1-d was deferred.

ITEM F-2

FILLING OF POSITION NO. 27731, CLERK STENOGRAPHER II, HAWAII DISTRICT LAND OFFICE, HILO, HAWAII.

ACTION

Mr. Arisumi moved to approve the appointment of Mrs. Debra M. Ishado to Position No. 27731. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-3

WAIVER OF REPURCHASE OPTION COVERING LOT 38, UNIVERSITY HEIGHTS RESIDENTIAL SUBDIVISION, WAIAKEA, SO. HILO, HAWAII.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-4

DIRECT SALE OF ROADWAY EASEMENT, PORTION OF OLD KAILUA-KEAUHOU MIDDLE ROAD, KEAUHOU 1ST, NO. KONA, HAWAII.

Mr. Shimabukuro asked to add the following conditions:

C. That the board authorize the subdivision of the remnant if necessary to accommodate both parties.

Mr. Ono asked who would be paying for the subdivision costs.

Mr. Shimabukuro said that if we are making the request then we would have to pay for this cost.

Mr. Ono asked if there is any way of passing it on to the buyer.

Mr. Shimabukuro said that this cost can be recovered by making it a part of the sale.

Mr. Kealoha asked that there be an added condition saying that the cost of the subdivision will be included as a part of the sale.

ACTION

Mr. Kealoha moved to approve as submitted and to include the above two conditions. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-5

ACQUISITION OF ROAD EASEMENT FOR THE KIHEI ELEMENTARY AND INTERMEDIATE SCHOOL AT KIHEI, MAUI.

ACTION

Unanimously approved as submitted. (Arisumi/Zalopany)

ITEM F-6

REQUEST OF DEPARTMENT OF TRANSPORTATION FOR SET ASIDE OF SLOPE EASMENTS AND RIGHT OF ENTRY THERETO, HONOAPIILANI HIGHWAY CHAIN LINK DRAPERY PROJECT NO. 30C-02-86, UKUMEHAME, LAHAINA, MAUI, TMK 4-8-01:POR. 1.

ACTION

Unanimously approved as submitted. (Arisumi/Zalopany)

ITEM F-7

STAFF RECOMMENDATION TO SELL LEASE AT PUBLIC AUCTION, WAIAHOLE, KOOLAUPOKO, OAHU, TMK 4-8-07:08.

ACTION

Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM F-8

STAFF RECOMMENDATION TO REDUCE UPSET PRICES FOR TWO (2) HOUSELOT SALES (TOGETHER WITH IMPROVEMENTS) AT PUBLIC AUCTION, KEKAHA GARDENS SUBDIVISION, KEKAHA, KAUAI.

Mr. Shimabukuro said that staff had re-acquired three houselots with improvements back in June 1984 but since then we have sold only one. Staff would like to reduce the upset again and get it back on the market as soon as possible.

Mr. Zalopany moved to approve as submitted.

Mr. Ono asked if there is a possibility of turning this over to Hawaii Housing as exchange for lands at Waiahole.

Mr. Shimabukuro did not know whether they would accept this or not but they would inquire.

Mr. Zalopany withdrew his motion.

Mr. Ono asked that Mr. Shimabukuro check with Hawaii Housing to see if they might be interested.

Mr. Ono asked that we also check with the Department of Hawaiian Homes inasmuch as they are looking for lands to exchange for the Anahola Park.

ACTION

Deferred to the next meeting of the board.

ITEM F-9

REQUEST FOR 1) AUTHORIZATION TO HOLD PUBLIC HEARING TO INCLUDE STATE LANDS AT WAILUA, KAUAI, AS PART OF THE NONOU FOREST RESERVE; 2) APPROVE AND RECOMMEND THE ISSUANCE OF GOVERNOR'S EXECUTIVE ORDER SETTING ASIDE STATE LAND AS AN ADDITION TO THE NONOU FOREST RESERVE, TMK 4-1-12:11, 12, AND 13, WAILUA, KAUAI.

Mr. Shimabukuro asked that this item be deferred inasmuch as the Hawaiian Homes people have indicated that they would like to look at this particular lot for possible exchange.

ACTION

Deferred.

ITEM F-10

DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS REQUEST TO LEASE ADDITIONAL OFFICE SPACE, MAIN FLOOR, ASHIKAWA BUILDING II, MAMALAHOA HIGHWAY, SO. KONA, HAWAII.

Mr. Shimabukuro asked to change the month shown under TERMS from May to March.

ACTION

Unanimously approved as amended. (Kealoha/Zalopany)

PERMISSION TO CONTRACT WITH THE RESEARCH CORPORATION FOR THE UNIVERSITY OF HAWAII FOR THE DEVELOPMENT AND PUBLICATION OF A HANDBOOK ON NORMAL MARINE SHRIMP HISTOLOGY.

ITEM H-1

Mr. Ono asked to amend the final line under RECOMMENDATION by deleting "University of Hawaii" and adding "Research Corporation of the University of Hawaii".

ACTION

Mr. Ing moved for approval as amended. Seconded by Mr. Kealoha, motion carried unanimously.

CDUA FOR GRADING AND EXCAVATION USE AND RESERVOIR SITE USE AND REACTIVATION OF A LAPSED APPROVAL FOR A DRAINAGE DITCH USE AT PALOLO VALLEY, OAHU (BRIAN GRAY).

ITEM H-2

Mr. Evans said that staff received a written request to defer this item until the May 9th meeting insofar as the applicant did receive staff's report but needed more time to analyze it.

ACTION

The board had no objection.  
Deferred to the May 9th meeting.

CDUA FOR COMMERCIAL WIND TURBINE USE AND SUBDIVISION OF THE PROJECT SITE AT KAHULUI, MAUI (LAFAYETT YOUNG AND FLEMING PEDERSEN).

ITEM H-3

Mr. Evans said that Condition 17 asks that a 10% royalty on energy sold be paid to the State. However, in trying to develop a criteria for that 10%, staff has not been able to adequately justify that figure. Accordingly, he would like to amend the condition wherein a negotiated royalty would be paid instead of 10%.

Mr. Ing asked why a royalty was being imposed.

Mr. Evans said that this was a condition recommended by the Division of Land Management.

Mr. Ono asked whether this could be a direct award without going through the bidding process insofar as the disposition is concerned.

Mr. Wong said, yes.

Mr. Kealoha asked, "under the E.O. to the County, does this use fall under the same use that is presently conducted by the County?"

Mr. Evans said, no. The purpose of the executive order is for a sewage treatment plant so if this was totally dealing with the sewage treatment plant and its operation then it would be consistent. What was represented going through this process is that the sewage treatment plant may be used as energy but we may wind up selling it to the local grid.

Mr. Kealoha asked, "wasn't that question raised at the hearing?"

Mr. Evans said, yes.

Mr. Ono expressed concern with staff doing an analysis which then does not show up in the recommendation.

Mr. Lafayette Young said that they have predicted, based on the annual average performance of the wind turbines, that they will produce 124,000 kwh a month. Because the winds are inconsistent, this will not be the same every month. The financial impact would be on the County and that is where the \$10,943.00

average savings in energy, and not purchased from the utility, comes from. The output of the machines is less than the measure demand and for the treatment plant. They anticipate that there will no excess power sold to Maui Electric. When both machines are operating at their maximim rate of output it will still fall below the measure demand of the treatment plant. They have tried to scale this project so that there will be no excess sale to the utility and it will all be consumed internally and therefore have the maximum value per kilowatt.

Mr. Arisumi said that if you cannot produce 125 kilowatts then you cannot meet the requirements of the County, which means that the County will still have to buy power from Maui Electric.

Mr. Lafayett said that they will always buy power from Maui Electric. The overall impact of this program will reduce the consumption by about 5%. The area that can be dedicated to wind turbines is so relatively small to the available windpower that the financial impact of the county will probably only be about 5% of their annual budget which is in excess of \$1/2 million right now.

ACTION

Mr. Arisumi moved for approval with an amendment to Condition No. 17 as recommended by staff. Motion carried with a second by Mr. Zalopany.

Mr. Ing opposed. He felt that Condition No. 17 should be deleted. Mr. Kealoha also voted no. He felt that the last part of the Condition should be deleted and taken up during the disposition.

Mr. Ono asked Messrs. Zalopany and Arisumi if they would have any problem in having Condition 17 deleted which makes reference to royalty and have this question addressed when the property is disposed of rather than through the CDUA process.

For clarification, Mr. Ono said that the amendment to Condition 17 is that there will be no reference made to payment of royalty on energy sold.

ITEM H-4

CDUA FOR A SUBDIVISION AND TO ESTABLISH THE UPPER HAKALAU NATIONAL WILDLIFE REFUGE AT HILO FOREST RESERVE (KELVIN TAKETA).

(See Page 7 for Action.)

ITEM H-5

CDUA FOR A CONSOLIDATION AND RESUBDIVISION OF THREE LOTS AT KAU, HAWAII (HAWAII KAU AINA).

Mr. Evans said that he was in receipt of a written request that the board postpone consideration until the next board meeting. If such a postponement is not possible, the applicant requests that the application be withdrawn.

ACTION

Deferred to the May 9, 1986 meeting.

ITEM I-1

FILLING OF POSITION NO. 15977, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF MAUI.

ITEM I-2

FILLING OF POSITION NO. 02907, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF MOLOKAI.

ACTION  
Position

Mr. Arisumi moved to approve the appointments of Mervin Ching to fill No. 15977 and Keith Shiroma to Position No. 02907. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM I-3

FILLING OF POSITION NO. 05985, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF LANAI.

ACTION

Mr. Arisumi moved to approve the appointment of Harley S. Hee to fill Position No. 05985. Seconded by Mr. Zalopany, motion carried unanimously.

Mr. Kealoha asked that Mr. Matsuzaki prepare for the board the qualifications of the applicants and the method of selecting the officers. It appears as though the qualifications are designed to encourage only policemen.

- ITEM I-4 FILLING OF POSITION NO. 17485, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF OAHU.
- ACTION Mr. Ing moved to approve the appointment of Mr. Donald Iseke to Position No. 17485. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM I-5 FILLING OF POSITION NO. 33296, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF OAHU. J
- ACTION Mr. Ing moved to approve the appointment of Mr. Kyle Cockett to Position No. 33296. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM I-6 FILLING OF POSITION NO. 05986, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER III, ISLAND OF KAUAI.
- ACTION Mr. Zalopany moved to approve the appointment of Stephen Palama to Position No. 05986. Seconded by Mr. Arisumi, motion carried unanimously.
- ITEM I-7 FILLING OF POSITION NO. 33298, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF OAHU.
- ACTION Mr. Ing moved to approve the appointment of David Santos to Position No. 33298. Seconded by Mr. Kealoha, Motion carried unanimously.
- ITEM J-1 AGREEMENT - CONCESSION, TERMINAL BUILDING, LIHUE AIRPORT, KAUAI (RONALD I. NISHIHIRA, DBA RN ENTERPRISES).
- ACTION Unanimously approved as submitted. (Zalopany/Arisumi)
- ITEM J-2 ASSIGNMENT OF LEASE NO. DOT-A-84-33, HAWAII DISTRICT AIRPORTS, HAWAII (LAUPAHOEHOE TRANSPORTATION CO., INC. - ESL, INC.).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-3 ISSUANCE OF A DIRECT LEASE, HARBORS DIVISION, PIERS 1 AND 3, HILO HARBOR, HAWAII (CHEVRON U.S.A., INC.).
- ACTION Unanimously approved as submitted. (Arisumi/Zalopany)
- ITEM J-4 APPROVAL OF CONSENT TO AMEND MORTGAGES, HARBORS DIVISION, OAHU (GRG ENTERPRISE, INC.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-5 APPROVAL OF CONSENT TO SUBLEASE, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (GENTRY PACIFIC, LTD.).
- ACTION Unanimously approved as submitted. (Kealoha/Ing)
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI SMALL BOAT HARBOR, OAHU (ROYAL HAWAIIAN OCEAN RACING CLUB).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-7 USE OF HARBORS DIVISION FACILITIES, PIER 10 PASSENGER TERMINAL, HONOLULU, OAHU (DOWNTOWN BUSINESS COUNCIL).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-8

CONTINUANCE OF REVOCABLE PERMITS H-81-910, ETC., HARBORS DIVISION.

ACTION

Mr. Zalopany moved for approval. Motion carried with a second by Mr. Arisumi.

Mr. Kealoha asked to be excused from voting on Permit No. H-84-1153 on page 1.

Mr. Kealoha asked to be excused from voting on Permit No. H-76-571 on page 1.

Mr. Arisumi questioned the rental. He said that for some of the permits, in twelve years there is a 100% increase and someone else rents an area for three years with no increase.

Mr. Ono asked that Island Charters, Inc. Permit H-82-1065 be deferred so staff can check why no increase in rental for three years.

Mr. Ono said that he would like to entertain a motion for Servco Pacific, Inc. separately.

1. Mr. Zalopany moved to approve Permit H-84-1153 as submitted. Motion carried with a second by Mr. Arisumi.  
Mr. Kealoha was excused from voting on this item.
2. Mr. Kealoha moved to approve Permit H-76-571 and H-84-1149 as submitted. Motion carried with a second by Mr. Zalopany.  
Mr. Ing was excused from voting on this item.
3. Mr. Kealoha moved to defer Permit H-82-1065 to the next meeting. Motion carried unanimously with a second by Mr. Zalopany.

All others were approved as submitted. (Zalopany/Arisumi)

Mr. Arisumi asked that Mr. Garcia find out why such a high increase in the rentals for those permits on the other islands.

ITEM J-9

USE OF HARBORS DIVISION FACILITIES, PIER 10 PASSENGER TERMINAL, HONOLULU OAHU (MARI-MED FOUNDATION).

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:40 a.m.

Respectfully submitted,

Mrs. LaVerne Tirrell  
Secretary

APPROVED:

SUSUMU ONO  
Chairperson

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