

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

DATE: January 11, 1980

TIME: 10:00 A. M.

PLACE: DLNR Board Room, Room 132
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

Chairman Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 10:10 A. M. The following were in attendance:

MEMBERS

Mr. Moses W. Kealoha
Mr. Takeo Yamamoto
Mr. Stanley Hong
Mr. Roland Higashi
Mr. Thomas Yagi
Mr. Susumu Ono

STAFF

Mr. Kenji Ego
Mr. Robert T. Chuck
Mr. James Yamashiro
Mr. James Detor
Mr. Raymond Hee
Mr. Roger Evans
Mr. Roy Sue
Mr. Maurice Matsuzaki
Mr. Robert Lee
Mr. Edgar A. Hamasu
Mrs. Joan K. Moriyama

OTHERS

Mr. Johnson Wong
Mr. Peter Garcia
Mrs. Sau Ung Loo Chan (Item F-1-e)
Mr. Charles Yasuda, DOA (Item F-3)
Representatives from Lt. Gov.'s office
and DOH (Item F-3)
Mrs. Linda Wong (Item H-1)

MINUTES

The minutes of December 14, 1979 were unanimously approved as circulated.
(Kealoha/Hong)

Added
Item

There was only one item to be added to the Board agenda. Mr. Kealoha moved, seconded by Mr. Higashi, and the Board unanimously approved to add Item E-2. This was a request to fill vacant Position No. 5054E, Historic Specialist II to the Board agenda.

ITEM B-1

OUT-OF-STATE TRAVEL REQUEST FOR KENJI EGO TO ATTEND FISHERIES
CONFERENCE SPONSORED BY THE FEDERAL GOVERNMENT

This was a request for out-of-state travel for Mr. Kenji Ego to attend and participate at a three-day fishery conference convened by the Department

of Commerce. All of the coastal fish and game directors, as well as representatives of the Great Lakes, and the island territories have been invited to this conference, which will focus on State-Federal transactions and relationship as mandated by many national legislations that have been enacted recently. This trip is paid entirely by the Federal government.

Mr. Ego said the Fishery Conservation and Management Act that was enacted in 1966 manages the fishery resources out to 200 miles. Within this area there are two things that definitely need to be done: (1) development of fisheries; and (2) the management of fisheries within this area. In both respects, they think that the Federal government should carry a much heavier financial burden than they are presently doing now. At the present time in the management area, for instance, the State of Hawaii is doing all of the commercial fisheries data collection. It was the staff's feeling that the Federal government should share some of that burden.

ACTION Unanimously approved as submitted. (Hong/Yamamoto)

ITEM B-2 PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 7-OM-11X, WAHIAWA PUBLIC FISHING AREA - ARTIFICIAL AERATION SYSTEM INSTALLATION

Mr. Ego said they hope to construct a shelter at an existing concrete sump and this shelter will house an electrical compressor for artificial aeration of the Wahiawa Reservoir.

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM B-3 FILLING OF TEMPORARY POSITION NO. 22570, FISHERY TECHNICIAN IV

Mr. Francis Oishi, who was being recommended for this position, is very well qualified for this position. He has been working for the University of Hawaii Sea Grant Project on prawn aquaculture for the last fifteen months.

ACTION Mr. Yagi moved, seconded by Mr. Yamamoto, and the Board unanimously approved the appointment of Mr. Francis Oishi to Position No. 22570, Fishery Technician IV.

ITEM D-1 CERTIFYING THE ELECTION OF DIRECTOR OF SOIL AND WATER CONSERVATION DISTRICT

ACTION The Board, on Mr. Kealoha's motion, which was seconded by Mr. Yagi, unanimously voted to certify the election of Mr. Carey Taketa, farmer, nominated to serve as director of the West Oahu Soil and Water Conservation District, term to end June 30, 1982.

ITEM E-1 FILLING OF A CLERK-TYPIST I POSITION, LIHUE OFFICE, KAUAI PARKS SECTION

ACTION Ms. Clarice Shimatsu was appointed to fill Position No. 31471, Clerk-Typist I, SR-6, assigned to the Kauai Parks Section, on Mr. Yamamoto's motion, which was seconded by Mr. Hong.

ITEM E-2 ADDED FILLING OF POSITION NO. 5054E, HISTORIC SITES SPECIALIST II

ACTION Mr. Earl Neller was appointed to fill the Historic Sites Specialist II position, on Mr. Kealoha's motion and seconded by Mr. Hong.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

HAWAII

Item F-1-a ASSIGNMENT OF LEASE
MARYANN BAKER WALTON and ADAM CHARLES BAKER, JR., to PATRICIA SUSAN NEILSEN - Lot 27, Ocean View Lease Lots, Second Series, Waiakea, South Hilo - GL No. 3160

Item F-1-b MORTGAGE
PATRICIA SUSAN NIELSEN, Mortgagor, to MARYANN BAKER WALTON and ADAM CHARLES BAKER, JR., Mortgagee - (same as above)

Item F-1-c ASSIGNMENT OF LEASE
MARYANN BAKER WALTON and ADAM CHARLES BAKER, JR., to ROBERT ALVIN FINKLE - Lot 28, Ocean View Lease Lots, Second Series, Waiakea, South Hilo - GL No. 3161

Item F-1-d MORTGAGE
ROBERT ALVIN FINKLE, mortgagor, to MARYANN BAKER WALTON and CHARLES ADAM BAKER, JR., mortgagee - (same as above)

Items F-1-a to F-1-d concerned Lots 27 and 28 of the Ocean View Lease Lots, which are situated in Hilo Harbor and Reeds Bay. These leases were both extended under the tidal wave natural disaster legislation, and both leases run to the year 2015.

The request is for consent to assignment of both of these two leases, and mortgaging them back.

Mr. Higashi wanted to be sure that the people involved are made aware of the complicated zoning problems we have here, and that they are accepting the property under those conditions.

Mr. Detor said Mr. Higashi is correct. These leases are residential leases, and both of these lots have no structures on them. One burned down and the other one was razed. The houses cannot be built because the area is zoned industrial by the County. The assignees in each case, however, are willing to take a chance in getting a variance from the County to permit them to build the houses. Mr. Detor said if these requests are approved, he would like to point out to these people that the State has no responsibility as far as permitting them to build, that they take their chances with the County. These people are aware of that.

OAHU

Item F-1-e ASSIGNMENT
SAU UNG LOO CHAN, unmarried, Assignor, and JANICE SHEUNG MUN CHAN PARROTT, wife of LINDESAY MARC PARROTT, JR., and RICHARD KAI PARROTT, unmarried, as Joint Tenants, Assignees - Waialeale, Koolauloa

Mr. Detor said Mrs. Chan wants to assign her own property along with the subject easement, which services it, to her daughter and grandson. The consideration indicated in the submittal covers her own property. As far as the transfer is concerned, Mr. Detor said there is no value assigned to the easement.

Item F-1-f

REVOCABLE PERMIT

LOKAHI HAWAIIANS, a Hawaii non-profit educational organization - Sand Island, Honolulu, TMK 1-5-41: portion of 6 - for training area for Ka Makai (ocean) program - at a nominal consideration of \$1.00 per month

Mr. Hong asked whether this group is made up of adults or children and whether we can hold them responsible. He was concerned about the people behind it, their age and their ability to perform the responsibility as required. Mr. Detor said they are mostly teenagers. However, the organization is a bona fide, nonprofit organization, and it was his understanding that they can take care of it.

KAUAI

Item F-1-g

LAND LICENSE

OLOKELE SUGAR CO., LTD. - for a land license to remove 1,500 cubic yards of cinder from the Olokele cinder pit

Mr. Detor said Olokele Sugar had a license which has expired. The land from which the cinder will come is under lease for sugar cane to Olokele. Under the lease they have a right to use cinders without any charge as long as they use it within their leasehold. For this particular application they are going to use it for road repair on their own land. That is why we are charging them.

Mr. Hong questioned the \$1.00 per cubic yard rate. Mr. Detor said this is a good rate for Kauai.

Item F-1-h

ASSIGNMENT

MARGUERITE GILMORE LAIDLAW, widow, to MARGUERITE GILMORE LAIDLAW and GERRY ANNE LAIDLAW, unmarried, as joint tenants - Lot 43, Kokee Camp Site Lots, Waimea (Kona) - GL No. S-4088

ACTION

The Board, on Mr. Higashi's motion and seconded by Mr. Yamamoto, unanimously voted to approve Item F-1 as submitted.

ITEM F-2

REGINALD LEE APPLICATION FOR ACCESS AND UTILITY EASEMENT, KOHANA'IKI, NORTH KONA, HAWAII

This was a request for access and utility purposes crossing State land in Kona in order to provide services to a lot which the applicant owns. The applicant will maintain the road at no cost to the State. This is a nonexclusive easement, and the State retains the right to sell another easement to somebody else.

If the appraisal goes over \$500, this easement would have to be sold at public auction. Mr. Detor didn't think that it would go over \$500, which would mean that it can be sold directly to the applicant.

Mr. Higashi wanted to know what would happen if the applicant decides not to bid. Mr. Detor said the applicant picks up the tab for the ad cost and the appraisal, and we can also ask for a deposit.

ACTION

Unanimously approved as submitted. (Higashi/Yagi)

ITEM F-3

REQUEST FOR ISSUANCE OF GOVERNOR'S EXECUTIVE ORDER TO RE-SET ASIDE STATE LAND AT 205 KOULA STREET, KAAKAUKUKUI, HONOLULU, OAHU

Mr. Detor said three State agencies have asked for this parcel. He distributed

to the Board members letters from these agencies: the Department of Agriculture, who wants to use it for their fruit fly program; the Lieutenant Governor's Office, and the Department of Health. Representatives from these offices were present at the meeting.

Staff's recommendation was in favor of the Department of Agriculture. The major reason, as stated in the submittal, is that they will be using the facility for their entirely new program, while the other agencies are looking for additional space for their existing programs.

Mr. Kealoha thought this was unusual for three State agencies looking for the same spot. Mr. Detor said it was unusual in the sense that normally DLNR is not called to make a decision which State agency gets it. DAGS usually handles such requests.

Mr. Kealoha said the Board of Water Supply has a baseyard and a repair shop fronting Ala Moana. He asked whether that is set aside land or fee land.

Mr. Detor thought they have an executive order on a portion of it. He wasn't sure whether they owned the other part or not.

Mr. Kealoha brought this up because he felt we should try to go for the entire block in order to accommodate all of these agencies. He suggested deferring this matter and look into the possibility of a land exchange or relocate the Board of Water Supply and take over the entire block.

Mr. Detor didn't know what the details are, but said they have been discussing a trade-off with the Board of Water Supply and DOT.

Mr. Charles Yasuda, head of the Plant Industry Division of the Department of Agriculture, said the Federal government is hesitant to go into a program where the State is not contributing anything. So far they have not been able to make any contribution with respect to time or money. This will be their first step.

Mr. Kealoha said the fruit fly program has been here for a long time and it is going to continue for many more years. Mr. Yasuda agreed.

Mr. Kealoha said at this point the Board is looking to see how we can accommodate all of these agencies. He thought the area might be too big for this purpose. Mr. Yasuda said actually this area is too small. They have been looking for a site for almost two years. This parcel is centrally located with egress and ingress to the airport. This area is good because it is not in an agriculture zone, in case there should be an accident and the fruit flies should escape.

ACTION

Mr. Kealoha moved to defer this matter until the next meeting. Mr. Hong seconded and the motion was unanimously carried.

Mr. Ono said the three applicants should get together with us for additional information and be able to justify, particularly in the critical area of timing.

STEVEN SAIKI REQUEST FOR EXTENSION OF LEASE TERM, GENERAL LEASE NO. S-3757, LOT 9, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU

ITEM F-4

The Board at its earlier meeting approved the transfer of this lease to the

people who are holding the lease now. They are now asking for an extension in order to be able to borrow money. Mr. Detor said the submittal shows where the proceeds of the \$75,000 are going to be used for. The terms and conditions under which the extension would be given are standard, including an immediate reopening and redetermination of the lease rental.

ACTION Unanimously approved as submitted. (Hong/Kealoha)

Mr. Ono reminded Mr. Detor that we have to be very sure that there is no violation on these extensions. The applicant has to be really honest, not only in terms of the rental but in all of the conditions.

ITEM F-5

UNIVERSITY OF HAWAII REQUEST FOR USE OF ADDITIONAL LAND FOR MECHANIC CERTIFICATION PROGRAM, IWILEI, HONOLULU, OAHU

ACTION

Mr. Kealoha moved for deferral on the basis that this place is all messed up. He said there are parked cars all over the place. He said we should clear the area and take another good, hard look at it. There was no objection by the Board to defer this item.

ITEM F-6

THE EPISCOPAL CHURCH IN HAWAII REQUEST TO AMENDMENT OF RESTRICTIVE CONDITION CONTAINED IN LAND PATENT GRANT NO. 8661, KAPAA (PUNA), KAUAI

This was a request from the Episcopal Church in Hawaii for an amendment of a restrictive condition which is contained in a land patent grant, covering land that they purchased at Kapaa. In 1925 the Episcopal Church bought some five acres of land from the then Territory. One of the conditions of the patent was that the land be used for church purposes only. It also provided that if it were used for any other purpose than church purposes it would revert back to the Territory (now the State).

The church proposes to convey this land to the Kauai Medical Group, which would build a facility on this land, which is adjacent to the land that the Medical Group is acquiring from Lihue Plantation. The church would then use the proceeds from the sale to meet the cost of constructing their multi-purpose building.

If this request is approved, the Episcopal Church would pay to the State the difference between the fair market value of the land with the restrictive condition imposed and the restrictive condition waived. This would be established by independent appraisal.

Mr. Hong was somewhat confused and asked Mr. Detor to explain. Mr. Detor said this patent has a reverter and because of this we cannot waive it, but we can amend it. If there is no reverter, he said, we can simply waive it.

Mr. Hong said we are doing this in a round about way by amending this. He felt that public interest would be best served if we require that the land revert back to the State and we sell it to the Kauai Medical Group.

ACTION

Mr. Yamamoto moved for approval of Item F-6 as presented by staff. Mr. Higashi seconded. On the call of the question, Mr. Hong, Mr. Kealoha and the Chairman voted no. For lack of the necessary four votes, the motion died. There was no further action taken on this item.

ITEM F-7 GILBERT KAKEHI APPLICATION FOR ACCESS AND UTILITY EASEMENT,
KAPAA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM F-8 STAFF RECOMMENDATION FOR SERVICE OF NOTICE OF DEFAULT, GENERAL
LEASE NO. S-3976, KAPAA, KAUAI

If this action is approved by the Board, Mr. Detor said it will give the lessee sixty days within which to correct the default.

Mr. Higashi said staff should take action as soon as the violation occurs. Mr. Detor explained that under the terms of the lease we have to send them a certified letter, and the sixty-day notice starts from the receipt of that letter.

Mr. Johnson Wong said the law requires a 60-day notice for the lessee to cure any defect, including nonpayment of rent. If the Board would authorize the Chairman, or his staff, to issue a notice of default as soon as there is a nonpayment of rent, he said we should give them a 60-day notice to cure the breach. If they don't, then the termination thereof would be submitted to the Board for approval.

Mr. Detor explained that in this particular case this leasehold was held in abeyance for a long time because of lack of decision by the Kauai Police Department, who wanted it for a rifle range.

ACTION Mr. Yamamoto moved to approve Item F-8 as submitted. Mr. Hong seconded and the motion was unanimously carried.

Delegation to the Chairman

ACTION Mr. Higashi moved to delegate to the Chairman the authority to issue a notice of default in compliance with statutory requirements, upon any noncompliance or any nonpayment of rental of the lease. Mr. Yamamoto seconded, and the motion was unanimously carried.

ITEM F-9 STAFF RECOMMENDATION FOR REVISION OF REVOCABLE PERMIT NO. S-5227
AND ISSUANCE OF NEW REVOCABLE PERMITS, LOT 62, HANAPEPE TOWN LOTS,
HANAPEPE, WAIMEA, KAUAI

The current Permit No. S-5227 is held by Victor and Conchita Padayhag. Located on the 8,230 square-foot parcel are two government-owned quonset huts which are being used as dwelling units. The original area had the Padayhag family occupying one quonset hut and one half of the yard area. A single elderly bachelor named Celedonio Erlandiz occupied the other quonset hut and one half of the yard space.

The staff recently learned that the Erlandiz's unit had been divided into two units by the Padayhags. Mr. Erlandiz occupied one half and another family moved into another half. The Padayhags were charging rent to both of these people. Staff suggested withdrawing half of the area covering one of the quonset huts from the permit and issue new permits, so there would be three permits all together.

Mr. Hong said the Padayhags should pay to the State all rentals that they had illegally collected, and he asked that this be made a part of the condition.

ACTION

Mr. Yamamoto moved to approve Item F-9 as recommended by the staff with an added condition that the Padayhags be required to pay to the State all rentals collected illegally. Mr. Hong seconded and the motion was unanimously carried.

ITEM H-1

VIOLATION OF LAND USE IN THE STATE CONSERVATION DISTRICT AT KAHALUU FISH POND, KAHALUU, KOOLAUPOKO, OAHU - TMK 4-7-11:1 AND 7 (LINDA Y. WONG)

When this matter was brought before the Board at an earlier meeting, the Board expressed a desire to take a field trip to the site. The Board did visit the site.

Subsequent to the Board trip, staff had the State Surveyor reconfirm the survey. The total State land involved amounted to 10,560 square feet.

A previously approved CDUA specifically stated that no work be done outside the wall, that all work had to be done on the inside. This work was done outside. The two filled areas are separate violations that occurred in the conservation district. Staff recommended the (1) \$1500 fine, based on the three separate violations; (2) removal of the illegally filled area and the seawall; and (3) all costs incurred in mitigating this matter be reimbursed.

Mr. Yagi asked whether the fill improved the State land, or did it deface the State property. He felt that it may have improved the property. Mr. Evans said it may have improved the property to a degree and he thought that to be judgmental.

Mr. Ono asked whether the State filled land was ever used for private purpose. Mr. Evans said there maybe some use in terms of access, next to the seawall.

Mr. Kealoha wanted to know how the staff arrived at the \$1500 fine. Mr. Evans said the figure was based on \$500 per violation, and there are three separate violations--two areas that were filled and the repairing of the seawall from the outside.

Mr. Kealoha further questioned the staff how they know that the applicant filled the area and not by someone else. Mr. Evans said when this was first being investigated, he met with the individuals involved. They admitted to him that they did the work and that they were very sincerely interested in clearing up any difficulties that might arise. Because of those meetings, he did not pursue his investigation as to who did it. He was satisfied at that stage.

Mr. Kealoha said at that stage staff should have recommended that they apply for a CDUA. That would have taken care of the land fill problem, because he didn't feel this to be a major offense. He thought it enhanced the State's property for future uses. You have more different kinds of uses for that parcel now, he said.

With respect to working on the outside of the wall, Mr. Kealoha didn't know whether staff was able to see the seawall at the time of the application. He didn't know how any one can repair the inside of the wall when the outside of the wall was damaged. He believed the applicant used reasonable judgment

in repairing outside of the seawall. He further felt it would be unreasonable to suggest that they knock down the entire seawall. He thought it would be more reasonable to issue a permit.

Mr. Evans agreed with Mr. Kealoha. However, he said the staff was in a dilemma in that there was an application approved by the Board, and the Board specifically stated not to repair the wall from the outside. Mr. Evans said they should have come back to the Board and justify the need to repair the wall from the outside.

Mr. Yagi asked whether the applicants were made aware of the fact that they should reapply to the Land Board for amendment to the CDUA. He said the general public actually doesn't understand Regulation No. 4 and the CDUA process. He said it is the responsibility of the staff to so advise the public properly.

Mr. Ono said there is no question that there was some sort of violation on the land fill area. Based on past practices, he would like to see at least something assessed against the land fill area. He said you can go anywhere from \$1.00 to \$500, but it doesn't necessarily have to be the maximum of \$500.00.

Mr. Kealoha agreed with Mr. Ono that we charge them for the land fill area, but not \$1,000 for two separate land fills. It is still one parcel, he said. On the seawall, he said the Board in the past issued revocable permits on similar situations where construction has taken place on State land.

ACTION

Mr. Kealoha moved that a \$500 fine be imposed for the seawall and \$500 for the land fill, plus all other costs incurred by the State; and the applicant be required to file an application with the Land Management Division for a permit on that seawall, rental to be determined after they had a chance to review it, with a further added condition that the applicant be required to come in and modify the CDUA so this inconsistency is made a part of the previously approved CDUA. Mr. Hong seconded and the motion was unanimously carried.

ITEM H-2

CDUA FOR SUBDIVISION AND SINGLE FAMILY DWELLING USE AT HONOAULA, MAKAWAO, MAUI (ROBERT J. HUNTER)

Staff recommended denial on the basis that the proposed use conflicts with the purpose of the protective subzone, also that the applicant has previously received Board approval for a single-family residence on that property under the Board's policy of one house per lot.

Mr. Evans recommended that the submittal be amended to include "on this parcel" at the end of the sentence under recommendation No. 1 on page 2.

ACTION

Unanimously approved staff's recommendation as amended above. (Yagi/Hong)

ITEM H-3

CDUA FOR SINGLE-FAMILY DWELLING USE AT WAIMEA, OAHU (THOMAS H. DE BOS)

ACTION

The Board, on Mr. Kealoha's motion and seconded by Mr. Hong, unanimously voted to deny the application for a single-family dwelling use of TMK 5-9-05:9 on the basis that the (1) proposed use conflicts with the objective of the limited subzone and (2) failure by the applicant to satisfy the County SMA requirements.

CDUA FOR HELIPORT USE AT KOKEE, WAIMEA AND AT KALALAU, MILOLII AND POLIHALE, NA PALI-KONA, KAUAI (DLNR DIVISION OF STATE PARKS AND DIVISION OF FORESTRY)

This matter was taken up at a public hearing. As a result of the public hearing, staff addressed the concerns which were raised by the public.

Staff performed an analysis based on the application data, and recommended approval of only two sites, Kalalau and Milolii, under the conditions as indicated in the submittal.

Mr. Hong asked Mr. Evans what we would be granting under the staff's recommendation.

Mr. Evans said the interim plan, which was established by the Board, called for a master plan to be done in eighteen months. This recommendation is tied in directly to the foundation and theme of that interim plan.

Mr. Yamamoto asked when the final plan is to be completed. Mr. Evans said it was his understanding that the Division of State Parks plans to come before the Board with a master plan around July of this year.

Mr. Yamamoto asked whether changes can be made to the master plan. Mr. Evans said yes. When the Board deliberates on the final plan and approves the final plan, State Parks can come back and make modification to this, based upon the information and data that are available in the final plan.

Mr. Yamamoto asked who was going to issue the lease. Mr. Evans said that will come within the State Parks as a management tool.

Mr. Hong asked when this lease is put forth, will it require these helicopter companies to bid for the lease. Mr. Evans said it was his understanding that a lease aspect will be handled by State Parks, and they will be working with the Chairman.

Mr. Yamamoto asked what is the basis of the population figures given. Mr. Evans said the application itself. They used the data and the figures expressed in the interim plan and in the environmental assessment, for lack of anything else.

Mr. Kealoha asked whether the staff based their figures on occasional observations, and further asked what monitoring system they used. Mr. Evans said they used the monitoring system that was used in the data itself by the applicant. They consisted of the flight logs in the environmental assessment, number of camping permits listed in the environmental assessment and in the interim management plan.

As far as permits are concerned, Mr. Kealoha said more than 60% of the people in there did not have permits because they didn't know where to pick up the permits. Mr. Kealoha questioned the numbers that the staff had used because the few times that they went in there that place was loaded, particularly in Kalalau. He said the figures should be more like 50 up to 200 on a daily basis. The staff gave the count only from the helicopters coming in. Lots of the camping permits were issued by Forestry, which he didn't think were included here. He said the zodiacs alone are about 9,000 a year. He asked whether the zodiacs were included in the count. Mr. Evans said yes.

Mr. Kealoha asked whether staff was recommending temporary approval or permanent approval. By temporary, he meant that we are still waiting for the master plan. The master plan may or may not have significant effects with respect to the carrying capacity, daily count, etc. Therefore, we may have to have the conditions either modified, added or deleted. He thought it would be a major problem for the Board to review the master plan again and to incorporate today's actions.

Mr. Evans said the approval that they are recommending at this time is very much conditioned on these low figures. He said if the staff didn't have an opportunity to put these low figures, given the basic input from the Department of Health, the probability is great that they would be recommending denial of this application today.

Mr. Yamamoto suggested that the figure at Kalalau, under Condition No. 7 on page 19 of the submittal, be changed from 50 to 80 per day. Under Condition No. 8, second line, he wants the figure at Milolii changed from 6 to 30 per day. Under Condition No. 12, he said the hours of operation should be limited to two hours per day instead of the specific hours listed.

Mr. Kealoha suggested, and the Board was in unanimous agreement, that we include community and youth organized groups in Conditions 7 and 8.

Mr. Hong said the period between now and when the master plan is approved would be a good gauge period to observe these figures that have been suggested.

Mr. Kealoha told the staff that the Board takes action based on the information that they receive from the staff and if that information is inaccurate, the Board's decision is inaccurate. He hoped that the State Parks' people don't play games and come out with a good comprehensive observations and studies because the Board needs accurate information.

Mr. Yamashiro said in order to implement this, he wants to know whether the carrying capacity of 80 per day includes everybody. He interpreted this to include everybody, including helicopters who land for ten minutes or so.

Mr. Kealoha asked whether we have this in the studies for the master plan of the Na Pali coast. Mr. Yamashiro said they are currently compiling all of the data. Mr. Kealoha said then we should amend the condition at that time.

Mr. Kealoha said the Kauai Planning Commission in its deliberation of the SMA included Polihale in their consideration. In the staff's recommendation, Polihale was excluded primarily because there is access by foot or by automobiles.

Mr. Evans said it is true, there is presently access by foot and by automobiles. However, the landing pad is located right in the park itself. He said they would have serious reservations about liability so they are recommending that Polihale be left out at this time.

Mr. Kealoha could not understand that. He said in Kalalau you land right next to the trail where people are walking. He didn't think this was any safer than Polihale. Mr. Evans said at the present time Kalalau is under consideration for moving it. Mr. Kealoha said then we should move the landing pad for Polihale, too.

Mr. Higashi asked if we don't accept Polihale now whether we would have to go through an entirely new CDUA. Mr. Evans said we could put that in as a part of the master plan and come back and amend it at that time.

Mr. Kealoha said if it isn't reflected in the environmental assessment now, he didn't think that you can amend it. He said an entirely new study will have to be made. If you don't need Polihale it is easier to delete it at that time, he said.

Mr. Hong said because it hasn't been determined how many bidders there will be in the bidding process, Condition No. 17 should be amended to include bidders. The Board was in unanimous agreement to this amendment.

Mr. Kealoha questioned why we call it a "concession." Mr. Evans said it's similar to other State Parks' concessions. Mr. Kealoha said under State Parks' concessions they sell souvenirs, hats, etc. He didn't look at this application as concessions. He was afraid that if we used the term "concession" here that they might be selling souvenirs, hats, too.

Mr. Higashi asked whether we are deleting Condition No. 2 on the hold harmless clause. Mr. Evans said yes.

Mr. Kealoha suggested that Condition No. 3 be listed as No. 1, delete Condition No. 2 and renumber rest of the conditions accordingly.

ACTION

Mr. Yamamoto moved to approve the Kalalau and Milolii sites as recommended by staff, and also included Polihale, together with all other amendments and conditions as discussed above. Mr. Hong seconded, and the motion was unanimously carried.

ITEM H-5

OUT-OF-STATE TRAVEL FOR ROY SUE, HCRS PROGRAM COORDINATOR

ACTION

Unanimously approved as submitted. (Higashi/Hong)

ITEM H-6

REPEAL OF REGULATIONS 6 AND 7 AND REPLACEMENT WITH REGULATION 10, NATURAL AREA RESERVES SYSTEM

ACTION

Mr. Kealoha said he would like to have more time to review all of these regulations and asked for deferral. Mr. Lee said there was no urgency and he had no objection. The Board had no objection to deferring this item.

ITEM I-1

FILLING OF POSITION NO. 10371, FISH AND WILDLIFE ENFORCEMENT OFFICER II, KAUAI; POSITION NO. 15976, FISH AND WILDLIFE ENFORCEMENT OFFICER II, HAWAII; AND POSITION NO. 24530, FISH AND WILDLIFE ENFORCEMENT OFFICER II, MAUI

ACTION

Mr. Matsuzaki said he was just informed by telephone prior to the meeting to withdraw Maui county from the submittal.

Mr. Kealoha moved, Mr. Yagi seconded, and the Board unanimously approved the appointment as recommended by the staff above, with the Maui county deleted.

RESUBMITTAL - ADDENDUM NO. 5 TO LEASE NO. DOT-A-74-36, KE-AHOLE AIRPORT, AND GENERAL LYMAN FIELD, HAWAII (SLIM HOLT BUDGET RENT-A-CAR, INC., DBA SLIM HOLT HAWAII)

ITEM J-1

This matter was withdrawn at the last meeting because there was some question on the submittal.

Mr. Higashi said Slim Holt is still interested in the area and he doesn't want to give up the space. Mr. Garcia said it is true that the lessee doesn't want to give up the place. However, he said the lessee is using this property for his tour operation rather than a rent-a-car business. What DOT plans to do is to cancel that portion where such use is not permitted. Then they will come back to the Board for a permit to Slim Holt for his tour buses. This action will correct the situation of the use, and the rent will remain the same.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

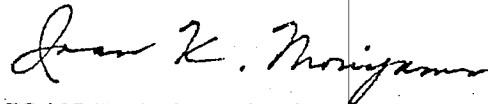
ITEM J-2

CONSENT TO SUBLEASE - LEASE NO. A-62-14, HONOLULU INTERNATIONAL AIRPORT (ISLAND AIRLINES HAWAII, INC. TO EHU EXPRESS)

ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)

ADJOURNMENT: There was no further business and the meeting was adjourned at 12:20 P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm