

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

DATE: January 23, 1981
TIME: 9:00 A. M.
PLACE: Kahului Library Conference Room
Kahului, Maui

ROLL
CALL

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

MEMBERS

Mr. Moses Kealoha
Mr. Stanley Hong
Mr. Takeo Yamamoto
Mr. Tom Yagi
Mr. Susumu Ono

ABSENT & EXCUSED

Mr. Roland Higashi

STAFF

Mr. James Detor
Mr. Wayne Hirata
Mr. Buddy Haake
Mr. Roger Evans
Mr. Libert Landgraf
Mr. Wesley Wong
Mr. James Yamashiro
Mr. Anthony Vierra
Mr. Carl Pokipala
Mrs. LaVerne Tirrell

OTHERS

Mr. Johnson Wong, Deputy Atty. General
Mr. Peter Garcia, DCF
Mr. George Masuoka (Item F-15)
Mr. Walter Witte (Item H-4)
Ms. Lydia Young (Item H-5)
Mr. Jerry Miller (Item H-2)
Mr. Boyce Sprout (Item H-6)

MINUTES

Mr. Hong said that he had requested that the Division of Land Management report back to the board regarding the condition of the covered areas at Sand Island. This was not reflected in the minutes so he asked that it be included in the action of Item F-12, shown on page 14 of the December 19, 1980 minutes.

ACTION

Upon motion by Mr. Hong and a second by Mr. Kealoha, the minutes of December 19, 1980 were unanimously approved subject to the above amendment.

ADDED
ITEMS

It was moved by Mr. Kealoha, seconded by Mr. Hong, and unanimously approved by the board that the following item be added to the agenda:

State Parks

Item E-2 Request to use Hapuna Beach State Recreation Area Hawaii, as an Aid and Weigh Station during a Bike Race.

ITEM F-15

HIROSHI AZEKA AND DAVID THOMPSON REQUEST FOR CONSENT TO SUBLEASE
PREMISES COVERED BY G. L. NO. S-4575, NAWILLIWILLI, LIHUE, KAUAI.

Mr. Detor asked that the general lease number shown in the submittal be changed from G. L. No. 4574 to 4575.

G. L. S-4575 covers a land area of 25,084 sq. ft. at Lihue, Kauai which was sold to Hiroshi Azeka and Toshio Azeka at a rental rate of \$5,280 per annum for the first twenty (20) years of the forty (40) years lease term. By assignment dated June 28, 1978, the lease was acquired by Hiroshi Azeka and Toshio Azeka, husband and wife, and Norman David Thompson and Karen Edith Thompson, husband and wife. The lessees have completed the construction of an approximate 11,362 sq. ft. office and warehouse building at an estimated cost of \$150,000.00. The lessees are now requesting consent of a sublease of the entire lease area which they have negotiated with Foremost McKesson, Inc. for a term of three years commencing November 1, 1980 at a monthly rental of \$4,784.00, with options to renew for three years and four years.

Staff has reviewed the rental rates of the sublease in relation to the investment of the lessee and the rental rate of G. L. No. S-4575. Their computation indicates that the basic annual lease rent for G. L. S-4575 should be increased from \$5,280 to \$28,680.

Mr. Yamamoto felt that this rental was rather high. Mr. Detor, based on staff analysis, did not think so.

Mr. Yamamoto asked if our computation took into consideration mortgage expenses. Wayne Hirata, staff appraiser, said that mortgage expenses by this approach is not an allowable deduction and also not the State's concern.

Mr. Detor said that the entire area would be subleased and the original lessees would not be using the property at all. The sublease term is for three years with an option to renew for three or four years, so if they renew at that time the lessee has the right to up the sublease rental. Therefore, said Detor, I feel that the State has the right to revise the master lease then also, like we are doing now.

George Masuoka, attorney for the lessees, stated that when the proposal was sent out to bid it did not say in the proposal that if you sublease the property we will increase the rent. He feels that the State should not limit investments of the lessees. According to his computation, if you were to put the area into its original state, you would not get the same amount of money. He felt, also, that the State is wrong is not considering the mortgage payments since his clients are paying \$12,000 in interest alone.

Masuoka felt that the State appraiser should have talked to his clients before coming up with his recommendation since his client had put in a lot of time and money by himself so the actual value of his investment is more like \$200,000 instead of \$150,000.

Masuoka felt that, basically, what the State should charge is the fair rental for unimproved property. Johnson Wong said that what the State is trying to avoid is speculation.

Detor said that the subletting provision reads:

"Subletting: That the Lessee shall not rent or sublet the whole or any portion of the demised premises, without the prior written approval of the Board; provided, however, that prior to such approval, the Board shall have the right to review and approve the rent to be charged to the proposed sublessee and, if necessary, revise the rent of the demised premises based upon the rental rate charged to the said sublessee; provided, further, that the rent may not be revised downward."

ACTION

It was moved by Mr. Yamamoto that action on this item be deferred for further study to the February 13, 1981 meeting. Motion unanimously carried with a second by Mr. Hong.

ITEM H-5

CONSERVATION DISTRICT USE APPLICATION FOR SINGLE FAMILY RESIDENCE USE AT KAU, HAWAII (LYDIA S. YOUNG).

The subject property is a portion of the Volcano House Lots owned by the Bishop Estate.

Mrs. Young said that the lot was purchased by her on April 8, 1980 at which time the Bishop Estate informed her that the terms of the lease had not been fulfilled by the previous owner in that a residence had not been constructed on the lot. She assured them that she intended to start construction as soon as possible.

On August 8, 1980 Mrs. Young said that she applied for a building permit and was informed by the County of Hawaii that although the County zoning allowed a residence, the State zoning was Conservation, and she would have to apply to the Department of Land and Natural Resources in order to build her house. She applied on August 18, 1980 and received a notice that staff had recommended that the application be denied.

Mrs. Young felt that this subdivision had been overlooked and forgotten when the Department of Land and Natural Resources classified a large area in the limited subzone. Since her application was submitted, she received information from Bishop Estate that this subdivision was established before January 31, 1957, and therefore qualified for a non-conforming use under Regulation No. 4. Mrs. Young, therefore, asked that the Board consider the following alternatives:

1. Approve the application for single family dwelling on Lot 2, Volcano Houselots.
2. Approve the non-conforming use for a single family dwelling on Lot 2, Volcano Houselots.
3. Grant a temporary variance allowing us to start construction while the application for non-conforming use is being processed.

Mr. Kealoha felt that since the Board had until February 18, 1981 to take action on this request, it might be to the applicant's advantage if the Board were to defer taking action until the February 13, 1981 meeting. Mr. Ono felt, also, that the Board needed more time to study this matter.

Assuming that the facts should substantiate that the documents of the subdivision was during the period of the conservation revelation, Yagi said that the tendency, then, would be to go along with staff's recommendation and deny. However, if there was a subdivision going on prior to whatever regulations we have enforced, then there might be a technical point that can be granted. This is the kind of technical problems that the Board would like to look into in order to protect the applicant, instead of rationally saying we will deny or accept.

The applicant's son asked if it was necessary to submit a new application. Mr. Ono asked that this matter be taken up with Mr. Evans.

ACTION

It was moved by Mr. Yagi and seconded by Mr. Kealoha that this item be deferred to the February 13, 1981 meeting. Motion unanimously carried.

ITEM H-6

REQUEST TO CLARIFY POLICY REGARDING SINGLE FAMILY RESIDENCE IN THE CONSERVATION DISTRICT

Mr. Evans asked that the Board reiterate its policy of one (1) house per lot in the Conservation District under the following circumstances:

1. That each case be treated on its individual merits in accordance with Section six (6) of Departmental Regulation No. 4 relating to Standards: Land Use Conditions and Guidelines; and
2. That any landowner taking advantage of land use under this Policy place this approval in recordable form, have this made a part of the deed instrument and have this recorded prior to submission for approval of the subsequent construction plans.

Mr. Evans asked also that the Board consider one specific area, Haena, Kauai. He said that staff had taken another look at this matter and the question came up that when the partition was given by the court, what was actually suggested in terms of residency and how did that fit into our definition of residency. Staff went over the documents which were approved by the courts and what the courts had done was made several categories for the 153 lots. Some lots were considered house lots of various qualitative nature; some lots were considered beach lots, and other lots were considered agricultural lots. After reviewing these documents, staff would like to suggest, should the board approve Recommendation B., that another condition, as follows, be added:

- e. That the approval relates only to lots which are categorized as "house" lots and into which acreage has been placed in Exhibit "C" Civil No. 30 in the Fifth Circuit Court approved by the court October 20, 1967.

Mr. Kealoha asked how we went about categorizing those lots considered houselots from those that are not categorized houselots.

Mr. Evans read some of the categories of lots. He said that it was conceivable that some of the lots which fall into the houselot category also fall into the beach lot category. Some lots fall only into an agricultural category. At the time the courts approved the partition the people affected knew that Lot "X" was only for a particular purpose. This is why staff is asking that the Board remain relatively consistent with the Courts decision in the matter.

In answer to Mr. Yamamoto's question, Mr. Evans said that there were about fifteen agricultural lots in the ares categorized as "good" and "medium. Some of those fifteen lots may be in the houselot category. So we are asking that because a portion of that lot falls in a houselot category than maybe a house could be put on that lot.

Mr. Ono asked if, according to the breakdown used by the courts, staff was able to apply this to the various conditions that actually exist at Haena. Mr. Evans answered negative.

Mr. Kealoha asked how many of the 153 lots would fall into the houselot category. Mr. Evans said approximately 100.

Evans said that one of the questions staff wanted answered is:

Was this partition solely for the purpose of residence use? When we looked into ownership of the lots, we found that eleven (11) lots belonged to the County of Kauai for Haena Park. Since this was approved by the court, we could not say that this partition was solely for residential use. As we dwelled further, we found that the partition was for other purposes.

Mr. Boyce Sprout, representing twelve (12) of the Haena residents, said that they would endorse staff's solution to the problem.

ACTION

Upon motion by Mr. Hong and a second by Mr. Yagi, the Board unanimously approved the following:

- A. That the Board reiterate its policy of one (1) house per lot in the Conservation District under the following circumstances:
 1. That each case be treated on its individual merits in accordance with Section Six (6) of Departmental Regulation No. 4 relating to Standards: Land Use Conditions and Guidelines;
 2. That any landowner taking advantage of land use under this Policy place this approval in recordable form, have this made a part of the deed instrument and have this recorded prior to submission for approval of the subsequent construction plans; and

B. That the Board consider the following:

1. That in the area of Haena, Kauai, specifically those lands identified as the Haena Hui petition, approved by the courts on October 20, 1967 and any other lands within the Limited Subzone in which the courts approved a petition with the intent to establish residential lots, the Board as a matter of policy allow one (1) residential house only under the following conditions:
 - a. That the applicant comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 6A and 6D of Departmental Regulation No. 4, as amended;
 - b. That no further subdivision of the lot be allowed;
 - c. That the house be used as a residence as defined in Regulation No. 4; and
 - d. That any landowner taking advantage of land use in the Limited Subzone, under this policy, do so only after the execution of a waiver and indemnity agreement.
 - e. That the approval relates only to lots which are categorized as "house" lots and into which acreage has been placed in Exhibit "C" Civil No. 30 in the Fifth Circuit Court approved by the court October 20, 1967.

ITEM F-1-F

MAHINA AINA, LTD. APPLICATION FOR REVOCABLE PERMIT COVERING FORMER SCHOOL LOT AT KAPUAIKINI, KIPAHULU, MAUI.

The applicant is currently farming abutting Parcel 15 of TMK 1-6-09 and has applied for the subject area in order to expand its farming operations.

ACTION

The Board unanimously authorized the issuance of a revocable permit covering TMK 1-6-09:17 containing 1.253 acres, more or less, at a rental rate of \$5.00 per month to Mahina Aina, Ltd. for diversified agriculture purposes subject to the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman. (Yagi/Kealoha)

ITEM H-4

CONSERVATION DISTRICT USE APPLICATION FOR EXISTING AUWAI CHANNEL CLEANING AND REPAIR AT KAHAKULOA, MAUI (WALTER C. WITTE, ET AL).

The subject auwai diverts water to the Marshall property and beyond from the north branch of the Makamakaole Stream and was damaged in the January 1980 storm. According to the applicant, the area in question appears to have no restrictions or covenants beyond that normally associated with State Forest Reserves.

The activities proposed are the general cleaning and repair of the existing auwai channel. No activity is proposed within the Makamakaole Stream bed itself. The purpose of these repairs is to: 1) reduce the substantial water loss through breaks and seepage; 2) insure uninterrupted flow of water to the ranches and homes along the auwai; 3) facilitate easier access along the auwai for routine maintenance and inspection; and, 4) protect the auwai from a major failure caused by slides or future storms.

Mr. Kealoha asked if the work would be done by our standards or the applicant's standards. Evans said ours, and referred the board to condition no. 12 which says that all work to be performed on site are subject to the supervision, direction and acceptance of the Division of Forestry and Division of Conservation and Resources Enforcement, State Department of Land and Natural Resources.

Mr. Yagi asked whether DOWALD had approved this matter. Mr. Evans stated that DOWALD, by memo, had said that they had no objection to the subject request to repair the existing auwai since the repair project would not increase the existing stream diversion. However, as the existing diversion from Makamakaole Stream is on state property, they were interested in knowing the applicant's rights to divert water, whether by water license or other permits and asked that they be kept informed on any findings or determination of the applicant's rights to divert water. The reason for Mr. Yagi asking this question is that he did not want to jeopardize the possibility of a well being dug in the area at some future date.

ACTION

Upon motion by Mr. Yagi and a second by Mr. Yamamoto, the Board unanimously approved this application for existing auwai channel cleaning and repair non-exclusive use of state land identified as TMK 3-1-06:1 at Kahakuloa, Maui, subject to the conditions listed in the submittal.

ITEM B-1

OUT-OF-STATE TRAVEL (SAIPAN AND GUAM) REQUEST FOR KENJI EGO

Mr. Ego is requesting to attend the 28th meeting of the Western Pacific Regional Fishery Management Council which will be held in Saipan and Guam during the period February 3-5-, 1981. Mr. Ego is the designated voting member from the State of Hawaii

ACTION

Unanimously approved. (Kealoha/Hong)

ITEM C-1

APPOINTMENT OF DISTRICT FIRE WARDEN, DISTRICT NO. 6, MAUI.

ACTION

The Board, upon motion by Mr. Hong and a second by Mr. Kealoha, unanimously approved the appointment of Mr. Bard Peterson, Manager, Haleakala Ranch, as District Fire Warden for District No. 6, Maui.

ITEM C-2

OUT-OF-STATE TRAVEL REQUEST FOR MR. RONALD L. WALKER

A Federal Aid Coordinators Meeting involving all of the Western States in Region 1 of the U. S. Fish and Wildlife Service will be held in Seattle, Washington on March 3, 4 and 5, 1981. The subjects to be covered are directly applicable to DLNR's Pittman-Robertson Federal Aid program; therefore, they have asked that we send a representative to the workshop.

Ron Walker is the Federal Aid Coordinator for Pittman-Robertson in Hawaii and the most logical person to send because of his responsibilities. Funds to be expended for this purpose are available in the operating budget and qualify for 75% reimbursement under the federally funded Pittman-Robertson program.

ACTION

The Board, upon motion by Mr. Kealoha and a second by Mr. Hong, unanimously approved Mr. Walker's attendance at the workshop and meetings in an official status during the period March 2-6, 1981.

ITEM C-3

FILLING OF FORESTRY WORKER II, WB-04, POSITION NO. 21440

This position became vacant with the retirement of Johnnie Carvalho on September 1, 1980.

ACTION

The Board, upon motion by Mr. Kealoha and a second by Mr. Hong, unanimously approved the selection of Patrick A. Thiele to fill Position No. 21440.

ITEM E-1

REQUEST FOR OUT-OF-STATE TRAVEL TO ATTEND THE AMERICAN PLANNING ASSOCIATION NATIONAL POLICY CONFERENCE.

Mr. Fletcher was asked by the Hawaii Chapter of the American Planning Association to serve as a voting delegate at the APA National Policy Conference in Washington, D. C. Serving as a delegate applies only to this conference and is not considered an annual commitment. This conference is designed as policy setting and will address such comprehensive issues as environmental quality, environmental planning, land use planning, recreation and leisure time planning, citizen participation, historic preservation, and regional planning.

Mr. Fletcher will pay his own travel to and from Washington, D. C. He has, however, requested that the State pay the conference registration fee and his per diem for the period February 6-11, 1981.

ACTION

The Board unanimously authorized out-of-state travel for Robert Fletcher for the purposes stated above. (Kealoha/Hong)

ITEM E-2

APPROVAL OF HISTORIC SITES FOR SUBMITTAL TO THE HAWAII HISTORICAL PLACES REVIEW BOARD.

Part I

Mr. Yamashiro, pursuant to prior guidelines for preparation and submittal of nominations to the Review Board, proposed the following nominations:

1. Imiola Church
2. Kaahumanu Church
3. Hale Hoiikeike
4. Maui Jinsha Mission
5. Waialua Agriculture Engine #6
6. O.R. & L. Right-of-Way, which was recently transferred to the Department of Transportation.

Yamashiro said that the above sites were originally on the Hawaii Register but, pursuant to the Attorney General's recommendations regarding improper notification procedures, it was taken out. He said also that these sites are already on the national register, nomination forms are substantially up-to-date, and requests have been received from the owners to be placed on the Hawaii Register.

Part II

Mr. Yamashiro stated that the following sites are significant state and county owned properties surveyed and prepared pursuant to the proposed Historic Preservation Functional Plan:

1. Haena Archaeological District, which will encompass only the lands presently under the jurisdiction of State Parks.
2. State Agriculture Building, Honolulu.

3. Palama Settlement, which is under the jurisdiction of the Department of Health.
4. Koolau Boys and Girls Correctional Facility, which is State owned.
5. Coconut Island in Kaneohe Bay, which is under the jurisdiction of the University.
6. Agee House, which is under the jurisdiction of the City & County of Honolulu (BWS).
7. Nutridge, which is under the jurisdiction of State Parks.
8. State and County buildings on the neighbor islands.
9. The Marks Estate, which is State owned.
10. Kaneohe Mental Hospital which is State owned.

Part III

Yamashiro requested nomination forms for the following properties which have already been determined eligible for inclusion in the National Register by the Secretary of the Interior:

1. The Hilo Breakwater
2. The O.R. & L. Depot and Document Storage Building, which is State owned.

ACTION

The Board took action on the preparation and submittal of the proposed nominations to the Hawaii Historic Places Review Board for their consideration and action relating to the Hawaii and/or National Registers of Historic Places as follows:

Part I - Mr. Yagi moved to approve the nominations listed under Part I. Motion carried with a second by Mr. Yamamoto. Mr. Ono abstained from voting.

Part II - Mr. Kealoha moved for approval of those sites listed under Part II, with the exception of Items 3 and 5. The Board asked that staff clarify ownership of those properties shown under 3 and 5 and report back to the board. Mr. Yagi seconded and motion carried. Mr. Ono abstained from voting.

Part III - Mr. Yagi moved for approval of those sites listed under Part III. Mr. Yamamoto seconded and motion carried. Mr. Ono abstained from voting.

ADDED
ITEM E-3

REQUEST TO USE HAPUNA BEACH STATE RECREATION AREA, HAWAII, AS AN AID AND WEIGH STATION DURING A BIKE RACE.

The Nautilus Fitness Center on Oahu has organized the 4th Annual Nautilus International Triathlon to take place on Saturday, February 14, 1981 on the island of Hawaii. A 112 mile bike race with 400 contestants will be held as part of the Triathlon.

The Center is requesting to use Hapuna Beach State Recreation Area as an aid and weigh station for the bike race. This station will consist primarily of three scales, at least two large waste receptacles, one or two banners, two or three tables and six chairs. Bikers will check in to the station to be weighed and after refreshments, they will continue their race towards south Kona.

As ABC's "Wide World of Sports" will be covering this event, television filming will occur at Hapuna.

ACTION

The Board unanimously authorized the issuance of a permit to allow the use of Hapuna Beach State Recreation Area as an aid and weigh station and to permit commercial television filming activities associated with the bike race. (Yagi/Hong)

ITEM F-1

DOCUMENTS FOR CONSIDERATION

HAWAII

CONSENT TO SUBLEASE

Item F-1-a

HAROLD T. TANOUYE, JR., Sublessor to MAKAI NURSERY, Sublessee - portion of Lots 12, 13 and 14 Panaewa Farm Lots, 2nd Series, Waiakea, So. Hilo, Hawaii - G. L. S-4445.

Item F-1-b

KAPOHO LAND PARTNERSHIP, Sublessor, to THERMAL POWER COMPANY AND DILLINGHAM CORPORATION, Sublessee - reserved lands at Kapoho, Puna, Hawaii, designated by Tax Map Key as follows:

TMK	AREA
1-4-01:1	247.0000 ac.
1-4-01:2 (portion)	349.0587 ac.
1-4-01:3	3.7410 ac.
1-4-01:19	215.2420 ac.
1-4-01:58	0.7580 ac.
TOTAL	815.7997 ac.

Item F-1-c

TRUSTEES OF THE ESTATE OF BERNICE PAUAAHI BISHOP, Sublessor, to THERMAL POWER COMPANY AND DILLINGHAM CORPORATION, Sublessee - reserved lands at Kapoho, Puna, Hawaii, designated by Tax Map Key as follows:

TMK	AREA
1-3-01:22	27.78 ac.
1-3-01:23	237.40 ac.
1-3-01:58	33.50 ac.
1-3-01:59	275.80 ac.
1-3-02:32	803.00 ac.
1-3-02:33	20.20 ac.
1-3-02:59	154.80 ac.
1-3-02:79	21.00 ac.
1-3-02:80	21.30 ac.
1-3-02:81	21.50 ac.
1-3-02:82	21.70 ac.
1-3-02:83	142.30 ac.
1-3-02:84	50.80 ac.
1-3-02:87	28.00 ac.
1-3-03:05	9.80 ac.
1-3-03:06	430.20 ac.
1-3-03:41	101.00 ac.
1-3-09:02	157.75 ac.
1-3-09:01	206.17 ac.
1-3-09:05	694.30 ac.
1-3-09:08	5.17 ac.
1-3-09:10	23.26 ac.
TOTAL	3,486.70 ac.

Mr. Kealoha questioned the sentence listed under "Remarks" of Items F-1-b and F-1-c which reads: "The partnership requests that, upon approval of the sublease, the Board release the partnership from any liabilities or duties under the State lease as provided by Rule 3.7B of Regulation 8. Mr. Detor said that the lessees had requested this but staff did not include this as a recommendation for approval. Mr. Kealoha asked that specific denial of the requested liability clause be added as a third condition under Recommendation for both Items F-1-b and F-1-c.

COLLATERAL AGREEMENT

Item F-1-d By and Between the STATE OF HAWAII, DEBORAH P. WARREN, unmarried, the UNITED STATES OF AMERICA, acting through the FARMERS HOME ADMINISTRATION, USDA and YOSHIO SAKO - Lot 8 Kurtistown Houselot Subdivision, Olaa, Puna, Hawaii, being TMK 1-7-07:46 - SSA S-5508.

MAUI

CONSENT TO ASSIGN

Item F-1-e THEODORE L. SUCH, Assignor and MURRAY HUNTER AND KLAUS ORLEANS, Assignees - Government land at Papaaea, Hamakualoa, Makawao, Maui, being TMK 2-9-13:14 - G. L. No. S-4535.

REVOCABLE PERMIT

Item F-1-f MAHINA AINA, LIMITED (See page 6 for Action)

OAHU

REVOCABLE PERMIT

Item F-1-g AUTO RECYCLING, INC. - Lot 216, Sand Island, Oahu, TMK 1-5-41 - 5,500 sq. ft. open area for office and storage of automobiles and auto parts - \$137.50 per month.

CONSENT TO SUBLEASE

Item F-1-h PRODUCE CENTER DEVELOPMENT, LTD., Sublessor to JAPAN FOOD (HAWAII) INC. - portion of the Produce Distribution Center Building located on Parcel 2-B, Kaakaukui, Honolulu, Oahu - G. L. S-4405.

Item F-1-i PRODUCE CENTER DEVELOPMENT, LTD., Sublessor to PRIMO DISTRIBUTING CO., LTD., Sublessee - portion of Produce Distribution Center Building located on Parcel 2-B, Kaakaukui, Honolulu, Oahu - G. L. S-4405.

Mr. Kealoha moved for deferral of Items F-1-h and F-1-i to the February 13, 1981 meeting.

KAUAI

REVOCABLE PERMIT

Item F-1-j HAWAIIAN INVESTMENT COMPANY - portion of the Moloaa Forest Reserve at Papaa, Hanalei, Kauai, TMK 5-1-01:2 - \$4.00 per million gallons of water taken, used and/or developed or \$20.00, whichever is higher.

ACTION

Mr. Kealoha moved to approve Item F-1 as amended. Mr. Hong seconded and motion unanimously carried.

ITEM F-2

HAWAII ELECTRIC LIGHT CO., INC. APPLICATION FOR ELECTRIC TRANSMISSION LINE EASEMENT, WAIKOLOA AND PUUKAPU, WAIMEA, SO. KOHALA, HAWAII.

The request by HELCO involved relocation of an existing traffic hazard, a pole located within the Mamalahoa Highway right-of-way near the junction of Church Road, at the recommendation of the South Kohala Traffic Safety Commission.

ACTION

Upon motion by Mr. Kealoha and a second by Mr. Hong, the Board, subject to the concurrence of the Governor, voted unanimously to:

- A. Authorize the direct sale of a perpetual, non-exclusive easement to HELCO under the terms and conditions listed in the submittal.
- B. Authorize the issuance of a construction right-of-entry to HELCO subject to the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-3

JUDITH FORSTER REQUEST FOR PERMISSION TO CONSTRUCT AN ADDITIONAL DWELLING ON LOT 21 OF THE LALAMILO FARM LOTS, WAIMEA, SO. KOHALA, HAWAII.

ACTION

Mr. Kealoha moved for deferral of this item to the February 13, 1981 meeting. Mr. Hong seconded and motion unanimously carried.

ITEM F-4

DIVISION OF WATER AND LAND DEVELOPMENT REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (8/22/80, AGENDA ITEM F-11) AUTHORIZING WITHDRAWAL OF WATER SYSTEM, SO. KOHALA, HAWAII.

At its meeting of August 22, 1980, the Board authorized the withdrawal of land areas from the operation of General Lease No. S-3886 for improvements in connection with the Lalamilo Water System, South Kohala Water Development Project. The request by the Department of Water Supply, County of Hawaii, involved the set aside of lands by Governor's Executive Order for the construction, operation and management of reservoir sites, well sites, along with easements for waterlines, electrical lines, and service roadways.

The Division of Water and Land Development on behalf of the Department of Water Supply request that one of the reservoir sites be increased in area of 0.9 acre to 2.0 acres. As designed, and approved earlier, this particular site was earmarked for a 0.3 MG pressure reducing reservoir. However, the Department of Water Supply now means to construct a 2.0 MG primary storage tank which necessitates the increased area. It is understood that the larger reservoir will better serve land developments by Mauna Lani Resort, Inc., at Waikoloa, Anaehoomalu and Kalahuipaa, South Kohala.

The lessees, through its General Manager, Mr. Jack Ramos, agreed in writing to the withdrawal of lands required for the water system improvements.

ACTION

The Board unanimously voted to amend its action of August 22, 1980, under Agenda Item F-11, by substituting where appropriate the 2.0-acre site with 2.0 MG Reservoir in place of the 0.9-acre site for 0.3MG Reservoir subject to the terms and conditions earlier approved.
(Kealoha/Hong)

ITEM F-5

HAWAII ELECTRIC LIGHT CO., INC., APPLICATION FOR ELECTRIC TRANSMISSION LINE EASEMENT, WALAKEA, SO. HILO, HAWAII.

The existing 69KV transmission system was constructed pursuant to right-of-entry approved by the Land Board at its meeting of November 29, 1969. After receiving the written concurrences of the Forestry Division and the Governor, a letter authorizing right of entry dated February 4, 1970, was sent to Hilo Electric Light Company, Ltd., the former corporate name of the applicant. However, no actual easement was ever granted at the time so staff is asking now that an easement be granted.

Mr. Yagi asked if payment for use of this easement would be retroactive. Detor said no.

ACTION

Finding, in this instance, that the applicant has no suitable lands of its own for the subject easement, the Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously voted to grant a perpetual, non-exclusive easement, 50-foot wide for 69KV electrical transmission system (including overhead lines, poles and anchors) to HELCO, the alignment and area of which shall be verified by the Survey Division, Department of Accounting and General Services, subject to the terms and conditions listed in the submittal and any other terms and conditions as may be prescribed by the Chairman.

ITEM F-6

MAUNA LOA MACADAMIA NUT CO. APPLICATION FOR LEASE, KANAIO, KAU, HAWAII.

Mr. Detor asked that this item be deferred.

ACTION

Mr. Kealoha moved for deferral of this item to the second meeting in February. Mr. Yagi seconded and motion unanimously carried.

ITEM F-7

HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR ANCHOR EASEMENTS, WAIAKEA, SO. HILO, HAWAII.

The easements are needed to provide service to the Panaewa Agricultural Park which consists of a total of 31 lots, including roadway lot; the twenty-three (23) anchor easements as requested; and a 50-foot-wide easement for utility purposes is to be developed for eventual land disposition.

ACTION

Upon motion by Mr. Kealoha and a second by Mr. Yagi, the Board, finding in this instance, that the above-named applicants have no suitable lands of their own for the subject easements, unanimously voted to grant twenty-three (23) perpetual, non-exclusive anchor easements as described in File Plan 1694 (Panaewa Agricultural Park) for joint use by HELCO and HTC subject to the terms and conditions listed in the submittal and also authorized a right of entry to HELCO and HTC to the areas as described for construction purposes subject to the conditions listed in the submittal and such other terms and conditions as may be prescribed by the chairman.

ITEM F-8

TSI, LTD. REQUEST FOR CONSENT TO MORTGAGE G. L. NO. S-4632, LOT 3, PANAWEA FARM LOTS, 2nd SERIES, WAIAKEA, SO. HILO, HAWAII.

TSI, Ltd. acquired the subject lease on May 1, 1980. However, under a private contract, Kuaola Farm, Ltd. operates the land for the production of anthuriums.

The lessee, as mortgagor, and the contractor, as borrower, have jointly arranged a mortgage with Production Credit Association for a loan amounting to \$238,483. The fund is to be used by the borrower to construct an anthurium packing facility on the lessee's property. This facility is to be used by Kuaola Farms to process anthuriums produced not only on the subject property but on neighboring properties as well. TSI will not be subleasing to Kuaola Farms, but, rather, the facility will be operated under a management contract.

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Kealoha, unanimously consented to the mortgage as requested above subject to the following conditions:

1. That the mortgage be approved by the State Attorney General's Office.
2. That the Lessee obtain a special use permit for the proposed packing and processing operations.

ITEM F-9

NORMAN OKAMURA REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (4/24/79, AGENDA ITEM F-6) AUTHORIZING SALE OF ROAD REMNANT AT KAPALAALEA 2nd, NO. KONA, HAWAII.

On April 27, 1979, under agenda Item F-6, the Board approved the direct sale of a portion of the old Kailua-Keauhou Beach Road to Norman K. and Laura K. Okamura. Among other requirements, this sale was approved on the condition that the Okamura's cash out the full purchase price as determined by independent appraisal.

The remnant was appraised at \$17,600 and the Okamura's concur with the price. However, they have requested that the Board accept payment on an installment basis.

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously voted to amend its action of April 27, 1979 (Item F-6) by rephrasing Recommendation B.2. to read:

"The purchasers shall pay cash, or twenty-five percent (25%) of the purchase price down and the balance in twenty (20) equal quarterly payments at eleven and one-half percent (11-1/2%) interest per annum on the unpaid balance."

All other terms and conditions of Item F-6 dated April 27, 1979 shall remain the same.

ITEM F-10

COUNTY OF MAUI REQUEST FOR APPROVAL OF ISSUANCE OF LEASE COVERING PORTION OF THE OLD MAUI HIGH SCHOOL GROUNDS (E.O. NO. S-2781), HAMAKUAPOKO, MAUI.

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously authorized the County of Maui to lease the former administration complex building premises, as described in the submittal, to Peahi School, Inc. for Youth Related Programs and for Agriculturally Related Experimental and/or Pilot Programs subject to:

1. Lease term and annual rental subject to review and approval by the Chairman.
2. Prior approval of the lease document by the Office of the Attorney General.
3. Such other terms and conditions as may be prescribed by the Chairman.

ITEM F-11

DEPARTMENT OF EDUCATION REQUEST FOR RENEWAL OF LEASE FROM THE U. S. ARMY FOR FORT SHAFTER ELEMENTARY SCHOOL PLAYGROUND, FORT SHAFTER, HONOLULU, OAHU.

The subject lease will expire on February 28, 1981, and the Army has inquired whether the State wishes to renew the lease for another 5-year term.

ACTION

The Board unanimously authorized the Department to secure a renewal of the Army lease for another 5-year term beginning March 1, 1981. (Hong/Yamamoto)

ITEM F-12

CITY AND COUNTY OF HONOLULU, BOARD OF WATER SUPPLY, REQUEST FOR WATERLINE EASEMENT, HONOLULU ZOO SITE, HONOLULU, OAHU.

The Board of Water Supply plans to install a 16-inch water main along Paki Avenue from Kapahulu Avenue to Monsarrat Avenue to provide greater flexibility in its distribution system and to replace the abandoned 16 inch main through the Honolulu Zoo complex.

ACTION

Finding the subject area is of minimum size relative to the intended use and constitutes an economic unit, the Board, upon motion by Mr. Kealoha and a second by Mr. Hong, unanimously approved the direct award of the subject perpetual non-exclusive easement to the applicant subject to the terms and conditions listed in the submittal. The Board also granted the Board of Water Supply immediate right of entry to the proposed easement areas for planning, survey and construction purposes, subject to the conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-13

ROMAN CATHOLIC DIOCESE OF HONOLULU APPLICATION TO PURCHASE REMNANT PARCEL AT WAIKIKI, HONOLULU, OAHU.

This remnant is what remains of an alleyway which was abandoned by the City in 1960 and then conveyed to the State for sale to the abutting owners. The Board, on May 27, 1966, authorized sale of portion of the alleyway (D-1) to the Catholic Church and the other portion (D-2) to the other abutter, John M. K. Han. The sale to Mr. Han was subsequently consummated but the Catholic Church did not complete the transaction involving that portion of the alleyway abutting the Church's property. They now have re-applied to purchase.

ACTION

Finding the subject parcel to be remnant, economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape or other characteristics, the Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously approved the sale of the subject parcel to the applicant in accordance with the provisions of the law, subject to the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-14

HAWAII HOUSING AUTHORITY REQUEST FOR RIGHT OF ENTRY TO STATE LAND TO CONDUCT FEASIBILITY STUDY AT KANEOHE, OAHU.

In connection with its housing program, Hawaii Housing Authority desires to purchase approximately 50 acres of State land at Kaneohe formerly set aside to the Department of Health for its Kaneohe State Hospital site. In order to determine the feasibility of a housing project on the site, Hawaii Housing Authority has requested a right of entry to the subject property.

ACTION

The Board unanimously granted the Hawaii Housing Authority a right of entry to the subject site for feasibility study purposes in connection with its housing program, subject to the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman. (Kealoha/Hong)

ITEM F-15

HIROSHI AZEKA AND DAVID THOMPSON REQUEST FOR CONSENT TO SUBLEASE PREMISES COVERED BY G.L. NO. S-4575, NAWILIWILI, LIHUE, KAUAI.

ACTION

(See Page 3 for Action)

ITEM F-16

COCO PALMS RESORT HOTEL REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (6/13/80, AGENDA ITEM F-26) AUTHORIZING SALE OF ABANDONED DITCH RIGHT OF WAY, WAILUA, KAUAI.

ACTION

On June 13, 1980 the Board authorized the direct sale of a State-owned ditch right of way designated as Drainage Easement B on the map attached to the submittal. The applicant would also like to purchase that area identified as Drainage Easement A on the map, which necessitates approval of an amendment by the Board.

The Board unanimously voted to amend its action of June 13, 1980 (Item F-26) to add Drainage Easement A to the proposed sale, all other terms and conditions of the previous action to remain the same. (Yamamoto/Yagi)

ITEM F-17

DANIEL MELENDEZ REQUEST FOR AMENDMENT TO R.P. NO. S-5540, WAILUA, KAUAI.

Mr. Melendez has informed staff that he would like to turn custody of R. P. S-5540 over to his son Randy. This submittal requests that the Board revise Revocable Permit No. S-5540 to the extent that the name of the permittee be changed from Daniel to Randy. All other terms and conditions of the permit, including the rent, to remain as is.

ACTION

The Board, upon motion by Mr. Yamamoto and a second by Mr. Yagi, unanimously:

1. Authorized the cancellation of Revocable Permit No. S-5540 to Daniel Melendez effective January 31, 1981; and,
2. Authorized the issuance of a revocable permit to Mr. Randy Melendez covering Lot 240, Wailua House Lots, 4th Series Extension, Wailua, Kauai, for pasture purposes only to convenience February 1, 1981 at a monthly rental of \$7.00, subject to:
 - a. Collateral security Deposit: \$14.00
 - b. Liquidated Damage: \$3.00 per day
 - c. The permittee shall, at his cost and expense, construct stock proof fencing around the perimeter of the premises prior to placing cattle on said area.
 - d. Other terms and conditions the Chairman may impose to carry out the intent of the Board.

ITEM F-18

CITIZENS UTILITIES CO., KAUAI ELECTRIC DIVISION, APPLICATION FOR ELECTRIC TRANSMISSION LINE EASEMENT, KALAHEO, KAUAI.

During October of 1969, Kauai Electric advised us of its need for a construction right of entry and an easement crossing the Kalaheo Spring Reserve to install electrical service to an Air National Guard radio repeater station that was being constructed near Kukuioolono Park.

Upon receiving the consent of the County of Kauai, former Board of Water Supply, a right of entry was granted to the utility company during March of 1970 to construct the line and same has been in use since that time. Transaction of the easement was delayed because of survey problems and whether or not the County of Kauai still desired to retain the Kalaheo Homestead Spring Reserve as part of its Kalaheo Water Works System.

These concerns were recently resolved when the applicant informed staff that they are willing to bear the cost of the survey, and when Manager Briant of the County of Kauai, Department of Water Supply, informed us the Kalaheo Homestead Spring Reserve is surplus to their needs.

ACTION

The Board, upon motion by Mr. Yamamoto and a second by Mr. Yagi, unanimously:

- A. Authorized recommending to the Governor of Hawaii issuance of an executive order cancelling the operation of Governor's Executive Order No. 337 (County of Kauai/Kalaheo Homestead Spring Reserve);

- B. Confirmed the right of entry granted Kauai Electric, a division of Citizens Utilities Company, on March 13, 1970; and,
- C. Authorized the granting of a perpetual, non-exclusive easement to Citizens Utilities Company covering the subject lines, poles, anchors and guy wires under the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

(See below* for more remarks regarding Item F-18)

ITEM F-19

GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE REQUEST FOR AMENDMENT OF PRIOR BOARD ACTION (11/21/80, AGENDA ITEM F-25) APPROVING RENEWAL OF LEASE COVERING ROOM 205 OF THE TANI BUILDING, HONOLULU, OAHU.

The Board on November 21, 1980 authorized the renewal of lease of office space for the Governor's Agriculture Coordinating Committee covering Room 205 of the Tani Building. The Committee is now requesting amendment to lease to include Room 206 of the Tani Building

ACTION

Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General.

*Referring back to Item F-18 (page 16), Mr. Ono said that, in the future, he would like to get some kind of an impact statement before a request for utility easements is brought to the board e.g. what affect approving or disapproving such a request would have on the cost of electricity to the public. Because the question has never been raised, it has been automatic with the utility companies that just because state land is available they have gone that route. Mr. Ono would like to make sure that, economically, that is the best way to go. The Board would like to know that whatever they approve will not just be automatic but will help the utility companies keep their cost down, thus passing the savings on to the public.

ITEM F-20

BUDGET AND FINANCE REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE IN SUITE 909, 1164 BISHOP STREET., HONOLULU, OAHU.

ITEM F-21

BUDGET AND FINANCE REQUEST FOR ACQUISITION OF LEASE COVERING HEARING ROOM IN SUITE 909, 1164 BISHOP STREET, HONOLULU, OAHU.

ACTION

The Board unanimously approved Items F-20 and F-21 as submitted, subject to the review and approval of the lease agreements by the Office of the Attorney General. (Kealoha/Hong)

ITEM F-22

HADLEY-PRUYN DEVELOPERS, INC. PROPOSAL FOR DEVELOPMENT OF KEEHI LAGOON LANDS, HONOLULU, OAHU.

On October 10, 1980 the Board voted to receive a proposal by Hadley-Pruyn Developers, Inc. for the development of approximately 300 acres of submerged land in Keehi Lagoon and authorized the Chairman to review the proposal and, if necessary, hold public informational meetings and then report back to the Board. Accordingly, a public informational meeting was held on December 2, 1980 during which the prospective developers described their plans and answered questions from the audience.

Hadley-Pruyn proposes to develop an airport-related industrial park of approximately 415 lots, 20,000 sq. ft. each in size, together with 1,800 boat slips, 20 acres of marina land, tennis courts, Hawaiian racing canoe facilities and commercial facilities. As also stated at that meeting, Detor said that there are two statutory avenues under which the submerged lands can be leased and development take place. They are as follows:

1. Section 171-53, HRS, authorizes the Board, with the prior approval of the Governor, to lease out submerged lands and lands beneath tidal waters which it deems are suitable for reclamation. The statute stipulates that the lands shall be reclaimed at the expense of the lessee and that title to the reclaimed lands shall remain in the State. Under this section, the lease can be sold at public auction or disposed of through negotiation under the procedure spelled out in Section 171-59, HRS.
2. Section 171-60, HRS, authorizes the Board, with the prior approval of the Governor and authorization of the legislature by concurrent resolution approving a development project, to (a) lease out submerged lands to be reclaimed at the developer's expense to a private developer or (b) enter into a development agreement with a private developer for development and subdivision of such submerged lands as a leasehold project for industrial use.

Based on examination of the proposal and the questions raised at the public meeting, Mr. Detor felt that if the proposal is to receive consideration it should be processed under the provisions of Section 171-60, HRS. This section requires the prior approval of the Governor and authorization of the legislature by a concurrent resolution approving the project. The proposed development is of such magnitude that the involvements of the Governor and the legislature would be desirable.

ACTION

It was moved by Mr. Kealoha that the Board authorize the Chairman to initiate processing of the proposal for development of the Keehi Lagoon submerged lands under the provisions of Section 171-60, Hawaii Revised Statutes.

Mr. Ono mentioned that he had been approached by a representative of Water Skier's Association who had concerns about the area being developed for reasons other than recreation and had invited the Board for a ride on his boat to visit the area where the island is being proposed.

Mr. Yagi asked if this motion meant that the Chairman will have to discuss this matter with the Governor and the legislature before the Board can decide whether or not this area will be developed. That is correct, answered Mr. Ono. This is a three-party decision. In effect, said Mr. Ono, this motion triggers the drafting of a resolution which will be introduced by the legislature, through the Governor and, if we get the resolution adopted, than the Board can proceed to the next phase, which is requesting proposals for development of the area from any other developer or developers. The proposal does not have to be only from the applicant. Also in answer to Mr. Yagi's question, Mr. Ono said that, if the legislature fails to act on this resolution, the project is dead.

Mr. Yamamoto seconded and motion unanimously carried.

CONSERVATION DISTRICT USE APPLICATION FOR NATURE TRAIL CONSERVATION USE AT MANUKA NATURAL AREA RESERVE, MANUKA, KAU, HAWAII (DLNR/NATURAL AREA RESERVES SYSTEM).

ITEM H-1

The proposed project involves the construction of a nature trail in the mauka section of the Manuka Natural Area Reserve, Kau, Hawaii.

ACTION

Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Kealoha/Hong)

ITEM H-2

CONSERVATION DISTRICT USE APPLICATION FOR UTILITY EASEMENT USE AT
KAHAKULOA, MAUI (MAUI ELECTRIC CO., LTD.).

Maui Electric has received a request from a Mr. and Mrs. Klaus Wittenburg to have services provided to their properties. In order to provide them with the service required, the applicant proposes to extend some overhead lines from the existing pole on Parcel 43 to go along the existing trail situated within TMK 3-1-02:11. Therefore, a 15' x 450' overhead easement will be required.

Mr. Jerry Miller, Land Agent for Maui Electric, asked if the Hawaiian Telephone Company could also be included in this submittal. Mr. Kealoha felt it was too late for this and that Hawaiian Telephone should come in with a separate application.

From your standpoint, Mr. Ono asked Mr. Miller, do you use public lands because of what it might do to the cost of your project. Miller said that past policy has been not to use it if we don't need to.

ACTION

Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Yagi/Yamamoto)

ITEM H-3

CONSERVATION DISTRICT USE APPLICATION FOR EXPLORATORY WELL DRILLING AND
TESTING AT KAWAIIHAU, KAUAI (DINR/DIVISION OF WATER AND LAND DEVELOPMENT).

The proposed project will explore for groundwater source by drilling a well approximately 500 feet on State land on the southern slope of Moalepe-Keiwa Ridge of the Makaleha Mountains in Kapaa. To determine its safe yield, the well will be tested for its chloride content, pumping rate and drawdown.

ACTION

Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Yamamoto/Yagi)

ITEM H-4

CONSERVATION DISTRICT USE APPLICATION FOR EXISTING AUWAI CHANNEL CLEANING
AND REPAIR AT KAHAKULOA, MAUI (WALTER C. WITTE, ET AL).

ACTION

(See Page 7 for Action)

ITEM H-5

CONSERVATION DISTRICT USE APPLICATION FOR SINGLE FAMILY RESIDENCE USE
AT KAU, HAWAII (LYDIA S. YOUNG).

ACTION

(See Page 4 for Action)

ITEM H-6

REQUEST TO CLARIFY POLICY REGARDING SINGLE FAMILY RESIDENCE IN THE
CONSERVATION DISTRICT.

ACTION

(See Page 5 for Action)

ITEM J-1

ADDENDUM NO. 4 TO LEASE NO. DOT-A-78-2, HONOLULU INTERNATIONAL AIRPORT
(MARRIOTT CORP.).

ACTION

Unanimously approved as submitted. (Yagi/Kealoha)

ITEM J-2

APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION.

ACTION

Unanimously approved as submitted. (Kealoha/Hong)

ITEM J-3

ISSUANCE OF A DIRECT LEASE, HARBORS DIVISION, KAWAIIHAU BOAT HARBOR,
HAWAII (U.S. DEPT. OF TRANSPORTATION, U.S. COAST GUARD).

ACTION

Unanimously approved as submitted. (Kealoha/Hong)

ITEM J-4

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (KOGA ENGINEERING & CONSTRUCTION, INC.).

This area will be used for storage of construction and building material at a rental rate of \$200.00 per month effective January 16, 1981.

ACTION

Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM J-5

USE OF HARBORS DIVISION FACILITIES, KAILUA PIER, KONA, HAWAII (KONA COAST CHAMBER OF COMMERCE).

This is a request to hold the 11th Annual Kona Coffee Festival bon dance and other international dances at Kailua Pier, Kona, Hawaii, rent free, on November 4, 1981. The applicant is a nonprofit organization.

Mr. Kealoha moved and Mr. Hong seconded to approve this request.

Mr. Ono asked what criteria is used by the Department of Transportation in setting rentals. Mr. Garcia explained that, in this particular case, because this dance is a community thing sponsored by the Kona Chamber of Commerce, which is a nonprofit organization, it was felt to be in the State's interest to let them use the area rent free since there will be no charge to attend the bon dance.

Although it may seem insignificant, Mr. Ono felt that since the Board had acted on the Piers 9 and 10 rental structure, he did not want to be responsible for being inconsistent by approving something with gratis rental and in other cases we charge a rental fee. Mr. Ono asked that the Department of Transportation check into this so that there can be some consistency in rental charges.

Mr. Kealoha withdrew his motion to approve and Mr. Hong withdrew his second.

ACTION

Mr. Yagi moved for deferral of Item J-5. Mr. Yamamoto seconded and motion unanimously carried.

ITEM J-6

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (JIMPE TAMURA, DBA J'S MACHINERY SERVICE).

This area will be used for fabrication of boats and storage and repair of equipment at a rental rate of \$1,000.00 per month effective February 1, 1981.

ACTION

Unanimously approved as submitted. (Kealoha/Yagi)

ITEM J-7

CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.

ACTION

Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-8

METERED TAXICAB SERVICES LICENSE AND AGREEMENT, KAHULUI AIRPORT, MAUI (MAUI INDEPENDENT TAXI ASSOCIATES, INC. (MITA)).

MITA will provide metered taxicab services at the Kahului Airport for a three year period from February 1, 1981 to January 31, 1984 at a minimum annual guarantee of \$4,800 or \$.35 per trip, whichever is greater.

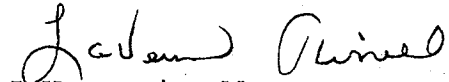
ACTION

Unanimously approved as submitted. (Yagi/Yamamoto)

ADJOURNMENT

There being no further business, the meeting adjourned at 12:05 p.m.

Respectfully submitted,


Laverne Tirrell
Secretary

APPROVED


SUSUMU ONO
Chairman

lt