

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

DATE: February 27, 1981

TIME: 9:00 A. M.

PLACE: DLNR Board Room

Kalanimoku Building

1151 Punchbowl Street

Honolulu, Hawaii

ROLL
CALL

The meeting of the Board of Land and Natural Resources was called to order by Chairman Susumu Ono at 9:10 A. M. The following were in attendance:

MEMBERS

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

STAFF

Mr. Roger Evans
Mr. James Detor
Mr. Robert T. Chuck
Mr. Mason Young
Mr. Libert Landgraf
Mr. James Yamashiro
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Dona L. Hanaike
Dep. A. G. Johnson Wong (arrived at
11:40 A. M.)
Mr. Robert Masuda (Item H-10)
Mr. Tamotsu Sahara (Item F-13)
Ms. Sharon Peterson (Item F-14)
Mr. Kazu Hayashida (Item D-2)
Mr. George Noguchi and Mr. Michael
Dixon (Item H-1)
Mr. Boyce Brown (Item H-12)
Mr. Mark Watase (Item F-1-i)
HHA Representative (Item F-1-i)
Nawiliwili Marine, Inc. Rep. (Item F-1-f)
Mrs. Barbara Lee (Item C-4)
Mr. Peter Garcia

MINUTES

Mr. Hong moved to approve the minutes of January 23, 1981 as circulated.
Mr. Kealoha seconded and the motion was unanimously carried.

Added
Items

Mr. Kealoha moved, seconded by Mr. Hong, and the board unanimously approved to add the following items to the board agenda:

Water & Land Development

Item D-3 -- Filling of Engineer (Civil) I Positions

State Parks

Item E-7 -- Filling of Position No. 5051E Archaeologist

Item E-8 -- Filling of Vacant Clerk-Stenographer II Position, Oahu

Administration

Item H-14 -- Out-of-State Travel Request for Kendrick Lee of the
Aquaculture Development Program to Attend the
World Mariculture Society Meeting

The board deviated from the printed agenda and took the items in the following order to accommodate the people in the audience:

ITEM H-10 CDUA FOR BEACH PARK SITE IMPROVEMENT USE AT HANAUMA BAY, MAUNALUA, HONOLULU, OAHU (C&C/DEPARTMENT OF PARKS AND RECREATION)

This was an application by the City and County of Honolulu, Department of Parks and Recreation. They have a development plan for Hanauma Bay as a result of studies done in the area, in an attempt to find the optimal level of use for the various uses that are occurring at Hanauma Bay. This project involved the use of the protective, limited and general subzones.

This application was circulated among the state and county agencies, including the divisions within our own department. Most agreed that this is a good idea and several had specific concerns which staff felt were valid and have agreed with.

Staff recommended approval, subject to a number of conditions which were listed on pages 9 and 10 of the board submittal.

Mr. Evans asked the board to amend Condition No. 10, which read, "That optimal lookout locations, acceptable to Heritage Conservation and Recreation Service Office, State Department of Land and Natural Resources, shall be decided prior to the commencement of the project." After discussing this matter with the HCRS staff, Mr. Evans was informed that they don't feel at this time that it's within their functional responsibility to approve lookout locations.

Mr. Kealoha said if Condition No. 10 is not necessary, staff should amend the submittal to delete it rather than to ask the board to amend the submittal.

Mr. Evans asked for board's permission to amend his recommendation by deleting Condition No. 10.

Mr. Evans said there is a condition in our new regulation requiring a public hearing whenever a conditional use is going to be proposed in the protective subzone. The new regulation also has a clause which states that if a public hearing is required by another agency for the same purpose that the minutes of that public hearing could be appended to the application. Then there would be no need to duplicate the requirement of a public hearing. In this particular case, the city did have a public hearing, and the minutes of that public hearing were incorporated in their application.

Mr. Ono said there has been some publicity over the past several years about the possibility of the city permitting a restaurant to be built in that area. He asked whether there is any direct or indirect reference to a restaurant in this application.

Mr. Evans said in all of the materials submitted by the city, nowhere does it make any reference to the establishment of any commercial restaurant in the area.

Mr. Kealoha wanted to know what is going to be constructed in the three different subzones.

Mr. Evans said construction would be basically that of relocating and landscaping some of the parking. Parking would remain in the same subzone. The lookouts generally are in the general subzone. No work is expected in the limited subzone, which is the area that goes down to the beach and the water itself.

Mr. Robert Masuda, City and County of Honolulu Director of Parks and Recreation, addressed the board and briefly went over their plans. He said the most important reason for this project is to prevent the continuing discharge of runoffs from the present parking lot area. He said the silt pollution discharge is one of the major issues which they are concerned about, in terms of the effect within the bay itself.

As far as camping is concerned, there is nothing definite at this time, and they don't have immediate plans for that kind of development activity at this time.

In order to properly plan for this, Mr. Masuda said their consultant took a look at the whole area, and they have submitted their whole plan to the department. He said the basic data for the environmental requirements, etc., should be applicable to the overall development, but this application primarily addresses the first couple of phases. They would come back later to the board for approval on the other phases.

ACTION Mr. Hong moved, seconded by Mr. Kealoha, and the board unanimously approved staff's recommendation, as amended, by deleting Condition No. 10.

ITEM F-13 UNIVERSITY OF HAWAII REQUEST FOR APPROVAL OF ISSUANCE OF R. P. TO UNIVERSAL TELEVISION COVERING PORTION OF THE KAPIOLANI COMMUNITY COLLEGE GROUNDS, FORT RUGER, OAHU

This was a request from the University of Hawaii for issuance of a revocable permit to Universal Television, "Magnum P. I.," a Division of Universal City Studios, Inc., for a 10-month period.

When questioned by Mr. Hong as to why Universal Television was making the application, instead of the University, Mr. Detor said the area is within the Kapiolani Community College grounds which is under lease to the University. He explained that because the lease covers the campus, they cannot legally sublease or issue a permit without the board's consent.

The permit covers the 4-acre site which is currently under a permit to CBS which runs out tomorrow. It would cover the studio building and the improvements. Those improvements, including a number of things, revert to the University of Hawaii ownership upon the termination of the present permit.

Those buildings were put in by CBS, and under the terms of the agreement with the University, CBS is going to turn over ownership of the buildings and other equipment to the University.

When the board initially approved this, the University issued a permit to CBS. The City and County also approved a conditional use permit, which expires at the end of March or April of this year, so that will require further action from the city if the board approves this request.

Mr. Kealoha asked about the fee schedule. Mr. Detor said the fee schedule would be established by appraisal. The present rent, which does not include the improvement, is \$1,032.00 a month. The new permit, however, will take into consideration the fact that the improvements will belong to the University. The board was informed that income from the permit comes to this department and not to the University.

Mr. Hong said he read in the newspaper recently about the availability of tv studio space by Gentry in Waipio, which they have built in the industrial area. If there is an availability of such commercial space, he questioned whether the state or the University should be competing with the private sector. It bothered him that the University is involved in this type of leasing business. This is not to say, he said, that he does not favor or not trying to assist the tv business to find a location.

Mr. Detor said he talked to Dr. Henry Wong of DPED and the answer that he got from him is that the facility, particularly from the sound standpoint, is not adequate to support this particular series. Mr. Detor said outside of that, there is nothing else available.

Mr. Hong asked how the University relates this type of business with the use of that land which was originally leased to them.

Mr. Detor said the land is leased to the University for the Kapiolani Community College. Their initial planning was to use this area starting March of this year, but it was his understanding that their plan has been delayed, and they actually will not have any use of this part of the campus until next year.

Mr. Kealoha asked Mr. Detor how long it will take the staff before they can come up with the fee schedule. He said they may disagree with the rent and not want to rent this area. He also stated that the board should be the one to approve the rent.

Mr. Detor thought that could be done in about a week or so.

Mr. Ono asked what assurance do we have if at the end of December another series comes up and they may come back for another extension.

Mr. Tamotsu Sahara, representing the University, said the University plans to start renovation of that facility in time for their next spring semester, and based on their discussion with the Magnum people, he said they will get out in time.

Mr. Hong asked whether they would have to go through another hearing with the city when the conditional use permit is renewed. It was Mr. Detor's understanding that the procedure with the city has changed. The Director of the Department of Land Utilization has the authority now to grant such a permit without council's action.

Mr. Higashi asked whether the applicant has a place to go at the end of the 10-month period.

A representative from the film industry said they are surveying other locations. So they are planning beyond the 10-month period and plan to use this area on an interim basis. He said because there is a threat of a directors' strike at the end of June, they would like to get as many shows filmed before the possible strike date.

ACTION Mr. Kealoha moved for approval, with a condition that the applicant pay the rent to be determined by the board; and should the rent be higher than the current rate, that they shall pay retroactively to the date they occupy the premises. Mr. Hong seconded, and the motion was unanimously carried.

ITEM F-14 SHARON'S PLANTS, LTD. REQUEST FOR EXTENSION OF GENERAL LEASE NOS. S-3778 AND S-3779, WAIMANALO, OAHU

This was a request from Sharon's Plants, Ltd. for an extension of the lease terms covering two general leases in Waimanalo. These leases cover Lots 40 and 41 of the Waimanalo Agricultural Subdivision. These two lots are adjacent to each other.

The lessee has applied for a \$93,000 loan from the Federal Land Bank Association, and the Association requires that the terms of the leases be extended in order to meet their requirements. The submittal listed how the \$93,000 is going to be used.

Mr. Detor said the terms and conditions listed in the submittal are standard conditions. Under this particular request, the two leases would be given a 23-year extension, which would take these leases up to December 1, 2006.

Mr. Detor said under the statutes the total that you can extend the lease is a total of 55 years, including the initial term.

ACTION Mr. Kealoha moved, seconded by Mr. Hong, and the board unanimously approved staff's recommendation as presented.

ITEM H-11 RESUBMITTAL - CDUA FOR STONE WALL REPAIR USE AT KEEI I, SOUTH KONA, HAWAII (ISAMU OSHIMA)

This was an after-the-fact application to repair an existing wall.

Mr. Evans said there is dual landownership here. Below the highwater mark is the resource subzone, which is owned by the state. That portion of land above the highwater mark is in general subzone and is privately owned.

Mr. Evans said our Division of Conservation and Resource Enforcement (DOCARE) report shows that not all of the existing stone wall is in the private property and therefore a violation has occurred.

Staff recommended denial on the basis that:

1. The applicant has failed to comply with Section 205A-29, HRS, relating to Special Management Area requirements of the County of Hawaii;
2. The applicant has failed to obtain appropriate authorization from the Division of Land Management for the occupancy of state lands; and

3. The applicant has failed to provide construction plans to indicate the relationship between the proposed construction and the petroglyph on the subject property for review of historical, cultural, architectural and/or archaeological significance.

Under Condition No. B of the recommendation, Mr. Evans asked to make some adjustments regarding the fine of \$500.00. To ascertain correctness of such a position, and to separate the application from the violation, staff recommended that upon completion of a shoreline survey, if it shows encroachment on state lands within the conservation district, that the applicant be fined. Should the survey show that this is not in violation, then no fine be instituted.

Mr. Evans informed the board that the State Survey Office has a staff on the Big Island so they can do the survey.

Mr. Kealoha asked whether the staff knows the State Survey Office timetable so we know when they will be doing the job. The reason he asked this is because there is going to be more erosion. He said by the time the surveyor gets there, the applicant's real property may change more and the violation may become greater.

Mr. Evans said he didn't put any time constraint and he didn't know their timetable.

Mr. Higashi suggested that the applicant get his own surveyor to survey the place and then have the State Surveyor's Office verify the survey. This will help expedite the matter, he said.

Mr. Evans asked to amend Recommendation C and renumber that to B.1. He said if the survey shows that it is on state land, they must be required to remove the new structured portion of the subject wall. If it is on the private property, we would not require them to remove the wall since that would be outside of the conservation district.

Mr. Evans said he has received a letter from a realtor, agent for the applicant, who requested withdrawal of the application. Normally, he said he would respect such a request. However, in this case because this is an after-the-fact application, and there is a violation, he was not making that recommendation to the board to withdraw.

Mr. Kealoha wanted to know when the pin was placed in relation to when the wall was constructed. Mr. Evans did not know, neither did Mr. Chun, the applicant's representative, who was present at the meeting.

Mr. Chun said he has informed the applicants that they are in violation. However, they are trying to correct that violation now, for that reason they would like to appeal any kind of fines.

Since the 180-day is on March 6, 1981, Mr. Ono said the board has to take some kind of action today.

ACTION Mr. Higashi said since the applicant has the right to appeal, he moved to approve staff's recommendation for denial, as amended above. Mr. Hong seconded, and the motion was unanimously carried.

ITEM F-9

KITV REQUEST FOR APPROVAL TO INSTALL MICROWAVE ANTENNA, R. P. NO. S-5720, KOLEKOLE HILL, PAPAANUI, MAKAWAO, MAUI

This was a request from KITV, which is a joint user, along with KGMB, KHON and KHET, of the television transmitting and receiving station facilities on Haleakala on Maui. They have requested permission to install an 8-foot microwave antenna (circular dish type) for purposes of receiving/transmitting video signals between Maui and Honolulu.

Mr. Detor said this item was deferred by the board last year for determination whether a CDUA was required or not. It has been determined that one is not required.

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM D-1

HONOLULU BWS WATER USE APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA

This concerned the Pearl Harbor Ground Water Control Area. This was a request from the Board of Water Supply to test a new well that they have, for a period of six months. In the meantime, the Board of Water Supply has agreed to reduce the amount of pumpage from their Pearl City Wells II in order to keep the certified quantity within the 77 mgd that we certified for Pearl Harbor.

Staff recommended that the board issue a Temporary Water Use Permit to the Honolulu Board of Water Supply to withdraw water from Well No. 2557-03 for a period of six months and to reduce a corresponding quantity of water to be pumped from Pearl City Wells II (2457-01 to 03).

ACTION Unanimously approved as recommended by the staff. (Hong/Yagi)

Mr. Ono announced that for the next item (Item D-2), Mr. Kazu Hayashida, Manager and Chief Engineer of the Board of Water Supply, will sit in as a member of this board in the official capacity.

ITEM D-2

DESIGNATION OF THE HONOLULU GROUND WATER CONTROL AREA AND THE WAIALUA GROUND WATER CONTROL AREA

The board designated the Ewa judicial district and the Wahiawa judicial districts as the Pearl Harbor Ground Water Control Area. Today staff recommended that the board designate the Honolulu judicial district and the Waialua judicial district.

Mr. Chuck said with respect to the Honolulu district there are evidences of long-term decline in water levels, increase in salinity and increase in ground-water withdrawals.

Mr. Chuck further stated that the ground water areas of Pearl Harbor and the Honolulu and Waialua districts are hydrologically inter-related. There are subsurface flows of about 15 mgd from the Honolulu basal water aquifer and that 15 mgd recharges the Pearl Harbor aquifer and contributes to the sustainable yield in the Pearl Harbor area of 225 mgd. Additionally, about 42 mgd of Pearl Harbor ground water supplies are exported into the Honolulu District to meet Honolulu's municipal water requirements.

Further, Mr. Chuck said in the municipal water use plan submitted to this board by the Board of Water Supply, it shows that there will be an increase in pumping from the Honolulu District of about 7 mgd in the next few years. This increase pumpage will bring the withdrawal rates in the Honolulu District, and staff is concerned about that increase.

On the Waialua District, this district has evidence of increasing salinity and increase in withdrawals that are getting closer to the sustainable yields.

In order to properly manage the ground water resources of the Waialua area, the entire District of Waialua is suggested for control because of difficulties arising in matching ground water compartments to topographic features in a precise manner and to ensure the inclusion of all of the inter-connected compartments comprising the Waialua ground water area. Staff recommended that state controls should be imposed before withdrawals equal or exceed the sustainable yield of basal aquifers to give ample lead time to plan for orderly water developments.

Mr. Chuck recommended that the board designate the Honolulu District (Tax Zones 1, 2 and 3) as the Honolulu Ground Water Control Area and the Waialua District (Tax Zone 6) as the Waialua Ground Water Control Area for management of ground water development and use, effective February 27, 1981.

Mr. Hong asked whether there is a valid relationship between water resource and the judiciary district boundaries. He asked whether that is for convenience.

Mr. Chuck said that is for convenience.

Mr. Hayashida said the 42 mgd that comes from the Honolulu area is a management-type figure rather than an absolute figure. Certain things that are done outside of the basin can affect that flow. The plan that they have is tend to do that. He further stated that the record will also show that the diminishing of Honolulu basin has been checked since the Board of Water Supply took over the operation of the Honolulu District. Right now they are not saying that they refuse to turn over control. He said since they managed the basin they are asking not to rush into it now because they are concerned with the condition of Honolulu Basin and the Pearl Harbor Basin.

Mr. Hayashida didn't feel that it is critically affected at this time and asked that the board let them handle it for a while.

Mr. Ono asked that the board take actions separately for the Honolulu District and the Waialua District.

ACTION Mr. Hong moved to approve staff's recommendation that the Waialua District (Tax Zone 6) be designated as the Waialua Ground Water Control Area for management of ground water development and use, effective February 27, 1981. Mr. Yamamoto seconded and the motion was unanimously approved.

Mr. Hong further moved that the board accept staff's recommendation and designate the Honolulu District (Tax Zones 1, 2 and 3) as the Honolulu Ground Water Control Area, effective February 27, 1981. Mr. Yamamoto seconded, and the motion was unanimously carried.

The chairman thanked Mr. Hayashida for participating.

ADDED
ITEM D-3

FILLING OF ENGINEER (CIVIL) I POSITIONS

ACTION

On Mr. Hong's motion, which was seconded by Mr. Yagi, the board unanimously approved the appointments of Mr. Neal Imada to Position No. 32446, Engineer (Civil) I, and Mr. Randall Kurashige to Position No. 32433, Engineer (Civil) I, effective March 2, 1981.

(The board recessed for a few minutes and resumed its meeting again.)

ITEM H-1

RESUBMITTAL - VIOLATION OF LAND USE WITHIN STATE CONSERVATION DISTRICT AT PUPUKEA-PAUMALU BEACH, OAHU

This submittal came about as a result of a complaint received by this office. The complainant originally alleged of a possible violation due to the placement of a new rock wall on the beach fronting the property at Pupukea.

Mr. Evans distributed series of exhibits as follows:

1. A copy of Executive Order which set aside the beach area and a number of rights of way to the beach, under the control of the City and County, Department of Parks and Recreation.
2. A copy of a report dated December 17, 1979, which was prepared by the Army Corps of Engineers.

Mr. Evans pointed out several things in that particular report and gave the following order of events:

- .. Back in 1979, Mr. Dixon was told by the Corps that a Department of Army (DA) permit would not be required if there was no substantial change to what was then an existing wall.
- .. At the same time the individual was told to contact DLNR whatever we may have.
- .. As a follow up, the Corps stated that the revetment varied significantly from the original wall.
- .. Also that the footing which was used as a foundation extended 10 to 12 feet.
- .. Also stated in the report that Dixon stated that no permit was needed by DLNR.
- .. However, he was advised by the Corps to stop work.
- .. Advised by the Corps that DLNR may have jurisdiction.
- .. Dixon stated he could not stop work since he already paid for the work to be done.
- .. Dixon got professional help relating to the sea wall. The report states that the sea wall should be excavated to hard bottom structurally capable of withstanding the largest waves experienced in the area and he should submit the proposed plan.

- .. On August 1978, the then previous land owner, Mr. Scott, submitted plans to reconstruct.
 - .. However, the Corps advised Mr. Scott to get a state permit.
 - .. Corps concluded that Mr. Dixon and Mr. Scott were informed of the department's requirement that may be required and for professional engineering requirements when he build the sea wall.
 - .. Existing concrete footings. Although this action has occurred, there does appear to be quite a bit of credence in the professional engineering requirements when they discussed ability, and they expressed concern in their document as they relate to withstanding large waves.
3. A copy of the survey which has been certified by the State Surveyor.

Mr. Evans reported that no CDUA has been asked for or approved by the board. Subsequent to the initial 1977-1978 reports coming out from the Corps of Engineers, staff checked with the City and County Building Department to ascertain whether the city had issued a permit for the project. Staff received a response from them that stated that no permit had been issued.

About a month ago, the applicant had written to the City and County Department of Land Utilization asking for emergency authorization to repair the sea wall again. The city responded in writing that they did go on a field inspection and that they did not foresee the emergency as suggested by the applicant.

Based upon staff's findings and analysis to date, staff made the following recommendations to the board:

A. That the board find:

1. The area makai of the shoreline survey which has been certified by the State Surveyor is within the conservation district and thus Chapter 183 does apply;
2. The land upon which the rock sea wall was constructed occurred on state land which is under executive order to the City and County of Honolulu;
3. Regulation 4 of DLNR is the implementing vehicle by which the application was processed;
4. That no board approval has been given at this time and that therefore a violation of land use has occurred; and
5. The responsible party for the construction of the new rock wall is the adjacent land owner, or Mr. Dixon.

Staff recommended the following penalties:

1. A maximum fine of \$500.00;
2. Removal of the rock wall which exists in state lands under executive order to the City and County of Honolulu, which is situated in the conservation district, along with the entire area, be restored to its natural condition at no expense to the state;

3. Administrative cost of \$700 to be reimbursed. These costs include costs to the Board, Department of Land and Natural Resources, Department of Accounting and General Services and the Department of the Attorney General.

Mr. Ono asked Mr. Evans whether he personally visited the site. Mr. Evans said yes. He said as a result of his field inspection, there were several discussions held. Mr. Edwin Watson, Deputy Attorney General, suggested that the county seriously look into the matter.

Mr. Yagi wanted to know whether it will erode Mr. Dixon's property if he removed the wall.

Mr. Evans said it would have some effect on the property and it would erode.

Mr. Kealoha asked whether or not a survey was conducted to determine that it wasn't privately-owned lands at any time. Did the owner, upon notification, claim that he was building on his own land and not on state land, Mr. Kealoha asked.

Mr. Evans was not aware of any statement that the owner made as to the ownership of the land at any time.

Mr. Higashi asked whether the subdivision of the boundary is the boundary of the original record.

Mr. Evans couldn't answer that question. However, he said that is a lot of record as of now.

Mr. George Noguchi, representing Mr. Dixon, the applicant, distributed copies of the Factual Background, which he believed to be a more accurate issue of what transpired, inasmuch as they believed that the staff's presentation to the board was full of many gaps.

Mr. Dixon purchased this property under an agreement of sale back in April 1979, and he closed the transaction in August 1979. Prior to the north shore storm that created huge waves and threatened the subject property, Mr. Dixon made inquiries with the Corps of Engineers, state and county agencies, as to the procedure of how to repair or construct a new wall.

Mr. Dixon went to the Corps with two plans--one for a reinforced concrete wall, and the other for the repair of the existing rock wall. He was informed by the Corps that the majority of the wall was above the mean highwater (MHW) line and a portion of the wall was below the MHW, and that any work done there would require a Corps permit. He was also informed, according to Mr. Noguchi, by the Corps that no building permit was required if it was considered repair and that he had to check with the various state and county offices to determine if he qualified under the category of repair.

Mr. Dixon then went to the Department of Land and Natural Resources and saw Mr. Len Bautista and showed him the same set of drawings that Mr. Dixon showed to the Corps. He was informed by Mr. Bautista that only repair work would be permitted and what was critical was (1) how long the wall was in existence; and (2) that the foundation must be there and that in order to obtain a permit from the city he would need a site engineering drawings of

the wall. He also sent Mr. Dixon to Towill Corporation, where he looked at many aerial photos covering many years and was informed that the waves did not seem to be a concern in that subject area, but that the primary concern seemed to be surges.

Mr. Dixon also saw Mr. John Wayland, a city official, who indicated that only repair would be feasible. Mr. Wayland emphasized that it was important that in order to be considered repair, that (1) the foundation must still be in existence; and (2) how long the wall was in existence; and (3) that the same materials must be used.

Mr. Dixon further consulted with some professional engineers who advised him that a revetment would be better suited for that area. He was informed that a revetment is "a closely designed integrated system of various sizes of rocks or other material that is systematically fitted with interlocking features with the proper slope, the purpose of which was to absorb and dissipate wave energy, thereby preventing beach erosion and provide a more natural beach defense system."

In November 1979, a huge North Pacific storm took place which created a massive waves which threatened Mr. Dixon's home, so he backfilled and proceeded to dump rocks in a random manner, without regard to grade, slope, size or fit. Then, on November 23, 1979, a Mrs. Nagano from the Corps inspected the site based on a complaint by a Mrs. Sorenson that illegal work was being conducted without a permit from the Corps. She advised Mr. Dixon to stop work since he had not obtained a permit from any of the regulatory agencies.

Mr. Dixon did not do any further work since November 24, 1979 on said premises.

Mrs. Nagano advised Mr. Dixon to obtain professional assistance on the design of the wall. Mr. Dixon was informally advised by professional engineers that the concrete footings are stable and perhaps may only need to be pinned down.

Mr. Noguchi said the Corps of Engineers established that it was originally built in 1927 and rebuilt after the tsunami of April of 1946. The wall was further extended in 1952.

(Mr. Johnson Wong arrived at 11:40 A. M.)

Mr. Noguchi said contrary to what the staff had reported to the board, he had some proof to show the board and made a slide presentation.

Mr. Noguchi said staff charges that there has been a violation of the state conservation district regarding Mr. Dixon's property, and they cited that he has illegally constructed a new rock wall. He said the charge also seem to indicate that Mr. Dixon was advised by the Corps of Engineers of possible conservation district violation.

Mr. Noguchi said the report makes reference to comments from the complainant but none from Mr. Dixon. There was no effort made by the staff to show that any comments were tried to be obtained from Mr. Dixon.

Mr. Noguchi further stated that at no time in the report did Mrs. Nagano state that there was a new rock wall. Reference was made to a revetment.

He said they take a position that it was a revetment based on the definition given to the board in the Factual Background. They are taking the position that Mr. Dixon himself honestly felt that he was dumping large rocks. With regard to the comments that he was warned by the Corps of a possible violation in the conservation area and advised to him to stop work, he said nowhere in the state report does it give any indication that such was the case.

Mr. Noguchi said the charge also fails to point out that although he makes inquiry that the report was made based on violation of Corps of Engineers, it failed to say what the conclusion was. He said the conclusion was that there was no violation. Mr. Evans pointed out that the whole area in question seems to be in conservation district. Mr. Noguchi said conservation land was only that portion possibly under mean highwater mark since the rest of the portion was supposed to be under the jurisdiction of the county. Assuming we take that stand, Mr. Noguchi said then the whole existing stone wall there existed many, many years ago and should be grandfathered.

With regard to the complainant's statement that Mr. Dixon failed to stop work and completed the wall in December 1979, Mr. Noguchi said the wall was not completed in December 1979 because Mr. Dixon simply stopped work.

Mr. Noguchi said the charges should be dismissed because staff has not proved that there was indeed a new wall being built.

Mr. Noguchi said in the event Mr. Dixon is told to take down this rock wall, grave consequences will happen and the other property owners and their properties would be in jeopardy. He didn't know who would be responsible for that. He said he does not know what the solution is, perhaps the purchase of that particular piece from the state--negotiated, or a long term lease, or give them the right to build and reconstruct the wall with the idea that Mr. Dixon will have to maintain it and be responsible, indemnify for any liability resulting from that wall.

Mr. Higashi said it seems as though one of the strong basis is that Mr. Dixon never really knew where his property line was. He asked whether the buyer or the seller supplied the pins to show him exactly where his property line was when he bought the house. Mr. Noguchi said no survey was made because it is a beach property and the land owner gave him a good price on it. He was not really concerned and no survey was made.

Mr. Kealoha asked when Mr. Dixon first applied for the reconstruction or repair of the wall. Mr. Dixon said he made the investigation before he bought the property in June of 1979.

Mr. Yagi said since this is a violation, this matter does not require any time limitation, so he felt that this matter can be referred to the Attorney General's Office for review and investigation.

Mr. Kealoha said the slides showed old pictures showing what the property looked like, then it showed pictures of what happened in November, 1979, and then what existed three weeks ago. He wanted to know how long it took Mr. Dixon to get those pictures of 1928. He said it could have made this meeting lot simpler if at the time Mr. Dixon was making inquiries, the different agencies were made aware that originally one solid wall existed. Maybe they could have taken a different approach, he said.

Mr. Dixon said he got those pictures about two months ago.

Mr. Higashi asked who originally built the wall. Mr. Noguchi said that was built by Judge Davies.

Mr. Kealoha said the board, together with the deputy attorney general, should visit the site before taking any action.

Mr. Ono added that the board may have to take a look at the whole stretch of the beach, not only Mr. Dixon's area.

ACTION Mr. Kealoha moved, seconded by Mr. Yagi, and the board unanimously voted to defer action on this matter pending a site inspection by the board members and the deputy attorney general.

(The board recessed for lunch at 12:20 P. M. and resumed its meeting at 1:10 P. M.)

ITEM H-12 RESUBMITTAL - CDUA FOR CONSTRUCTION OF FENCE, WALL, GATE
SHOWER AND SHED AT HAENA, KAUAI (BRIAN KENNELLY)

This matter was deferred at the last board meeting for further study. Staff had an opportunity to further study the matter and suggested the following changes in the recommendation:

That the board consider each separate violation, as follows: (1) In terms of the rock wall, staff recommended that the fine be reduced to \$50.00. This was based on the fact that the wall was for beautification purposes only, and has no footing nor is mortared and is comprised in part from rocks originally existing on the property; (2) as the fence and gate are related, staff recommended that two separate violations be consolidated and should be regarded as one, and that the fine be reduced to \$100.00. Mr. Evans said the fence is a chain link fence, approximately four feet tall, painted in green to blend with the environment. Although a violation exists here, staff felt that a fence around his lot is a reasonable use in the conservation district. (3) As to the outside shower, on the basis that the shower was of a very flimsy construction and has been torn down, staff recommended that the violation be noted, but that no fine be assessed in this case. (4) Relating to the storage shed, Mr. Evans said staff has been able to ascertain the shed was on the land prior to the present owner purchase of the property. However, inspection indicated that there was no water, plumbing or electrical service to the shed, and that the building is definitely being used only for storage. As a result, staff recommended that the fine be reduced to \$100 and the land owner be required to demolish and remove the shed within six months. (5) On the administrative fees, staff recommended that the board reduce this to a total of \$100.

Staff's final recommendation was that the after-the-fact application for the fence, gate and rock wall as a conditional use be separated from the violations and that the application be approved.

Mr. Kealoha said we should either fine and disapprove the application, or if it is permitted, approve the application and suspend the fine.

Mr. Evans said it isn't something that is permissible in the sense of a permitted use. He said he would view it as something that may be permitted which the board has the discretionary powers. In terms of the fine, even if the use is listed in the regulation as a permitted use, he would be in violation if he goes ahead and does it without board approval.

Mr. Brown said with respect to the storage shed, he concurs that it doesn't seem right to fine him. He said his client desires to follow the law. The county has told him that it may be in violation of the setback requirements. If that is the case, he said, it is going to be removed regardless of what the board does. However, he said it does seem that if it is not in violation, and if it is a permitted use, then there should be no problem in allowing it to continue. With respect to the shed, he has six months to tear it down. So he said he would like to come back to the board and reapply if it turns out that it is okay as far as Kauai County is concerned.

ACTION Mr. Yamamoto moved to approve staff's recommendation, subject to attorney general's ruling on the legality of the \$100 fine as it relates to the storage shed. Mr. Higashi seconded the motion. On the call of the question, the motion was carried with Mr. Kealoha casting the only no vote. Mr. Kealoha said he was against the fines for the rock wall and the chain link fence.

Item F-1-i LAND LICENSE - (Kauai)
MARK DEVELOPMENT, INC. - Government lands at Kekaha, bearing Tax Map Key 1-2-02, portion of Parcel 1, encumbered under General Lease No. S-4222 to Kekaha Sugar Company

This was an application for a land license by Mark Development, Inc. This covers the taking of some 14,000 cubic yards of sand and 5,000 cubic yards of top soil from Kekaha Sugar Company sand area and mill water mud soil settling basins at Kekaha. This is on state land which is under lease to Kekaha Plantation.

The applicant is the contractor for Hawaii Housing Authority in construction of 78 Low-Rent Public Housing Unit in the area. The sand and top soil will be used in finishing the grade of the subdivision, as well as for landscaping. Kekaha Plantation has indicated that they have no objection to the removal of this material.

Staff recommended a rate of \$3.00 per cubic yard for sand and 50¢ for top soil.

Mr. Detor said Kauai Land Agent Sam Lee has expressed some concern as to the method of removal. So staff recommended that a condition be incorporated to insure that no harm comes to the land. He has already talked to Kekaha Sugar that Kekaha, as lessee and as custodian of the land, be asked to monitor and make monthly reports to the district agent. The report should not only include estimates of quantities extracted, but comment on the taking.

Mr. Ono asked what the going rates are on Kauai for sand and top soil. Mr. Detor said \$3 and \$1, depending on how far you have to haul it. The applicant is not quarreling with the market price of the sand, he said. What they are saying is that it will have an effect on the price of the unit.

Mr. Kealoha asked what grade of sand we are talking about at \$3.00. He said at Olowalu Cinder Pit on Maui, there are three grades of cinder. He said when the request for cinder came in, they didn't specify the grade of cinder they wanted, and we sold it at 50¢, \$1.00 and \$1.50. Subsequent to the taking of the cinder, when the board visited the site, the board found out that Grade A was cut up and Grades B and C were still intact.

Mr. Young said the price range on Kauai is from finish grade to rough, low grade. The grade at Kekaha is rough, low grade.

Mr. Kealoha asked whether they are removing and storing at the site. Mr. Young said the licensee is given six months to do it, and the condition in the land license says that the licensee not be allowed to store and stock pile it at the site. Whatever he decides to take will be taken off the premises to the project site.

Mr. Kealoha said the Bureau of Mines made a report to the state on the hazards of the Olowalu Cinder Pit, and they gave us a time period to correct that situation. They cited the state for not conducting the orderly mining there.

With respect to the 14,000 cubic yards, Mr. Kealoha asked who is going to see that they are mining or digging properly.

Staff was concerned with this also, so they had direct communication with the manager of Kekaha Sugar, Mr. Faye, and he said they will be there to monitor to be sure when the taking is completed that the actual finish grade will be to his satisfaction, as well as to our Kauai District Land Agent.

Mr. Kealoha wanted to know the payment schedule. Mr. Detor said they would pay on monthly basis.

Hawaii Housing is purchasing this project at a predetermined price. Their price reflects the royalty of \$1.00 per cubic yard for the sand and 50¢ for the top soil, and they indicated that any increase in the royalty rate would increase the price of the units.

Mr. Detor said if they pay \$3.00 and \$1.00 for the sand and the top soil respectively, that will cause the price of the units to be more expensive to HHA. So they are asking that the contractor be charged \$1.00 and 50¢.

Mr. Kealoha said the reasoning doesn't make sense because a unit still runs \$75,000 and up. He said they are just ripping off the Land Department.

Mr. Ono asked what happens if the license request is denied. Are they presuming that the board will automatically approve the license at that rate?

A representative from HHA said if this request is disapproved, they would have great problems in getting the project on the road because top soil and sand, and those kinds of materials are very, very difficult to come by.

Mr. Kealoha said there are lots of sand at Polihale and asked the staff whether Polihale was considered. Mr. Detor didn't know about Polihale, but he said at the MidPac Development area, there is sand.

Mr. Yamamoto asked Mr. Young how much sand is available at the Kekaha site. Mr. Young said according to Mr. Faye there are at least 54,000 cubic yards.

ACTION Mr. Yamamoto moved to approve the request as recommended by the staff. Mr. Yagi seconded. On the call of the question, Mr. Kealoha and Mr. Higashi voted no. (Mr. Hong was out of the office and did not vote.) For lack of quorum, the motion died.

Mr. Yagi asked, should the motion include a \$3.00 rate, whether that means that HHA cannot go ahead. The representative said they will try to make a go as best as possible, even if they have to find additional money somewhere.

Mr. Ono said one of the difficulties with HHA is that they are assuming too much that the board is going to automatically approve the license with the rate that they included in their application. The board is not against the project, per se, he said.

The representative from HHA said this project is already three years old, and escalation and inflation have caught up with them. He said they did a lot of modification to the budget as they went along.

Mr. Mark Watase, the contractor, said he is stuck with the price that he quoted a year ago. With delays, inflation, etc., they tried to cut cost. They didn't know until a month ago that HUD was going to approve the project.

Since Mr. Hong was back, Mr. Higashi moved, which was seconded by Mr. Yagi, to reconsider the original motion, which was to approve staff's recommendation at \$3.00 and 50¢ rate.

Mr. Yamamoto moved to approve staff's recommendation at a royalty rate of \$3.00 per cubic yard of sand and 50¢ per cubic yard of top soil. Mr. Yagi seconded and the motion carried. Mr. Kealoha voted no.

Item F-1-f REVOCABLE PERMIT (KAUAI)
NAWILIWILI MARINE, INC. - Portion of the Nawiliwili Harbor Disposal Area, being a portion of TMK 3-2-03, portion of Parcel 7

The applicant has asked for 20,000 square feet. However, staff recommended that only 10,000 square feet be given. The reason for this is there are other applications pending, and the idea is to make an orderly distribution of the area. The terms and conditions listed were put together by our Kauai Land Agent, together with the Honolulu staff.

Mr. Detor said they have a marine products store in the harbor area. They want to use this space for storage of boats and trailer which will require repair and where minor work can be done.

Mr. Kealoha asked what is presently in the Nawiliwili area.

Mr. Detor said the subject area was planned as a light industrial subdivision, but the money lapsed. Subdivision plans are all approved, complete with engineering. He said it looks as though we are not going to be able to get the money for three years or more. Staff could not see just letting it sit all that time, so they are recommending that we put it up on a revocable permit basis.

Mr. Ono said he hoped in doing so we are not creating a messy kind of situation.

Mr. Detor said that is the reason for Condition No. 6, which says, "Other than perimeter fencing, no other improvements, portable or otherwise, shall be erected or placed on the property."

Mr. Kealoha asked what is the state's obligation to the permittees. He asked whether we are going to have relocation problems. Mr. Detor said no. He

said the only time we are involved with the relocation problem is when we buy private property and we inherit the tenants.

Mr. Kealoha asked whether this is the best use of the land. Mr. Detor said not on a long-term basis, however, for the interim, yes.

ACTION Mr. Yamamoto moved to approve this request as recommended by staff, and Mr. Higashi seconded the motion.

A representative of Nawiliwili Marine said what they wanted to do is to use the ramp and to help the local boaters there. Everything he wanted to do is of a temporary nature. Maybe have a house trailer where he can have an office so he can service the boats and motor.

Mr. Ono said the board will not permit sleeping in that area, and the recommendation is that no portable or permanent structures be placed or built, so the applicant won't be able to bring in a trailer for his office work.

On the call of the question, Mr. Kealoha voted, and the motion carried with a 5-1 vote.

Before taking up Item C-4, Mr. Ono announced that he checked with Mrs. Barbara Lee whether she would want the board to take this item (a personnel matter) at an executive session. She prefers to stay in open session.

ITEM C-4

COMMISSION ON BARBARA LEE AS BIOLOGICAL CONSULTANT TO THE
DIVISION OF FISH AND GAME

On February 17, 1978, the board approved a proposal to designate Mrs. Barbara Lee as a biological consultant to the Division of Fish and Game, effective immediately and until rescinded, with a token compensation of \$150.00 per month to help defray her expenses.

Mr. Landgraf said since her appointment, she has worked with unceasing dedication and unselfish devotion at the Alala project. Mr. Landgraf said he has personally observed this and have been involved. In terms of her work, he said there is absolutely no criticism. He said the great success today of the Alala project is solely due to her efforts that six salvaged Alala fledglings are now alive and healthy and an essential part of the breeding project. Mr. Landgraf said the direction of the Alala project is now shifting from maintenance and reproduction and behavior studies to intensive propagation. For this, the expertise and experience of a professional aviculturist was needed. Mr. Fay N. Steele, Curator of Birds, Emeritus of the Rio Grande Zoological Park, was retained on January 28, 1981 as aviculturist-in-Charge of propagating the Alala.

Mr. Landgraf recommended that (1) the board rescind the commission of Mrs. Barbara Lee as Biological Consultant, the effective date to be March 1, 1981 (instead of February 1, 1981 as noted in the submittal).

Mr. Landgraf mentioned that bringing Mr. Steele on board was in conjunction with the Fish and Wildlife Service. We did have a proposal to send the Alala from the Pohakuloa project to the San Diego Zoo, and the Fish and Wildlife Service did indicate that everything was pretty squared away. However, when the time came, the San Diego Zoo was not prepared to accept them.

On the basis of that, staff negotiated with the Fish and Wildlife Service, and they had agreed, and we have a commitment from them, to provide us with \$10,000 to defray the cost of having Mr. Steele come on board. We bill the Fish and Wildlife Service monthly for his expenses.

Mr. Kealoha said if they are getting the funds to take care of Mr. Steele from other sources, why isn't Mrs. Lee's services needed? He asked whether there is something else that she can do.

Mr. Landgraf said he felt that if we were going to have a person responsible, it is only proper to have only one person. He said he would welcome any continued assistance and cooperation and input from Mrs. Lee without any question. He said it would be an awkward position to have both doing the same thing.

Mr. Kealoha wondered if they know the contribution made by Mrs. Lee. He said he was astounded. We had the opportunity to visit Pohakuloa with respect to how she can talk to the black crows and few other birds.

Mrs. Lee said when Mr. Landgraf told her that she was summarily dismissed and replaced, the reasons given were, "they needed a full-time aviculturist to replace a part-time biological consultant." As a biological consultant resident, she has been working well over forty-eight hours a week. She said full-time employees in the State of Hawaii means 40 hours a week.

Mrs. Lee said the term aviculturist means someone who raises birds. She said interestingly enough Mr. Landgraf forgot to include a recent job description written by Ernest Kosaka (former state employee and now working for U. S. Fish and Wildlife) for Ah Fat Lee, who is the resident aviculturist at Pohakuloa. The rationale given for his raise was that he now has added duties and responsibilities for the Alala.

She said Mr. Kosaka also wrote the job description for Mr. Steele, which is very similar. This does not just dismisses her. In essence, she said it is a breach of contract with her husband. The reasons when he asked for being dismissed and replaced, Mr. Landgraf told her that there were too much involved with people problems, personality problems. She said she has an unfortunate habit of speaking up when there is something to criticize, and have frequently criticized the Fish and Game personnel and practices over the past five years. She said some of the criticisms that she has made are now being implemented.

Mr. Lee said she specifically asked Mr. Landgraf if she was the only problem at Pohakuloa. He said it was, and that it was better for the crows and it is better for everybody. She said she doesn't believe that.

Mrs. Lee thought that since she was appointed by the board, that she would be an independent agent, doing what she felt was right and best to propagate Alala. She said she was mandated by this board to care for the Alala. The impression that had been given to her by several members of the Wildlife staff is that she wasn't doing the job. She said the man who replaced her was not told anything about Pohakuloa, except, "We need you desperately. Need you because there is no one caring for the crows except for a volunteer."

She said she is deliberately not bringing in the problem that she wrote to the department about concerning significant changes in her report. She said no one bothered to respond to her concerning that yet. But she said it makes

her look unprofessional, and at worst makes her look like a liar, and she is not. She resented the manner in which this was handled. She resented that the Alalas are being used as a political weapon.

She said every single remark or criticism that she has made have been within the department, within the Fish and Wildlife Service, and within the state government. She said many of the criticisms are emotional.

Mr. Hong asked Mrs. Lee that when she was hired in February of 1978 as a biological consultant, was it her thought then that it would be of a permanent or temporary nature to work on this project. Mrs. Lee believed that it was set for an indefinite time.

Mrs. Lee said the rationale that she was given by the former chairman, Mr. William Thompson, and Mr. Landgraf was to see that the Alala project was successful.

Mr. Kealoha informed Mrs. Lee that with her kind of compassion that she has for the Alala, her affection for the birds would be just as strong regardless of whether she has the title of a consultant; that she will still be welcomed to work with the birds.

Mrs. Lee said Mr. Landgraf told her she will not be feeding and caring for the birds. All they want is her data, her information and her knowledge to help this man make a go of it. It was her feeling that if she is no good, her data can't be good, too.

Mr. Higashi asked what her response was to the question of giving the data. Mrs. Lee said she didn't say a word. She was practically in tears by that time. She said probably a good portion of it was because her husband didn't back her up. She said sanctions have been imposed.

Mrs. Lee asked the board for two favors. One, she would like to see the birds occasionally, even with the agreement that has been passed around among the employees which restricts her from the project.

Secondly, she said she would also like the board to lift the sanction, implied or actual, on her husband so that he can answer to whomever asks him.

Mr. Ono asked Mr. Landgraf whether he had any comments to make on Mrs. Lee's two requests.

For the record, Mr. Landgraf said he has absolutely no problem to the two requests. To make her feel more secure, he suggested that this response come from the board. She is allowed to participate and go there. Mr. Landgraf said it was never their intent to exclude Mrs. Lee from the area at all. She lives there. Mr. Landgraf said he has never felt that they have put any sanctions or try to muzzle up Ah Fat.

Mrs. Lee also said she would like to know why with an existing contract with Ah Fat, spelling out his duties as an aviculturist for the Alala, nene, Koloa programs, Mr. Steele's contract, which is identical, concerning the Alala, can be justified.

Mr. Ono said he won't go into that because he would rather address Mrs. Lee's case. He would like to take that up at another time.

Mr. Kealoha agreed and said he had the same feeling. Mr. Ah Fat's case should be taken up separately.

Mr. Yagi asked Mrs. Lee whether she feels that she was summarily dismissed because she has been an outspoken critic.

Mrs. Lee said the two impressions that she got was yes because she buck the system and criticized the division practices and personnel, and because her annual report had been tampered with.

Mr. Kealoha said as was pointed out by Mr. Hong it was very clear that it was a temporary appointment by the board. Mrs. Lee said yes, but indefinitely.

Mr. Kealoha said the former chairman, Mr. Thompson, recommended to the board to at least give Mrs. Lee the recognition because of her progress with a particular crow who walks on a human shoulder and onto the arm.

Mrs. Lee expressed surprise that it was only a recognition. She said she understood the reason she was given an official recognition was so that she could stop being frustrated with the flow of communication.

Mr. Yagi was very disturbed at the charges made by Mrs. Lee that because she criticized the administration and the staff, she felt that she has been dismissed. He asked whether that was the reason.

Mr. Landgraf said if that was the reason, he would have come before the board a long time ago and would have done it a year or two years ago because that was when some of the serious charges were made. He said he took no action at that time. He said because they are being subsidized for this project and they have a professional aviculturist. He said we can only have one boss in the area and only one person responsible on board.

Mr. Yagi was satisfied with Mr. Landgraf's response.

Mr. Higashi said he had no objection to Mrs. Lee's request. However, he was not prepared to entertain that as a part of the motion. He said consensus should rule that. He had no objection for Mrs. Lee to see the birds. He said he would have objection to having any sanction put on an employee that he cannot answer to whomever asks him.

Mr. Kealoha said although Mr. Landgraf said he has no problem, this should be spelled out more clearly by the board what "occasionally" would entail.

Mr. Ono said something will be drafted and circulated among the board members, and if it is okay, we will communicate with Mrs. Lee.

ACTION Mr. Higashi moved to approve staff's recommendation as submitted. Mr. Kealoha seconded and the motion was unanimously carried.

In response to Mrs. Lee's specific requests, Mr. Ono said the board should respond to those two requests. He said he will work something out and will circulate it among the board members.

Mr. Ono made a request of Mr. Landgraf. He would like a report within four months to give the board a status report to see how the new arrangement is working out. He said he didn't want to see the project affected just because of strain relationship and because of some of the problems that were brought up.

- ITEM C-1 APPROVAL OF THE "ADMINISTRATIVE POLICIES AND PROCEDURES FOR THE RANDOM SELECTION OF HUNTERS BY THE PUBLIC DRAWING METHOD"
- ACTION Mr. Higashi moved to approve staff's recommendation with a provision that the matter be brought back to the board for further review, no matter how soon after adoption, should there be any reason to do so. Mr. Yagi seconded and the motion was unanimously carried.
- ITEM C-2 MASTER'S REPORT ON PUBLIC HEARING
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ITEM C-3 TIMBER SALE IN WAIAKEA REFORESTATION PROJECT AREA
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- Approval was given with the understanding that Mr. Merchant's award be cancelled as recommended, and on the authorization of the resale, it must come back to the board for the resale.
- ITEM E-1 FILLING OF VACANT PARK CARETAKER II POSITION, LAVA TREE AND MAKENZIE STATE PARKS, HAWAII PARKS SECTION
- ACTION On Higashi's motion, seconded by Mr. Hong, the board unanimously approved the appointment of Darryl Quiocho to Park Caretaker II, Position No. 27058.
- ITEM E-2 FILLING OF GROUNDSKEEPER I POSITION NO. 11928, STATE CAPITOL GROUNDS, HONOLULU, OAHU PARK SECTION
- ACTION On Mr. Yagi's motion and seconded by Mr. Kealoha, the board unanimously approved the appointment of Jerry Ogawa to fill Position No. 11928, Groundskeeper I.
- ITEM E-3 PERMISSION TO ADVERTISE FOR BIDS, SAND ISLAND STATE PARK, PHASE III, INC. 2 AND FENCING - JOB NO. 46-OP-20, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Kealoha/Hong)
- ITEM E-4 PERMISSION TO ADVERTISE FOR BIDS ON VARIOUS REPAIR AND MAINTENANCE PROJECTS LOCATED THROUGHOUT THE STATE OF HAWAII
- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)
- ITEM E-5 PERMISSION TO NEGOTIATE DEDICATION OF WATERLINE AT HAENA STATE PARK, HAENA, KAUAI
- ACTION Unanimously approved as submitted. (Yamamoto/Hong)
- ITEM E-6 ESTABLISHMENT OF KAMOA POINT STATE HISTORICAL PARK ADVISORY COMMITTEE
- ACTION Unanimously approved as submitted. (Higashi/Yagi)
- ADDED
ITEM E-7 FILLING OF POSITION NO. 5051E ARCHAEOLOGIST
- ACTION Mr. Wendell W. S. Kam was unanimously appointed to fill the archaeologist position, No. 5051E, effective March 16, 1981, on Mr. Kealoha's motion and seconded by Mr. Hong.

ADDED
ITEM E-8 FILLING OF VACANT CLERK-STENOGRAPHER II POSITION, CENTRAL OFFICE

ACTION Mrs. Rose Namaka was unanimously appointed to fill Position No. 22406, Clerk-Stenographer II, on Mr. Yagi's motion and seconded by Mr. Yamamoto.

Mr. Yagi said he had to leave and asked the chairman to take up Item H-5 at this time.

ITEM H-5 CDUA FOR PERMANENT VOLLEYBALL COURT USE AT KAA NAPALI BEACH, LAHAINA, MAUI (COLLEEN YOSHIDA)

ACTION Mr. Yagi moved to approve staff's recommendation to deny with an amendment that they be authorized to work with the county and the applicant to achieve the goal of having permanent structures of a volleyball court on the county site. Mr. Hong seconded and the motion was unanimously carried.

(Mr. Yagi and Mr. Yamamoto were excused at 3:30 P. M.)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

HAWAII

Item F-1-a ASSIGNMENTS OF LEASES
MARJORIE MAY CORLEY, assignor, to DOROTHY MAY SAXBY, assignee - Portion of Government land at Keonepoko-Nui, Puna - (GL No. S-5005)

Item F-1-b STANLEY Y. OISHI and HIROKO OISHI, Assignors, to BIGROCK ANTHURIUMS, INC., Assignee - Lot 17, Keonepoko Iki Farm Lots Subdivision (Pahoa Agricultural Park), Keonepoko Iki - (GL No. S-4622)

Item F-1-c ASSIGNMENT OF GRANT OF EASEMENT
DONN W. CARLSMITH, whose wife is Jean P. Carlsmith, Assignor, to DILLINGHAM INVESTMENT CORPORATION, Assignee - Portion of Government land at Honomalino and Hoopulua, South Kona - (Grant of Easement No. S-4600)

OAHU

Item F-1-d ADDITIONAL CHARGE MORTGAGE
G. W. MURPHY CONSTRUCTION COMPANY, INC. (formerly named Associates Masons, Ltd.), lessee, mortgagor, to BANK OF HAWAII, mortgagee - Lot 8, Shafter Flats Industrial Development, Unit I, Moanalua, Honolulu - (GL No. S-4115)

Item F-1-e REVOCABLE PERMIT
MR. AND MRS. TOM H. GENTRY - submerged coastal lands adjoining TMK 4-4-37:21 in Kaneohe Bay - boat dock purposes - \$10.00 per month

This was a request for a permit to construct a boat dock at Kaneohe Bay. The CDUA was approved on September 12, and one of the conditions in it was that it be opened to the public and that signs be posted, pursuant to the law. However, the applicant has questioned it on the grounds that somebody may tie his boat there. The law says swimming and fishing piers have to be opened to the public and sign posted. It doesn't say anything about docks.

This matter was referred to the attorney general's office for an opinion. The answer was if the board imposes a condition that even the boat dock be opened to the public, this is okay because that is the board's desire. However, staff suggested that this be modified, and if necessary modify

the CDUA to have it opened to the public for swimming and fishing purposes, and put up signs, and that he not be required to allow other boats to use the dock.

Mr. Ono asked how many boats are going to be docked there. Staff's answer was that it was going to be for one boat. Mr. Ono said we should be very specific since he felt that the monthly charge of \$10.00 for the exclusive use of state land is too low.

Mr. Detor said staff can review this.

Mr. Kealoha suggested that the boat number given by DOT be put on the pier.

Mr. Ono said he would like to have the staff look at the rates, and at least get started with the ones that we are issuing the permits.

(See pages 17 and 18 for Item F-1-f.)

KAUAI

Item F-1-g LAND LICENSE
AMFAC PROPERTY DEVELOPMENT CORPORATION - Government lands at Kekaha

Mr. Kealoha suggested that there be a condition that there be no resale of the top soil.

Item F-1-h ASSIGNMENT
ROBERT E. LEAR to WALTER LAPPERT doing business as Lappert Enterprises, Inc. - Lot 15 of the Brodie Lots, Hanapepe, Waimea (Kona) - GL No. S-4574

Mr. Kealoha moved to deny the recommendation made by the staff on Item F-1-h. Mr. Higashi seconded and the motion was unanimously carried.

Mr. Kealoha further moved to cancel General Lease no. S-4574 to Robert Lear for his failure to comply. Mr. Higashi seconded and the motion was unanimously carried.

(See pages 15 to 17 for Item F-1-i.)

ACTION Mr. Kealoha moved to approve Items F-1-a, b, c, d, and e as submitted, and Item F-1-g as amended to include a condition that there be no resale on the top soil.

In going back to Item F-1-f, Mr. Kealoha said there is a probable violation on the harbor side where the applicant has a retail store. Mr. Ono said if there is a violation we should make it subject to that. With this additional information, the board unanimously agreed to approve Item F-1-f, contingent upon the applicant clearing up the harbors violation.

Mr. Hong seconded and the motion was unanimously carried.

Mr. Kealoha said he had no question on the Oahu submittals, which were listed below, and moved to approve them as submitted. Mr. Hong seconded and the following Oahu items were unanimously approved.

- CITY AND COUNTY OF HONOLULU REQUEST FOR CONSTRUCTION RIGHT OF ENTRY FOR TEMPORARY ACCESS ROAD ACROSS STATE LAND AT WAIKIKI, OAHU
- ITEM F-10
-
- STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (11/21/80, AGENDA ITEM F-16) AUTHORIZING GRANT OF EASEMENT TO C&C OF HONOLULU BOARD OF WATER SUPPLY, WAIPAHAU, OAHU
- ITEM F-11
-
- C&C OF HONOLULU BOARD OF WATER SUPPLY REQUEST FOR E. O. COVERING RESERVOIR SITE WITH ACCESS LOT AND BOOSTER PUMP STATION SITE, KULIOUOU, HONOLULU, OAHU
- ITEM F-12
-
- DPED REQUEST FOR CANCELLATION OF LEASE COVERING ROOMS 505 AND 507 OF THE ALII BISHOP BUILDING, HONOLULU, OAHU
- ITEM F-17
-
- DPED REQUEST FOR ACQUISITION OF LEASE COVERING ROOMS 206 AND 207 OF THE ALII BISHOP BUILDING, HONOLULU, OAHU
- ITEM F-18
-
- DSSH REQUEST FOR ACQUISITION OF LEASE COVERING ROOMS 311, 312, 313, AND 314 OF THE PEARL CITY BUSINESS PLAZA BUILDING, PEARL CITY, OAHU
- ITEM F-19
-
- DSSH REQUEST FOR ACQUISITION OF LEASE COVERING SPACE ON THE 5TH FLOOR OF THE 770 KAPIOLANI BUILDING, HONOLULU, OAHU
- ITEM F-20
-
- DOE REQUEST FOR RENEWAL OF LEASE OF WAREHOUSE SPACE AT 2150 NIMITZ HIGHWAY, HONOLULU, OAHU
- ITEM F-21
-
- DSSH REQUEST FOR ACQUISITION OF LEASE COVERING ROOM 214 OF THE MENEHUNE SHOPPING VILLAGE, LIHUE, KAUAI
- ITEM F-22
-
- HAWAIIAN ELECTRIC CO., INC. APPLICATION FOR UNDERGROUND POWER-LINE AND TRANSFORMER SITE EASEMENT, KUHIO BEACH PARK, HONOLULU, OAHU
- ITEM F-23
-
- STAFF RECOMMENDATION FOR DEDICATION OF STREETS IN THE KEAHOLE AGRICULTURAL PARK TO THE COUNTY OF HAWAII, N. KONA, HAWAII
- ITEM F-2
- ACTION Item F-2 was unanimously approved as submitted. (Higashi/Kealoha)
-
- STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION AUTHORIZING SALE OF EASEMENT ACROSS THE FORMER OOKALA SCHOOL LOT, OOKALA, NORTH HILO, HAWAII
- ITEM F-3
- ACTION For lack of quorum this item was deferred. Mr. Hong had a conflict of interest and could not participate in any action taken by the board.
-
- U. S. ARMY CORPS OF ENGINEERS REQUEST FOR RIGHT OF ENTRY FOR SURVEY AND EXPLORATION, WAIAKEA, SOUTH HILO, HAWAII
- ITEM F-4
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
-
- STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (7/11/80, AGENDA ITEM F-3) AUTHORIZING SALE OF EASEMENT AT KAUMANA, SOUTH HILO, HAWAII
- ITEM F-5
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-6 RESUBMITTAL - S. C. RANCH CO., INC. REQUEST FOR EXTENSION OF TIME
WITHIN WHICH TO INSTALL IMPROVEMENTS, GENERAL LEASE NO. S-4477,
HAMAKUA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-7 TERRY ERWIN & SCOTT WERNER APPLICATION FOR ACCESS AND UTILITY
EASEMENT, MOOLOA, HONUAULA, MAKAWAO, MAUI

ACTION Unanimously approved as submitted. (Hong/Kealoha)

ITEM F-8 MAUI ELECTRIC COMPANY, LTD. AND HAWAIIAN TELEPHONE CO.
APPLICATION FOR TRANSMISSION LINE EASEMENT, KAHAKULOA,
WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Higashi/Hong)

(See page 7 for Item F-9; pages 24 and 25 for Items F-10 to F-12; pages 3
to 5 for Items F-13 and F-14.)

ITEM F-15 RESUBMITTAL - GEORGE MANOHA, JR. REQUEST FOR LAND EXCHANGE
KA'U, HAWAII AND HANAIEI, KAUAI

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-16 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO.
S-4652, KAPAA, KAUAI

ACTION Unanimously approved as submitted. (Kealoha/Hong)

(See page 25 for Items F-17 to F-21.)

ITEM F-22 DSSH REQUEST FOR ACQUISITION OF LEASE COVERING ROOM 214 OF THE
MENEHUNE SHOPPING VILLAGE, LIHUE, KAUAI

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

(See page 25 for Item F-23.)

ITEM F-24 STAFF RECOMMENDATION FOR DELEGATION OF AUTHORITY TO TERMINATE
REVOCABLE PERMITS

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Hong, unanimously
voted to delegate the authority to the chairman to terminate any revocable
permit whose rental account is 60 days or more delinquent and to incorporate
such action in the document of Delegation of Authority to the Chairman; and
further that this be incorporated into the Delegation of Authority.

Mr. Kealoha asked for the review of the Delegation of Authority. The board
has not had the opportunity to review it in 1980 so he asked the staff to present
it at the next board meeting. Mr. Ono asked Mr. Hamasu, Deputy, to have
this submittal prepared for board's review.

(See pages 9 to 14 for Item H-1.)

AMENDMENT TO CDUA FOR MILITARY TRAINING ACTIVITIES AFFECTING PORTIONS OF NORTH AND SOUTH HILO, ISLAND OF HAWAII (DEPARTMENT OF DEFENSE)

ITEM H-2

This was a request to amend the previously approved CDUA which had a time frame of five years for military training activities.

Mr. Evans asked to make few amendments to the recommendation. When the board approved the original CDUA, there were a number of conditions. Subsequently, some of the functional responsibilities of the divisions have been changed. Mr. Evans asked that Conditions Nos. 1, 2, 3 and 6 be amended accordingly, as follows, to reflect the current functional responsibility.

1. Include Division of Conservation and Resources Enforcement (DOCARE) in the notification.
2. Delete Fish and Game and substitute it for Forestry and Wildlife.
3. Remove Fish and Game and Forestry, substitute in its place DOCARE.
6. Remove Fish and Game and substitute Forestry and Wildlife.

ACTION Unanimously approved as amended above. (Higashi/Hong)

REQUEST TO ESTABLISH PERMIT SYSTEM FOR COMMERCIAL FILMING ON STATE LANDS AND MODIFICATION OF CDUA OA-4/26/78-1050

ITEM H-3

ACTION Mr. Kealoha asked for deferral. The board had no objection to deferring this item until the next meeting.

CDUA FOR SPAR BUOYS INSTALLATION USE AT HONOLULU, OAHU (DOT/HARBORS DIVISION)

ITEM H-4

Mr. Evans said this is the second time the CDUA has come in for this use. The first time the application came in, staff recommended approval and the board over-ruled that recommendation. Board was specifically concerned that alternative sites in Ala Wai had not been properly looked at by DOT.

The board had suggested two things: (1) that DOT look at alternate sites; and further (2) that DOT take a look for canoe paddlers outside the reef..

When this submittal was written, DOT had not responded to those concerns that the board had suggested. As a result, staff felt that it was inappropriate to recommend approval. However, on 23d of this month, staff received a letter from DOT, but did not have an opportunity to analyze what they had stated. They did state that they have held a number of public hearings, prior to the original CDUA. Within that process, they specifically did look at other alternatives--the Ala Wai Canal and Keehi Lagoon, and they still felt that Ala Moana Beach is singularly suited for this kind of purpose.

Mr. Kealoha said he wish that we can find more space for the canoe people. They need it, but not at Ala Moana Park, he said.

ACTION Mr. Kealoha moved to approve staff's recommendation to deny the application. Mr. Hong seconded, and the motion was unanimously carried.

(See page 23 for Item H-5.)

- ITEM H-6 CDUA FOR HYDROELECTRIC POWER GENERATING SYSTEM USE AT KAWAIHAU, KAUAI (JOHN D. HARDER, ET AL)
- ACTION Unanimously approved as submitted. (Kealoha/Hong)
- ITEM H-7 CDUA FOR BUILDING RELOCATION AND HOUSING CONSTRUCTION USE AT KAWAIHAU, KAUAI (COCO PALMS RESORT HOTEL)
- ACTION Unanimously approved staff's recommendation to deny. (Kealoha/Hong)
- ITEM H-8 CDUA FOR FLOATING BOAT DOCK USE AT HAWAII KAI MARINA, MAUNALUA, HONOLULU, OAHU (NORVAL P. CAVETT)
- ITEM H-9 CDUA FOR FLOATING BOAT DOCK USE AT KUAPA POND, MAUNALUA, HONOLULU, OAHU (QUINDO P. PINZARI)
- ACTION Items H-8 and H-9 were unanimously approved as submitted. (Kealoha/Hong)
- (See pages 2 and 3 for Item H-10; pages 5 and 6 for Item H-11; and pages 14 and 15 for Item H-12.)
- ITEM H-13 REQUEST FOR TIME EXTENSION TO COMMENCE CONSTRUCTION OF SINGLE FAMILY RESIDENCE AT KANEOHE, OAHU (CARLSMITH ON BEHALF OF HOUSING PARTNERS HAWAII, INC.)
- ACTION Unanimously approved as submitted. (Kealoha/Hong)
- ITEM H-14 ADDED OUT-OF-STATE TRAVEL REQUEST FOR KENDRICK LEE OF THE AQUACULTURE DEVELOPMENT PROGRAM TO ATTEND THE WORLD MARICULTURE SOCIETY MEETING
- ACTION Unanimously approved as submitted. ((Higashi/Kealoha)
- ITEM J-1 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ITEM J-2 SALE OF A LEASE BY PUBLIC AUCTION, HARBORS DIVISION, NAWILIWILI HARBOR, NAWILIWILI, KAUAI (VARIOUS)
- Mr. Garcia asked to amend the pipeline easement as being 5 feet wide and containing approximately 3,983 square feet, instead of 3 feet wide and containing approximately 2,387.6 square feet.
- ACTION Unanimously approved as amended. (Higashi/Kealoha)
- ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, SAND ISLAND (160 SQUARE FEET), HONOLULU, OAHU (MATSON TERMINALS, INC.)
- ACTION Unanimously approved as submitted. (Kealoha/Hong)
- ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, SAND ISLAND (252 SQUARE FEET), HONOLULU, OAHU (MATSON TERMINALS, INC.)
- ACTION Unanimously approved as submitted. (Hong/Kealoha)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR,
KAWAIHAE, HAWAII (TRACOR MARINE, INC., OCEAN TECHNOLOGY DIVI-
SION

ITEM J-5

ACTION Unanimously approved as submitted. (Kealoha/Hong)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAHULUI HARBOR,
MAUI (MAALAEA MACHINE & IRON WORKS)

ITEM J-6

ACTION Unanimously approved as submitted. (Kealoha/Hong)

USE OF HARBORS DIVISION FACILITIES, PIER 10 PASSENGER TERMINAL,
HONOLULU, OAHU (DEPARTMENT OF THE TREASURY, U. S. CUSTOMS
SERVICE)

ITEM J-7

ACTION Unanimously approved as submitted. (Hong/Kealoha)

CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION

ITEM J-8

ACTION Unanimously approved as submitted. (Hong/Kealoha)

USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL
HONOLULU, OAHU (TRAVEL WOMEN, HAWAII)

ITEM J-9

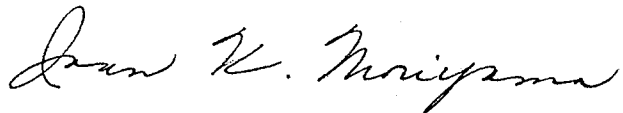
ACTION Unanimously approved as submitted. (Kealoha/Hong)

Mr. Garcia apologized for this late submittal. The activity was held on
February 22, 1981.

Mr. Ono asked DOT to be more careful about something like this.

ADJOURNMENT: There was no further business and the meeting was adjourned at 4:20
P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm