

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

DATE: March 27, 1981  
TIME: 9:00 A. M.  
PLACE: Kona Surf Hotel, Mauna Loa Room  
Keauhou, Kona, Hawaii

ROLL  
CALL

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

MEMBERS

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

STAFF

Mr. James Detor  
Mr. James Yamashiro  
Mr. Maurice Matsuzaki  
Mr. Roger Evans  
Mr. Glenn Taguchi  
Mr. Charles Supe  
Mrs. LaVerne Tirrell

OTHERS

Mr. Johnson Wong, Deputy Attorney General  
Mr. Peter Garcia, DOT  
Mr. and Mrs. Bill Fuller  
Mr. Jerry Sumida (Item H-1)  
Mr. George Stricter (Item H-1)

MINUTES

Inasmuch as the members of the board did not have time to review the February 27, 1981 minutes, Mr. Hong moved to defer action until the next board meeting. Mr. Kealoha seconded and motion unanimously carried.

ADDED  
ITEMS

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

Fish and Game

Item B-1 Filling of Temporary Position No. 24652, Secretary I,  
located at the Anuenue Fisheries Research Center

Land Management

Item F-1-c Consent to Mortgage - Flowers Incorporated, Mortgagor, to  
United States of America, acting through the Farmers Home  
Administration, U. S. Department of Agriculture, Mortgagee  
(G. L. No. S-4205)

Conveyances

Item G-1 Filling of Abstractor IX, Position No. 9055

Mr. Kealoha asked, also, that the lease issued to Mr. and Mrs. Bill Fuller, covering State land at Waimanalo, be circulated by the Land Management Division for review by the board between now and the next meeting.

The board deviated from the agenda and took up the items in the following order:

ITEM F-1                    DOCUMENTS FOR CONSIDERATION

Item F-1-a                    CONSENT TO ASSIGN  
JAMES B. TOLEDO, JR., as Trustee in dissolution by Order dated January 9, 1981, of BROTO'S BODY AND FENDER, INC., assignor, to JAMES B. TOLEDO, JR., dba BROTO'S BODY AND FENDER, assignee - Lot 15, Kanoelehua Industrial Lots, Waiakea, So. Hilo, Hawaii - G. L. S-3594.

Item F-1-b                    REVOCABLE PERMIT  
REYNOLDS ALUMINUM RECYCLING COMPANY - por. of Nawiliwili Harbor Disposal Area, Nawiliwili, Kauai - open storage purposes only - \$55.00 per month.

Mr. Detor said that the applicant's were longer interested in renting the above property and, accordingly, asked that Item F-1-b be withdrawn.

Added  
Item F-1-c                    CONSENT TO MORTGAGE  
FLOWERS INCORPORATED, Mortgagor, to UNITED STATES OF AMERICA, acting through the FARMERS HOME ADMINISTRATION, U. S. DEPT. OF AGRICULTURE, Mortgagee - por. of Govt. land of Waiakea, So. Hilo, Hawaii, TMK: 2-4-41:31 - G. L. No. S-4205.

Mr. Higashi moved for approval of Item F-1-a and Added Item F-1-c as submitted. Mr. Yagi seconded and motion unanimously carried.

ITEM F-2                    HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE COMPANY APPLICATION FOR EASEMENT AT KAAUHUU, NO. KOHALA, HAWAII.

According to the applicants, the requested disposition is necessary to provide services to the owner/resident of TMK 5-5-08:12, Dr. Charles Morin. A pole and wire line from the last existing pole on Hoesa Road will be extended over private properties between which the abandoned railroad is situated.

ACTION                    The Board, finding the area in question to be an economic unit in terms of the intended use, upon motion by Mr. Higashi and a second by Mr. Yagi, unanimously:

- A. Authorized the direct sale of the subject easement to Hawaii Electric Light Company, Inc., and Hawaiian Telephone Company subject to the terms and conditions listed in the submittal; and
- B. Granted right of entry to Hawaii Electric Light Co., Inc., and Hawaiian Telephone Company to the subject area for construction purposes subject to the conditions listed in the submittal and other terms and conditions as may be prescribed by the Chairman.

ITEM F-3                    NAOJI KAWAMATA REQUEST FOR PERMISSION TO USE PORTION OF LOT 4, LALAMILO FARM LOTS, FOR PASTURE PURPOSES, WAIMEA, SO. KOHALA, HAWAII.

Mr. and Mrs. Kawamata own Lot 4, Lalamilo Farm Lots in fee simple. However, documents conveying Lot 4 to the Kawamata's contained a covenant restricting said lot for agricultural purposes only; provided, however, that prior written consent must be obtained from the Board of Land and Natural Resources before the Grantees, their assigns, and the heirs and assigns of the survivor of them, can devote or place said land to a use

or uses other than for agricultural purposes except personal residence. Incidental use other than agricultural if in direct support of furtherance of an agricultural use for the remainder of the land will be permitted by the Board. The words "agricultural" and agriculture" used herein are hereby defined as and limited to the growing of truck and orchard crops.

By letter dated November 19, 1980, Mr. Kawamata has asked permission to utilize approximately 12 of his 16.958 acres for grazing purposes, i.e. the raising of cattle for "home use." As his greenhouse facilities on the remaining five or so acres are expanded, the grazing use will be reduced. Accordingly, staff has recommended that the applicant shall limit the grazing use to a maximum of six (6) head of cattle for home use only.

Mr. Ono asked why it was necessary to put the restriction of six head for home use only. Detor said that this was to insure that the lots are used for what they were put out for. Mr. Ono felt it contradictory to place such a restriction. Especially if someone wants to raise cattle as one form of agriculture. Detor agreed. However, he stated that when the lots were originally sold it was specified that it be used for diversified ag and orchard use only. Although pasturing is a form of ag use, Detor did not feel that it was the highest and best use. Mr. Ono said that if you permit Mr. Kawamata to raise cattle for home consumption only then it is even a lower use than pasture or commercial purposes.

ACTION Mr. Ono asked that that item be deferred to the next meeting in order for Mr. Higashi to review the situation. Also, to allow staff time to answer some of the questions raised by the Board.

ITEM F-4 HAWAII HOUSING AUTHORITY REQUEST FOR RIGHT OF ENTRY FOR FEASIBILITY STUDY, KAHEI, NO. KOHALA, HAWAII.

The requested right of entry is for the purpose of conducting a feasibility study, including engineering surveys, for possible development of the subject property, containing approximately 24.749 acres, for moderate-income housing (cluster development).

ACTION The Board, upon motion by Mr. Higashi and a second by Mr. Yagi, unanimously granted right of entry to the Hawaii Housing Authority to TMK 5-5-03:25 for the purpose of conducting feasibility studies, including engineering surveys, subject to the terms and conditions listed in the submittal and other conditions as may be prescribed by the Chairman.

ITEM F-5 COUNTY OF HAWAII REQUEST FOR RIGHT OF ENTRY TO TEMPORARY DRAINAGE IMPROVEMENTS, WAIAKEA, SO. HILO, HAWAII.

ACTION The Board, upon motion by Mr. Higashi and a second by Mr. Yagi, unanimously granted right of entry to the County of Hawaii to construct temporary drainage improvements within the future extension of Komohana Street along the Palakiko Subdivision, as shown on Tax Map Plat 2-4-40, subject to the terms and conditions listed in the submittal and other conditions as may be prescribed by the Chairman.

ITEM F-6

COUNTY OF HAWAII REQUEST FOR CONVEYANCE OF ROADWAY AT PANAWEA, SO. HILO, HAWAII.

The Board, at its October 24, 1975 meeting, recommended to the Governor the issuance of an executive order setting aside approximately 9.5 acres of State land at Panaewa to the County of Hawaii for recreational purposes (Panaewa Playground Park). Inadvertently excluded from the action was the roadway in question, which is a short extension of the existing Mamaki Street, to provide the necessary access to the park.

ACTION

The Board unanimously authorized conveyance in fee of the roadway as described to the County of Hawaii subject to the terms and conditions listed in the submittal. (Higashi/Yagi)

ITEM F-7

RESUBMITTAL - STAFF RECOMMENDATION FOR EXERCISE OF RE-PURCHASE OPTION, LOT 9, UNIVERSITY HEIGHTS, 3RD INCREMENT, WAIAKEA, SO. HILO, HAWAII.

ACTION

At the request of the applicant, Mr. Higashi asked that this item be deferred.

ITEM F-8

TOM HOOTA, ET AL, APPLICATION FOR ROADWAY EASEMENT, NANAWALE HOMESTEADS, PUNA, HAWAII.

The applicants are in the process of subdividing their property, identified as TMK 1-5-05:01 and, accordingly, have requested a perpetual, non-exclusive easement over and across two homestead roads abutting Lot 8, Nanawale Homesteads, Puna, Hawaii.

ACTION

The Board, upon motion by Mr. Higashi and a second by Mr. Yagi, unanimously authorized the direct sale of the abovedescribed easement to the applicants subject to the terms and conditions listed in the submittal. The board also authorized a right-of-entry for survey purposes subject to the standard indemnity and hold harmless clause.

ITEM F-9

WALTER WITTE, ET AL, REQUEST FOR RIGHT OF ENTRY TO CLEAN AND REPAIR AUWAI, KAHAKULOA, MAUI.

ACTION

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

ITEM F-10

DIVISION OF WATER AND LAND DEVELOPMENT REQUEST FOR ACQUISITION OF MONITOR WELL SITE EASEMENT, WAIIEHU, MAUI.

Hawaiian Investment Co., Inc. has agreed to grant the perpetual easement to the State to develop and maintain a monitor well site under Job No. 35-MW-36, Drilling Waiehu Monitor Well (TR30-05), Waiehu, Maui.

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously authorized the acquisition of the monitor well abovementioned by perpetual easement for the purchase price of \$100.00, subject to: 1) assignment of the easement to DOWALD; 2) acquisition of a right-of-entry to the site pending the easement documentation; and 3) other terms and conditions as prescribed by the chairman.

ITEM F-11      DEPARTMENT OF TRANSPORTATION REQUEST FOR RIGHT OF ENTRY TO REMOVE SUBMERGED PILING AT KAMAOLE, KIHEI, MAUI.

ACTION      The Board unanimously authorized a right of entry to portions of beach and submerged land at Kamaole, Kihei, Maui, TMK 3-9-05:29 to the Department of Transportation for removal of submerged wooden pilings purposes subject to: 1) approval of the County of Maui; 2) concurrence of the Governor; and 3) such other terms and conditions as may be prescribed by the Chairman. (Yagi/Yamamoto)

ITEM F-12      HENRY BUSH APPLICATION FOR EASEMENT AT UALAPUE, MOLOKAI.

At its meeting of July 10, 1970, the Board authorized the public auction sale of a fifty-five (55)-year easement over and across the subject parcel. Subsequently, at its meeting of March 25, 1976 the Board amended its July 10, 1970 action by approving the public auction or in the event that the easement area in question is appraised at not more than \$500.00, the direct sale of the subject easement to Mr. Bush. Difficulties (now corrected) in locating a suitable appraiser have delayed the processing of the subject easement sale.

The applicant has now requested the "perpetual" rather than the sixty-five (65)-year easement over and across the subject parcel.

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. Yagi and a second by Mr. Yamamoto, unanimously voted to rescind its actions of July 10, 1970 and March 25, 1976 under agenda Item F-4 and Item F-9, respectively and approved the direct sale of the easement in question to the applicant under the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-13      COUNTY OF MAUI APPLICATION FOR LEASE COVERING LAND AT WAIOKAMA, LAHAINA, MAUI.

Parcel B (TMK 4-6-07:1), the subject parcel, was acquired from Maui Land and Pineapple Company, Inc. by the State via exchange deed dated January 20, 1976 for multi-use community facilities purposes which is within the scope of the current County request.

ACTION      Finding the area in question to be an economic unit in terms of the use to which it will be put, the Board, upon motion by Mr. Yagi and a second by Mr. Higashi, unanimously approved the direct issuance of a lease covering the area in question to the County of Maui for the above-described purposes subject to the terms and conditions listed in the submittal. The Board also authorized a right of entry to the subject premises to the County of Maui for construction purposes subject to the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

Because the area is set up such that more than one agency can use the area, and the Maui County agrees with this intent, Mr. Ono said that he would like to see the area used to its maximum. Mr. Hong asked if any State agencies would be located on the site as well. Mr. Ono said that the current plans are for private non-profit organizations to use the area.

ITEM F-14

RESUBMITTAL - COUNTY OF MAUI REQUEST FOR EXECUTIVE ORDER SETTING ASIDE PORTION OF THE OLD HANA SCHOOL SITE, HANA, MAUI.

Mr. Detor said that this is a submittal which involves the old Hana School site which is partly owned by the county and the state. Since the department of education no longer has use for the property, staff is suggesting that the executive order covering the state-owned part of the school site be cancelled and then be re-set aside to the County of Maui so that they can use the whole of the area — the county and state portions. Mr. Kealoha asked if, after the executive order is cancelled, the DOE would be required to tear the building down and put the area in its original state. Detor explained that the area would be transferred the way it stands.

Mr. Yagi asked that the documents transferring the area to the County make it clear that the area is to be used for community purposes. If the submittal is approved as submitted, Detor said that the executive order would say community center purposes.

Referring to an earlier question by Mr. Kealoha, Mr. Hong asked how the County felt about the whole thing. Since half the property is theirs anyway, they may not want the State's half under these conditions. Actually, said Detor, the County has requested the property under these conditions. Kealoha asked when formal occupancy would begin and who would occupy the building. Mr. Yagi said that the County would like to have the place and, he believes, that the community would be responsible for maintenance. Fine, said Kealoha, as long as it doesn't bounce back to the State and we have a maintenance problem.

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Higashi, unanimously approved a recommendation to the Governor for:

1. The cancellation of Executive Order Nos. 927 and 1911 to the Department of Public Instruction (Education).
2. Reset aside of the areas in question to the County of Maui for use as a community center purpose.
3. Authorize a right of entry to the subject area to the County of Maui for community center use subject to the conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-15

PARKER PURDY REQUEST FOR PERMISSION TO SUBDIVIDE SUBLEASED PORTION OF GENERAL LEASE NO. S-4568, WAKIU, HANA, MAUI.

At its meeting of February 22, 1980, the Board consented to a sublease of a portion of the area covered by G. L. No. S-4568 to Mr. Parker Purdy, as sublessor to Thomas S. Powell, Jr. et al, as sublessees. The sublessees have now advised us that final approval of their subdivision, which is dependent upon water from a water tank situated on the authorized subleased portion of G. L. No. S-4568, requires the subdivision of the subject water tank site (subleased area) from the adjacent parcel covered by G. L. No. S-4568.

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Higashi, authorized the County required subdivision of the water tank site in question subject to a variance being obtained by the sublessees from the County's Board of Adjustment and appeals in accordance with the County of Maui Department of Public Works letter of October 27, 1980 to the sublessees and such other terms and conditions as may be prescribed by the Chairman. Mr. Kealoha voted no.

ITEM F-16

WINDFARMS, LTD. REQUEST FOR REVOCABLE PERMIT, WAIALEE, KAHUKU, OAHU.

Windfarms, Ltd. is requesting temporary use of State land at Waialeale, Oahu presently under lease to the U. S. Army to conduct a wind measurement test program and collect wind data to determine the feasibility of installing wind turbine generators for the production of electricity. The project will include four other towers on the adjacent Campbell Estate land, which has been approved. The area requested is a 4' x 4' square concrete base to support a 30-ft. high meteorological tower, plus three guy wire supports and the access thereto. They have requested use of the site beginning April 1, 1981. The test site will be phased out by about mid-year of 1983.

If this area is under lease to the Army, Kealoha asked how it was possible to take out a 4' x 4' feet piece and issue a permit. Mr. Detor said that we would issue a permit on top of the lease. In answer to Mr. Kealoha's question as to why the Army can't issue the permit, Mr. Detor said that the Army has no objection to use of the site by Windfarms; however, they would like DLNR to issue the permit.

Mr. Kealoha moved for approval and Mr. Hong seconded.

Mr. Ono asked if there would be implications if this permit were approved since there are plans to put windmills in the area. Detor said that this would only be for testing. Nevertheless, said Mr. Ono, Board members should be aware of any implications. Accordingly, Mr. Detor asked that action on this item be taken up together with Item H-1. Accordingly, Mr. Kealoha recalled his earlier motion for approval and Mr. Hong recalled his second.

ACTION (See page 14)

ITEM F-17

OCEANIC PROPERTIES, INC. APPLICATION FOR DRAINAGE EASEMENT, SAND ISLAND ACCESS ROAD, HONOLULU, OAHU.

The applicant's drainage culvert had been in existence on State land during the time when it was still a tidal mud-flats. Since the reclamation of the State land as fast land, the applicant has requested an easement to formalize the existing drainage culvert on State land.

ACTION The Board, upon motion by Mr. Kealoha and a second by Mr. Higashi, unanimously approved the granting of a perpetual drainage easement to Oceanic Properties, Inc. 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-18

STAFF RECOMMENDATION FOR SETTING OF RENTAL RATE FOR REVOCABLE PERMIT TO UNIVERSAL TELEVISION COVERING LAND AND IMPROVEMENTS AT FT. RUGER, HONOLULU, OAHU.

The Board, at its February 27, 1981 meeting, granted the issuance of a revocable permit to Universal Television for its Magnum series subject to appraisal of the rent.

A recommended rate of \$13,000 per month has been established for the property rental and its improvements by the staff appraiser.

The previous permit to CBS for the Hawaii Five-0 series covered only the land. However, the improvements, which they put up, reverted to the State (University of Hawaii) when that permit was terminated, so Universal is being assessed for the improvements and the land. The University, since they own the improvements, asked if they would be entitled to a portion of the \$13,000 rental covering the improvements. Detor said that staff will look into the matter.

ACTION Mr. Kealoha moved for approval of the recommended rental rate of \$13,000 per month for the Universal Television property site effective the first day of occupancy. Mr. Hong seconded and motion unanimously carried.

ITEM F-19 OFFICE OF THE GOVERNOR (PROGRESSIVE NEIGHBORHOOD PROGRAM) REQUEST FOR ACQUISITION OF LEASE COVERING ROOM 205 OF THE QUEEN EMMA OFFICE OFFICE BUILDING, HONOLULU, OAHU.

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ITEM F-20 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (8/22/80, AGENDA ITEM F-57) AUTHORIZING ACQUISITION OF LEASE COVERING OFFICE SPACE IN THE QUEEN EMMA BUILDING, HONOLULU, OAHU

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ACTION The Board unanimously approved Items F-19 and F-20 as submitted, subject to approval of the lease agreement by the Office of the Attorney General. (Kealoha/Yagi)

ITEM F-21 STAFF RECOMMENDATION FOR SALE OF LEASE COVERING PORTION OF LOT 173 OF THE KAPAA HOMESTEADS, 3RD SERIES, KAPAA, KAUAI.

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The subject property has been used for farming purposes for the past twenty years under General Lease No. S-3667, due to expire on August 31, 1981. Staff is of the opinion that the current agricultural use should continue under the broader definition of general agricultural use.

To provide for the eventuality that a new lease may not be ready for disposition by the date the current contract expires, staff has been in contact with the present lessee and has obtained an indication that Mr. Okasako would like to obtain an interim revocable permit.

ACTION Finding the area to be an economic unit in terms of the intended use, the Board, upon motion by Mr. Yamamoto and a second by Mr. Higashi, unanimously authorized, commencing September 1, 1981, issuance of a month-to-month permit for agricultural purposes to Tsutao Okasako at a monthly rental to be derived by staff appraisal, said permit to cover the premises under General Lease No. S-3667.

The Board also approved the termination of such revocable permits as may be in force at the time staff is ready to dispose of a lease and authorized the sale of a lease covering the area described in the submittal at public auction for General Agriculture purposes under the terms and conditions listed in the submittal.

Finding the area may become suitable for hunting during the term of the lease, the Board also reserved the hunting rights in favor of the State.

ITEM F-22 STAFF RECOMMENDATION FOR SALE OF LEASE COVERING LOT 34 OF THE KAPAA HOMESTEADS, 1ST SERIES, KAPAA, KAUAI.

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The subject property is currently leased to Harrison Johnson under General Lease No. S-3651 and used since July of 1961 for residence/pasture purposes.

The present lease is due to expire on July 8, 1981. Staff proposes that a new lease be offered at public auction for a term of fifteen years for general agricultural purposes only. Staff suggests that the residential privilege not be allowed under the new lease.



To provide for the possibility that we may not be prepared to offer a new lease by July 9, 1981, staff suggests that the Board authorize issuance of a month-to-month permit consistent with the present use, until the new lease is sold. The present lessee has been contacted and is interested in month-to-month tenancy.

ACTION

Finding the area to be an economic unit in terms of the intended use and, finding also that the area may become suitable for hunting during the term of the lease, the Board, upon motion by Mr. Yamamoto and a second by Mr. Higashi, unanimously voted to reserve the hunting rights in favor of the State and:

1. Authorized, commencing July 9, 1981, issuance of a month-to-month permit for pasture/residence purposes to Harrison K. Johnson at a monthly rental to be derived by staff appraisal, said permit to cover the premises under General Lease No. S-3651.
2. Approved the termination of such revocable permits as may be in force at the time staff is ready to dispose of a lease.
3. Authorized the sale of a lease covering the area described in the submittal at public auction for General Agriculture purposes under the terms and conditions listed in the submittal, and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-23

STAFF RECOMMENDATION FOR SALE OF LEASE COVERING LOTS 47-A and 47-B OF OMAO HOMESTEADS, OMAO, KOLOA, KAUAI.

The subject property has been used for pasture purposes under General Lease No. S-3641 for the past twenty years.

Staff proposes that a new ten year lease be offered for the same use with a rental reopening suggested midway through the lease term. To provide for the possibility that we are not ready to market the new lease by the time General Lease No. S-3641 expires in August of this year, staff recommends that the Board consider allowing the current lessee to continue using the land on a month-to-month basis.

ACTION

Finding the area to be an economic unit in terms of the intended use and also that the area may become suitable for hunting during the term of the lease the Board, upon motion by Mr. Yamamoto and a second by Mr. Higashi, unanimously voted to:

1. Authorize, commencing August 8, 1981, issuance of a month-to-month permit for pasture purposes to William K. Medeiros at a monthly rental to be derived by staff appraisal.
2. Approve the public auction sale of a lease for pasture purposes under the terms and conditions listed in the submittal and such other terms and conditions as may be prescribed by the Chairman.

ITEM F-24

STAFF RECOMMENDATION FOR TERMINATION OF REVOCABLE PERMIT NO. S-5313, TO VALSYA CORPORATION, KAPAA, KAUAI.

R. P. S-5313 allowed the permittee to use a 3,049 sq. ft. portion of an abandoned ditch right of way for gardening and landscaping purposes, immediately adjacent to his fee property at Kapaa, Kauai. About October, 1980 staff noticed that the monthly rent was not being paid, contrary to past performance by the permittee. Staff noticed also that the retail store located on the private property next to the permit area had been closed. Several warning letters to the permittee about delinquent rent also went unanswered.

In pursuing collection fo the delinquency, staff learned that the permittee Vaisya Corporation, was involuntarily dissolved by the Department of Regulatory Agencies in July of 1978. Accordingly, staff asks that the Board consider terminating R. P. No. S-5313 retroactively as of November 15, 1980. As of the November 15, 1980 date, the total delinquency under the permit was \$15.00, which is the amount of the collateral security deposit DLNR has on hand.

**ACTION**

The Board, upon motion by Mr. Yamamoto and a second by Mr. Hong, unanimously voted to:

1. Authorize the termination of Revocable Permit No. S-5313 retroactively to November 15, 1980.
2. Authorize the retention of the collateral security deposit posted by the permittee for payment of rent due up to the point of termination.
3. Authorize the Chairman to take whatever actions necessary to carry out the intent of the foregoing Board action.

ITEM F-25

JENNIE CHING, ET AL, APPLICATION TO PURCHASE REMNANT PARCEL AT KAPAA, KAUAI

The subject parcel of State land was created by the realignment of Kawaihau Road. As a result of the foregoing, the applicant's property has become technically landlocked and lacks access to Kawaihau Road.

Adjoining the subject State parcel are three (3) privately-owned parcels of land. Normally, DLNR would offer each one of the adjoining fee property owners an opportunity to purchase the subject State parcel. However, Section 171-52(c), H.R.S. stated..."In the event that one abutting landowner lacks access to a street, and such access can be secured by disposition of the remnant, such remnant shall be first offered for sale to such abutting owner....."

The applicants have requested that the State consider selling this area to them for consolidation with their property.

**ACTION**

Finding the subject area to be physically unsuitable for development as a separate unit because of its size and shape and is by definition a remnant, the Board, upon motion by Mr. Yamamoto and a second by Mr. Hong, unanimously approved the direct sale of the remnant to the applicant, subject to the terms and conditions listed in the submittal and other terms required by the County.

ITEM F-26

CITIZENS UTILITIES CO. AND HAWAIIAN TELEPHONE COMPANY APPLICATION FOR UTILITY EASEMENT AT ANAHOLA, KAUAI.

**ACTION**

Mr. Yamamoto asked that this item be deferred to the next meeting.

ITEM F-27

ROBERT E. LEAR REQUEST FOR RECONSIDERATION OF PREVIOUS BOARD ACTION  
(2/27/81, AGENDA ITEM F-1-H) DENYING HIS REQUEST FOR CONSENT TO ASSIGN  
G. L. NO. S-4574, HANAPEPE, KAUAI.

On February 27, 1981 the Board denied the request for assignment of General Lease No. S-4574 from Robert E. Lear to Walter Lappert and authorized the cancellation of said lease effective as of February 28, 1981. By letter dated March 2, 1981 Mr. Hans Zeevat, principal broker for Dolphin Realty on Kauai wrote on behalf of Mr. Lappert requesting that the Board reconsider its February 27 action by approving the assignment of G. L. No. S-4574 because it will benefit the State, the present lessee and the proposed new lessee.

Staff feels that this request should be given consideration because if we were to cancel the lease and go ahead and put up another one, Mr. Detor said that its questionable whether we would have any bids inasmuch as Mr. Lear was the only bidder when the lease was first sold about three years ago.

Mr. Yamamoto moved for approval of Recommendation A, listed in the submittal, which would rescind the Board's action of February 27, 1981 under agenda Item F-1-h, as amended, and approve the assignment of General Lease No. S-4574 from Robert E. Lear to Walter Lappert, dba Lappert Enterprises, Inc. under the terms and conditions listed in said agenda Item F-1-h; or, in the alternative, if the Board so desires. Motion died for lack of a second.

ACTION

Mr. Hong moved for approval of Recommendation B only, which authorizes the sale of a lease at public auction for business purposes covering Lot 5, of the Hanapepe Business Lots, subject to the terms and conditions listed in the submittal. Mr. Hong asked that this sale be expedited. Mr. Kealoha seconded and motion carried. Mr. Yamamoto voted no.

ITEM H-1

REQUEST FOR TEMPORARY VARIANCE TO SURVEY TO CONSTRUCT ELECTRIC TRANSMISSION  
LINE ON CONSERVATION DISTRICT LANDS, WAHIAWA, OAHU (WINDFARMS, LTD.)

AND

ITEM F-16

WINDFARMS, LTD. REQUEST FOR REVOCABLE PERMIT, WAIALEE, KAHUKU, OAHU.

At the request of Mr. Ono, the Board agreed to have Item F-16 (see page 7) taken up together with Item H-1.

Evans said that this temporary variance will allow survey work to be done such that a future Conservation District Use Application (CDUA) for construction of an electric transmission line on Conservation land may be submitted in the future. The specific purpose of this survey is to conduct on-the-ground studies and surveys to eventually request a transmission line easement from the Kahuku Windfarm to the Hawaiian Electric Company's substation in Wahiawa. The proposed use is not a zoned use.

Evans explained that Windfarm, Ltd. is a totally private financed entity who have come up with the idea of a pure windfarm. By that, they're suggesting building approximately twenty windmills which will be located on both State and Campbell properties. The power generated from this windfarm is about triple what the existing line capacity can carry. As a result, they are requesting a temporary variance for the purpose of surveying alternative routes to take the electricity generated from the Kulima substation to the Wahiawa substation, at which point it will be distributed elsewhere.

Staff have made it clear to the applicants that, should the board approve this variance request, it is not an indication of any action which the board may desire to take in the future. We have also asked the applicants, said Evans, to get all the landowners permission and, because one part is not conservation but ag, the Division of Land Management is involved. In order to expedite the survey, Mr. Evans recommended that an additional condition be added which would grant the applicant a right of entry over those lands identified as state lands for the purpose of this variance, subject, however, to any other terms and conditions as may be prescribed by the chairman. What we are doing essentially, explained Evans, is killing two birds with one stone — get the temporary variance and then grant a right of entry in one document. The Division of Land Management is agreeable to this. Staff also made it clear to the applicants that the time frame for this temporary variance is not to exceed a year. While they may not have a specific deadline, the applicants are shooting seriously to start construction about two years from now. Given two years to get necessary permits, etc. and two years for construction, completion is expected sometime in 1984.

In answer to Mr. Kealoha's question, Mr. Evans explained that the ground survey is for alignment purposes only for the transmission lines. Mr. Kealoha asked why this couldn't be done by marking it on the map. Evans said that the map does not show the terrain and, in answer to Kealoha's next question, said that there will be no cutting of trees, moving of rocks, etc. — strictly walking the grounds. Because portions of the area are in forest reserve, Mr. Kealoha suggested that Mr. Evans get together with the Forestry Division for their comments. Mr. Ono suggested also that in the future we go through the same process for temporary variance as we do for CDUA's.

Mr. George Stricter, Hawaii representative for Windfarms, Inc., stated that the survey is primarily an aerial survey. People will be dropped on the ground in various locations to make a survey in order to photograph the best possible route. From that survey, the applicants intend to prepare documents which will be a basis for discussion with the various people affected. Stricter asked for permission to make the survey so they can sensibly talk to state and county officials in obtaining the necessary permits. This will be a \$350,000,000 project said Stricter. We will be manufacturing some very advanced machinery which are brand new and delay in the survey will set everything back. He does not believe that this survey will leave any impressions on the ground since there will no cutting of trees, etc. They just need to drop people off at certain ridge points in order to make the aerial survey and then come back to the various agencies through normal process.

Mr. Kealoha explained that the Board needs to hear from the various divisions within the department of land and natural resources that might be involved before taking action and, the sooner we hear from them, the sooner we can make a determination.

Stricter said that one of the reasons the survey is needed is that they cannot spend the money to survey many different routes. From the aerial survey, they can determine which is the best route.

Mr. Ono said that he did not wish to delay the project; however, these different processes are necessary.

Mr. Jerry Sumida, legal counsel for Windfarms, Inc. stated that this is the world's first large scale energy project which will be located in Hawaii for various reasons. The first is that the State, really since pre-OPEC, has had a commitment for the development of their own renewable alternative energy resources. Secondly, that commitment has been translated into both legislative as well as administrative policies, action, commitments, etc. on all levels of government, to encourage alternate energy. Thirdly, when it comes down to where wind energy projects can be placed, you need good wind and, in the whole United States, there are only about six or seven good sites. One of those very good sites is the Kahuku area because of the trade winds. There is almost a continuous wind of high enough velocity -- 24 to 28 miles per hour almost constantly -- which makes it one of the best wind areas in the entire United States.

Windfarms, Inc. is a fairly new company and is devoted to the development of wind energy projects on the premise that this can be done commercially, that is, private sector money -- not state or federal funds -- or federal guarantees. If it's going to work then it should be funded by private funds -- and that is a commitment made by Windfarms to the State. It is willing to spend the \$350,000,000 needed to develop a project which would take care of about 8-10% of Oahu's electrical needs. However, said Sumida, we did run into one problem. The Kahuku site is a very good site from the aspect of having good wind. The load where the electricity would be used is obviously not in the Kahuku area but more in Central Oahu and, therefore, the electricity from Kahuku needs to be transmitted to Central Oahu. The easiest and closest substation is Wahiawa. How then to get to Wahiawa? Sumida said there a number of different ways but existing lines cannot do it -- too small. To put the necessary lines along the road would be too difficult and nobody has proven submarine cables yet so what we have looked at, with the cooperation of the various landowners and the Hawaiian Electric Company, was to come up with these two alternative routes. The problems that we face now, said Sumida, is that the country is really rugged. We have flown over the area to see what these possible routes look like and where these routes can go so we don't mess the Army's helicopter training area and about all that's left for us to do is to get permission to land some people by helicopter on the ground to do survey. This will not be the normal type of survey where plumb lines are used and trees, etc. are cut down. If, after the survey, we find that the lines as shown on the map are worth surveying further, then we will come back for a CDUA. Because this project is new, as well as unique, Windfarms is committed to do this project the right way. The project is big and complicated, as well as new and unique, so we do not only want to move carefully, but correctly.

Mr. Hong asked what the effect would be if this matter were deferred. Would it come back to the next meeting with a comment from the Forestry Division for the Board to consider again? Mr. Evans said that staff would try to bring it back by the next meeting with whatever comments the other divisions might have.

Mr. Hong told Mr. Sumida that some of the divisions involved have not been contacted so if we can get their comments as expeditiously as possible, the Board would be able to take action. Mr. Stricter asked if it was possible to approve this request subject to concurrence from the various divisions in order to save time.

Mr. Ono said that it was possible. However, as far as this project is concerned, there are bigger concerns to be addressed. Eventually we're going to come back to the pricing policy question and I would like to have the board members on board every step of the way otherwise on the tail end of this process if the board members haven't been on board we're going to have bigger time problems because we will have to bring everybody back on board to explain what went on.

ACTION It was moved by Mr. Kealoha, seconded by Mr. Hong that Items F-16 and H-1 be deferred to the next meeting. Motion unanimously carried.

ADDED FILLING OF TEMPORARY POSITION NO. 24652, SECRETARY I, LOCATED AT  
ITEM B-1 THE ANUENUE FISHERIES RESEARCH CENTER.

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ACTION The Board unanimously approved the appointment of Mrs. Betty Taeko Ichimura to fill the Secretary I Position No. 24652 located at the Anuenue Fisheries Research Center. (Kealoha/Hong)

MEMORANDUM OF UNDERSTANDING -- RAINBOW BAY STATE PARK; U. S. NAVY; AND  
ITEM E-1 DEPARTMENT OF LAND AND NATURAL RESOURCES.

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Preliminary action towards development of the Rainbow Bay State Park, carried out jointly with the U. S. Navy Base Command at Pearl Harbor culminated in publication of a formal plan entitled: "Rainbow Bay Conceptual Plan 1974". Yamashiro said that a series of meetings were carried out between the U. S. Navy and the DLNR, and we have come to an agreement as to what the memorandum of understanding contains. Once the memorandum is approved it will be used to define and guide the joint development of the park project.

Mr. Kealoha asked if the trucking people were still located at the area. Yamashiro said the people there are under permit by the DOT and he understands that there are also squatters. However, once development of the project starts the people with DOT permits would have to be relocated and those who are squatting will have to be evicted. By whom asked Kealoha? Yamashiro said by our department.

Hong asked how soon before we could move ahead with the project once it is approved. Yamashiro said that actual development would depend upon funding. At the present time, we have \$125,000 for construction. However, this money is under bond funds and whether such funds can be released for demolition and clean up, he could not say since there is a departmental ceiling for bond funds. However, there are sufficient funds for acquisition.

The navy is currently looking at the relocation of the boathouse and the approximate cost. In the event it is relocated, DLNR will have to pay for this cost. This, said Yamashiro, is optional and DLNR is not mandated to do so.

ACTION Unanimously approved as submitted. (Higashi/Hong)

SPECIAL USE PERMIT TO THE KONA YOUNG FARMERS FOR USE OF THE OLD KONA  
ITEM E-2 AIRPORT, KAILUA-KONA, HAWAII.

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The Kona Young Farmers of Kealakekua, Kona, Hawaii have requested the use of the Old Kona Airport runway for a fund raising carnival for the period June 11-13, 1981. The Permit conditions include requirement for the posting of a \$5,000 performance bond, procurement of a liability insurance policy, and the payment of \$50.00 per day, or a total of \$150.00 for the three days that the permit is in effect, in compensation for the use of the park premises.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ADDED  
ITEM G-1

FILLING OF ABTRACTOR IX, POSITION NO. 9055

Position No. 9055 became vacant on February 17, 1981 with the promotion of George H. P. Bailey to Position 139. Edith Kawano, an employee of the Bureau for more than 29 years, is the senior applicant and is qualified to perform the functions of the position.

ACTION

The Board, upon motion by Mr. Kealoha and a second by Mr. Higashi, unanimously approved the appointment of Edith T. Kawano to Position No. 9055 effective April 1, 1981.

ITEM H-2

REQUEST FOR TEMPORARY VARIANCE WITHIN THE STATE CONSERVATION DISTRICT FOR TRAIL CLEARING AND SURVEYING USES, AINAKOA VALLEY, HONOLULU, OAHU (THOMAS A. HITCH)

ACTION

This item was deferred at the request of Mr. Evans in order that he may obtain comments from the various divisions of the department that may be affected by this request.

ITEM I-1

APPOINTMENT OF VOLUNTEER HUNTER SAFETY TRAINING INSTRUCTORS, OAHU AND MAUI

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously approved the appointment of the following individuals as Volunteer Hunter Safety Training Instructor for a period of one year effective March 28, 1981.

OAHU - Charles A. Phelps and Norman N. Arakaki

MAUI - Yuen Y. Wong

ITEM I-2

APPOINTMENT OF VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS: OAHU, HAWAII, MAUI, AND KAUAI

ACTION

The Board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, unanimously approved the appointment of the following individuals as Volunteer Conservation Resources Enforcement Officers for a one year probation with an evaluation being made after the first six months of service effective March 28, 1981:

<u>OAHU</u>	- BROWN, Timothy CHASE, William FREITAS, Robert FUNG, Nyle Stewart HOWARD, Edward	LOGAN, Douglas MAGBEE, Gene MAGBEE, Harry PALMERION, Kevin SOARES, Lawrence	TAKEKAWA, Mark TANAKA, Clyde TOGUCHI, Raymond YOSHINA, Dwayne
<u>HAWAII</u>	- CONLEY, Elmo CROCKETT, Donald FERGERSTROM, Don IMAI, James	JOHNSON, Dan Jr. LEE, Reginald LINDSEY, Darryl MEHAU, Mike	PHILLIPS, Richard SUGIYAMA, Sandy TAGA, Calvin WAKIDA, Charles
<u>MAUI</u>	- AKIMA, Benjamin DOE, Harold	McGILL, Dennis OKAMOTO, Stanley	
<u>KAUAI</u>	- BURTADASO, Martin CAMAT, Lennox HORKA, Bruce Marcus INOKA, Clarence Craig	KAOHELAULII, Llewelyn KEALOHA, Peter MANGUCHEI, Marie PEREZ, Leonard Mark	SILVA, Randy J. OYAMA, James F.

ITEM J-1                    RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION

ACTION                    Unanimously approved as submitted. (Hong/Yagi)

ITEM J-2                    RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION

ACTION                    Unanimously approved as submitted. (Yagi/Hong)

ITEM J-3                    APPLICATION FOR ISSURANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION

ACTION                    Unanimously approved as submitted. (Hong/Yamamoto)

Mr. Ono asked Mr. Garcia to check whether the applicants are residents or corporations. If they are corporations they have to be able to do business in Hawaii otherwise one of these days we're going to have the same problems we have at Snug Boat Harbor where there is not enough space because non-residents are occupying the spaces.

ITEM J-4                    METERED TAXICAB SERVICES LICENSE AND AGREEMENT, LIHUE AIRPORT, KAUAI (KAUAI AIRPORT TAXI ASSOCIATION, INC. (KATA)).

KATA's License and Agreement to solicit and provide metered taxicab services at Lihue Airport expires on July 15, 1981 and KATA requests to obtain the exclusive privilege for another three (3)-year period. DOT approves of this request since the providing of metered taxicab services at Lihue Airport serves the public interest.

ACTION                    The Board unanimously approved the Metered Taxicab Services License and Agreement as outlined in the submittal to Kauai Airport Taxi Association, Inc. for the period July 16, 1981 to July 15, 1984 at a minimum annual guarantee of \$4,800 or \$.35 per trip, whichever is greater. (Yamamoto/Yagi)

ITEM J-5                    GIFT AND SUNDRIES CONCESSION, GENERAL LYMAN FIELD, HILO, HAWAII

The present Gift and Sundries Concession will expire on April 30, 1981. The Department of Transportation is proposing to offer for bid a Gift and Sundries Concession for a term of five (5) years to continue services offered to the public.

ACTION                    The Board unanimously approved DOT's request to advertise the proposed Gift and Sundries Concession at General Lyman Field as outlined in the submittal. (Higashi/Yagi)

ITEM J-6                    AMENDMENT NO. 1 TO LEASE NO. DOT-A-34, KAHULUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION (FAA)).

The DOT and the FAA entered into a lease agreement on November 22, 1972 for the purpose of installing, operating and maintaining a MMF system at Kahului Airport. The FAA now has a requirement to replace the existing MMF system with a new system. The new system will continue to provide benefits to the public.

ACTION                    The Board unanimously approved Amendment No. 1 to Lease No. DOT A-72-34 as outlined in the submittal. (Yagi/Higashi)



ITEM J-7

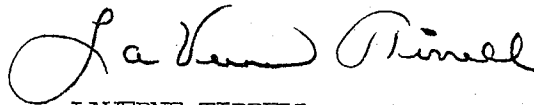
ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KALIHI-KAI, HONOLULU  
OAHU (HAWAII RECYCLING SERVICES, INC.)

ACTION

The Board unanimously approved issuance of a revocable permit to Hawaii Recycling Services, Inc. at a monthly rental of \$833.00, subject to the terms and conditions listed in the submittal. (Kealoha/Yagi)

ADJOURNMENT: There being no further business, the meeting adjourned at 11:00 A. M.

Respectfully submitted,



LAVERNE TIRRELL  
Secretary

APPROVED



SUSUMU ONO  
Chairman

lkt