

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

DATE: October 23, 1981
TIME: 9:00 A. M.
PLACE: HGEA David K. Trask Building
Conference Room 205, 2145 Kaohu Street
Wailuku, Maui

ROLL
CALL

The meeting of the Board of Land and Natural Resources was called to order by Chairman Susumu Ono at 9:00 A. M. The following were in attendance:

MEMBERS: Mr. Roland Higashi
Mr. Stanley Hong
Mr. Douglas Ing
Mr. Thomas Yagi
Mr. Susumu Ono

Absent & Excused
Mr. Takeo Yamamoto

STAFF: Mr. James Detor
Mr. Kenji Ego
Mr. Roger Evans
Mr. Robert Chuck
Mr. Libert Landgraf
Mr. Ralston Nagata
Mr. Tony Vierra
Mr. Buddy Haake
Mr. Kenneth Chong Kee
Mr. Carl Pokipala
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy Atty. General
Mr. Peter Garcia, DOT
Mr. Eddie Tangen (Item H-4)

MINUTES

Mr. Hong moved for approval of both the September 11, 1981 and September 25, 1981 minutes. Mr. Higashi seconded and motion carried unanimously.

ADDED ITEMS

Upon motion by Mr. Hong and a second by Mr. Ing, the Board unanimously voted to add the following items to the agenda:

Conservation and Enforcement

Item I-1 -- Filling of Position No. 33271, Clerk Typist II, Oahu Branch.

Land Management

Item F-24 -- U. S. Public Health Bids on Ala Moana Boulevard. (Oral)

In order to accommodate Mr. Eddie Tangen, Item H-4 was the first item on the agenda taken up by the board.

ITEM H-4

CONSERVATION DISTRICT USE APPLICATION FOR CONDITIONAL USE FOR THE PURPOSE OF CONSOLIDATION AND SUBDIVISION AT HANAIEI, KAUAI, HAWAII. (CONSOLIDATED OIL AND GAS, INC.).

The proposed consolidation and resubdivision is required by the County of Kauai in connection with the applicant's development of the Princeville Marriott Hotel. The hotel is a 300-room luxury facility and includes restaurants, lounges, meeting rooms, and recreational facilities. The hotel and its various amenities will not be located on conservation district lands. However, the various properties on which the hotel is located contain areas which are within the conservation district and public access to the beach portion of the conservation district will be provided through the property. It is believed also that recreational uses would take place in that portion of the conservation district which contains beach frontage.

Although staff's recommendation is for approval of this application, Mr. Evans called to the Board's attention Recommendation No. 4 which says that approval of this application is solely for the consolidation and subdivision of land and does not imply approval of other future land uses of the conservation district, or modification to the adjacent Puu Poa Marsh, located outside the conservation district.

After receiving comments from several divisions referring to the marsh, staff went to look at the maps and it appeared that portions of the marsh may be in the conservation district. Accordingly, staff wanted to be explicit in alerting the applicant that they should go to the Land Use Commission to ascertain what is there should they want to do something in the future since this particular application has nothing to do with any future action on the marsh.

ACTION

The Board, upon motion by Mr. Hong and a second by Mr. Higashi, unanimously approved application by Consolidated Oil and Gas, Inc. for consolidation and resubdivision use of private property at Hanalei, Kauai, identified as TMK: 5-4-04:1 and 5-4-11:4, subject to the terms and conditions listed in the submittal.

ITEM B-1

CONTINUING THE SUPPORT OF THE HAWAII COOPERATIVE FISHERY RESEARCH UNIT AT THE UNIVERSITY OF HAWAII.

The Hawaii Cooperative Fishery Research Unit of the U. S. Fish and Wildlife Service (FWS) was established at the University of Hawaii in 1966 and is one of 29 such Units in the nation. Pursuant to an agreement between the University of Hawaii, the Department of Land and Natural Resources and the FWS, the Unit engages in research for resource management, provides opportunities for fishery training of graduate students at the University, and provides extension services and assistance to agencies responsible for fisheries, aquatic and environmental space and a secretary, the costs of which amount to about \$10,000 annually. The DLNR, pursuant to the agreement, provides \$10,000 for supplies, equipment and student support. Departmental support funds are appropriated by the legislature and allotted by the Governor. The FWS provides the remaining expense funds, including costs of supervision and administration of the Unit, amounting to \$75,000 - \$90,000 annually in recent years.

REQUEST FOR OUT-OF-STATE TRAVEL PER DIEM FOR STATE BOTANIST,
DR. CAROLYN A. CORN.

Mr. Landgraf asked that the typo error in the second paragraph, line 5, be corrected from "1985-1871" to "1851-1871".

Dr. Corn, at her own expense, went to Australia for job related but not official purposes during the period July 20, 1981 and August 28, 1981. While there, said Mr. Landgraf, Dr. Corn had the following things in mind:

1. Present a paper on botany and floristic changes on Green Island, Kure Atoll to the International Botanical Congress.
2. Attend a satellite meeting in Canberra prior to the conference on the conservation of endangered species and the development of public awareness thereof.

Landgraf said that this trip was discussed with Dr. Corn before she left and, at the time, although the trip was job related, he did not think it was official. The invitation to present the paper for the work she had done was sent to her as an individual and not officially to the Department. As far as the conference on the conservation of endangered species and the development of public awareness, Landgraf again felt that that this was not official, although job related.

Prior to leaving, Dr. Corn did say that she may have an opportunity to inventory and photograph rare Hawaiian flowering plants from a duplicate herbarium collection of Dr. William Hillebrand in Melbourne, which was collected while Dr. Hillebrand was in Hawaii from 1851-1871. This collection is unique and exists nowhere else in the world.

Because I did not know exactly what this work would entail, said Mr. Landgraf, I did not feel that it was proper for me to come before the Board at that time for something that I didn't know what the results would be. However, as the submittal indicates, and I ask that you give it some consideration, I reviewed the inventory and photographs which she brought back and realized the importance of the work and, by the interest shown by the Bishop Museum, the University of Hawaii and other botanical interested persons in the educational and scientific fields, I felt if possible I would somehow like to try and compensate her for her dedication in taking this upon herself. Again, as the submittal indicates, Dr. Corn has turned over the material to the department.

As you can see from the submittal, said Mr. Landgraf, Dr. Corn actually spent about 17 days doing this particular work and all I'm asking is that Dr. Corn be considered on work status and be paid for only 8 of those 17 days. This amounts to \$520.00.

In answer to Mr. Higashi's question, Mr. Landgraf said that Dr. Corn has been with the department for about four years.

Will it be a customary practice for departments to pay an individual who goes on a trip just because it is job related, asked Mr. Yagi?

In my experience with the department, answered Mr. Landgraf, I would say that it is not customary and, again, may I say that this is an after-the-fact item and may well be precedent setting.

Mr. Yagi felt that there could be no end to this kind of thing. Like, for instance, what about a person going to Japan and, while there, he decides to inventory and photograph geothermal sites, do we then compensate him also when he returns? No, said Mr. Landgraf.

Did Dr. Corn make a prior request before she went, asked Mr. Ing?

Yes, said Mr. Landgraf. However, I was not convinced at the time that this situation was not like Mr. Yagi explained. I was not confident that the material which was brought back would be as valuable as it is. This was the reason that I did not bring this matter before the Board. However, not only my own observation convinced me to bring this matter before the board at this time, but it was also because of the immediate response I received from institutions like the Bishop Museum and the University of Hawaii.

She did indicate that she wanted to go on official status and, even after your denial, she still went on her own, said Mr. Higashi.

Yes, said Mr. Landgraf, but it was not done in defiance of me.

True, said Mr. Higashi, but she did understand the situation before she left.

How, asked Mr. Ono, did you come up with the number of days that she was on official status?

What I have recommended, said Mr. Landgraf, is that the board consider Dr. Corn on work status from July 20, 1981 through August 5, 1981 and authorize per diem payment to her for that period. This way, she would not be losing her vacation time. However, I am only asking for per diem payment for half the time actually spent inventorying and photographing the collection.

The period you recommend covers only eight working days, asked Mr. Ono?

No, said Landgraf, it covers the entire period she was gone.

I am not clear as to the period she was on vacation in relation to the time she was on work status, said Mr. Ono.

Dr. Corn was on vacation during the entire period she was gone. However, said Mr. Landgraf, because of her contribution which was job related, I would like to have her considered on work status during the entire period she was there, but only pay her for the eight days.

In that case, said Mr. Ono, in essence we are paying her salary plus the \$520.00. I can understand paying her the \$520.00, but not the rest. If this is the case then I tend to agree with Mr. Yagi that we will be opening up an area that is hard to control.

Mr. Landgraf then asked that his recommendation be amended to consider Dr. Corn on work status for just 8 of the 17 days, and that she be paid per diem for only those 8 days. So, she would be getting the \$520.00 plus her salary for the 8 days.

ACTION

Since Mr. Landgraf misjudged the work that was to be done and the benefit that the State was to derive and then seeing such excellent results of Dr. Corn's work, on that basis, Mr. Ing moved for approval as amended, i.e. Dr. Corn be considered on work status for 8 days and that she be paid per diem and her salary for those 8 days.

Mr. Hong seconded.

For the record, said Mr. Yagi, I would like to raise one point which I feel is very important. As far as Dr. Corn is concerned, I feel that she is a very dedicated person and, in her dedication, she has benefited the State. But, if what we are trying to do here is reward her with money by paying her per diem, then I think her dedication is meaningless. I would rather see the department commend her on the record. In principle, I think that it is important that we honor and credit employees where credit is due but not by monetary payment. I think that this is basically wrong. We need to be bigger than that. Employees should not be paid off for their dedication. They should be honored and commended, but not with money. By doing this, then everyone would like to be a dedicated employee. In this instance, I feel definitely that Dr. Corn should be honored and commended, but not by paying her with money.

Messrs. Yagi and Higashi voted no. Motion died for lack of a majority vote.

ITEM D-1 HIRING OF CLERK-STENOGRAPHER II ON TEMPORARY APPOINTMENT OUTSIDE OF LIST.

This position is in the Division's Clerical Services Section and is assigned to the Water Resources and Flood Control Branch, Water Resources Section, in the water resources planning program.

ACTION The Board unanimously approved the hiring of Ms. Kiyoko Oshito to fill Position No. 32447, on a temporary appointment outside of list basis. (Higashi/Yagi)

ITEM D-2 NATIONAL FLOOD INSURANCE PROGRAM - STATE COORDINATOR CONFERENCE.

The Federal Emergency Management Agency has invited the Department to attend the 1981 National Flood Insurance Program State Coordinators Conference to be held on November 16-18, 1981 in Silver Spring, Maryland. The conference will address new issues and responsibilities of the State Coordinator in implementing flood plain management policies of the National Flood Insurance Program and will highlight the state of the art in flood plain management, examine recent developments in FEMA and the NFIP, discuss hazard mitigation needs and strategies for the States and discuss issues in support of the State Assistance Program. The conference will be a "working level" effort and is designed to be most beneficial to those involved in the day-to-day operations of the National Flood Insurance Program and flood plain management programs.

Mr. Manabu Tagomori, Chief Water Resources and Flood Control Engineer, whose branch handles the day-to-day operations of the Department's flood plain management program and the National Flood Insurance Program, and who is the State Assistance Program contact person, is recommended to attend the conference.

ACTION The Board unanimously approved of Mr. Managu Tagomori's attendance at the National Flood Insurance Program State Coordinator's Conference on November 16-18, 1981 in Silver Spring, Maryland. (Hong/Ing)

ITEM E-1 PERMISSION TO ADVERTISE FOR BIDS, GROUNDS TERMITE TREATMENT OF MARINA RESTAURANT BUILDING B; REPAINT INTERIOR AND EXTERIOR OF BUILDINGS A & B AND ALUMINUM PATIO ROOF, WAILUA RIVER STATE PARK, KAUAI.

The project is estimated at \$64,000 and funds have been authorized by Act 1, SLH 1982.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM E-2

APPROVAL OF NONEXCLUSIVE USE OF THE MAIN VISITORS' BUILDING IN HEEIA STATE PARK

Mr. Kawaikapuokalani Hewett has requested use of the main building at Heeia State Park to offer classes in the art of Hawaiian dances. These classes will be open to the public at no charge and will be conducted on a voluntary basis. Participants will be responsible for a thorough cleanup of the building area after every class session.

Since the facilities may be leased to an organization for operational purposes sometime after March 1st, and the full use of the main building is essential to this lease, the subject use is considered an interim use for a period of six months.

ACTION

Upon motion by Mr. Ing and a second by Mr. Hong, the board unanimously approved Mr. Hewett's request for the nonexclusive use of the main visitors' building in Heeia State Park on Mondays through Thursdays, 7:00 p.m. to 9:00 p.m., for a period of six months.

In response to Mr. Ono's request that the board be informed as to why the incremental six month period, Mr. Nagata explained that in the case of both Items E-2 and E-3, there is a group called the "Friends of Heeia State Park" who are presently in the process of being incorporated. They have been working with both DLNR and the Attorney General's Office and anticipate being incorporated about March, 1982, at which time the building will be leased to them for operational purposes.

With the anticipation of the "Friends" being incorporated and the possible action of the board, staff did not want to limit their alternatives by extending the period for use of the area. Both applicants are aware of staff's reasons for limiting use of the area for only six months.

ITEM E-3

APPROVAL OF NONEXCLUSIVE USE OF THE EXHIBIT HALL IN HEEIA STATE PARK.

Sea Trek Hawaii has requested continued nonexclusive use of the display building at Heeia State Park for conducting Department of Education environmental education programs. Sea Trek Hawaii has been using Heeia Park facilities since the summer of 1978 and has been involved with the Department of Education at the park since the 1979-80 school year.

In the event the display building is leased to an organization such as the Friends of Heeia State Park for operational purposes, staff anticipates the special use permit would be renegotiated with the lease to accommodate additional educational/cultural programs. Sea Trek Hawaii is aware of this possibility, and has been assisting in efforts to establish more programs in the park through a private non profit organization.

ACTION

The board unanimously approved Sea Trek Hawaii's request for the non-exclusive use of the display building in Heeia State Park to September 1, 1982 subject to renegotiation if the facilities are leased to an organization for operational purposes. (Hong/Yagi)

ITEM E-4

PERMISSION TO NEGOTIATE WITH HOONANI MAUNA-ALA MAI NA MAMAKAKAUA AND TO EXECUTE CONTRACT DOCUMENT FOR COMPLETION OF PHASE III RESTORATION OF THE ROYAL MAUSOLEUM CHAPEL, NUUANU, OAHU, HAWAII.

ACTION

Unanimously approved as submitted. (Ing/Hong)

ITEM F-1

DOCUMENTS FOR CONSIDERATION

MAUI

REVOCABLE PERMITS

- Item F-1-a East Maui Irrigation Company, Limited request for R.P., Nahiku Water License, Nahiku, Koolau, Maui.
- Item F-1-b Alexander & Baldwin, Inc. request for R.P., Keanae Water License, Keanae, Koolau, Maui.

Mr. Detor called to the board's attention a letter received from the Legal Aid Society asking that no action be taken on Items F-1-a and F-1-b.

Pointing out the subject area on the map, Detor went on to explain that the area concerned was the East Maui watershed owned partially by the State and partially by the A&B Company. This water system runs all the way from Hana to Kahului and brings in surface water used basically to irrigate the sugar cane fields.

Back in 1910, said Mr. Detor, an agreement was signed with East Maui Irrigation Company and the then Territory of Hawaii. They agreed, based on a study made at that time, on the division of the waters coming from this watershed. They divided the watershed into four license areas -- Nahiku, Keanae, Honomau and Huelo and established figures for the division of water in each of the four areas. Just for example, 55% of the water in the Nahiku area was for the Territory and the other 45% for EMI, etc. The licenses that were sold by the Territory, and later by the State, were for those portions of the water set aside to the State.

A basic payment was set up for each licensed area and then an effective rental on an escalated basis geared to the per pound price of sugar was set -- still, however, maintaining a minimum charge. These licenses were geared five years apart, said Detor, so we have a situation where Huelo expired in 1981 and was then extended by the board; Honomau expires in 1986; and the other two subject leases -- Keanae and Nahiku -- have already expired and are on a month to month tenancy and the subject of the two submittals today.

Rather than going on the five year cycle, staff had planned to wait and get all the leases co-terminus. However, because the McBryde water case came up, staff suspended all activities as far as selling licenses were concerned.

Under the law, a water permit is only good for one year. Because we are not able to go ahead with the license or lease agreement and, faced with the limitation of only one year for the permit in order to be able to collect a rental, what we have done, said Detor, is that when the year runs out A&B's permit will be issued to EMI (same company, but different entity) and vice versa on the other request. This won't change anything as far as the physical situation is concerned but it at least will be a basis for collecting rent.

In answer to Mr. Ing's question, Mr. Detor said that there is no limitation as to the amount of water that they can use from the watershed. Because this is surface water a lot of spillage does fall out to the ocean. Detor felt also that the Legal Aid people were not really aware of the facts pertaining to these licenses. He tried, but was unable to contact them to explain the situation.

Because they had asked, Mr. Ing felt it only proper that they be given a chance to be heard.

Mr. Yagi said that it wouldn't change anything because we can't stop A&B from taking water since part of the water is theirs anyway.

Mr. Hong asked if it was o.k. to let them have the water on a month to month basis.

In answer to Mr. Hong's question, Detor said that under the law, permits for land can come back to the board once a year to have a new permit issued to the same person; however, in the case of water licenses, a permit cannot be issued to the same party after the one year period.

Because the board is in a position to terminate these permits anytime during the 30-day period should any problems arise, Mr. Hong did not feel that issuing the permits would be a problem.

Yagi asked if it was possible to go ahead and issue the permits to A&B and EMI, and then, if the Legal Aid people have any real squawks we cancel the permits and try to iron out the problem. This could be done said Detor.

The Legal Aid is saying that they have a right to intervene because they have a contested case, remarked Mr. Yagi. True, said Detor, but I don't see what there is to contest. If they were being deprived of water, said Mr. Yagi, then that would be something else. But as far as I know they are not being deprived.

I don't know if they're being deprived since that point is not raised in their letter. However, I still think they should be given the opportunity to be heard, said Mr. Ing.

The last paragraph of their letter says that we should not do anything until a Water Resources Agency is created, said Mr. Hong. If we should hold these licenses in abeyance, what does the Maui Irrigation Company do in the meantime?

I feel that issuance of a permit is the more flexible way to go, said Mr. Ono.

According to the Legal Aid letter, it seems that their clients have, in fact, been deprived of water, but that fact was never brought to our attention, said Mr. Detor.

Maybe this is a vehicle used to bring the problem to our attention, said Mr. Ing. However, if we grant the license now then these people will not have the opportunity to be heard.

Why don't we then approve this on the basis that if any complaints arise we go ahead and list it on the next agenda, said Mr. Yagi, and then let them be heard. I just don't want to see a situation jeopardized just because they feel that they are being deprived. The waters going to flow anyway. I think they should be heard but not at the expense of stopping an operation. If there is not sufficient water for these people then we discuss the problems with the concerned parties.

Mr. Ono said that the board could take action on this matter today and then put this item on a later agenda as a request to present their case to the board.

We construe this as a complaint, so are we not saying that we are going to hear this as a contested case, asked Mr. Ing? I don't understand the legal implication, said Mr. Yagi, but I do not understand this to be a contested case. This is just a letter saying that they might contest the case.

Johnson Wong, Deputy Attorney General, said that their office has taken the position that not every disputed case is a contested case. In the issuance of licenses, permits, leases, etc., these are all pursuant to a proprietary function and as such are governed by the terms thereof, e.g. whatever the permit says. So, if a person doesn't pay his rent, breaches the document, etc. we will just come before the board to have the document cancelled. In this instance, we are saying that a person is not entitled to a contested case. Otherwise, we will be bogged down with every cancellation. A hearing is more for the promulgation of rules and regulations or, like a welfare situation where you are trying to deprive them or reduce their benefits, etc., so they are entitled to a hearing. In this case, we are treading a very fine line as to whether they are entitled to a contested case hearing. As to the substance of this particular request, the Chairman has indicated various alternatives.

I agree with you that, as the matter appears before us today, it is not a contested case. However, if a complaint is received from the Community Association, do we then take it up as a contested case, asked Mr. Ing? I am inclined to say no, said Mr. Wong. It is a contested dispute, but not a contested right that is being taken away.

So how does it later come before the board, asked Mr. Ing?

It will come up as a consideration to cancel or not cancel the permit, said Mr. Wong.

My main concern is that these people have an opportunity to come before the board to be heard. I am not saying that I agree or disagree with their position, just that they they be given an opportunity to be heard, said Mr. Ing.

ACTION

Mr. Yagi moved for approval of Items 1(a) and 1(b) as submitted by staff and, also, that this matter be placed on the agenda of the next Board meeting for the purpose of granting the Legal Aid Society an opportunity to be heard before the board; provided, however, that I am present at said meeting. Mr. Higashi seconded and motion carried. Mr. Ing voted no.

KAUAI

ASSIGNMENT OF LEASE

Item F-1-c HELEN OLGA HANSEN O'NEAL and RICHARD O'NEAL, wife and husband, Assignors, to PATRICIA JOAN O'NEAL REA and REUBEN J. REA, wife and husband, Assignees - Lot 51, Kokee Camp Site Lots, Kokee, Kauai - G.L. No. S-4507.

Item F-1-d KEITH MERRILL SMITH, unmarried to JANE E.M. CRAWFORD, unmarried - Lot 90, Kokee Camp Site Lots, Waimea, Kauai - G.L. No. S-4078.

LAND LICENSE

Item F-1-e OLOKELE SUGAR CO., LTD. - Olokele Cinder Pit, being por. of area covered by G.L. No. S-3814 to said Olokele Sugar Co., Ltd. at Hanapepe, Kauai.

Mr. Hong moved for approval of Items F-1-c, F-1-d and F-1-e as submitted. Mr. Yagi seconded and motion carried unanimously.

ITEM F-2

REQUEST BY HAWAII ELECTRIC LIGHT COMPANY AND HAWAIIAN TELEPHONE COMPANY FOR NONEXCLUSIVE ANCHOR EASEMENT AND CONSTRUCTION RIGHT OF ENTRY, KULAIMANO HOMESTEADS, SOUTH HILO, HAWAII.

According to HELCO, a longer anchor lead must be installed within a State property to remedy the precarious leaning of an existing utility pole (Pole No. 13) situated at the intersection of Old Mamalahoa Highway and Kulaimano Homestead Road. Immediate right of entry is requested to install the anchor.

ACTION

The Board, upon motion by Mr. Higashi and a second by Mr. Ing, unanimously voted to:

1. Authorize the sale of a non-exclusive easement for anchor purposes HELCO and HTC subject to the terms and conditions listed in the submittal; and
2. Grant right of entry to HELCO/HTC to TMK 2-8-12:6 for construction purposes subject to the conditions listed in the submittal and any other terms and conditions as may be prescribed by the Chairman.

ITEM F-3

DIRECT SALE OF HIGHWAY REMNANTS SITUATE AT NORTH KONA, HAWAII.

ACTION

The Board, finding the parcels mentioned in the submittal as unsuitable for development as separate units because of size and shape and are remnants by definition, upon motion by Mr. Higashi and a second by Mr. Ing, unanimously approved the direct sale of the subject remnants under the terms and conditions listed in the submittal and any other terms and conditions deemed necessary by the Chairman.

ITEM F-4

STAFF RECOMMENDATION FOR CANCELLATION OF G. L. NO. S-4457 COVERING LOT 7, OF THE VOLCANO FARM LOTS, OLAA, PUNA, HAWAII.

Among other things, the lease requires that the lessees construct within three years from the date of sale a residence of masonry or new materials with a floor area of not less than 1,100 square feet and valued at not less than \$20,000.

By certified letter dated July 16, 1981, the lessee was issued a Notice of Default citing:

1. Failure to comply with the building requirement.
2. Failure to maintain the required lease performance bond.
3. Failure to maintain the required liability insurance coverage.
4. Failure to submit a plan of development and conservation.

The sixty day cure period expired on September 24, 1981.

ACTION

Upon motion by Mr. Higashi and a second by Mr. Yagi, the board voted unanimously to:

- A. Authorize the cancellation of General Lease No. S-4457 as of the date of this submittal in the manner prescribed by law.
- B. Authorize the retention of all sums heretofore paid under General Lease No. S-4457 as liquidated damages.
- C. Terminate all rights and obligations of the lessee effective the date of this submittal.

D. Authorize the Attorney General's Office and/or Coulter's Collection Agency to collect all monies due the State of Hawaii under General Lease No. S-4457.

E. Authorize the Chairman to prescribe any other terms and conditions to carry out the intent of the Board.

ITEM F-5

HAWAII ELECTRIC LIGHT COMPANY REQUEST FOR AMENDMENTS OF PREVIOUS BOARD ACTION AUTHORIZING RIGHT OF ENTRY FOR CONSTRUCTION OF 69 KV TRANSMISSION SYSTEM AT LALAMILO, SO. KOHALA, HAWAII.

HELCO is requesting that their right of entry which was granted by letter dated September 8, 1980, be amended to permit the installation of 14 additional storm guy wires and anchors for stabilization of a like number of poles in the transmission system.

In answer to Mr. Higashi's question, Mr. Detor said that HELCO pays for the survey when an amendment for right of entry is requested by them.

Should there be any extra charges as a result of these amendments, I would like to see these charges passed on to HELCO, said Mr. Higashi.

ACTION

The Board unanimously voted to amend its March 28, 1980 authorization for grant of right of entry to HELCO to include the installation of the 14 additional storm guy wires and anchors in the construction of the dual 69 KV Transmission System described in the submittal on TMK 6-6-01:2 with no change to the earlier approved conditions; that such installation proceed only after advance notice is given by HELCO to Palekoki Ranch, Inc., and the Department of Water Supply, County of Hawaii. (Higashi/Ing)

ITEM F-6

HAWAII ELECTRIC LIGHT COMPANY REQUEST FOR ANCHOR AND GUY WIRE EASEMENTS, PUUEO TO PEPEEKEO, SO. HILO, HAWAII.

The requested easements are in connection with a two-year program to upgrade the existing sub-transmission line between the switching stations at Puueo and Pepeekeo. Upgrading will include the use of triplex cables which will reduce the number of overhead lines and the cluttered appearance now existing. Some encroachment of private property by poles, overhead lines, and anchors will be unavoidable, however.

With the increase in reliability of the upgraded system, HELCO states that outage time will be reduced and customer inconvenience minimized during periods of trouble or maintenance.

ACTION

Upon motion by Mr. Higashi and a second by Mr. Yagi, the Board unanimously authorized grant of easements to HELCO for the requested anchors and overhead guy wire on the State lands described in the submittal and 2) grant of right of entry to HELCO for construction purposes to State lands described in the submittal, subject to the terms and conditions listed in the submittal and any other terms and conditions as may be deemed necessary by the chairman.

ITEM F-7

MARK HANNA AND SHARON WEST REQUEST FOR RIGHT OF ENTRY TO IMPROVE PAPER ROAD, OLAA, PUNA, HAWAII.

ACTION

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

ITEM F-8 COUNTY OF HAWAII REQUEST FOR RIGHT OF ENTRY FOR ENGINEERING STUDIES AND SURVEYS, WAIMEA, SO. KOHALA, HAWAII.

According to the Hawaii County Department of Water Supply, planning of a third large open reservoir (Waikoloa Reservoir No. 3) is in progress. Preliminary field investigations have indicated that a site on the downstream side of the existing Waikoloa Reservoir No. 1 to be the most feasible. Exact capacity of the reservoir, location and area will be determined after the field survey is made. Eventual acquisition of the land is intended.

ACTION The Board, upon motion by Mr. Higashi and a second by Mr. Hong, unanimously authorized the granting of a right of entry to the Department of Water Supply for purposes of conducting engineering studies and surveys on TMK 6-5-01:20, subject to the terms and conditions listed in the submittal and any other terms and conditions as may be deemed necessary by the Chairman.

ITEM F-9 HAWAII ELECTRIC LIGHT COMPANY AND HAWAIIAN TELEPHONE COMPANY APPLICATION FOR ANCHOR EASEMENTS, KEONEPOKO IKI, PUNA, HAWAII.

The Division of Water and Land Development has requested the conveyance of the easements on behalf of HELCO and HTC for the purpose of servicing Pahoia Agricultural Park, Phase II.

ACTION Upon motion by Mr. Higashi and a second by Mr. Hong, the Board unanimously authorized the sale of the subject anchor easements to HELCO and HTC and also granted right of entry to HELCO/HTC to TMK 1-5-09:9 for construction purposes, subject to the terms and conditions listed in the submittal and any other terms and conditions as may be deemed necessary by the Chairman.

ITEM F-10 DEPARTMENT OF TRANSPORTATION REQUEST FOR RIGHT OF ENTRY FOR MAINTENANCE DREDGING, KAHULUI HARBOR, KAHULUI, MAUI.

ACTION The Board unanimously approved a ten year right of entry to the portion of Kahului Harbor mentioned in the submittal for maintenance dredging purposes subject to the terms and conditions listed in the submittal and any other terms and conditions as may be deemed necessary by the Chairman. (Yagi/Hong)

ITEM F-11 ESTER A. KAILI, ET AL, APPLICATIONS TO PURCHASE REMNANT PARCELS AT PUKOO, MOLOKAI.

The six abutting property owners to the remnant parcels identified as TMK 5-7-07:06 have indicated an interest in purchasing their proportionate share of the parcel which is not feasible for development because of its size and configuration.

ACTION Finding the subdivided parcels are economic units in terms of the intended use, the Board, upon motion by Mr. Yagi and a second by Mr. Hong, unanimously 1) authorized a subdivision of the subject parcel into six lots; and 2) approved the direct sale of the subject remnants (subdivided lots) to the applicants (Ms. Ester A. Kaili and other abutting owners) subject to the terms and conditions listed in the submittal and any other terms and conditions as may be deemed necessary by the Chairman.

ITEM F-12

CITY & COUNTY OF HONOLULU REQUEST FOR LEASE COVERING FORMER HELEMANO SCHOOL SITE, WAIALUA, OAHU.

The Board, at its meeting of June 26, 1981 authorized leasing of the subject land to the City and County of Honolulu, which in turn would sublease same to Opportunities for the Retarded, Inc., a private non-profit organization. The sublessee was to develop and operate the project under a federal grant for purposes of providing agricultural training to handicapped adults with funds provided by the Community Development Block Grant (CDBG).

Subsequently, the prospective sublessee has secured commitment of funds through the HUD 202 program to develop the needed housing facilities. The total project, therefore, would involve two separate federal funding programs. The project proposal has been revised to include a subdivision that would result in 1) a three-acre parcel to be used for agricultural activities; and 2) a two-acre parcel to be used for living quarters as well as for related activities.

Under the revised proposal, a subdivision is necessary so that the parcel to be developed with the HUD loan may be mortgaged and operated under provisions contained therein. The two parcels created through a subdivision are to be encumbered by the City and County of Honolulu under separate subleases to the Opportunities for the Retarded, Inc.

Mr. Ono asked if any rental was being received by the City. Mr. Detor did not know.

Mr. Hong said that a provision should be included that if any rentals are received by the City this rental, in turn, should be turned over to the State.

ACTION

Mr. Hong moved to include a provision that if any rentals are received by the City this rental, in turn, should be turned over to the State. Mr. Hong also moved to rescind the Board's action of June 26, 1981, Agenda Item F-4, and approve the direct issuance of a lease to the City and County of Honolulu covering the subject site and consent to and authorize the sublease of the subject premises to Opportunities for the Retarded, Inc., a Hawaii eleemosynary corporation, subject to the terms and conditions listed in the submittal and any other terms and conditions as may be deemed necessary by the Chairman. Mr. Yagi seconded and motion carried unanimously.

ITEM F-13

DEPARTMENT OF EDUCATION REQUEST FOR RENEWAL OF LEASE FROM THE U.S. ARMY COVERING NIKE SITES 5 & 6, MAKAKILO, EWA, OAHU.

The DOE desires the renewal of the present one year lease, which will expire on October 31, 1981. They desire to use the property for its alternative education program which is geared to assist students who have dropped out of school due to drugs and/or alcohol related problems.

ACTION

The Board unanimously approved the renewal of lease (Contract No. DACA84-1-81-3) with the Department of Army subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Hong)

ITEM F-14

CITY AND COUNTY OF HONOLULU REQUEST FOR CONVEYANCE OF LAND REQUIRED FOR KUHIO AVENUE WIDENING PROJECT, HONOLULU, OAHU.

In conjunction with its Kuhio Avenue Widening Project (between Paoakalani and Kapahulu Avenues), it will be necessary for the City and County of Honolulu to acquire in fee, an additional portion of the Thomas Jefferson Elementary School for roadway purposes.

ACTION

Upon motion by Mr. Ing and a second by Mr. Hong, the Board unanimously voted to:

1. Approve of and recommend to the Governor that roadway Parcel 55, containing an area of 705 square feet be withdrawn from Governor's Executive Order No. 2664, subject to concurrence of the Department of Education; and
2. Authorize the conveyance of the withdrawn area to the City and County of Honolulu for roadway purposes, for a consideration of \$1.00, subject to the terms and conditions listed in the submittal and any other conditions as may be prescribed by the Department of Education and by the Chairman.

ITEM F-15

DIVISION OF STATE PARKS REQUEST FOR ACQUISITION OF LAND REQUIRED FOR MALAEKAHANA STATE RECREATION AREA, LAIE, OAHU.

The Division of State Parks, Outdoor Recreation and Historic Sites has requested the appraisal of the properties on Land Board Exhibit A with priority given, but not limited to, the vacant or unimproved parcels.

Allotment of funds to cover the consultant and staff services cost incidental to the acquisition has been released by the Governor. The Governor has also granted authorization to proceed with the acquisition.

ACTION

The Board unanimously voted to authorize the Chairman to obtain consultants for appraisals, title searches, land surveying, EIS, relocation assistance and other consultants required. (Ing/Hong)

Mr. Ono asked that Messrs. Detor and Nagata make sure that this approval does not mislead anyone into thinking that this property will definitely be acquired. The approval is only an authorization to do the preliminary work so that a decision can later be made as to whether we will or will not acquire.

ITEM F-16

REQUEST FOR RENTAL REPAYMENT SCHEDULE, G.L. NO. S-4575, NAWILIWILI, LIHUE, KAUAI.

The Board at its February 13, 1981 meeting consented to sublease by and between Mr. and Mrs. Hiroshi Azeka and Mr. and Mrs. N. D. Thompson, Lessees, and Foremost McKesson, Inc., subject to the basic annual lease rent being revised from \$5,280.00 to \$19,730.00 effective retroactive to November 1, 1980.

On July 13, 1981, the lessees were served with a Notice of Default on G.L. S-4575 for failure to keep rental payments current. Said notice also requested that full rental payment be made by October 15, 1981.

By letter dated September 11, 1981, Mr. Hiroshi Azeka has requested an extension of the default period from October 15, 1981 to January 15, 1982 to bring their account to current. The reasons stated are 1) the lease rent increase has created a tremendous financial burden on the lessees; 2) the lending institution has increased the lessees' monthly payment to include the lease rent increase; 3) the lessee must set aside \$9,700.00 a year for the balloon payment of \$97,000.00 at the end of 10 years; and 4) other expenses and maintenance costs that funds must be set aside for.

The lessee has paid \$16,629.14 of the \$18,294.14 leaving a balance owing of \$1,665.00 which was the reason for the notice of default.

ACTION

The Board unanimously voted to extend the cure period for the Notice of Default described in the submittal from October 15, 1981 to January 15, 1982 for the purpose of allowing the lessees, Mr. and Mrs. Hiroshi Azeka and Mr. and Mrs. N. D. Thompson, additional time in which to pay the \$1,665.00 and the upcoming semi-annual lease rental payment (\$9,865.00) covering the period November 30, 1981 to May 29, 1982, which is due on November 30, 1981. (Higashi/Hong)

ITEM F-17

DEPARTMENT OF HEALTH REQUEST FOR AMENDMENT OF LEASE COVERING OFFICE SPACE AT 1164 BISHOP STREET, HONOLULU, OAHU.

The Department of Health has requested the following amendments to their lease:

1. The termination date of the lease is now July 31, 1983;
2. The monthly rent is increased from \$1,250.61 per month to \$2,168.78 per month; and
3. The base operating expense to be increased to \$5.32 per year per square foot. The DOH will secure real property tax exemptions as per Chapter 246-36(2), HRS.

Inasmuch as the rental has doubled since the board first approved the DOH lease on November 9, 1979, Mr. Ing asked if there were any alternative sites.

Mr. Detor knew of none. However, there might be a possibility of space within the new Judiciary Building once it is completed.

ACTION

It was moved by Mr. Ing that the amendments as requested by DOH be approved. Mr. Higashi seconded and motion carried. Mr. Hong voted no.

ITEM F-18

DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING COTTAGE AT KOLAPA PLACE, KAUNAKAKAI, MOLOKAI.

This request is for use of a 960 sq. ft. three-bedroom cottage at Kolapa Place, Kaunakakai, Molokai for the purpose of housing Emergency Ambulance personnel. Monthly rental is \$450.00.

ACTION

Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Yagi/Higashi)

ITEM F-19

DEPARTMENT OF THE ATTORNEY GENERAL REQUEST FOR ACQUISITION OF LEASE COVERING THE 7TH FLOOR OF THE CAPITAL INVESTMENT BLDG., HONOLULU, OAHU.

This request is for use of the entire 7th floor of the Capital Investment Building, containing 1,466 sq. ft. for use as office space for the Organized Crime Unit. Monthly rental is \$1275.00.

ACTION

Mr. Ing moved for approval of this request as submitted. Mr. Yagi seconded and motion carried. Mr. Hong disqualified himself from voting on this item.

ITEM F-20

DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF LEASE COVERING ROOMS 602, 604 & 606 OF THE BETHEL-PAUHI BUILDING, HONOLULU, OAHU.

This request is for use of 1,652 square feet of office space for the Adult Boarding/Day Care Licensing Unit. Monthly rental is \$1007.72.

ACTION

Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Hong)

ITEM F-21

DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE ON THE 2nd FLOOR OF THE ALA MALAMA BUILDING, KAUNAKAKAI, MOLOKAI.

This request is for use of 208 sq. ft. of office space for the Vocational Rehabilitation Division. Monthly rental is \$239.20.

ACTION

Deferred. Because the rental per sq. ft. seemed rather high, the board asked that staff take another look at the rent as well as arrangements made between the Lessor and the Lessee.

ITEM F-22

DEPARTMENT OF PERSONNEL SERVICES REQUEST FOR APPROVAL OF MODIFICATION OF LEASE COVERING OFFICE SPACE IN THE TANI BUILDING, HONOLULU, OAHU.

DPS has requested the following modification to their lease since the CETA program has curtailed and the square footage of office space has been reduced:

1. Rooms 101, 102, 103 and 104 to be terminated on May 15, 1981;
2. Room 304 terminated on May 31, 1981;
3. Rooms 307 and 308 to terminate on December 31, 1981
4. Free parking is reduced from five stalls to one stall.
5. Rent to remain at \$0.65 per sq. ft. as in the original lease, for a total of \$546.00 per month for 840 sq. ft.
6. All other terms and conditions remain the same.

ACTION

Unanimously approved as submitted. (Hong/Ing)

Mr. Ono asked that staff make sure that, besides rental amount, all other costs be reported to the board.

ITEM F-23

GOVERNOR'S AGRICULTURAL COORDINATING COMMITTEE REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 205 & 206 OF THE TANI BLDG., HONOLULU, OAHU.

The GACC has requested the board's approval of renewal of their lease for the term commencing on October 15, 1981 and running through October 14, 1982 at the rental rate of \$562.00 per month. All other terms of the lease, as amended, remain the same.

ACTION

Unanimously approved as submitted. (Yagi/Hong)

ITEM F-24

(ORAL) U.S. PUBLIC HEALTH BUILDING, FORT ARMSTRONG, HONOLULU, OAHU.

Mr. Detor said that the U.S. Public Health Office is phasing out some of their programs, and the State Department of Health is working with them to take over some of the functions, as well as space, within the building. Accordingly, Mr. Detor asked that the board authorize the Chairman to work out details, should it be possible, of getting the DOH into that building.

Mr. Ing explained that there is some urgency to this request inasmuch as the building may become available by November 1, 1981, which is before the next board meeting takes place.

ACTION

Mr. Hong moved for approval. Mr. Ing seconded and motion carried unanimously.

ITEM G-1

FILLING OF LAND COURT DOCUMENT RECEIVING CLERK I, POSITION NO. 33257.

ACTION

The Board unanimously approved the appointment of Ms. Jean Kaneshiro to Position No. 33257. (Yagi/Hong)

ITEM H-1

RESUBMITTAL - CDUA FOR NON-CONFORMING RESIDENTIAL USE AT OLOWALU, MAUI (BILL STAFFORD ON BEHALF OF TIMOTHY GOLD).

At the last board meeting, said Mr. Evans, staff came to the board with a request for a single family dwelling and a recommendation to deny. The reason for the recommendation to deny is that the request did not meet the requirements set forth for nonconforming use. An opinion from the Attorney General's Office partially supported staff's recommendation. However, because staff still had time, the matter was deferred instead so staff could ask the AG's office for an opinion on the question:

Can a house, which is existing on the lot 1) be nonconforming; 2) be torn down; and then 3) build a new house and have the new house have a nonconforming status?

Thus far, staff has not had an answer to this question. However, because of an earlier opinion from them, Mr. Evans said that he did not feel a need to change staff's present recommendation -- which is to deny. But, should the board approve this recommendation, in fairness to the applicant, Mr. Evans asked to modify their recommendation by adding the following condition:

, That the applicant be informed of the result of staff's October 21, 1981 request for an opinion on nonconforming use under review by the Attorney General's Office.

What I am saying is if the Attorney General's Office should come back and say "no, it is not nonconforming" we will write the applicants and let them know same. On the other hand, if the AG's office says that it is nonconforming, we will ask the individual to reapply and qualify for a nonconforming use.

In answer to Mr. Ing's question, Evans said that the existing unit is qualified as nonconforming.

ACTION

Mr. Yagi moved for approval of Item H-1 as recommended by staff and as amended. Mr. Hong seconded and motion carried unanimously.

ITEM H-2

RESUBMITTAL - CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT HAENA, KAUAI (THOMAS HAJNY).

This matter was deferred at the last meeting at staff's request in order to discuss the matter further with the applicant. After discussions with the applicant's architect, he feels that in the best interest of the applicant we should proceed as originally recommended -- which is approval.

The applicant proposes to construct an elevated, one-story single-family residence for his personal use on his lot at Haena Point, Kauai. The parcel is 25,359 sq. ft. and abuts the shoreline.

ACTION

The board unanimously approved this application for single-family residential use of private property, identified as TMK: 5-9-02:22 at Haena, Kauai, subject to the terms and conditions listed in the submittal and any other terms and conditions prescribed by the Chairman. (Ing/Hong)

ITEM H-3

CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT HAENA, KAUAI (DONALD CHANDLER).

ACTION

The board unanimously approved this application for single family residential use of private property, identified as TMK: 5-9-02:46 at Haena, Kauai, subject to the conditions listed in the submittal and other terms and conditions as prescribed by the Chairman. (Ing/Hong)

ITEM H-4

CDUA FOR CONSOLIDATION AND SUBDIVISION AT HANALEI, KAUAI (CONSOLIDATED OIL AND GAS, INC.).

(See page 2 for Action)

ITEM H-5

REQUEST FOR TEMPORARY VARIANCE FOR GROUND SURVEY TO IDENTIFY SITES FOR GEOTHERMAL USE AT KAHAUALEA, PUNA, HAWAII (W. Y. THOMPSON OF R.M. TOWILL CORP. ON BEHALF OF JAMES CAMPBELL ESTATE).

The applicant proposes to conduct a ground survey of geothermal resources on TMK: 1-1-01:1 and 1-2-08:1 at Kahaualea, Puna, Hawaii. The subject area is currently vacant with no utilities. Survey will be concentrated in rift zone around Puu Kahaualea.

The consultant, R.M. Towill Corporation, is requesting a Temporary Variance to survey and determine sites for exploratory wells. All work will be done by hand, and no heavy equipment will be used.

Mr. Evans asked that Condition No. 5 be amended by adding the following words:

"as it relates to this Temporary Variance".

Thus, Condition No. 5 will read:

5. Any work to be done on the land shall be completed within one year of this approval date, as it relates to this Temporary Variance.

The reason for this amendment is that a Temporary Variance can only last for one year and is not renewable so staff would like to make it explicit that this approval date relates to this variance only and not to any other future work that may be proposed.

ACTION Mr. Higashi moved to approve the Temporary Variance as submitted and as amended, subject to the conditions listed in the submittal and any other terms and conditions as prescribed by the Chairman. Mr. Yagi seconded and motion carried unanimously.

ITEM H-6 REQUEST FOR PUBLIC HEARINGS ON APPLICATIONS FOR USE OF LAND WITHIN THE PROTECTIVE SUBZONE OF THE CONSERVATION DISTRICT AND FOR COMMERCIAL LAND USE.

Listed below are three CDUAs requiring public hearings:

<u>CDUA NO.</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>RATIONALE</u>
HA-1361	Blair, Ltd.	HA 3-7-01:2	Road Easement
KA-1410	Otsuji	KA 2-8-17:20	Commercial
HA-1414	Witte	HA 9-2-01:72	Subdivision

ACTION Pursuant to Sec. 183-41, Hawaii Revised Statutes, as amended and Departmental Regulation 4, as amended, the Board, upon motion by Mr. Higashi and a second by Mr. Yagi, unanimously voted to: 1) authorize and schedule public hearings for the proposed use; and 2) authorize the Chairman to prepare and forward the hearing notice to the applicants and other affected persons.

ITEM H-7 REQUEST FOR APPROVAL OF TRAVEL BY DR. JAMES A. BROCK, STATE AQUACULTURE DISEASE SPECIALIST, TO ATTEND THE PACIFIC MARINE FISHERIES COMMISSION (PMFC) SHELLFISH PATHOGEN GROUP IN PORTLAND ON NOVEMBER 8-11, 1981.

The PMFC has formed a special subcommittee of the PMFC Shellfish Committee to consider disease, pest and predator control problems associated with the inter-state shipment of shellfish.

ACTION The board unanimously voted to authorize the Chairman to approve the request for out-of-state travel request by Dr. James A. Brock to attend the PMFC Conference at Portland, Oregon on November 8-11, 1981. (Yagi/Higashi)

ADDED
ITEM I-1 FILLING OF POSITION NO. 33271 CLERK-TYPIST II, OAHU BRANCH.

ACTION The Board unanimously approved the appointment of Beverly T. Maekawa to fill Position No. 33271 effective November 1, 1981. (Hong/Yagi)

ITEM J-1 CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (FLIGHT EXECUTIVE, LTD. DBA, HAWAII LANDAIR - HONOLULU GROUND SERVICES, INC.).

The State and the lessee, Flight Executive, Ltd., dba Hawaii Landair entered into Lease No. DOT A-81-14, dated July 1, 1981, for use of certain premises for the purpose of a Fixed-Base facility operation. The lessee now desires to sublease a portion of the building they constructed. The lessee is presently paying \$.525 per sq. ft. per year for the premises and has also expended \$150,898.00 for the building they have on the premises. Honolulu Ground Services, Inc., the sub-lessee, shall pay a rental of \$4800.00 a month to the lessee.

ACTION Unanimously approved as submitted, subject to the terms listed in the submittal. (Hong/Yagi)

In answer to Mr. Ono's question, Mr. Garcia said that, like the Division of Land Management, DOT does adjust the basic rentals should they feel that it applies.

- ITEM J-2 MODIFICATION NO. 2 TO LEASE NO. DOT-A-78-38, HONOLULU INTERNATIONAL AIRPORT, LAGOON DRIVE SUBDIVISION, OAHU (TERMINAL TRANSPORTATION, INC.).
- The lessee was granted under Lease No. DOT-A-78-38, as modified, exclusive use of certain premises at Honolulu International Airport for the purpose of a baseyard for temporary transportation operations. The lessee has now requested an exchange of lots due to its operations. Rental will be amended from \$14,095.00 per annum to \$29,061.00 per annum.
- ACTION The Board unanimously approved Modification No. 2 to Lease No. DOT A-78-38 as described in the submittal. (Hong/Yagi)
- ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION.
- Mr. Garcia called to the Board's attention the fact that Island Airlines, Inc. has a tax lien against them and are also delinquent to the Department of Transportation. Mr. Robert Hall, President of the Airlines, claims that there is another department of the State which owes them money and that money can be used to pay off the tax lien and the back rents owing to DOT.
- Accordingly, DOT has said that they are processing the permit pending an audit to verify Mr. Halls' claim. However, if DOT finds that his claim is not so, the permits will not be processed.
- In answer to Mr. Hong's question, Mr. Garcia said that Mr. Hall has been O.K. in the past as far as their payments are concerned.
- ACTION Unanimously approved as submitted. (Yagi/Hong)
- ITEM J-4 CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, NAWILIWILI HARBOR, NAWILIWILI, KAUAI (HAWAIIAN TELEPHONE COMPANY).
- The Harbors Division is in the process of improving the back-up area for the container handling operations at Nawiliwili Harbor. This will necessitate the relocation of the telephone lines.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM J-5 WITHDRAWN.
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU OAHU (U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE).
- This is a request by U.S. Department of Commerce for use of warehouse space at Kewalo Basin for warehouse, office, laboratory and experimental fish-holding ponds and other uses related thereto. Monthly rental is \$4397.00.
- ACTION Mr. Hong moved to approve issuance of this permit subject to the terms and conditions listed in the submittal. Mr. Ing seconded and motion carried unanimously.
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MALA WHARF, MAUI (LAHAINA YACHT CLUB).
- Lahaina Yacht Club is requesting space at Mala Wharf to store laser and whaler boats. Monthly rental is \$47.00.
- Mr. Garcia asked that the submittal be corrected to read "MAUI" instead of "OAHU".
- ACTION Unanimously approved as submitted, and as amended. (Yagi/Higashi)

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (STATE COUNCIL ON HAWAIIAN HERITAGE).

The State Council on Hawaiian Heritage is requesting use of Pier 9 Passenger Terminal, Honolulu on October 30, 1981 for a Halloween Party. Rental is \$250.00 per day, plus actual cleaning charges.

ACTION Unanimously approved as submitted. (Ing/Hong)

ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (KIRKWOOD CLARKE, DBA HAWAIIAN CATAMARAN MULTIHULL DESIGN).

Mr. Clarke is requesting use of 9,890 sq. ft. of land at Keehi Lagoon for boat building purposes. Rental is \$791.00 per month.

ACTION Unanimously approved as submitted. (Ing/Hong)

ITEM J-10 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU, WITH OPTION TO USE PIER 10 PASSENGER TERMINAL, IF TURNOUT NECESSITATES IT, (HONOLULU MARATHON ASSOCIATION).

The HMA is requesting use of Pier 9 Passenger Terminal with an option to use Pier 10 if turnout necessitates it on December 11, 1981 for the Fourth Annual Carbohydrate-Loading party. Rental is \$250.00 per day, plus actual clean up charges.

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM J-11 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.

ACTION Mr Hong moved for approval of this request as submitted. Mr. Higashi seconded and motion carried. Mr. Ing disqualified himself from voting on Item J-11.

ITEM J-12 LEASE - CONCESSION, INSTALLATION AND OPERATION OF COIN-OPERATED VENDING MACHINES, TERMINAL BUILDING, GENERAL LYMAN FIELD, HAWAII (DSS&H).

DSS&H is requesting use of space within the terminal building at General Lyman field for the purpose of installing and operating coin-operated vending machines. The term is for three years commencing on execution of the document for a fee of 10% of the gross receipt per month from all vending machines.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ADJOURNMENT The meeting adjourned at 11:00 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO, Chairman

It