

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

DATE: February 26, 1982

TIME: 9:00 A. M.

PLACE: State Office Building Conference Room
3060 Eiwa Street
Lihue, Kauai

ROLL
CALL

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

MEMBERS

Mr. Takeo Yamamoto
Mr. Roland Higashi
Mr. Thomas S. Yagi
Mr. J. Douglas Ing
Mr. Susumu Ono

Absent & Excused

Mr. Stanley W. Hong

STAFF

Mr. James J. Detor
Mr. Sam Lee
Mr. Roger Evans
Mr. Libert Landgraf
Mr. Roy Sue
Mr. Maurice Matsuzaki
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Dona Hanaïke
Mr. Louis Rego, Mr. James Iwamoto,
Mr. Tamotsu Shinseki, Mr. Paul
Shinseki, Mr. James O'Keefe, Mr.
Antone Soares and Ms. Lucille Kawai-
halau (Item F-16)
Mr. William Garcia (Item F-17)
Mr. Carl Honig (Item H-7)
Mr. Bradley Helle (Item C-1)
Mr. Peter Garcia

MINUTES

Mr. Yagi moved to approve the minutes of January 8, 1982. Mr. Yamamoto seconded and the motion was unanimously carried.

The minutes of January 22, 1982 were deferred until the next meeting since the board members did not have a chance to review them.

Added
Items

Mr. Yagi moved, which was seconded by Mr. Ing, and the board unanimously approved to add the following items to the board agenda:

Forestry and Wildlife

Item C-2 -- Request for Out-of-State Travel for Hawaii District Forester
Charles K. Wakida from March 28 to April 3, 1982

Item C-3 -- Out-of-State Travel Request for Ronald L. Walker

Land Management

Item F-1-h -- Island Tropicals & Mueller Horticultural Partners Request for Consent to Mortgage, General Lease No. S-4556, Kaumana, South Hilo, Hawaii

Item F-23 -- Acceptance of roadway and utility easement from Castle & Cooke, Inc. at Paalaa Uka, Waialua, Oahu (former Helemano School site)

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

ITEM F-16 JAMES IWAMOTO, ET AL APPLICATIONS FOR ACCESS EASEMENT, WAILUA, KAUAI

Some thirty years ago, the then Territory of Hawaii sold at public auction a number of lots at Wailua that front on Makani Road, a very steep road. Mr. Detor said if you were to use Makani Road as an access, you would have to either put the garage below or have a very steep driveway.

As a practical matter, most of the lot owners (with the exception of Lot 175) have been coming in from Kaulana Road and cutting across state land (shown as a dirt road on the map). Mr. Detor said when this particular state land was unencumbered, there was no problem. However, a lease of this parcel was sold for pasture purposes and the state reserved an easement and the lessee (Mr. Louis Regg) now wants to fence his lot.

Kauai Land Agent Sam Lee gave a brief history on this matter which dates back to 1950. It appeared that the then Commissioner of Public Lands, the then Kauai Commissioner and some of the people who were present at the board meeting today came to some sort of a verbal understanding. It seemed that the territory at that time agreed to provide a 15-foot strip from Kaulana Road and the back of the boundaries of the lot, and that it would be agreed upon by the various lot owners, who would be served by this right of way, that they would provide this lateral 15-foot strip from their own properties. Mr. Lee informed the board that there was no formal conveyance but there were letters on file touching on this matter.

Mr. Lee said staff is now presenting a similar request, the only major difference being that, because over the years buildings have occurred very near the back boundaries of some of these lots, it is not feasible to stick to the original plan.

Mr. Detor said some of the people living there are opposed to the idea, and attached to the submittal for the board's information were letters from Tamotsu Shinseki and Antone Soares.

Mr. Ono asked Mr. Rego, the lessee of the recently-sold pasture lease, whether he has any plans for the area in question. He said it was his understanding that the people were using the dirt road crossing the pasture lease on an informal basis.

Mr. Rego said they are still using it. He said as far as the back boundary was concerned, he had no objection. As a matter of fact, he said he was willing to grant them 20 feet instead of 15 feet. He said he has plans for the area where the dirt road is located, running through his lease property from Kaulana Road.

Mr. James Iwamoto (owner of Lot 177) said if they are granted this right of way, they will put in a concrete driveway and plant trees and grass on the side. He said they would prefer to use the back portion rather than the alternate route that was suggested because it is too steep and it would be too expensive.

Mr. Antone Soares (owner of Lot 175) and Mr. Tamotsu Shinseki (owner of Lot 176) said they were basically objecting to the granting of the easement because their houses are located close to the boundaries, and the granting of the easement will create additional traffic, dust and noise.

Mr. Yagi said there is on file a letter addressed to Mr. Sam Lee and signed by Mr. James O'Keefe, Mr. James Iwamoto and Mr. Tamotsu Shinseki indicating their intention to create a 15-foot strip along the back of their boundaries to be used as a roadway and which will be maintained by them.

Mr. Shinseki denied that he signed such a letter. However, his son, Paul, confirmed his father's signature when Mr. Yagi showed him the letter.

Mr. Soares said the road from Kaulana Road (shown colored in yellow on the map on file) is only nine feet wide. He didn't think this could accommodate the traffic that will be generated. He said a 15-foot right of way would be more proper.

Mr. O'Keefe and Mr. Iwamoto said if that is a requirement, they would have no objection to adding another six feet. Mrs. Kawaihalau, owner of Lot 174, also had no objection.

Mr. Lee said it was his understanding from the discussion that all four parties that benefit from this total access are considered to be applicants for the use of this right of way. On the matter of cost, if the board were to approve this, he said the next major thing to occur would be the appraisal, and that all four parties would pay an equal amount to defray the appraisal cost. When the appraisal result is known and approved by the chairman, Mr. Lee said the cost of the easement, the insurance and the bond would be absorbed equally by all four beneficiaries.

He continued that since Mr. Shinseki and the former owner of Lot 174 already spent money and participated in the cost of constructing and maintaining what is now the yellow area, that they should not be asked to participate in the cost of this yellow portion because it is only going to benefit Mr. O'Keefe and Mr. Iwamoto.

Mr. Ing said in fairness to all those involved, the easement should run to the benefit of all lots. If the owners of Lots 174 and 176 have paid for the improvements, then they should not contribute by way of money. Their contribution may be in the way of the existing improvements.

ACTION

Mr. Ing asked to amend the submittal, to make it clear, that there will be one easement in favor of all lot owners, and that Mr. O'Keefe and Mr. Iwamoto will pay for that easement at the appraised value. The cost of the appraisal, or any preliminary cost in determining the appraised value of the easement, is to be borne by all lot owners. The improvements to be made to the easement, to be borne by Mr. O'Keefe and Mr. Iwamoto. Further, for any widening of the yellow portion from nine feet to fifteen feet, the cost is to be borne by Mr. O'Keefe and Mr. Iwamoto. Mr. Ing so moved, Mr. Yamamoto seconded and the motion was unanimously carried.

WAIALEALE BOAT TOURS, INC. APPLICATION FOR LEASE COVERING
OPERATION OF EXCURSION BOATS IN THE WAILUA RIVER STATE PARK,
ITEM F-17 WAILUA, KAUAI

This was an application by Waialeale Boat Tours, Inc. for direct issuance of a lease commencing on May 15, 1982. The lease that is presently under existence, covering the operation of excursion boats on the Wailua River State Park running up to the fern grotto, runs out on May 14 of this year.

The terms and conditions that were listed in the submittal are basically the same as in the present lease, with couple of exceptions. Mr. Detor said the basic difference is in reference to the requirement for liability insurance. The applicant has asked that the insurance be modified so that it would apply only to the areas in which they operate--the docks, the river and the fern grotto. The present requirement in the present lease, and also in the Smith lease, which is an identical lease which was awarded recently, covering operations on the Wailua River, requires that the insurance be applicable to the entire state park area. Mr. Detor said they go along with that. However, the Division of State Parks and the Attorney General's Office are recommending otherwise, that the insurance should cover the entire park. The reason for this is that there was a case sometime ago where a lady fell in the area up above. She sued the state and because the insurance covered the whole park area, she was able to collect from the lessee's insurance companies.

Mr. Detor said the Smith lease was awarded directly so he thought the lease could be amended.

Mr. Detor said the Wailua River State Park encompasses the Wailua Marina, the Wailua River including the south and north forks, Lydgate Park, Opaekaa Falls, the sandy strip of beach fronting the Coco Palms Hotel along Kuhio Highway and Poliahu Park along the north bank of the Wailua River.

Mr. Ono asked what was the reason for the Attorney General's Office recommending total coverage.

Mr. Detor said the then Deputy Attorney General Leighton Oshima discussed the case that we got into at that time, as noted on page 4 of the board submittal. His conclusion was that we should include that because it protects the state. They are getting a direct lease rather than having to go to public auction, so it is a benefit to them.

Before going any further, Mr. Ing asked to be excused and disqualified himself since it was his understanding from the applicant that Bishop Insurance maybe the present insurance carrier which his firm has represented.

Mr. Ono said we have had some problems with the applicant with delinquency in rental payments. He asked Mr. William Garcia, the attorney for the applicant, what the outlook is as far as the operation is concerned. He didn't want to see the operation slip back and get into the state it was some months back. He said he would like to stress upon him the seriousness of the problems that we have encountered in the past.

Mr. Garcia said to the best of his knowledge that will not happen again. They are in good financial position. He said his clients do not have any mortgage on the property or their business.

Mr. Garcia said the outlook is favorable. Since he became their attorney, he said he has been actively involved with them. He said he has seen their books and have gone over with their accountant. His clients are reputable people, and they have made attempts to bring current all arrearages.

Mr. Garcia said his client want to do business in a fair and equitable manner with the state and they would be a good lessee of Wailua Marina.

Mr. Ono asked Mr. Detor whether his recommendation is to reduce the coverage in insurance, knowing what the attorney general's office was dealing with the previous case.

Mr. Detor said yes and pointed out Condition No. 6 on page 9 of the submittal, which states that "the appraisal report covering the minimum rental and/or the percentage rental shall provide for additional compensation to the state as a result of the decrease in the area to be covered under the liability insurance provision."

Mr. Garcia said he would like to sit down with staff and the attorney general's staff to go over this.

Mr. Ono said the attorney general's office would also like to have more time to review the liability question, so it might be well to defer this matter.

ACTION

Mr. Yamamoto moved to defer this matter until the first meeting in April, with the understanding that the staff, the attorney general's office and Mr. Garcia, meet to go over the basic points. Mr. Yagi seconded and the motion was carried.

The record showed that Mr. Ing was excused and did not participate in any action taken by the board on this matter.

**REQUEST FOR DETERMINATION OF COMPLIANCE OF CONSTRUCTION
SCHEDULE - SINGLE FAMILY RESIDENCE UNDER NONCONFORMING USE
AT KANEOHE, OAHU**

ITEM H-7

This was a request for determination of compliance of construction schedule on a conservation application. Staff recommended approval in terms of the compliance factor. Staff felt that there was good faith, effort and attempt on the part of the applicant.

Mr. Evans said they have awarded a contract to build a road and install the utilities. Work was to be completed no later than August. There were some legal implications and work has not been completed, but it is on the way. The applicant also has a copy of a building permit from the city which relates to a retaining wall and a copy of a grading permit. This grading permit is to create a site to construct the retaining wall, plus a driveway. This is all on the property leading up to it, which is a necessary condition prior to actual construction.

Mr. Ing asked whether physical grading has been done on the site. Mr. Evans said no.

Mr. Ing asked whether any activity took place during the first year after approval was given. Mr. Evans said no.

Mr. Carl R. Honig said what has been done is to construct a road and install all the utilities from the public street across R-6 zone lot that is adjacent to

the conservation land. He said the road is essentially complete. He said it is a rather significant construction project and he paid a total cost of about \$25,000.00.

Mr. Honig said four days after he received Land Board approval for the extension, he awarded the contract to build the road. He said the contractor is the owner of the adjacent R-6 property, and he objected to the easement crossing his land. So it was rerouted and he encountered some difficulty.

Mr. Ing asked whether he was required to put in any utilities along with the road. Mr. Honig said yes, all of the utilities are in up to the property line.

Mr. Ono said if the board is going to act on this favorably, he would like to see a condition that an interim report be submitted so that the board knows that something is being done.

Mr. Ing informed Mr. Honig that the intent of the board is to see that people do not use the CDUA process to speculate on land.

Mr. Honig said they intend to live on the land and in no way intend to sell it.

ACTION

Mr. Ing said it appeared to him that Mr. Honig has made good faith and attempt and that as far as his reading of the regulation, Mr. Honig has initiated what he considered positive steps to commence construction because he has put in substantial improvements, including a roadway and necessary facilities up to the property line. On that basis, he moved for approval of the recommendation. Mr. Yagi seconded.

Following a brief discussion, Mr. Ing amended his motion, which was seconded by Mr. Yagi, to include that the applicant submit an interim report on January 1, 1983. The amended motion was unanimously carried.

ITEM B-1

FILLING OF POSITION NOS. 22570 AND 26434, FISHERY TECHNICIAN IV IN THE DIVISION OF AQUATIC RESOURCES

ACTION

The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved the appointment of Mr. Francis Oishi to Position No. 22570 and Mr. Stephen Oiph to Position No. 24634 as Fishery Technician IV's.

ITEM C-1

TIMBER SALE IN MAKAWAO AND KOOLAU FOREST RESERVES, MAUI

Staff recommended that the board (1) cancel the sale and authorize the staff to take appropriate steps to notify Mr. Helle of this action; (2) retain the \$5,000 bid deposit made by Mr. Helle at the time of the sale in lieu of the payment for the direct and indirect costs sustained because of the default; and (3) authorize resale of the timber as soon as possible.

Mr. Landgraf said they were recommending cancellation of the timber sale because the successful bidder has failed to execute the license and make payments or to furnish tax clearances. As indicated in the board submittal, Mr. Landgraf said the project did not get going in time, primarily starting activities within 120 days of the issuance of the license. The license was issued on December 1980.

In addition, Mr. Landgraf said the successful bidder has not posted the required performance bond in the sum of \$15,000.

Mr. Bradley Helle, President of Helle Logging and Supply, was present. He said the main reason for this is at the time they entered into this agreement, it was a better economic time, when they knew that to harvest this volume of timber you had to have some type of an export market. At that time things were moving pretty good, especially with the Japanese market. He said shortly after that things went to pot and things have been slow on the world-wide market up until the last few weeks. Things look brighter at this time, he said.

Mr. Higashi asked him whether he contemplated chipping operations.

Mr. Helle said no. They have five buyers on a world-wide basis, and one of them contacted them about a week ago.

Mr. Yagi asked Mr. Helle if the board grants him an extension whether he would agree to come up with a performance bond within a certain period of time.

Mr. Helle said yes, he would.

Mr. Ono asked Mr. Helle what if come December of this year and he has not fulfilled all of the obligations related to the license. What then?

Mr. Helle said they would definitely want to get started on this but they would like to be assured that there will be enough market there. He said they have plans of putting in a power plant on Maui and utilize as much wood as possible on the island, but that is going to take time.

Mr. Ing asked Mr. Landgraf if the board were to cancel the present license, whether there would be anything that would prevent Mr. Helle's company from coming back in and bidding on any subsequent license. Mr. Landgraf said no.

Mr. Ing further asked Mr. Landgraf what his preference was, between an extension on the present license or going out for a new license, with the understanding that Mr. Helle can come back in and bid on a new license.

Mr. Landgraf said he would prefer a termination. His reasons were two-fold: (1) They are asking for logs. The term of the existing contract prevents that. The existing license says 80% of the primary manufacturing is to be done here in the islands. (2) He doesn't have a handle on the total amount if Mr. Helle enters into this order. This license is for 3 million cubic feet, and he may enter into a contract for 10. He didn't know. He said he didn't want to be caught in such a position.

Mr. Ing asked Mr. Helle whether he has any feelings one way or another if this one is cancelled and he is allowed to bid on the new leases, or whether the present license is continued.

Mr. Helle said basically they would desire to get something moving as fast as possible because the timber is deteriorating. Whatever is fairest to the state. The only thing he would like to specify is that it doesn't take too long.

Mr. Ing said even with the present request, the two-year license ends at December of this year. He said he is not going to be able to fill that request anyway. He said it may be that it would be better if we cancelled the present license and enter into a new one.

Mr. Yagi said he would prefer to see it extended provided that he file a performance bond, and if he fails to do this, then cancel the license.

Mr. Ono raised a legal question. He said this award was made on a competitive bid. He asked whether this board can change the terms and conditions which were publicized at the time of auction. He asked whether in our attempt in trying to resolve this thing whether we are creating a bigger problem.

ACTION Mr. Yagi moved to disapprove staff's recommendation and approve granting a 30-day extension to Helle Company for the commencement date of the operation and posting of a performance bond, leaving the ending date of the license as December 20, 1982. If there is to be a request for extension, the Division of Forestry & Wildlife has to be satisfied that reasonable progress has been made.

Mr. Ing seconded and the motion was unanimously carried.

Mr. Landgraf said he wanted to point out couple of things to Mr. Helle so he clearly understands. He said subcontracting has to have board approval, and the performance bond has to be posted in Mr. Helle's name and not in the subcontractor's name.

ADDED
ITEM C-2 REQUEST FOR OUT-OF-STATE TRAVEL FOR HAWAII DISTRICT FORESTER CHARLES K. WAKIDA FROM MARCH 28 TO APRIL 3, 1982

ADDED
ITEM C-3 OUT-OF-STATE TRAVEL REQUEST FOR RONALD L. WALKER

ACTION Items C-2 and C-3 were unanimously approved as submitted. (Higashi/Yagi)

ITEM E-1 FILLING OF PARK CARETAKER II POSITION NO. 33472, KAHANA VALLEY STATE PARK, OAHU SECTION

ACTION Mr. Paul Hookano was unanimously approved to fill Position No. 33472, Park Caretaker II, assigned to the Kahana Valley State Park, Oahu Park Section, on Mr. Ing's motion and seconded by Mr. Yagi.

ITEM E-2 FILLING OF PARK CARETAKER II POSITION NO. 18606, ROVING CREW, OAHU PARK SECTION

ACTION Mr. William McKee was unanimously approved to fill Position No. 18606, Park Caretaker II, assigned to the Roving Crew, Oahu Park Section, on Mr. Ing's motion and seconded by Mr. Yagi.

ITEM E-3 FILLING OF VACANT GENERAL LABORER I POSITION, WEST KAUAI UNIT, KAUAI PARK SECTION

ACTION Mr. Michael Palmeira was unanimously appointed to fill Position No. 13125, General Laborer I, on Mr. Yamamoto's motion and seconded by Mr. Yagi.

ITEM E-4 DELEGATION OF POIPU BEACH LAND ACQUISITION PROJECT TO THE COUNTY OF KAUAI, ACT 300, SLH 1980, ITEM H-32F

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

KAUAI

Item F-1-a REVOCABLE PERMIT

ROBERT ORNELLAS - portion of Parcel 8 of TMK 4-2-01, at Wailua for pasture purpose - \$20.00 per month

HAWAII

Item F-1-b SUBLEASE

LARRY T. KIMURA and YOSHIKO KIMURA, husband and wife, Sublessor, to CLIFFORD N. KAMINAKA and AMY A. KAMINAKA, husband and wife, Sublessee - Lot 23, Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo (GL No. S-4447)

OAHU

Item F-1-c REVOCABLE PERMIT

LABRIANO GARCIA - - Waialua, TMK 6-8-02:17 - for pasture purpose, at \$33.00 per month

MAUI

Item F-1-d LAND PATENT

Land Patent to be issued in confirmation of Land Commission Award No. 6146-W to KAMAUOHA by application of Ms. Mary M. Kekahuna and Mr. Alfred K. Nakoa - land situate at Kahakuloa

HAWAII

Item F-1-e ASSIGNMENT OF LEASE

HERBERT T. SHIMAMOTO and AMY E. SHIMAMOTO, husband and wife, Assignors, to PAHOEHOE TREE FARM, INC., a Hawaii corporation, assignee - Lot 13, Keonepoko Iki Farm Lot Subdivision - GL No. S-4621

MAUI

Item F-1-f REVOCABLE PERMIT

NOBRIGA'S RANCH, INC. - Government land situate at Kahakuloa, Wailuku - for pasture purpose - \$76.50 per month

Mr. Detor asked to amend the submittal by changing the commencement date on page 1 of the submittal and page 2 under RECOMMENDATION to March 1, 1982.

Item F-1-g STAFF RECOMMENDATION FOR SETTLEMENT OF BACK RENT, EQUIPMENT REPAIR SERVICE, INC., R. P. NO. S-5669, SAND ISLAND, HONOLULU, OAHU (SUBMITTAL WAS DISTRIBUTED AT MEETING)

Staff recommended renewal of Revocable Permit No. S-5669 issued to Equipment Repair Service of Hawaii, Inc. covering Sand Island Lot 123, subject to the terms and conditions listed in the submittal.

HAWAII

Added

Item F-1-h MORTGAGE

ISLAND TROPICALS, a partnership, and MUELLER HORTICULTURAL PARTNERS, a limited partnership, Mortgagor, to FEDERAL LAND BANK OF SACRAMENTO, a Corporation, Mortgagee - GL No. S-4556

ACTION Mr. Higashi moved, seconded by Mr. Yagi, and the board unanimously approved Item F-1 as amended.

STAFF RECOMMENDATION FOR CONVEYANCE OF ROADS TO THE COUNTY OF HAWAII, PAHOA AGRICULTURAL PARK, PHASE II, KEONEPOKO IKI, PUNA, HAWAII

ITEM F-2

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

DOH REQUEST FOR RIGHT OF ENTRY FOR TEMPORARY PARKING LOT, PIIHONUA, SOUTH HILO, HAWAII

ITEM F-3

ACTION Unanimously approved as submitted. (Higashi/Yagi)

THOMAS WILKENSON APPLICATION TO PURCHASE REMNANT PARCELS AT KAAUHUHU, NORTH KOHALA, HAWAII

ITEM F-4

Mr. Higashi asked whether those remnant parcels can be consolidated and sold as an economic unit. Mr. Detor said the configuration is such that he didn't know whether we could. He said they can take another look at it and asked for deferral.

ACTION The board had no objection to deferring this matter.

DOA REQUEST FOR TERMINATION OF R. P. NO. S-3871-A AND CONSENT TO ISSUANCE OF A NEW R. P. BY THE DOA COVERING THE VACUUM COOLING PLANT AT WAIMEA, SOUTH KOHALA, HAWAII

ITEM F-5

The Department of Agriculture has an executive order for vacuum cooling plant facility in Kamuela. A permit was issued by us to the Kamuela Vacuum Cooling Cooperative, with the Department of Agriculture's approval, to operate this facility for vacuum cooling plant purposes within that executive order area. The Department of Agriculture would like us to cancel our permit and allow them to issue their own permit since the purpose for which the land was set aside is this very purpose, a vacuum cooling plant.

ACTION Unanimously approved as submitted. (Higashi/Ing)

PARKER RANCH REQUEST FOR HOLD OVER TENANCIES, GENERAL LEASE NOS. S-3656, S-3657 AND S-3658, NORTH KOHALA, HAWAII

ITEM F-6

Mr. Higashi said he would like to deny the request for one-year hold over. He said he would prefer to give them month-to-month permits and have staff expedite the sale of long-term leases at public auction.

Mr. Detor said he could do that or give them a shorter hold over, say six months from the expiration date.

The board noted that the leases expire on August 10, 1981, so in effect the leases are going to be held over for six months.

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Ing, unanimously approved staff's recommendation for a one-year hold over from the date of expiration, August 10, 1981.

ROXIE BERLINE APPLICATION TO PURCHASE RECLAIMED LAND AT UKU-MEHAME, WAILUKU, MAUI

ITEM F-7

ITEM F-8 STANLEY RAYMOND, ET AL, APPLICATIONS TO PURCHASE REMNANT PARCELS AT WAIAKOA, KULA, MAUI

ACTION Mr. Detor asked that Items F-7 and F-8 be deferred for further study. The board had no objection.

ITEM F-9 A&B REQUEST FOR CONSENT TO SUBLEASE (LICENSE) PORTION OF GENERAL LEASE NO. S-4197 AND APPROVAL OF SPONSOR AGREEMENT COVERING MOTORIZED PARK AT PULEHUNUI AND WAIKAPU, WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-10 ALVAH T. STRICKLAND APPLICATION TO PURCHASE RECLAIMED LANDS, KANEOHE BAY, KANEOHE, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-11 DOT REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING DILLINGHAM AIRFIELD, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-12 WAIKIKI COMMUNITY CENTER APPLICATION TO LEASE THE FORMER ST. AUGUSTINE SCHOOL PROPERTY, WAIKIKI, HONOLULU, OAHU

The state is in the process of purchasing the St. Augustine School property at Waikiki over a three-year period. Recently the board approved a permit to the Waikiki Community Center. This was a follow-up of that permit to issue a lease directly to the Waikiki Community Center.

Mr. Detor asked to make one change to the submittal. What the Center will be doing is to allocate spaces to various agencies. There is no provision in the submittal saying that they have to bring these arrangements to the board for approval. He would like to include that provision so any commitment that they want to make is subject to board approval.

Mr. Ono said because this is a new concept the reopening date should be made soon.

Mr. Ing agreed. He said otherwise we will be stuck with the 10-year term. He said we should build enough safeguard to anticipate problems that may arise.

Mr. Detor said there is also a provision in the submittal for living quarters within the convent building for a resident caretaker or family. He said Deputy Attorney General Edwin Watson has suggested that we include a provision in there to insure that such living quarters do not turn into a boarding house or a flop house.

Mr. Ing asked whether the rental is fixed.

Mr. Detor said it is a 10-year lease at \$120.00 a year, or equivalent of the \$10 minimum monthly rental. He said we are going under Chapter 171-43 which permits nominal rental.

Mr. Ing said we should have a clause in there that would allow us to escalate that rental.

Mr. Detor said we could have a 5-year reopening. That should take care that.

Mr. Ing said we should also consider making the lease nonassignable.

ACTION Mr. Ing moved to approve Item F-12 as discussed above and as amended. Mr. Yamamoto seconded and the motion was unanimously carried.

ITEM F-13 JOSEPH ANDRADE, ET AL, REQUEST FOR RIGHT OF ENTRY FOR ACCESS PURPOSES, LAWAI, KAUAI

ACTION Mr. Detor asked to have this item deferred in order to give them more time to check out County of Kauai's comments and refer those comments to DOT. There was no objection by the board to defer this item until the next meeting.

ITEM F-14 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (1/8/82, AGENDA ITEM F-12) AUTHORIZING SALE OF REMNANT PARCEL AT KALAHEO, KOLOA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Ing)

ITEM F-15 KAUAI SAND & GRAVEL, INC. REQUEST FOR WAIVER OF LEASE BOND REQUIREMENT, G. L. NO. S-4650, WAILUA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Ing)

(See pages 2 to 5 for Items F-16 and F-17.)

ITEM F-18 DOH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 209 & 210, WESTGATE SHOPPING CENTER, WAIPAHU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-19 DOH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING STORE NOS. 216, 217 & 218, AIEA SHOPPING CENTER, AIEA, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-20 DHHL REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 307 & 308, TANI BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-21 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING THE 1ST & 2ND FLOORS AT 45-413 LULUKU ROAD, KANEOHE, OAHU

Mr. Ing said the rent seems high. Not only are they going to pay over a dollar per square foot, but they are also going to pay for all utilities.

Mr. Ono said he would like to see the agencies submit one composite figure for comparative purposes. He said sometimes the request comes in with the lessee paying for the utilities and sometimes not.

ACTION Since we have time on this, Mr. Ing asked that this item be deferred to make sure that they have looked at other possibilities.

There was no objection by the board to defer this item.

ITEM F-22 DSS&H REQUEST FOR APPROVAL OF MODIFICATION OF LEASE COVERING ROOMS 512, 514, 516, 518 & 520 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ADDED ITEM F-23 ACCEPTANCE OF ROADWAY AND UTILITY EASEMENT FROM CASTLE & COOKE, INC. AT PAALAA UKA, WAIALUA, OAHU (FORMER HELEMANO SCHOOL SITE)

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM I-1 APPOINTMENT OF VOLUNTEER HUNTER SAFETY TRAINING INSTRUCTORS, OAHU, HAWAII, KAUAI AND LANAI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM H-1 REQUEST TO AMEND A PREVIOUSLY APPROVED BOARD SUBMITTAL FROM CDUA FOR PUBLIC UTILITY USE AT KAPAA HOMESTEAD, KAPAA, KAUAI (ITEM H-3, 1/27/76 BOARD MEETING)

ACTION Unanimously approved as submitted. (Yamamoto/Ing)

ITEM H-2 CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT HAENA HUI, KAUAI

ITEM H-3 CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT HAENA, KAUAI

Items H-2 and H-3 were taken up together since both applications were by the same owner and both at Haena. Mr. Evans asked that Condition No. 1 of Item H-3 be included in Item H-2 as Condition No. 20, since that condition was inadvertently omitted. He asked that Item H-2 be so amended.

Mr. Ing said these parcels are large parcels and the intended use only covers a small portion, and both parcels are owned by the same applicant.

Mr. Ono asked what he was going to do with two houses and asked the staff whether it wouldn't be appropriate for us to ask the owners what his intent was. He also asked whether he owns other lands in the Haena Hui area. He asked the staff to check with the applicant.

ACTION The board unanimously agreed to defer Items H-2 and H-3.

ITEM H-4 CDUA FOR SUBDIVISION OF PRIVATE LAND AT PUNA, HAWAII

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM H-5 CDUA FOR WATERLINE REPLACEMENT AND BREAKER BOX MODIFICATION AT WAIANAE, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

Mr. Ing said the submittal refers to an existing 6" pipeline. However, under Exhibit "E", the existing pipeline is shown as 12". He asked the staff to check this out and make the necessary correction.

- RESUBMITTAL - TEMPORARY VARIANCE FOR FOLIAGE PENETRATION
BATTLEFIELD SURVEILLANCE RADAR TESTS (FOLPEN BSR RADAR SYSTEM)
ITEM H-6 AT MAKAHA RIDGE AND KOKEE STATE PARK, WAIMEA, KAUAI
- ACTION - This matter was deferred at the last board meeting but staff still had some concern. Mr. Evans asked for deferral.
- The board had no objection.
- (See pages 5 and 6 for Item H-7.)
- ITEM H-8 REQUEST FOR PUBLIC HEARING (HA-1444; HA-1449; HA-1445)
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- CDUA TO ESTABLISH NA PALI COAST STATE PARK BOUNDARIES AND LAND
USE AT HANALEI/WAIMEA, KAUAI (SUBMITTAL TO BE DISTRIBUTED AT
ITEM H-9 BOARD MEETING)
- AMENDMENT TO CDUA H-175 FOR THREE ROADWAY EASEMENT USES AT
LAUPAHOEHOE FOREST RESERVE AT NORTH HILO, HAWAII (SUBMITTAL
ITEM H-10 TO BE DISTRIBUTED AT BOARD MEETING)
- Mr. Evans said Item H-9 was to be distributed but staff was not prepared to take up the matter today and asked for deferral.
- On Item H-10, Mr. Evans said he understood that a request for deferral has been made. He said we do have time to defer this.
- Mr. Ono said Item H-10 is also not ready. Mr. Evans said the submittal is ready this morning. Mr. Ono said he has not seen it, nor has he signed the submittal. He said he also want the record to show who asked for the deferment and what the reason is.
- Mr. Evans said the request for deferral was made by the deputy attorney general who has indicated that there may be some potential legal concern.
- ACTION The board had no objection and Items H-9 and H-10 were deferred.
- (See page 13 for Item I-1.)
- CONSENT TO SUBLEASE, LEASE NO. DOT-A-73-22, EWA SERVICE COURTS,
ITEM J-1 HONOLULU INTERNATIONAL AIRPORT, OAHU (CONTINENTAL AIR LINES, INC. TO BURLINGTON NORTHERN AIR FREIGHT, INC.)
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT, AIRPORTS DIVISION,
ITEM J-2 LIHUE AIRPORT, KAUAI (GRAYLINE HAWAII, LTD., DBA GRAYLINE KAUAI)
- ACTION Unanimously approved as submitted. (Yamamoto/Yagi)
- APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT, AIRPORTS DIVISION,
ITEM J-3 HONOLULU INTERNATIONAL AIRPORT, OAHU (DUTY FREE SHOPPERS, LTD.)
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT, AIRPORTS DIVISION, KEAHOLE AIRPORT, HAWAII (KONA AIRPORT TAXI COMPANY, INC.)

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIV.

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-6 RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIV.

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI BOAT HARBOR, HONOLULU, OAHU (WAIKIKI YACHT CLUB)

Mr. Ing said this area is right adjacent to the Ala Moana Park and to Magic Island. He asked whether this matter was submitted to the county for their review. He said this is a private club and, in effect, it is allowing them almost two acres of submerged land for their private use. He also asked whether there are any plans by any governmental agencies for that area.

Mr. Garcia said they did not submit this to the county. Normally they don't go to the county for approval. He said the entire area is being used by the Harbors Division for the Ala Wai Boat Harbor Complex.

Mr. Garcia said during the processing of the CDUA, the various agencies will have a chance to respond. This revocable permit will be conditional upon obtaining an approved CDUA.

Mr. Ing said the board went through this before--which comes first, the permit or the CDUA?

Mr. Ono asked whether the land where the facility is located is on a lease.

Mr. Garcia said yes. It was a direct award which was let out in 1952 and the lease will run out on October 31, 1992.

ACTION Mr. Ing moved for approval with the understanding that this approval has no bearing whatsoever on the CDUA process, or whether or not the CDUA will be approved.

Mr. Ono asked about their membership requirement.

Mr. Garcia said there is no discrimination in their membership, and it is also opened to women.

Mr. Ing said he would have no objection to deferring this so we can have a representative from the club be present at the next meeting to answer some of the specific questions.

The board had no objection to deferring this matter until the next meeting.

ITEM J-8

CONSENT TO MERGER, GENERAL LYMAN FIELD, HILO, HAWAII; AND
KAHULUI AIRPORT, KAHULUI, MAUI (MARRIOTT CORP. AND HOST INTER-
NATIONAL, INC.) (SUBMITTAL WAS DISTRIBUTED AT BOARD MEETING)

Mr. Ing believed his law firm represented Host International so he asked to be excused and disqualified himself. He wondered whether there would be any problem in deferring this matter since there won't be any quorum.

Mr. Ono said at an earlier meeting, couple of the board members raised some questions on the hours of operation, the kinds of food served, pricing structure, etc., at the airports; so it may be good to have this matter deferred and have an orientation session with them first. He said he met with a representative from Marriott Corp., in response to the board's concern, and has tentatively set Thursday, the day before the next board meeting in Honolulu, for the board members to meet with a representative of Marriott Corp.

ACTION The board had no objection to deferring this item until the next board meeting.

ADJOURNMENT: There was no further business and the meeting was adjourned at 1:15 P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm