

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

DATE: March 25, 1982
TIME: 9:00 A. M.
PLACE: County Council Room, County of Hawaii
25 Aupuni Street, Hilo, Hawaii

ROLL
CALL

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

MEMBERS

Mr. Stanley W. Hong
Mr. Takeo Yamamoto
Mr. Roland Higashi
Mr. Thomas Yagi (arrived at 9:25 a.m.)
Mr. J. Douglas Ing
Mr. Susumu Ono

STAFF

Mr. Robert Chuck
Mr. James Detor
Mr. Roger Evans
Mr. Henry Sakuda
Mr. Libert Landgraf
Mr. Roy Sue
Mr. Charles Supe
Mr. Wayne Hirata
Mr. Glen Taguchi
Mrs. LaVerne Tirrell

OTHERS

Deputy A. G. William Tam
Mr. Martin Van Pernis (Item H-2)
Mr. Charles W. Key (Items H-3 and H-4)
Mr. Galen West (Item H-6)

MINUTES

Mr. Hong moved for approval of both the February 12, 1982 and the February 26, 1982 minutes as circulated. Motion carried unanimously with a second by Mr. Higashi.

ADDED
ITEMS

Mr. Hong moved to add the following item to the agenda. Mr. Higashi seconded and motion carried unanimously.

Administration

Item H-7 -- Request for Public Hearing Application for Use of Land Within Conservation District for Commercial Purposes.

Items on the Agenda were taken up in the following order in order to accommodate those persons present at the meeting:

ITEM H-2

CDUA FOR 30-FT. WIDE ACCESS AND UTILITY EASEMENT AT KUA BAY, NO. KONA, HAWAII (GRAY, SMITH, LONDON AND MANINIOWALI CORPORATION).

The applicants propose to establish legal access and utility easement from Queen Kaahumanu Highway to their private properties along the shoreline.

Comments received from the various DLNR divisions indicated no basic objections. However, said Mr. Evans, concerns were expressed by the Historic Sites Program of the Division of State Parks regarding archaeological possibilities in the area. In this particular application, an archaeological reconnaissance report was done and submitted to our office. The result of this report was that, with certain stipulations, they would have no objections.

Insofar as the primary purpose is to provide ingress and egress to properties and it could be conditioned that public access to the shore nevertheless remains, staff felt that a recommendation for approval would be reasonable in this case subject to the conditions listed in the submittal.

Of the 27 conditions listed in the submittal, Mr. Evans called the board's attention specifically to Condition Nos. 6, 13, 22 and 25.

In answer to Mr. Higashi's question, Mr. Evans said that as he understood it, any parking area would be off the highway itself. However, he did not know at this time exactly where the parking lot would be located.

Regarding Condition 6, Mr. Ono said that he needed clarification as to what was intended. It says that the applicant and/or developer shall be responsible for maintaining stabilized portion until permanent access is constructed. After permanent access is constructed, who will be responsible for the maintenance?

Inasmuch as State land is involved, I would assume that it would be the State's responsibility, answered Mr. Evans.

Because some of the conditions seem to be going beyond the use question and seems also to be covering both the use and disposition, am I to understand that the disposition action is yet to follow, asked Mr. Ono?

Should the board approve this application, said Mr. Evans, there would be a necessary follow up which would be the land disposition process, at which time further clarification could occur.

I have a similar question regarding Condition No. 27 which states that the permit shall be issued on a revocable basis, said Mr. Ono. I think that borders on a disposition type recommendation so I'm not sure that the 27 conditions cover only the use aspect.

Condition No. 27 could be deleted, said Mr. Evans.

Mr. Martin Van Pernis, representing the four individual owners of the four lots in question, in answer to Mr. Higashi's question, said that the matter of the archaeological reconnaissance was brought up in the process of discussions with the Department of Land and Natural Resources. This was also discussed with Hawaii County since an SMA permit will have to be obtained from them.

Although the submittal calls for the State to locate and record on suitable maps the old Hawaiian foot trail to Kua Bay from mauka, the applicants, since they would already have an archaeologist and a surveyor in the area, would be willing to have the trail marked off by their surveyor at their expense, said Mr. Van Pernis.

As for the parking area, we are willing to put it in at whatever area is preferred -- near the beach or near the highway. The only reason a specific area has not yet been marked on the map said Mr. Van Pernis, is because we are waiting for a report from the archaeologist.

Mr. Higashi asked that a new condition stating that a parking lot for 5-6 cars be located along the beach for the purpose of public access to the shoreline -- exact location to be determined by the department at a later date -- be added.

I have no objection to that condition, said Mr. Van Pernis as long as the parking is not on private properties.

In answer to Mr. Higashi's question, Mr. Evans said that a new condition could be added wherein the applicant agrees to improve the trail to Kukio in such a manner as to maintain the integrity of the historical nature of the trail.

I understand that we will maintain the integrity of the trail, said Mr. Van Pernis, but I am a little concerned about the use of the word "improvement". That could mean paving, etc.

Mr. Higashi said that he would like to see the trail maintained in its present form. He also called to Van Pernis's attention the fact that these terms are not new but conditions which were already discussed previously with the applicants.

Regarding Condition No. 22, Van Pernis said that they would assist in locating the old Hawaiian trail to Kua Bay. However, the second part of that condition calls for a parking area just off the highway and I would like it to be clarified as to whether or not we will be required to construct this second parking lot.

Mr. Hong said that he asked this same question and Mr. Evans had said that it would not be a requirement.

Regarding Condition No. 6, I understand, said Mr. Van Pernis, that Queen Kaahumanu Highway has a wide right of way which is paved and also extensive shoulders, and that we will be responsible for maintaining that shoulder, stabilized area until permanent access is installed.

Mr. Higashi said that because this is a disposition of the easement, advice from the Department of Transportation would need to be sought.

Insofar as Condition No. 10 is concerned, I would like to advocate a position where we can avoid going underground with the utilities, except, of course, under the highway, said Mr. Van Pernis.

Finally, regarding Condition No. 27, is it correct that this condition will be deleted and replaced with different language with regards to the easement, asked Van Pernis?

The disposition of this easement, said Mr. Higashi, will be handled by the Division of Land Management and conditions regarding the disposition of the easement will be addressed at that time.

I would hope that language be included to the effect that an easement, at the option of the State, can be withdrawn and placed in another location rather than have a situation where they can not allow us any access at all, said Mr. Van Pernis.

In answer to Mr. Hong's question, Van Pernis said that he had seen these conditions for the first time on Tuesday afternoon (prior to today's meeting). However, he stated that they had asked for these conditions sometime ago.

The reason Mr. Hong asked this question is because of the fact that it had taken over 45 minutes to discuss this one item. He felt that a lot of these conditions should have been discussed and negotiated prior to the meeting.

Do you realize that this is only one of two steps which the board will have to look at, asked Mr. Ono?

Van Pernis said that he understood that, following this process, assuming that it is approved, there will then be the disposition process and, thereafter, they will also have to go to the County for other approvals.

ACTION

Mr. Higashi moved for approval as submitted, subject to the conditions listed in the submittal, as amended. Mr. Hong seconded and motion carried unanimously.

ITEM H-3

CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA HUI, KAUAI.

ITEM H-4

CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA, KAUAI.

Mr. Evans explained that this was a resubmittal concerning a single-family use at Haena, Kauai. When this item was originally brought to the board's attention, the board had certain concerns:

1. The applicants concurrent applications for two homes in close proximity to each other; and
2. Besides the two parcels at Haena, do they hold title to any other properties in Haena or any other parts of the State.

These concerns were taken to the applicant's agent, Mr. Charles Key, and input was received from him to the effect that these properties are being utilized in this fashion as a part of the divorce settlement and also to the best of the knowledge that was available, the applicants do not own any other property in Hawaii.

The policy which was established by the board for Haena stated that if a particular Haena Hui lot had the term "house" in it, then it was subject to a number of conditions and criteria. If these criteria were met, then staff's understanding was that one house would be allowed on the properties. In this particular case, the lots involved are considered houselots and as such they do meet the criteria that was established under that policy. Accordingly, staff has recommended approval subject to the conditions listed in the submittal.

One of the conditions reads that this dwelling not be used for rental or any other commercial purposes. How will you monitor the area to see that one of these houses will not be used for rental purposes, asked Mr. Yamamoto?

The only way we can monitor this is via the complaint system, said Mr. Evans. If such a complaint is made then it will be routed to the Division of Conservation and Resource Enforcement Office to handle.

Inasmuch as no one knows exactly when the divorce between the Wilson's was taking place, Mr. Ing asked that one of the applications be subject to the divorce of the applicants. Otherwise, the board may grant permission to build residences on separate parcels and then they might not go through with the divorce.

That condition could be added as Condition No. 21 on Application No. 1424, said Mr. Evans.

Mr. Charles Key, attorney, speaking on behalf of Mr. and Mrs. Wilson, stated that his contact with the applicants has been through their attorneys in Los Angeles. He stated that he would like to speak against Condition No. 21 being added inasmuch as Mr. and Mrs. Wilson are presently separated and contemplating a divorce. To add this condition seems to be too stringent under the circumstances. Inasmuch as there is a condition stating that the area is to be used only for residential and not rental purposes, I would like to request that this last condition be deleted.

As long as the couple is married, said Mr. Ing, it is not the policy of the board to allow two residences. And, as I understand it, the only reason you applied for one residence each on two separate parcels, is because the couple was contemplating a divorce.

Mr. Evans said that the applicants have indicated to staff through written correspondence that they are living at the same address.

The fact that they are living together is a concern, said Mr. Ing. We have no way of policing whether or not one unit is being rented out or not unless a complaint comes in and it is not the policy of the board to allow use of vacation homes to others.

Being that the couple, as far as staff is concerned, is still married then it would be reasonable to assume that, were these applications for the building of a single-family dwelling on each of the two lots be approved then one dwelling would probably be put on the market for sale. However, should a divorce take place, then it is conceivable that both of these units could be lived in should both parties move to Hawaii, or both units be put on the market for sale. Nevertheless, our criteria not withstanding, Mr. Evans said that staff felt that they had to recommend approval. However, Mr. Evans felt that the recommendation made by Mr. Ing to be reasonable and that now there are certain kinds of questions which need to be clarified regarding the Wilson's marital status.

ACTION

Deferred to the April 8, 1982 meeting on Kauai, in order to give Mr. Key, agent for the applicants, time to clarify some of the questions raised by the board regarding the applicant's marital status.

ITEM H-6

REQUEST FOR RECONSIDERATION- TEMPORARY VARIANCE FOR FOLIAGE PENETRATION BATTLEFIELD SURVEILLANCE RADAR TESTS (FOLPEN BSR RADAR SYSTEM) AT MAKAHA RIDGE AND KOKEE STATE PARK, WAIMEA, KAUAI.

Staff, at the last meeting, had recommended approval of this application. However, the board raised certain concerns:

1. That the area to be used was in a State Park; and
2. That the federal government should first exhaust itself of federal lands and find federal lands for this particular type of activity.

Consequently, the application for temporary variance at that time was denied.

Mr. Evans called to the board's attention the fact that staff is recommending denial for the reasons that they felt that this was an inappropriate use of parks land and also that the project should be undertaken on federal lands.

Mr. Galen West, representing Naval Weapons Center, explained that normally an item like the Foliage Penetration Battlefield Surveillance Radar (FOLPEN BSR) would be tested in the Republic of Panama. However, due to the unstable political conditions down there they are not able to operate in that area. The reason we have selected Hawaii is because we can be supported by the Naval Ocean System Center both in Kaneohe and the Barking Sands area on Kauai. Also, said Mr. West, the reasons we are requesting use of the Kokee area is because it is one of the few areas in the U.S. that has the kind of foliage we would like to get some scientific data on. Our only other alternative is to go to either the Philippines, Okinawa, or Thailand. However, that would be too expensive so I am asking that the board reconsider our request.

ACTION

Mr. Yamamoto moved for denial of this request as recommended by staff. Motion carried unanimously with a second by Mr. Hong.

ADDED ITEM H-7	<u>REQUEST FOR PUBLIC HEARING APPLICATION FOR USE OF LAND WITHIN THE CONSERVATION DISTRICT FOR COMMERCIAL PURPOSES.</u>
ACTION	<p>Pursuant to Section 183-41, HRS as amended, and departmental Administrative Rules, Title 13, Chapter 2, as amended, the board, upon motion by Mr. Higashi and a second by Mr. Hong, unanimously voted to:</p> <ol style="list-style-type: none"> 1. Authorize and schedule public hearing for the proposed use as mentioned in the submittal; and 2. Authorize the Chairman to prepare and forward the hearing notice to the applicant and other affected persons.
ITEM B-1	<u>OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA TO ATTEND FISHERIES CONFERENCE SPONSORED BY THE FEDERAL GOVERNMENT.</u>
ACTION	<p>The Board, upon motion by Mr. Hong and a second by Mr. Yamamoto, unanimously approved the proposed out-of-state travel request for Henry Sakuda to attend the Fisheries Conference to be held in Washington, D. C. for the period April 27-29, 1982.</p>
ITEM C1	<u>REQUEST TO APPROVE AGREEMENT WITH THE HAWAII AIR NATIONAL GUARD FOR DEPARTMENT OF LAND AND NATURAL RESOURCES RADIO REPEATER - PUU KA PELE, KAUAI</u>
ACTION	<p>Unanimously approved as submitted. (Yamamoto/Ing)</p>
ITEM C-2	<u>REQUEST TO APPROVE REQUEST FOR THE SHARING OF DEPARTMENT OF LAND AND NATURAL RESOURCES' HALEAKALA RADIO FACILITY WITH THE HAWAII COUNTY'S DEPARTMENT OF WATER SUPPLY.</u>
ACTION	<p>Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Higashi/Yamamoto)</p>
ITEM D-1	<u>PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 4-OW-9, DRILLING WAIALAE NUI WELL (1747-03), HONOLULU, OAHU.</u>
ACTION	<p>At the request of Mr. Robert Chuck, the board unanimously approved the withdrawal of this item from the agenda.</p>
ITEM D-2	<u>PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 4-OW-19, DRILLING MANOA II WELL (1948-01), HONOLULU, OAHU.</u>
Action	<p>Unanimously approved as submitted, subject to approval from the Governor. (Hong/Higashi)</p>
ITEM D-3	<u>PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 9-OF-9, MAKIKI STREAM ALIGNMENT, HONOLULU, OAHU.</u>
	<p>The existing Makiki Ditch was originally an open drainage channel with paved invert and cement rock masonry vertical walls constructed in the early 1900's. The top slab was constructed at a later date over the existing paved channel. A portion of the top slab has collapsed and other portions of the slab have deteriorated.</p>

A draft of a Memorandum of Agreement was distributed to the board for their perusal. In this respect, Mr. Chuck asked that staff's recommendation be amended by requesting also that the board authorize the execution of said agreement. Bob Chuck pointed out some of the essentials of this agreement:

1. The state will relocate the existing ditch.
2. Upon relocation of the existing ditch, the State will backfill same.
3. Upon relocation of the existing ditch, the State will quitclaim and extinguish its easement rights in the existing ditch. The owner, however, consents to the extinguishment of the easment for free flowage of waters.
4. The owner will purchase the state's easement interest in Owner's property plus the State's administrative costs of extinguishing the easement. The amounts to be assessed each of the owners range from a low of \$850 and a high of \$1300.
5. Owner will release and hold the State, its successors and assigns, harmless from all suits and action of every kind.

The above conditions, explained Mr. Chuck, are the main thrust of this agreement and asked that staff's recommendation be amended to read as follows:

"That members of the board approve the advertisement for bids for this project and that the members also authorize the execution of the attached agreement with the land owners."

In answer to Mr. Ing's question, Mr. Chuck said that \$443,000 was appropriated by the legislature for this project and, as long as the funds are encumbered before June 30, 1982, it will not lapse.

ACTION

Mr. Ing moved for approval as amended, with a proviso that the board members delve further into the conditions listed in the Memorandum of Agreement. Mr. Hong seconded and motion carried unanimously.

ITEM D-4

PERMISSION TO ATTEND THE AMERICAN WATER WORKS ASSOCIATION ANNUAL CONFERENCE, MIAMI, FLORIDA, MAY 15-21, 1982.

ACTION

Upon motion by Mr. Hong and a second by Mr. Yamamoto, the Board unanimously approved the out-of-state travel for Robert T. Chuck to attend the American Water Works Association Annual Conference in Miami, Florida and, providing funds are available, that a member of the Board accompany Mr. Chuck on this trip.

ITEM D-5

APPOINTMENT TO IRRIGATION SYSTEM SERVICE WORKER II POSITION (NO. 9875), WAIMANALO IRRIGATION SYSTEM

ACTION

The board unanimously approved the appointment of Mr. Rudolfo G. Agamatsu to the Irrigation System Service Worker II position. (Hong/Higashi)

ITEM D-6

SOIL AND WATER CONSERVATION DISTRICT DIRECTOR.

ACTION

The board unanimously approved the appointment of Roy T. Asato for the term ending June 30, 1984 to serve as a director of the West Oahu Soil and Water Conservation District. (Ing/Yamamoto)

ITEM E-1 FILLING OF A GENERAL LABORER I POSITION, KONA AIRPORT STATE PARK, HAWAII.

ACTION The board unanimously approved the appointment of Luvonne Riveira to fill Position No. 33268, General Laborer I, assigned to the Kona Airport State Park. (Higashi/Yamamoto)

ITEM E-2 FILLING OF PARK CARETAKER II POSITION NO. 31513, WAIMANALO STATE RECREATION AREA, OAHU PARK SECTION.

ACTION The board unanimously approved the appointment of Ernest Kala to fill Position No. 31513, assigned to the Waimanalo State Recreation Area, Oahu. (Ing/Higashi)

ITEM E-3 AWARD OF CONTRACT - JOB NO. 5-OP-34, REPLACEMENT OF EXISTING WATERLINE, PUU UALAKAA STATE WAYSIDE, HONOLULU, OAHU.

The basic project includes replacing approximately 2700 lineal feet of 2-inch galvanized waterline.

ACTION The board unanimously voted to award the construction contract for this subject project to the apparent low bidder, Koga Engineering and Construction, Inc. for their total low bid of \$34,253,000. (Ing/Higashi)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

Item F-1-a LILY Y. WONG request for CONSENT TO ASSIGN G. L. NO. 3165 covering Lot 32, Ocean View Lease Lots, 2nd Series, Waiakea, So. Hilo, Hawaii.

Item F-1-b NORMAN CABRAL application for REVOCABLE PERMIT covering portion of Lot 11-B, Hanapepe Town Lots, Hanapepe, Kauai.

Item F-1-c BUMPEI AKAGI application for REVOCABLE PERMIT, Sand Island, Honolulu, Oahu.

Item F-1-d E. N. NAGO, LTD. application for REVOCABLE PERMIT, Sand Island, Honolulu, Oahu.

Item F-1-e DENNIS PUNZAL request for CONSENT TO TRANSFER S.S.A. No. S-5549 covering Lot 7, University Heights, 3rd Increment, Waiakea, So. Hilo, Hawaii.

Item F-1-f EMILY ZUTTERMEISTER and MARY LOU LEWIS request for CONSENT TO ASSIGN G. L. No. S-4177 covering Lot 50, Puu Ka Pele Park Lots, Waimea, Kauai.

Item F-1-g HILO MEDICAL PARTNERSHIP request for CONSENT TO ASSIGN G. L. No. S-4344, Piihonua, So. Hilo, Hawaii.

Item F-1-h HILO MEDICAL BUILDING PARTNERSHIP request for CONSENT TO AMENDMENT OF SUBLEASE, G. L. No. S-4344, Piihonua, So. Hilo, Hawaii.

At the request of Mr. Detor, the board voted to defer action on Item F-1-h.

Item F-1-i OLOMANA GOLF LINKS, INC. request for CONSENT TO MORTGAGE G. L. No. S-4095, Waimanalo, Oahu.

Item F-1-j UNIVERSAL STUDIO'S application for REVOCABLE PERMIT, covering pier at Waiakane Makai, Oahu.

Because the firm he represents has represented Universal Studios in the past and, although to his knowledge they have not participated in this particular item, Mr. Ing asked that he be disqualified from voting on this item.

Mr. Ono, however, did not feel that there would be any conflict for Mr. Ing to participate in the action of Item F-1-j.

ACTION Mr. Higashi moved for approval of all the documents listed in the consent calendar except for Item F-1-h, which was deferred. Mr. Hong seconded and motion carried unanimously.

ITEM F-2 OREN TSUNEZUMI REQUEST FOR AUTHORIZATION TO CONSTRUCT A RESIDENCE ON LAND COVERED BY G. L. NO. S-4428, LOT 14, PAHOA AGRICULTURAL PARK, KEONEPOKO IKI, PUNA, HAWAII.

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

ITEM F-3 KALAPANA-KAIMU PILIKAI APPLICATION FOR PIPELINE EASEMENT, KAIMU-MAKENA HOMESTEADS, PUNA, HAWAII.

The applicant, a Hawaii registered General Partnership, owns abutting land which has been subdivided into thirteen (13) residential lots. In providing each of the lots with water, the applicant has concluded that the most convenient and economical route for a waterline will necessitate crossing over the subject 50-foot wide roadway.

ACTION The board, upon motion by Mr. Higashi and a second by Mr. Hong, unanimously voted to:

1. Authorize the direct sale of the subject easement to the applicant subject to the terms and conditions listed in the submittal; and
2. Authorize an immediate construction right of entry to the area in question subject to the standard indemnity and hold harmless clause.

ITEM F-4 LILLIAN KAMAKA APPLICATION TO PURCHASE ROAD REMNANT AT KAUMALUMALU, NO. KONA, HAWAII.

The requested purchase is in connection with action, since commenced, to quiet title on applicants' property. Technically, access to applicant's property is prevented by the Government land in question.

ACTION Finding that the land in question is a remnant since, by reason of its size and shape it is economically and physically unsuitable and undesirable for development or utilization as a separate unit, the board, upon motion by Mr. Higashi and a second by Mr. Hong, unanimously voted to:

1. Approve the direct sale of the remnant (TMK 7-7-04:49) to the owners of the abutting property, identified as TMK 7-7-04:9, subject to the terms and conditions listed in the submittal; and
2. That, until such time as the appropriate documents are executed, authorize immediate right of entry to the owners of TMK 7-7-04:9 for access and maintenance purposes only over and across TMK 7-7-04:49 at no cost to the State of Hawaii, subject to the terms and conditions listed in the submittal.

ITEM F-5 FREDERICK LIVINGSTON APPLICATION FOR SERVICE ROAD AND PIPELINE EASEMENT, OLAA, PUNA, HAWAII.

On June 23, 1972 the Board of Land and Natural Resources authorized the sale, at public auction, of the easement in question. Since then, the only actions taken have been to grant the applicant, Fred Livingston:

1. Right of Entry for purposes of constructing, operating and maintaining waterlines and service roadway; and
2. Right of Entry for improvement of portions of two 30-ft-wide roads and accommodate extensions of the waterline and service road of the above-mentioned right of entry.

ACTION The board unanimously voted to amend recommendation B of agenda Item F-10 dated June 23, 1972 as follows:

- B. Authorize the direct sale of the above described easement to Frederick Livingston, the applicant, under the terms and conditions listed in the submittal.

ITEM F-6

RESUBMITTAL - HUEHUE RANCH APPLICATION TO LEASE LAND AT HONUULA AND HIENALOLI, NO. KONA, HAWAII.

Is it possible to add a condition wherein the bidder will have to be a qualified rancher, asked Mr. Higashi?

A bill is presently pending in the legislature stating that a person has to be qualified to bid. However, beyond that, said Mr. Detor, I am not sure. We would have to set some kind of standards to pre-qualify people. However, if the bill passes, then standards will be set for us.

ACTION

Finding that the land in question is an economic unit in terms of its intended use, Mr. Higashi moved to authorize the sale at public auction of a lease covering the subject land under the terms and conditions listed in the submittal and also that another condition be added wherein standards be set to pre-qualify the bidders for this sale. However, should the bill which is presently before the legislature be adopted, then the board will be bound by statute. Mr. Hong seconded and motion carried unanimously.

ITEM F-7

FAITH K. OKABE REQUEST FOR EXTENSION OF TERM AND CONSENT TO MORTGAGE, G.L. S-3859, LOTS 56A AND 56B, WAIMANALO FARM LOTS, WAIMANALO, OAHU.

ACTION

Pursuant to Section 171-36, HRS, the board, upon motion by Mr. Ing and a second by Mr. Hong, unanimously voted to approve an extension of G.L. S-3859 for a 27-year period up to and including August 9, 2011, subject to the terms and conditions listed in the submittal. The board also consented to the assignment and mortgage request subject to the approval of the Attorney General's Office and subject to such other terms and conditions as may be prescribed by the Chairman.

ITEM F-8

MUSCULAR DYSTROPHY ASSOCIATION (MDA) REQUEST FOR PERMISSION TO HOLD VOLLEYBALL TOURNAMENT ON DUKE KAHANAMOKU BEACH, HONOLULU, OAHU.

This tournament is to be held on April 3 and 4, 1982 as a part of their fund raising program. MDA has asked for permission to set up three nets. However, staff would like to limit it to one net and also shorten the hours of the tournament.

One of the conditions is that rental be at the rate of \$100 a day. In addition, there would also be administrative costs. Although they have asked that the rental fee be waived, we are still recommending that it be paid, said Mr. Detor.

Mr. Hong asked that Condition No. 1 be amended by deleting the rental fee of \$100 a day inasmuch as the Muscular Dystrophy Association is a non-profit organization and that only administrative expenses be paid.

ACTION

Mr. Hong moved for approval of a right of entry to the subject area to the Muscular Dystrophy Association for the purposes mentioned in the submittal, subject to the terms and conditions, as amended, which are listed in the submittal. Also, if needed, that MDA be allowed to use the area fronting the Ft. DeRussy area to set up another volleyball net. Mr. Yagi seconded and motion carried unanimously.

DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR APPROVAL OF AWARD (BY DSSH) OF LEASE TO GOODWILL INDUSTRIES OF HONOLULU COVERING REHABILITATION WORKSHOP AT SHAFTER FLATS, HONOLULU, OAHU.

ITEM F-9

Mr. Ono expressed his concerns about other State agencies becoming lessors. Because the subject workshop is within an area held by DSSH under executive order, Mr. Detor felt that, as Lessor, DSSH would have more control.

ACTION

The board unanimously consented to the lease between the Department of Social Services and Housing (DSSH) and Goodwill Industries of Honolulu, Incorporated, covering the land set aside by Governor's Executive Order No. 2441 for Rehabilitation Workshop for the Blind and other Handicapped Persons, subject to review by the Office of the Attorney General as to whether or not this application qualifies under Chapter 141-73, which allows the applicant to be charged the nominal rental. (Ing/Hong)

ITEM F-10

HENRY H. WONG APPLICATION TO PURCHASE FILLED LAND AT KANEOHE, OAHU.

ACTION

Finding that the proposed disposition is not prejudicial to the best interest of the State, community or area in which the reclaimed land is located, the board, upon motion by Mr. Ing and a second by Mr. Higashi, unanimously approved of the direct sale of the subject reclaimed land to the applicant, subject to the terms and conditions listed in the submittal and also authorized publication of a notice of disposition of the above as required by law. (Ing/Hong)

ITEM F-11

VERNON FO, ET AL, APPLICATION TO PURCHASE HIGHWAY REMNANT, HONOLULU, OAHU.

ACTION

Finding that the subject parcel is unsuitable for development as a separate unit because of its size and shape and is a remnant by definition, the board unanimously approved the direct sale of the subject remnant under the terms and conditions listed in the submittal. (Ing/Hong)

ITEM F-12

DEPARTMENT OF TRANSPORTATION REQUEST FOR RIGHT-OF-ENTRY FOR CONSTRUCTION PURPOSES, MOANALUA, HONOLULU, OAHU.

This is in conjunction with DOT's Interstate Highway, Keehi Interchange Project.

Mr. Detor asked that Condition No. 8 of staff's recommendation be deleted inasmuch as the Pacific War Memorial Commission no longer exists.

ACTION

The board unanimously voted to grant the Department of Transportation and/or its contractor immediate construction right-of-entry to the parcels outlined in the submittal, subject to the terms and conditions also listed in said submittal, as amended. (Ing/Hong)

ITEM F-13

WINDWARD PLANTS CO. REQUEST FOR EXTENSION OF LEASE TERM, G. L. NO. S-3761, LOT 13, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU.

The applicant has applied for a \$34,000.00 loan from the Federal Land Bank Association to make additional improvements to the property and requests that the term of the lease be extended to meet the lender's requirements.

ACTION

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

1. Grant Windward Plants Co. a 27 year extension of term up to and including February 1, 2011 of G. L. No. S-3761 covering Lot 13 of the Waimanalo Agricultural Subdivision to meet the lending requirements of the Federal Land Bank Association of Hawaii, subject to the conditions listed in the submittal.

2. Consent to mortgage General Lease No. 3761 to the Federal Land Bank Association for a loan of \$34,000.00.
3. Authorize the Chairman to set such additional terms and conditions necessary to carry out the intent of the Board.

ITEM F-14 BUDGET AND FINANCE REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 16J OF THE MDG OFFICE BUILDING, WAILUKU, MAUI.

ITEM F-15 RESUBMITTAL-BUDGET AND FINANCE REQUEST FOR ACQUISITION OF LEASE AT 2307 MAIN STREET, WAILUKU, MAUI.

ACTION Mr. Yagi moved for approval of both Items F-14 and F-15 as submitted, subject to the review and approval of the lease document by the Office of the Attorney General. Mr. Yamamoto seconded and motion carried unanimously.

VERBAL RESULTS OF PUBLIC AUCTION HELD ON MARCH 23, 1982 AT HILO, HAWAII.

Mr. Detor reported that all five leases that were put on the market were sold. One was a restaurant lease which sold for the upset price. However, two agriculture leases covering lands in Kona which were upset at \$150.00 a year went for over \$3,000 a year. The third lease was a residence-agriculture lease which was upset at \$400 and went for \$4,800 a year.

ITEM G-1 REQUEST FOR LATERAL TRANSFER TO REGULAR REGISTRATION BRANCH

ACTION The board unanimously approved the lateral transfer of Vivian F. L. Chong to Position No. 154, Abstracting Assistant V, effective April 1, 1982.

ITEM H-1 PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES TO CONTINUE RESEARCH ON THE IMPLEMENTATION OF GRACILARIA FARMING IN HAWAII.

ACTION Withdrawn.

ITEM H-2 CDUA FOR 30-FT. WIDE ACCESS AND UTILITY EASEMENT AT KUA BAY, NO. KONA, HAWAII. (MARK VAN PERNIS, ON BEHALF OF GRAY, SMITH, ETC.)

(See page 4 for Action)

ITEM H-3 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA HUI, KAUAI. (CHARLES W. KEY, ON BEHALF OF MR. AND MRS. BRIAN WILSON).

ITEM H-4 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA, KAUAI. (CHARLES W. KEY ON BEHALF OF MR. AND MRS. BRIAN WILSON).

(See page 5 for Action on Items H-3 and H-4)

ITEM H-5 CDUA FOR NUUANU BOOSTER PUMP AT NO. 2 AT HONOLULU, OAHU. (CITY & COUNTY BOARD OF WATER SUPPLY).

The project site is located in Nuuanu Valley. An existing 16-foot wide concrete access road provides access to the site. The proposed project is designed to pump water from the Nuuanu 640 Reservoir to the Nuuanu 822 Reservoir to supplement existing mountain sources.

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

ITEM H-6

REQUEST FOR RECONSIDERATION - TEMPORARY VARIANCE FOR FOLIAGE PENETRATION BATTLEFIELD SURVEILLANCE RADAR TESTS (FOLPEN BSR RADAR SYSTEM) AT MAKAHA RIDGE AND KOKEE STATE PARK, WAIMEA, KAUAI.

(See page 5 for Action)

ITEM J-1

CONSENT TO SUBLEASE AGREEMENT, HONOLULU INTERNATIONAL AIRPORT, OAHU (CONTINENTAL AIRLINES, INC. TO MID-PACIFIC AIRLINES, INC.).

ACTION

Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-2

RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION.

ACTION

Unanimously approved as submitted. (Hong/Yagi)

ITEM J-3

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR KAWAIHAE, HAWAII (TAKEO NAGAMINE, DBA TAKE'S TRANSPORTATION).

ACTION

Unanimously approved as submitted. (Higashi/Yagi)

ITEM J-4

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 40, HONOLULU, OAHU (P&R WATER TAXI, LTD.)

Motion was made by Mr. Hong and seconded by Mr. Higashi that this item be approved as submitted.

Why is it that the State is renting out the area for only 30¢ a square foot, asked Mr. Yagi? It seems that when we want something we have to pay a much higher rent.

ACTION

Because the board did have concerns regarding Mr. Yagi's question, both Messrs. Hong and Higashi withdrew their motion and second, respectively and asked that this item be deferred until the above question is answered.

ADJOURNMENT: The meeting adjourned at 11:55 a.m.

Respectfully submitted,

LaVerne Tirrell

LaVerne Tirrell
Secretary

APPROVED:

Susumu Ono

SUSUMU ONO
Chairman

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