

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

DATE: April 8, 1982

TIME: 9:00 A. M.

PLACE: Kauai Regional Library
Conference Room
4344 Hardy 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. Stanley W. Hong
Mr. Thomas S. Yagi
Mr. Roland Higashi
Mr. Douglas Ing
Mr. Susumu Ono

(Mr. Takeo Yamamoto was absent
and excused.)

STAFF

Mr. Roger Evans
Mr. James Detor
Mr. Ralph Daehler
Mr. Robert T. Chuck
Mr. John Corbin
Mrs. Joan K. Moriyama

OTHERS

Deputy A. G. Dona L. Hanaike
Mr. Mervyn Kotake and Mr. Robert
Kay (Item F-20)
Mr. William Garcia and Mr. Sonny
Waialeale (Item F-13)
Attorney for Mr. and Mrs. Brian Wilson
(Items H-5 and H-6)
Mr. Peter Garcia

Added
Items

On Mr. Higashi's motion and seconded by Mr. Yagi, the board voted unanimously to add the following items to the board agenda:

Aquatic Resources

Item B-1 -- Out-of-State Travel Request for Paul Y. Kawamoto to attend the Western Pacific Fishery Management Council Meeting at Pago Pago, American Samoa.

Water & Land Development

Item D-4 -- Request to fill Engineer I (Civil) Position

State Parks

Item E-9 -- Permission to Advertise for Bids, Job No. 5-OP-39, CRM Wall Reconstruction, Royal Mausoleum State Monument, Nuuanu, Oahu

Land Management

Item F-21 -- Request to fill Land Agent IV, Position No. 13683, Transactions Branch

Item F-22 --DOH's request to issue a lease of space on Kulani Cone, Hawaii

Item F-23 -- DOH's request to lease portions of a communication tower at Kulani Cone, Hawaii

Bureau of Conveyances

Item G-1 -- Request to fill Abstractor IX, Position No. 4370

In order to accommodate the people in the audience, the board took up the items in the following order:

ITEM H-10 AFTER-THE-FACT CDUA FOR SUBDIVISION AT HANAMAULU, HAWAII
(SUBMITTAL WAS DISTRIBUTED AT BOARD MEETING)

Mr. Yagi informed the board that he will not be participating in any action taken by the board on this item since he has a conflict.

The chairman ruled that there was a conflict and excused Mr. Yagi from participating on Item H-10.

This application involved privately-owned lands at Hanamaulu, Kauai, located within the limited subzone. The proposed use is a subdivision of the area.

A public hearing was held on this application on February 25, 1982. It was represented by the applicant that no physical use was contemplated, that the area in the conservation district would be kept in its natural state, and that there were no structures or utilities being proposed in the conservation district.

Mr. Evans said the Division of Conservation and Resources Enforcement (DOCARE) has reported that there may be some violation. As a result, staff and representatives of the Attorney General's Office and the State Surveyor visited the site with our enforcement staff yesterday, April 7, 1982. The purpose of the field inspection was to verify investigative report which was submitted by DOCARE.

The State Surveyor verified the existence of a violation of land use within the conservation district, and additional potential violations were uncovered, thus requiring further analysis by staff and the Attorney General's Office.

Since representations were made by the applicant at the February 25, 1982 public hearing (as indicated on page 37 of the public hearing transcript), that the applicant does intend to maintain the conservation district in its natural condition, and that a CDUA will be applied for before any action is taken, Mr. Evans said staff has no alternative but to recommend denial of the application for the proposed use, and that the submittal be amended accordingly. The reason for this is to allow the staff to complete its review, in conjunction with the Attorney General's Office, of the potential violation of land use in the conservation district.

The board was informed that the written submittal presented to the board still stands, except for the amended recommendation which was presented above.

The expiration date on this application is April 13, 1982, so this would be the last opportunity that the board would have to act on it. If no action is taken by the board today, the application would automatically be approved under the existing statutes.

Mr. Ono asked Mr. Evans whether the applicant wishes to say anything or to add anything to what was presented.

Mr. Evans said there was no indication by the applicant.

Mr. Ono asked the staff how long the total investigation will take. Two to three months?

Mr. Evans asked that the staff be given a maximum of five months to complete this report.

ACTION Mr. Hong moved to accept the amended recommendation, which was for denial, to give the staff an opportunity to complete its review of the potential violation of land use within the conservation district portion of the property, in conjunction with the Attorney General's Office. Mr. Higashi seconded, and the motion was carried.

The record showed that Mr. Yagi did not vote. Mr. Yamamoto was absent from the meeting.

ITEM F-20 THE EPISCOPAL CHURCH IN HAWAII'S REQUEST FOR AMENDMENT TO GRANT OF EASEMENT NO. S-27268, EWA, OAHU (SUBMITTAL WAS DISTRIBUTED AT BOARD MEETING)

This was a request from The Episcopal Church in Hawaii to amend a Grant of Easement which was issued to the church in January of this year. The easement is over and across a portion of state land.

A condominium is being developed on a portion of the church property, and they are running into some problems with the developers and lenders insofar as financing is concerned. For this reason they are asking for an amendment to that easement.

The church is asking basically for three things:

1. They want to amend the Grant of Easement to the extent that they would be permitted to assign or convey the easement without coming to the board each time.
2. There is a provision in the Grant of Easement that the easement shall be dedicated to the City and County of Honolulu. The city doesn't want it so they would like to get that amended.
3. They would also like to amend the provision in the Grant of Easement which requires that the sewer line be installed within one year.

Staff had no objection to Nos. 2 and 3 above, however, recommended denial on No. 1. Mr. Detor said the reason for that is a precedent has already been set by the board on previous Maui cases; further, that they were asking for consent to an assignment without naming any particular party.

Mr. Detor said since this submittal was written, they have come up with alternatives so he asked to amend the submittal.

First of all, they are asking for consent to transfer the easement from The Episcopal Church, the present owner, to Harbor Point Partners, the developer.

Secondly, they would like a consent to assignment, by way of security interest of the mortgage, in favor of First Federal Savings & Loan, for the purpose of financing the improvements and the property.

Thirdly, they would like to consent for transfer of the mortgage in the event there is foreclosure.

Fourthly, they would like a consent to assignment to American Trust, which would be the trustee, the beneficial interest under the land trust.

Mr. Ono said it isn't fair to ask the board for a decision now. He said it's pretty difficult to follow what Mr. Detor had presented.

Mr. Detor said he had suggested to them that we wait until the next meeting so they can work it out, but apparently there is a time limit as far as the lenders are concerned. This has been worked out with the Attorney General's Office and they have indicated no objection.

ACTION Mr. Yagi moved for approval as recommended by staff. Mr. Ing seconded.

As explained earlier, Mr. Detor said staff basically had two concerns. The first was that no party was named. Secondly, staff didn't want a situation where everytime one of the condo units was sold, we had to go through the consent process. He said the easement will be transferred to Harbor Point Partners, the developer, and then it would be assigned to American Trust Co., under a land trust arrangement.

Mr. Ono asked how long the developer was going to be in the picture.

Mr. Mervyn Kotake, the attorney for the church, and Mr. Robert Kay, the managing partner of Harbor Point Partners, were present at the meeting.

In answer to Mr. Ono's question, Mr. Kay said the developers stay in until all of the apartments are sold and the units are turned over to the individual apartment owners. Then they elect the board who will assume the responsibility.

(Mr. Ing was excused and left the meeting.)

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

ITEM F-13

This matter was deferred at a previous meeting. Specifically there was a

question on the liability insurance which covers the whole park. The entire park area includes land up above the river and even includes the beach in front of Coco Palms. They are requesting that the insurance coverage be narrowed down so it will apply only to those portions of the park in which the boat tour operates. That will be the marina area, up the river and including the Fern Grotto.

Mr. Detor said they would go along with that, provided that the rental would take into consideration the fact that this insurance coverage has been lessened. They got together with the applicant and with the Attorney General's Office. The Attorney General's Office has no legal objection to this, Mr. Detor said.

The State Parks Division wanted the coverage to extend to the whole park. In connection with that, Mr. Detor said for the other concessionaires in the marina area (such as the restaurant, gift shops, etc.), their insurance doesn't cover the whole park, although he realizes that they are not moving-type operations. Mr. Detor said this was one of the reasons they are requesting the change.

Mr. Ono said normally if a lessee is delinquent, or is in violation of the term of the lease, the board would not entertain any request. He said the last time when he raised the question about the lessee's delinquent account, he was assured that this company was current and there was no problem. Later on he found out that this was not the case.

Mr. Hong asked whether they are current now.

Mr. Detor said checks covering the full amount have come in. If the checks are good, they are current. He couldn't guarantee that they are.

Mr. William Garcia, attorney for Waialeale Boat Tours, and Mr. Sonny Waialeale were present at the meeting.

Mr. Ono addressed Mr. Garcia. He said there were discussions in the past, and he raised this question about the client's need to keep payments current and to work things out. Mr. Ono recalled that Mr. Garcia acted negatively to some of his comments at that time. He asked Mr. Garcia whether he was aware that his client was not current in his payments.

Mr. Garcia said he wasn't aware that his clients were late with the payments. He said obviously the responsibility has to rest with the employer, but at the same time when you have a bookkeeper handling the books, and he is authorized to do something and waits for an accountant's report and not cut the checks, that puts the company in a bad light.

Mr. Ono asked, "How can you separate the company from the fiscal staff? That is an integral part of the company."

Mr. Waialeale said he takes the responsibility.

Mr. Ono said the last time when this matter came before the board, he raised the same question. He said he did so because he had a personal involvement. He said he sat down with the applicant to go over the business problems and tried to work things out. He thought there was a good understanding what needed to be done. When they came before the board, he thought that Mr. Garcia wasn't quite aware of what had happened in the past because of the way he reacted, and more so this morning.

Mr. Garcia said on the previous case he knew there was something but it was his understanding that it was totally paid. However, he was not aware of the current status.

Mr. Hong said since we are unsure as to whether they are current or not, maybe we should defer this matter.

Mr. Garcia said the lease is going to expire in May and they wanted to work out the lease provisions with the Attorney General's Office before the lease expires.

ACTION Mr. Hong moved for approval subject to payment being made current since we had problems with the applicant in the past.

He suggested (not as a part of the motion) that in the future the applicant be required to submit a cashier's check.

Mr. Detor said the department policy has been that if a check is no good that we require a cashier's check in the future. In this particular case, they have been late, but the checks have always been good.

Mr. Higashi seconded the motion. On the call of the question, the motion was unanimously carried.

ITEM H-5 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA HUI, KAUAI

Items H-5 (CDUA 1424) and H-6 (CDUA 1425) below were requests for single-family residential use at Haena, Kauai, and they are tied in together.

Mr. Evans said the attorney representing the applicant has asked, on behalf of his client, Mr. and Mrs. Brian Wilson, that the application (CDUA 1424) for residence use be withdrawn. That letter was sent to us on April 10.

Mr. Higashi said before we act on Item H-5, he wanted to know what the staff's recommendation would be on Item H-6.

Mr. Evans said staff's recommendation would be for approval of Item H-6, subject to certain conditions.

Mr. Ono asked Mr. Evans what his recommendation was on the withdrawal request. He wanted to know whether there is a possibility of Item H-5 coming back to the board if it is withdrawn today.

Mr. Evans said yes. A new CDUA by this party can be submitted next week. The particular party involved could sell the land and a new party can come in with a request.

In light of that, Mr. Ono asked Mr. Evans what would be his recommendation.

Mr. Evans said his recommendation would be that the board act on Items H-5 and H-6.

Mr. Yagi said if the applicant requested withdrawal, it is only right that the board grant that request instead of acting on the application.

Mr. Ono asked Mr. Evans whether he is recommending approval for Items H-5 and H-6.

Mr. Evans said his recommendation in the submittal is in error. The recommendation for Item H-5 (CDUA 1424) should be for denial.

A local attorney, representing the applicant, said under the property settlement, all of their properties were split 50/50 as tenants in common. He said he was requesting for withdrawal because he thought this was the easiest way of doing it.

When asked by the board what his present position was, the attorney said his position is he would like to withdraw Item H-5 and go for Item H-6.

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved to withdraw Item H-5 as requested.

ITEM H-6 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA, KAUAI

ACTION Mr. Yagi moved, seconded by Mr. Hong, and the board unanimously approved Item H-6 as recommended.

Mr. Ono stated that the board is going to keep an eye on Item H-6 because there still will be ties between the two.

ADDED
ITEM B-1 OUT-OF-STATE TRAVEL REQUEST FOR PAUL Y. KAWAMOTO TO ATTEND THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING AT PAGO PAGO, AMERICAN SAMOA

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM C-1 FILLING OF POSITION NO. 27082, GENERAL LABORER I, WB 02

ACTION The board, on Mr. Hong's motion and seconded by Mr. Higashi, unanimously approved the selection of Eusibio Pantohan, Jr. to fill Position No. 27082.

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 12-KW-18, MAKALEHA WELL (0622-02), KAPAA HOMESTEADS, WATER SOURCES INVESTIGATION AND DEVELOPMENT, KAUAI

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Hong, unanimously approved to award the subject contract to Roscoe Moss Company for their low bid of \$271,420.00.

ITEM D-2 PERMISSION TO AMEND CONTRACT NO. 9434, CONSULTANT SERVICES CONTRACT FOR PREPARATION OF DEVELOPMENT PLAN, WAIMANALO AGRICULTURAL PARK, WAIMANALO, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Hong/Higashi)

ITEM D-3 FILLING OF GENERAL LABORER I POSITION, WAIMANALO IRRIGATION SYSTEM

ACTION The board, on Mr. Hong's motion and seconded by Mr. Yagi, unanimously approved the appointment of Mr. Gregory Villanueva to the General Laborer I position.

ADDED
ITEM D-4 REQUEST TO FILL ENGINEER I (CIVIL) POSITION

ACTION Mr. Jon Kurio was unanimously appointed to fill Position No. 32433,

Engineering (Civil) I, effective April 19, 1982, and not to exceed June 30, 1983, on motion made by Mr. Yagi and seconded by Mr. Higashi.

- ITEM E-1 FILLING OF PARK CARETAKER II POSITION, NO. 27054, WAIMANALO STATE RECREATION AREA, OAHU PARK SECTION
- ITEM E-2 FILLING OF PARK CARETAKER II POSITION, NO. 33473, MAKIKI-TANTALUS STATE RECREATION AREA, OAHU PARK SECTION
- ITEM E-3 FILLING OF GROUNDSKEEPER I, POSITION NO. 15215, ROYAL MAUSOLEUM STATE MONUMENT, OAHU PARK SECTION
- ITEM E-4 FILLING OF GROUNDSKEEPER II POSITION, NO. 16035, IOLANI PALACE PALACE GROUNDS, OAHU PARK SECTION
- ACTION The board, on Mr. Yagi's motion and seconded by Mr. Hong, unanimously approved Items E-1 to E-4, respectively, as follows:
- Frederick Murashige - Park Caretaker II - Waimanalo State Recreation Area
Milton Hong - Park Caretaker II - Makiki-Tantalus State Rec. Area
Jerry Ogawa - Groundskeeper I - Royal Mausoleum State Monument
Wallace Ishizaki - Groundskeeper II - Iolani Palace Grounds
- ITEM E-5 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 5-OP-37, TRAIL IMPROVEMENTS, DIAMOND HEAD STATE MONUMENT, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Hong/Higashi)
- ITEM E-6 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 5-OP-38, COMFORT STATION, TANTALUS STATE RECREATION AREA, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Hong/Yagi)
- ITEM E-7 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 5-OP-41, PARK IMPROVEMENTS, KAKAAKO WATERFRONT PARK, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Hong/Yagi)
- ITEM E-8 AWARD OF CONTRACT, JOB NO. 30-KP-38, ASPHALT CONCRETE PAVING FOR OPAEKAA LOOKOUT, WAILUA RIVER STATE PARK, KAUAI
- ACTION The board, on Mr. Yagi's motion and seconded by Mr. Hong, unanimously approved to award the subject contract to the low bidder, E. F. Nilson, Inc. at the bid price of \$35,505.50.
- ADDED ITEM E-9 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 5-OP-39, CRM WALL RECONSTRUCTION, ROYAL MAUSOLEUM STATE MONUMENT, NUUANU, OAHU
- ACTION Unanimously approved as submitted. (Yagi/Hong)
- ITEM F-1 DOCUMENTS FOR CONSIDERATION
- HAWAII
- Item F-1-a ASSIGNMENT OF LEASE
JULES J. GERVAIS, SR., Assignor, to JULES J. GERVAIS, JR. and SOONTAREE GERVAIS, Assignee - Lot 28, Panaewa Farm Lots, 2nd Series, Waiakea, South Hilo, Hawaii - GL No. S-4456

KAUAI

Item F-1-b ASSIGNMENT

RUTH K. HANNER, unmarried, Assignor, to HUI O LAKA, a Hawaii non-profit corporation, Assignee - Lot 9, Puu Ka Pele Park Lots, Waimea (Kona) - G.L. No. S-4214

OAHU

Item F-1-c CONSENT TO ISSUANCE OF REVOCABLE PERMIT

Department of Health to Waimano Auxiliary - covering portion of Governor's Executive Order No. 1029 (Waimano Home), Waimano, Ewa

HAWAII

Item F-1-d COLLATERAL AGREEMENT

STATE OF HAWAII, GILBERT H. UYEDA and MARIKO UYEDA, husband and wife, as Tenants by the Entirety, STATE OF HAWAII, DEPARTMENT OF AGRICULTURE and K. MATSUO CONTRACTING, INC. - Lot A, Block 2, Kaniahiku Village Site, Kaniahiku, Puna - SSA No. S-5543

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Hong, unanimously approved Item F-1 as submitted.

ITEM F-2 PALANI LAND TRUST II APPLICATION TO PURCHASE ROAD REMNANT AT HONOKOHAU 1ST, NORTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM F-3 DIVISION OF STATE PARKS' REQUEST FOR RIGHT OF ENTRY FOR DISINTERMENT OPERATIONS ON STATE LAND

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-4 STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-5645, KAUPU, HANA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-5 CITY AND COUNTY OF HONOLULU REQUEST FOR STATE LAND FOR EXPANSION OF MEDICAL EXAMINER'S FACILITY, IWILEI, HONOLULU, OAHU

This was a request by the City and County of Honolulu for a lot which is adjacent to the City Morgue and presently rented to the Salvation Army. Staff suggested that the board approve in concept giving the city one year to obtain the necessary funds. The Salvation Army permit in the meantime would continue.

ACTION Mr. Hong asked for deferral until the next meeting. There was no objection by the board.

ITEM F-6 KALIHI UNION CHURCH APPLICATION TO PURCHASE HIGHWAY REMNANT R-48, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Yagi/Hong)

ITEM F-7 SHINJI MIYASHIRO APPLICATION TO PURCHASE HIGHWAY REMNANT H-141-A, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Yagi/Hong)

ITEM F-8 ALBERT H. SILVA REQUEST FOR REINSTATEMENT OF R. P. NOS. S-4261 AND S-5133, KEAAU AND WAIANAE-KAI, OAHU

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-9 ALIDA WHITE REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, GRANT OF EASEMENT NO. S-4646, OMAO, KOLOA, KAUAI

Mr. Detor said the people who hold the easement have complied with all of the terms and conditions that are required in the easement, and have requested waiver of the performance bond requirement. He explained that the board has the right to reactivate or reimpose the bond at any time during the term of the easement.

ACTION Unanimously approved as submitted. (Hong/Yagi)

ITEM F-10 U. S. MARINE CORPS REQUEST FOR CONSENT TO EXTENSION OF LICENSE AGREEMENT, COVERING PORTION OF GENERAL LEASE NO. S-4222 PREMISES, KEKAHA, KAUAI

Mr. Ono asked whether we have control as to what kind of maneuvers they are to conduct.

Mr. Detor said yes. In the license itself it describes the types of training they do. There is no firing or anything like that.

Mr. Ono said that's the kind of concern that he had. He didn't want the state to be stuck with the burden of dedudding the area and cited the Ilio Point on Molokai.

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-11 ANTONE SOARES' REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (2/26/82, AGENDA ITEM F-16) AUTHORIZING SALE OF EASEMENT AT WAI-LUA, KAUAI

Mr. Detor said at the February 26, 1982 meeting, Mr. Soares requested that the driveway be made wider. He has now asked that we go back to the original width of 9 feet. He no longer wants it to be made wider.

Mr. Yagi asked what happens if there is an accident.

Mr. Detor said they have to take liability insurance. Staff checked with the Kauai County Department of Public Works and they were informed that they have no standards for driveways. However, for public roadways, they want no less than 18 feet.

Mr. Yagi said he would like to have this matter referred to the Attorney General's Office.

Deputy A. G. Dona Hanaike said they can work out a language in the easement document to take care that situation where state would not be responsible if there is any accident.

ACTION Mr. Yagi moved to approve this request, subject to the condition suggested by the Deputy Attorney General above. Mr. Higashi seconded and the motion was unanimously carried.

ITEM F-12 KAUAI COUNTY DEPARTMENT OF WATER REQUEST FOR EXECUTIVE ORDER SETTING ASIDE EASEMENTS AT HANAIEI, KAUAI

ACTION Unanimously approved as submitted. (Yagi/Hong)

(See pages 4 to 6 for Item F-13.)

ITEM F-14 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4651, WAIPOULI, KAWAIHAU, KAUAI

Mr. Detor said he has received a letter from Mrs. Gloria Duarte yesterday, asking that this action be deferred and give her until the end of this month to pay the monies due.

Mr. Ono asked what has been the prior record on this.

Mr. Sam Lee said they have been late before.

Mr. Detor said he would recommend that we defer action until the first meeting in May.

Mr. Ono said he would prefer to go the other way. If the money is not in until the end of this month that the lease be cancelled.

ACTION Mr. Hong moved that if the money is not in until the end of this month that the lease be cancelled. Mr. Higashi seconded and the motion was unanimously carried.

ITEM F-15 WESTERN SECURITIES, LTD. (U.S.A.) REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (3/23/78, AGENDA ITEM F-21) AUTHORIZING SALE OF REMNANT PARCELS AT NAWILIWILI, KAUAI

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM F-16 DSS&H REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE IN THE ALA MALAMA BUILDING, KAUNAKAKAI, MOLOKAI

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-17 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE ON THE 2ND FLOOR OF THE KANEOHE BUSINESS AND PROFESSIONAL CENTER, KANEOHE, OAHU

ITEM F-18 DOH REQUEST FOR ACQUISITION OF LEASE, COVERING OFFICE AND WAREHOUSE SPACES AT 633 AND 645 HALEKAUWILA ST., HONOLULU, OAHU

ACTION Items F-17 and F-18 were unanimously approved, on Mr. Higashi's motion and seconded by Mr. Yagi.

ITEM F-19 DLIR REQUEST FOR ACQUISITION OF LEASE, COVERING OFFICE SPACE ON THE 2ND AND 4TH FLOORS OF THE MAUI PROFESSIONAL CENTER, WAILUKU, MAUI

Mr. Yagi questioned the term and asked for deferral. He noted that the lease commences on July 1, 1981 and running through September 30, 1981. He asked whether this was a typographical error.

Mr. Detor wasn't sure and asked for deferral.

ACTION The board had no objection to the deferral.

(See pages 3 and 4 for Item F-20.)

ADDED REQUEST TO FILL LAND AGENT IV, POSITION NO. 13683, TRANSACTION
ITEM F-21 BRANCH

ACTION Mr. Yagi moved to approve the appointment of Mr. Sojin Serikaku to fill Position No. 13683, Land Agent IV, effective April 16, 1982. Mr. Higashi seconded, and the motion was unanimously carried.

ADDED DOH'S REQUEST TO ISSUE LEASE OF SPACE ON KULANI CONE, HAWAII
ITEM F-22

ADDED DOH'S REQUEST TO LEASE FOR THEIR HAWAII COUNTY MEDICOM TELE-
ITEM F-23 COMMUNICATIONS SYSTEM AT KULANI CONE, HAWAII

Mr. Detor said these two added items were called in yesterday afternoon by his Honolulu office and the submittals were typed here on Kauai. He said since 1980, the Department of Health has been utilizing a 25-square foot space at Kulani on the Big Island, plus use of the Hawaii Electric Company tower transmitting medicom telecommunications system, and they never came to the board for approval. Apparently, camp, Inc., the lessor, has not been paid and they are threatening to throw the Department of Health out.

ACTION Added Items F-22 and F-23 were unanimously approved as submitted. (Yagi/Higashi)

ITEM Z-1 RESULTS OF THE AUCTION SALE OF GOVERNMENT LEASES HELD ON MARCH 23, 1982 ON THE ISLAND OF HAWAII

ITEM Z-2 RESULTS OF THE DRAWING FOR LEASES OF LOTS IN THE PAHOA AGRICULTURAL PARK, PHASE II, KEONEPOKO IKI, PUNA, HAWAII

Mr. Detor said the purchaser's name listed under Item III, Item Z-1, should correctly read Llewellyn L. Biven, and not Birch.

Items Z-1 and Z-2 were submitted for the board's information. No action was required to be taken by the board.

(See page 14 for Item G-1.)

ITEM H-1 PERMISSION TO CONTRACT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO CONTINUE RESEARCH TO DEVELOP A SEAWEED INDUSTRY IN HAWAII

ACTION Unanimously approved as submitted. (Higashi/Hong)

ITEM H-2 FILLING OF PERSONNEL CLERK II POSITION, PERSONNEL OFFICE

ACTION Mr. Higashi moved to approve the appointment of Jonalyn Holly Leong to fill Position No. 33450, Personnel Clerk, effective May 1, 1982.

CDUA FOR STATEWIDE GEOTHERMAL HEAT RESOURCE ASSESSMENT
RESEARCH ON STATE-OWNED LANDS IN THE ISLANDS OF HAWAII, MAUI,
OAHU, KAUAI AND MOLOKAI

ITEM H-3

Mr. Evans informed the board that all this CDUA does is for research and surveys. If in the future they have a need for it, it would require a separate CDUA.

ACTION Unanimously approved as submitted. (Yagi/Hong)

CDUA FOR COMMERCIAL AGRICULTURAL USE AT KEKAHA, KAUAI

ITEM H-4

ACTION Unanimously approved as submitted. (Hong/Yagi)

(See pages 6 and 7 for Items H-5 and H-6.)

CDUA FOR NON-CONFORMING SINGLE FAMILY RESIDENTIAL USE AT
KOOLAULOA, WAIMEA, OAHU

ITEM H-7

ACTION Unanimously approved as submitted. (Yagi/Higashi)

REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION
DISTRICT FOR COMMERCIAL PURPOSES ON CDUA OA-1417

ITEM H-8

ACTION Unanimously approved as submitted. (Higashi/Yagi)

CDUA FOR THE ESTABLISHMENT OF SIX NATURAL AREA RESERVES ON
THE ISLANDS OF OAHU, KAUAI AND HAWAII

ITEM H-9

This was a request for approval of six Natural Area Reserves on the Islands of Oahu, Kauai and Hawaii. Staff felt that this is timely and recommended approval, subject to the conditions as set forth in the submittal.

A question was raised by the board whether public hearings were held on this application.

Mr. Evans said this board did not hold a public hearing. The NARS Commission, however, did hold a public hearing. He said there is a clause in our requirement which said that if a public hearing is held, the transcripts of the public hearing can serve as the basis for fulfilling our request.

Mr. Higashi had some concern on the Laupahoehoe area and asked for deferral. He said the hunting people had some concern and he would like to entertain those concerns particularly on the boundary of the area and the expansion.

Mr. Ono said this matter has been pending so long that he would like to see some kind of action taken today so the Land Management Division can process the executive order.

Mr. Evans said they are recommending boundary change on the Laupahoehoe area. The original boundary of the NARS was going to be on both sides of the logging road. However, after going through the Blair case, the Forestry Division is now suggesting that the area between the logging road and Waipunalei be deleted.

Mr. Hong asked about the Kaena Point area, whether it covers the seashore. He said eventually a road is going to be put around that Point and it would cut through the Natural Area Reserves area.

Mr. Evans said to clarify that they could include a condition.

Mr. Ono asked Mr. Evans to take a look at Recommendation B.2 on page 14.

Mr. Evans said that is the hold harmless clause. He said they are aware that other people (private party applicants) will be using the NARS area for their purposes. For example, certain scientists would be wanting to use the area for studies. We also have requests in the areas for commercial filming. He said if something should go wrong, we would want to make it clear that the state would be held harmless.

Mr. Ono said the applicant is the state so the state is being asked to hold the state harmless.

Mr. Evans suggested that it be amended to read, "any user shall indemnify the state."

Mr. Higashi asked whether there is any potential geothermal site.

Mr. Evans said our Division of Water & Land Development did express some concern on the Big Island, particularly relating to ground water development. They don't really say potential geothermal, but he said that is a concern that perhaps they could insert a condition that approval of the board on any land use at Laupahoehoe will not exclude the development of the area for geothermal. However, he said this would be inconsistent with the purpose of NARS.

Mr. Ono said he doesn't know whether this board can designate the boundary change. He asked the staff to check this out to see who has the authority to initiate the boundary changes.

ACTION The board had no objections to deferring this matter as suggested by Mr. Higashi.

ADDED

ITEM G-1 REQUEST TO FILL ABTRACTOR IX, POSITION NO. 4370

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Higashi, unanimously approved the appointment of Lynette K. F. Ajimine to Abstractor IX, Position No. 4370.

ITEM J-1 CONSENT TO LEASE AGREEMENT, FIXED BASE OPERATORS' SUBDIVISION, SOUTH RAMP, HONOLULU INTERNATIONAL AIRPORT, OAHU (PARADISE HELICOPTERS, LTD. TO INGERSOLL-RAND COMPANY)

Mr. Garcia said the submittal should be corrected to SUBLEASE, instead of lease.

Mr. Ono asked whether there is going to be any rental reopening, or whether DOT is going to review the rental again.

Mr. Garcia said there won't be any rental reopening on this because according to the figures that they submitted to DOT on their income and expense, it shows that there was no real profit being made.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM J-2 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS
DIVISION

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, CONTROL TOWER,
FORT ARMSTRONG, PIER 1, HONOLULU, OAHU (THEO DAVIES MARINE
AGENCIES, INC.)

ACTION Mr. Hong informed the board of a conflict and that he was not participating in any action taken by the board. Since there was no quorum this matter was deferred.

ITEM J-4 AMENDMENT TO LEASE NO. H-72-1, HARBORS DIVISION, KEALAKEHE
RUBBISH DUMP SITE, NORTH KONA, HAWAII (AMFAC, INC.)

ITEM J-5 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE LAND UNDER
LEASE NO. H-72-1, NORTH KONA, HAWAII (AMFAC, INC.)

Mr. Garcia said Items J-4 and J-5 are related. The purpose of Item J-4 is to modify the annual rental from the original \$1,260 to \$1,750, effective July 16, 1981. The reason for this is that the sublease to DOT has been cancelled effective July 5, 1981.

Item J-5 is for approval of consent to sublease a portion of the land under Lease No. H-72-1 to George Tamashiro to haul agricultural or any other farm produce to seaports and airports. This involves land which was turned back over to AMFAC, and is located at Kealakehe Rubbish Dump Site at North Kona and contains an area of 81,457.2 square feet. This would be subleased to George Tamashiro. The original purpose that DOT had the property for will be taken over by George Tamashiro and he will provide the services. The basic lease is to AMFAC and the lease itself will expire in the year 2027, so will the sublease.

Mr. Higashi questioned the \$100 annual rental for the 81,457.2 square feet. He said we have been talking for a number of years now about turning this over to DLNR. He said DOT is no longer using it for its original purpose.

Mr. Ono asked about the rental reopening.

Mr. Garcia said there is no need for reopening according to the figures that they have submitted.

Mr. Ono asked whether the rate of \$100 per month for 81,000 square feet is the going rate for this kind of property in that area today.

Mr. Garcia said it would be higher, of course, for that particular area, but he could not say that it will be substantially higher because the area itself is undeveloped and it is away from the road and is not in a prime location.

Mr. Garcia asked whether Item J-4 can be approved and Item J-5 deferred.

Mr. Ono said he had a question on Item J-4 the amended lease rental, and because it ties in with Item J-5, he said he would prefer to have both Items J-4 and J-5 deferred.

ACTION The board had no objection to deferring Items J-4 and J-5 for further information and clarification.

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, KONA, HAWAII (EMCO)

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM J-7 RESUBMITTAL - ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HALEIWA SMALL BOAT HARBOR, OAHU (SEA VIEW INN, LIMITED)

ACTION Unanimously approved as submitted. (Hong/Higashi)

ITEM J-8 USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10, PASSENGER TERMINAL, HONOLULU, OAHU (FRIENDS OF ARIYOSHI)

ACTION Unanimously approved as submitted. (Yagi/Hong)

ITEM J-9 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION

Mr. Ono asked whether the rental for Permit No. H-81-946 to U. S. Department of Commerce is in the nominal category.

Mr. Garcia said they are charging them a fair market value. He said unless it is specific in the law, they have to charge the rate that everybody else pays.

ACTION Unanimously approved as submitted. (Hong/Yagi)

ITEM J-10 RESUBMITTAL - ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 40, HONOLULU, OAHU (P & R WATER TAXI, LTD.)

Mr. Garcia said this was a resubmittal. It was deferred previously because there was some question on the rental. The rent seemed low. Mr. Garcia said they are renting space at Pier 40 from the U. S. Government. The space itself is not a prime location. In fact it is a poor office space. It has been vacant for quite sometime. It isn't a readily marketable space, so DOT felt that the rental is fair.

Mr. Ono said with this kind of rental, and with DOT's administrative costs, utility costs, maintenance, etc., tacked on, we are not recovering the basic expenses.

Mr. Ono said on the permit to U. S. Department of Commerce, under Item J-9, DOT is charging them at the going rate. For Item J-10, DOT is charging only \$273.00 per month. He said if there is any rental adjustment, he would rather see a government agency get it.

Mr. Garcia said it isn't a matter of rental adjustment.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

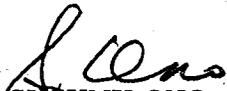
ADJOURNMENT: There was no further business and the meeting was adjourned at 11:30 A. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm