

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

DATE: July 23, 1982
PLACE: Kona Surf Hotel
Mauna Loa Room
Keauhou, Hawaii

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. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Susumu Ono

(Mr. Thomas S. Yagi was absent
and excused.)

STAFF

Mr. James Detor
Mr. Glenn Taguchi
Mr. Libert Landgraf
Mr. Robert T. Chuck
Mr. Roy Sue
Mr. Roger Evans
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Dona L. Hanaike
Mr. Harold Masumoto (Items F-3 and F-7)
Police Chief Guy Paul (Item F-8)
Mr. George Kagehiro, DOE (Added
Item F-23)
Mr. Peter Garcia

MINUTES

Mr. Higashi moved to approve the minutes of June 10, 1982 as presented.
Mr. Ing seconded and the motion was unanimously carried.

Added
Items

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

Water & Land Development

Item D-4 -- Appointment to Irrigation System Service Worker I Position,
Molokai Irrigation System

Land Management

Item F-22 -- Filling of Position No. 27722, Land Agent IV, Oahu District
Land Management Office, Honolulu, Oahu

Item F-23 -- DOE request for cancellation of office lease covering six
floors of the Queen Emma Building, 1270 Queen Emma
Street, Honolulu, Oahu

Administration

Item H-3 -- Appointment of Master to take public testimony on a proposed Departmental Rule

To accommodate the people in the audience, the board deviated from the printed agenda and took the items in the following order:

ITEM F-3

UNIVERSITY OF HAWAII APPLICATION TO LEASE LAND AT WAIAKEA,
SOUTH HILO, HAWAII

This was a request from the University of Hawaii for a lease covering approximately 180 acres in Hilo, situated mauka of the present campus. The reason for this request is to continue the expansion of the Hilo Campus, which will include associated research and instructional programs. They are going to build, as an example, base support facilities for its astronomy program with 1983 earmarked for the start of construction. This will be operated in conjunction with the United Kingdom Infrared Telescope (UKIRT) unit.

Some years ago the board took up a request from the University for the land that is mauka of the present campus. The board at that time indicated that it would hold that land and turn it over to the University as the need arose. University is now asking for the land that is mauka of the present campus, going all the way up to Komohana Street.

Mr. Detor said there are several hundred acres of unencumbered lands there. According to the tax map it is listed as 512 acres.

The University of Hawaii to date has prepared an environmental assessment and negative declaration for the lease and have committed themselves to the preparation of plans for development and utilization of the lease premises.

We have received input from the Department of Water Supply of the County, as well as other agencies, and no objection has been noted so far.

Mr. Ing asked whether the University plans to utilize all of the 180 acres.

Mr. Detor said not immediately, however, their future plans do call for utilization of all the land.

Mr. Higashi asked whether University surrendered the reservation of the land mauka of Komohana Street. He said this department also gave the University ten acres of land in Waimea for the same purpose, particularly for astronomy.

Mr. Detor said if Mr. Higashi is saying that since some of these activities are going to be shifted to Hilo, "is there a need for ten acres that they have in Waimea?" He said Mr. Harold Masumoto, Vice President of the University of Hawaii, who was in the audience, can best answer that.

Mr. Higashi said the other thing is, there may be a provision in which they had three years in which to do something with that property.

Mr. Detor said they have a year right now on the Waimea property.

Mr. Masumoto responded on the overall 180 acres. He said the Board of Land and Natural Resources, in 1970, had reserved approximately

500 acres in the Komohana-Puainako-Lanikaula Street area for the University of Hawaii. They were given 116 acres and it is just about developed. They are now ready to move further up.

Mr. Masumoto said they have people who are interested in putting up base support facilities on the Komohana Street parcel. They already have their agricultural research facility (HAES) stationed there on a 10 or 12-acre parcel on Komohana Street.

Mr. Masumoto further stated that the Hawaii County would prefer that they minimize access off Komohana Street, and they will agree to having at least two temporary access roads off Komohana. Because of the flood plain and the access road, they really need to plan that area as a unit rather than a parcel. This, of course, prompted them to ask for the full 180 acres.

Mr. Masumoto said when they started looking at this, they also started looking at the land that was being reserved for the University above Komohana. They anticipated some questions from the Land Board so they asked the Board of Regents to authorize the administration to indicate to the Board of Land and Natural Resources that they would be willing to give up their reservation, which the board did in February of 1980. He said the University has given up the land mauka of Komohana. Now all they want is land below Komohana.

They have started working on the drawings but they have not master planned as yet. He doubts whether they will master plan and spend any money planning unless they have control of that parcel.

Mr. Masumoto said there was a question about the Waimea parcel. He said he came before this board about four or five years ago, requesting that the Waimea land be made available for possible base support facilities. The University's position at that time, and it is still their official position, was that they will support development of the base support facility either in Waimea or in Hilo.

The Canada-France-Hawaii Telescope Corporation has decided to locate in Waimea and purchase their own land, which adjoins the state land.

Mr. Masumoto said UKIRT has offered to remain in Hilo, for that reason they are asking for part of this land for UKIRT. As he understood it, Cal Tech also has offered to locate in Hilo. He said University of California has not made up their mind as yet.

Regarding the lease that the University has, which Mr. Higashi commented on, Mr. Masumoto said it was his recollection that it is a 65-year lease. They had three years within which time to develop, and the three years have expired. They have now a year-to-year basis extension to start development.

Mr. Higashi said it is difficult for the students to get exposure when you have it at some other location. He said in talking to the University of California people, it was indicated to him that an exchange program can be arranged where students get more involved.

Mr. Masumoto said that certainly has some advantages. However, if the option is taken away from them because they haven't developed within the three-year period, then it changes the picture.

Mr. Ono asked whether the University will eventually decide which land--Waimea or Hilo--will be the scientific complex.

Mr. Masumoto assumed that if state land is not available in Waimea, then they would offer services in Hilo. He said most of these people operate on a tight budget so they would prefer to save as much money as possible. If they have to purchase land, large capital investment is involved. He said the UH-Hilo people would prefer to have the base support facility in Hilo so they can have the use of scientists to teach chemistry or physics, astronomy, etc.

Mr. Ono thought it would be worthwhile for the University people, the board, the department staff and also the county to start discussion. He said he didn't like to keep the two options open for an indefinite period.

Mr Masumoto agreed and stated that there are a number of issues associated with the development of this area.

ACTION

Mr. Higashi moved for approval of Item F-3 with the understanding that the DLNR staff and the University start discussion on the Waimea parcel. If there is no immediate plan, he said we should cancel the lease. This can be handled administratively under Condition No. 15 (Other terms and conditions as the chairman may prescribe.).

Mr. Ing seconded and the motion was unanimously carried.

ITEM F-7

CANADA-FRANCE-HAWAII TELESCOPE CORP., HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR EASEMENT AT WAIMEA, SOUTH KOHALA, HAWAII

This was an application by Canada-France-Hawaii Telescope Corp., Hawaii Electric Light Co., Inc. and Hawaiian Telephone Co. for an easement across government road reserve at Waimea to run a pole line into the property. This is part of the University lease.

Mr. Detor informed the board that a question came up about moving the poles to the other side of the street. He said in discussing this matter with Hawaii Land Agent Glenn Taguchi, they thought that rather than moving it to the site where the residences are, it should be kept on the same side as the Canada-France-Hawaii property. They felt that in the long run it would work out better. Mr. Detor asked to amend the submittal in that respect.

Mr. Higashi asked why should they move it to the other side.

Mr. Blackiston, representing Canada-France-Hawaii Telescope, Inc. said for appearance sake, and HELCO felt that they can put in a straighter line that way.

Mr. Higashi said the appearance sake is to enhance their property, but he was concerned about the people across the street. What does it do to their property?

Mr. Blackiston said at the present time it is a vacant lot. There is one house on the corner, but it has an initial service pole right at the corner.

Mr. Detor suggested that the board approve the easement, subject to the actual alignment being approved by the chairman.

Mr. Ono asked whether staff's recommendation would be different if the University's lease is to be cancelled.

Mr. Detor didn't think so.

ACTION Mr. Higashi moved to approve the direct sale of the easement to Canada-France-Hawaii Telescope and the alignment of the poles to be determined by the staff and the chairman. Mr. Ing seconded the motion.

On the call of the question, the motion passed with Mr. Kealoha casting the only no vote.

ITEM F-8 COUNTY OF HAWAII REQUEST FOR POLICE STATION SITE, KONA, HAWAII

This was a request from the County of Hawaii for a new police station site in Kona. Three sites were designated as A, B and C on the map which was attached to the board submittal. The requested site is C. It is located on the mauka side of the main highway. The whole area is zoned conservation.

Mr. Detor said the state land there is being planned for an industrial park. There is also a request for a county regional park of about 100 acres. All this has to be worked out yet.

Staff suggested that the board approve the location of the site in principle, subject to compliance with the conservation district rules and regulations, and also petitioning the Land Use Commission for a change from conservation to urban. Mr. Detor said this is going to be necessary when we get into the industrial park and the other things that are planned for that area.

The county has also asked for a right of entry to do some planning work. The actual entry to the property obviously is quite sometime off since we have to go through rezoning process, etc. What they would like is a commitment at this time for this particular site so they can get their planning work underway.

Mr. Detor explained the reason why they are asking for approval in principle is that the area is zoned conservation and we should actually proceed with a CDUA or a change of zoning from the Land Use Commission from conservation to urban.

Mr. Kealoha said they're really asking for spot zoning.

Mr. Higashi said what we are talking about is not all three sites, but one specific site, and that is Site C.

Mr. Ing asked what is the nature of the commitment.

Mr. Detor said the commitment is that the board give approval to them going ahead with planning work to place the police station in that particular area.

Mr. Ing asked whether we have done such a thing in the past. He said this sounds like an unusual request.

Mr. Detor said it is an unusual request.

Mr. Ono said recently the board acted on a similar request and cited the City and County application for the morgue in Iwilei.

Mr. Higashi said all we're saying is that the metes and bounds will be finalized at a later date when we have our full development plan as to the use of the total area.

Mr. Ing said this seems like we are making a disposition ahead of the CDUA and committing to a use.

Mr. Detor said not really because we are not site specific in terms of the metes and bounds.

Mr. Ing asked what is the difference between this request and just giving them a right of entry.

Mr. Detor said they would like some sort of a commitment so they can expend funds to do the planning work.

Mr. Higashi said if there is a use to be implemented, the CDUA must be filed or rezoning of the property must take place. In that respect, he thought most likely a rezoning application would take place rather than a CDUA.

Mr. Ing said he didn't have any problem if we require them to go through a land use change. However, if we leave it open to the first option to come for a CDUA, he said it makes it difficult for the board to deny the CDUA and it removes some of the objectivity of the process. Once we set this aside, he said we're giving them the use.

Mr. Higashi said the Chief of Police, who was present at the meeting, can elaborate and inform the board on the necessity of the station. He said the benefit to the community for the use of this land may override the other concerns.

Police Chief Guy Paul said Kona is a dynamic growing district and the population has shifted away from South Kona into North Kona. At the present time, 80% of the workload occurs in North Kona, and their police headquarters is in South Kona. Men hours lost is a tremendous cost to the county. Locating the headquarters in North Kona will solve this problem and enable them to give better service. So it is very important to them, and very important to the people in this community, that they have this facility, Chief Paul said.

Mr. Ing asked the chief what was his position with regard to the conservation land. He asked whether it is his intention to approach the Land Use Commission for zoning change.

Chief Paul said he would have to leave that to the Mayor's Office. However, he said the mayor has expressed to him his great interest in obtaining this site, doing whatever is necessary to get it in the proper way. He said the county has formed a coordinating task force composed of the managing

director, representatives of the parks department, planning department and public works. All of the county functions have been taken into consideration in selecting this site.

Mr. Higashi asked how soon they anticipate construction to take place.

Chief Paul said they can be ready to go in a year. They have already consulted with their architect. They have an appropriation of \$1.4 million, so they are ready and they need to have a place for the police station.

Mr. Kealoha questioned Chief Paul whether it is more appropriate to choose the regional park site, and they internally decide the site for the police station.

Chief Paul said they see the regional park idea as being more than a year away and they don't have that kind of luxury of time. They do see the state's plan for an industrial park in that area, and they think that the police station in that vicinity would greatly enhance the state's project. He felt that the two go hand in hand because industrial areas are a source of crime.

Mr. Higashi said the submittal reads five acres. He asked Chief Paul whether there will be future use of an area larger than five acres.

Chief Paul said their police headquarters in Hilo is on a six-acre parcel, and it is almost full. They have the need for expansion and they don't have the land. The Kona station will be a small facility, but their projections are that within the next three or four years, they are going to have 100 people there. So if they get six or seven acres, that will ensure them having adequate land into the future.

Mr. Higashi said he would like the size to be equivalent to the feasibility study for the industrial park. He thought it was something like seven plus acres, and asked that the submittal be amended accordingly.

Mr. Detor said they would have to come back to the board at a later date anyhow.

Mr. Ing said they are looking at urban use in that area.

Mr. Ono said on the question of going to the Land Use Commission, this may have to be a joint county-state effort.

Mr. Kealoha thought it would be more appropriate if we approached the Land Use Commission on the total package. He said we would be spot zoning if we go in first for the police station. If we go in on the entire package for the land use change, he said they can take ten acres. He felt that it would be more appropriate to go in for land use change than to get spot zoning and then come in with the plan.

ACTION

Mr. Higashi moved to agree in principle the setting aside of Site C to the County of Hawaii (as designated on the map) as the new police station, and to authorize the chairman to coordinate with the County of Hawaii for compliance with conservation district requirement, or land use change whichever is appropriate; and further, that we use the master plan study for industrial park as the site specific in terms of the acreage, and granting them an immediate right of entry. Mr. Yamamoto seconded the motion.

On the call of the question, Mr. Kealoha and Mr. Ing both voted no and the motion did not pass.

Mr. Kealoha clarified his point of voting. He was not against the police station. He said he would prefer to see the other method of approach in setting aside the parcel to the county in its entirety, then you can select the site which he believed would be in this basic area.

Mr. Higashi said the regional park plan has since been replaced by an industrial park plan. The county has been open-minded about the relocation of the regional park to a more makai area and it maybe relocated to another area of 100 acres. The plan, therefore, that existed prior to this no longer exists as far as the DLNR is concerned. Mr. Higashi further stated that a new study was commissioned to see exactly what we are going to do with that property. So he said the misunderstanding of the old sport complex may no longer be there, and the responsibility of the rezoning would no longer be totally with the county.

Mr. Ing clarified his position as to why he voted against this request. He said he has no problem with making any commitment on the condition that they commence petitioning to the Land Use Commission for a change in classification from conservation to urban. His concern was that by giving them an option, the board in effect would have committed to the use of it which makes it very difficult for the board to deny the CDUA request.

Mr. Higashi asked for the board's reconsideration on this matter.

Mr. Ing moved to approve the submittal on the condition that the applicant petition the Land Use Commission for land use reclassification from conservation to urban. Mr. Higashi seconded the motion.

It was Mr. Detor's understanding that the board wants to strike out No. 1 on page 1 of the submittal, relating to conservation district use requirements, and make this commitment, subject to going to the Land Use Commission, either by the county or the state, or the combination of both, for change in zoning.

Mr. Ono asked about the right of entry.

The board had no objection to that.

On the call of the question, the board unanimously approved Mr. Ing's motion including the right of entry.

SAFARIS & TOURS REQUEST FOR USE OF FT. DERUSSY BEACH FOR
"SPORTS DAY" HONOLULU, OAHU

ITEM F-11

This was a request by Safaris & Tours, which is an international travel organization, for the use of the beach fronting Ft. DeRussy on August 2, for a Sports Day. They are handling the American Income Life Insurance Company convention here. What is contemplated is the use of the beach area on that particular day from 10 o'clock in the morning to 7 at night. They'll have a variety of functions going on there--tire races, even some 45 minutes to an hour of volleyball. They asked for the area in front of the Hawaiian Village but because it's rather narrow there, staff shifted it over to the beach fronting Ft. DeRussy where there is lot more room.

The terms and conditions were listed in the submittal. Mr. Detor said he would like to add one more condition, which is a standard condition, that no liquor be served or permitted in the beach area.

ACTION Mr. Ing moved for approval, as amended. Mr. Higashi seconded the motion. On the call of the question, the motion was passed with Mr. Kealoha casting the only no vote.

ADDED
ITEM F-23

DOE'S REQUEST FOR CANCELLATION OF OFFICE LEASE COVERING SIX FLOORS OF THE QUEEN EMMA BUILDING, 1270 QUEEN EMMA STREET, HONOLULU, OAHU

This was a request from the Department of Education for approval of cancellation of a lease. The lease was originally entered into in 1970. Since that time it has been amended and extended a number of times. This lease covers six floors of the Queen Emma Building in Honolulu. The present lease expires on June 30, 1983 and covers a floor space of 29,150 square feet. The total monthly rental is \$29,497.50. Due to the lack of funding, and some other reasons, the Department of Education wants to terminate that lease and move out before it runs out.

Under the terms of the lease, they have to rehabilitate the space that they have been occupying. This would include the repair of vinyl tile and parquet flooring, patching of walls and painting of the interior, etc., at a cost of some \$100,000.00. When you add the excise tax, it would be \$104,167.00. DOE asked for approval of the cancellation of that lease, and payment of \$104,167.00 for restoration of the premises.

Mr. Detor said the lease calls for repairing it anyway. As he understood it, this is not a penalty, and that money would be spent on what DOE would normally have to do at the conclusion of the lease.

Mr. George Kagehiro, representing the Department of Education, said they are in the process of relocating them to several school sites, such as Koko Head Elementary, Hahaione Elementary, Wailupe Valley Elementary, Liliuokalani Elementary, Anuenue and Hawaii School for Deaf and Blind.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

Mr. Ono asked Mr. Kagehiro how they arrived at the \$100,000 figure.

Mr. Kagehiro said the Department of Accounting and General Services did the preliminary survey for them. He said there were two factors involved--the estimated cost of doing the restoration work and the time that it would take to do the restoration work.

ITEM C-1 TIMBER (LAND) LICENSE NO. S-49

Mr. Landgraf asked for deferral. The reason is that he has not been able to contact the affected party to inform him of our recommendation. He said the party is out of town for two weeks.

ACTION The board had no objection to deferring this item as recommended by the staff.

ITEM C-2 FILLING OF TEMPORARY GENERAL LABORER I, POSITION NO. 13360, HAWAII

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Kealoha, unanimously approved the selection of John Kikuyama to fill the temporary General Laborer I position.

ITEM C-3 FILLING OF VACANT AUTOMOTIVE MECHANIC I, POSITION NO. 02931, ISLAND OF MAUI

Mr. Landgraf asked to withdraw Item C-3. The individual is no longer interested in this mechanic position.

ACTION WITHDRAWN.

ITEM D-1 SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION The board, on Mr. Ing's motion and seconded by Mr. Kealoha, unanimously approved to appoint and certify the following persons, for the terms ending June 30, 1985, to serve as directors of the respective Soil and Water Conservation Districts:

Mauna Kea

Francis Pacheco, sugar grower

Olinda-Kula

John Tavares, retired
Paul Otani, farmer
Tom O. Sakugawa, farmer
Tamao Otani, farmer
Elmer Cravalho, farmer

ITEM D-2 APPROVAL OF PLAN OF WORK FOR NORTH KONA FLOOD PLAIN MANAGEMENT STUDY, COUNTY OF HAWAII

Mr. Chuck said this study will point out areas where floods are bad. Upon completion of this study, the Soil Conservation Service, under its Public Law 566 program, will go into a specific project and implement construction work in that area.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM D-3 APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH U. S. BUREAU OF MINES FOR CANVASSING OF MINERAL PRODUCTION DATA IN HAWAII

Mr. Chuck informed the board that we've had this agreement with the U. S. Bureau of Mines for many years, dating back to 1967. This submittal is for extending the same kind of agreement that we've had with the Bureau of Mines.

As far as the department is concerned, Mr. Chuck said the obligations are very minimal. Once in a while the U. S. Bureau of Mines, which does not have personnel stationed in Hawaii, asks us to follow-up on the collection of materials or production statistics.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ADDED APPOINTMENT TO IRRIGATION SYSTEM SERVICE WORKER I POSITION,
ITEM D-4 MOLOKAI IRRIGATION SYSTEM

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Yamamoto, unanimously approved the appointment of Thomas Matayoshi to the Irrigation System Service Worker I position, effective August 2, 1982.

ITEM E-1 FILLING OF VACANT PLANNER V POSITION, PLANNING BRANCH, OAHU

ACTION Mr. Kealoha moved, seconded by Mr. Yamamoto, and the board unanimously approved the appointment of Wayne Souza to fill Position No. 26374, Planner V.

ITEM E-2 ALLOCATION OF HISTORIC PRESERVATION GRANT-IN-AID FUND

Mr. Sue explained that these are the funding of the four private projects with us. The allocation that we have from the Federal Government this year amount to about \$195,000.00, \$180,000.00 of which is needed for the services of Historic Preservation Branch personnel. Mr. Sue said there is a surplus of about \$15,000 to our matching capability.

Staff recommended that these four projects be awarded to the various private agencies listed in the submittal for restoration and research projects.

Mr. Ing asked whether we have past history of working with these agencies and whether they are satisfied with the agencies that have requested the use of funds are responsible and well managed.

Mr. Sue said some of them have been asking for funding for quite a number of years, however, we have not worked with them directly. His staff has checked and found them to be capable.

ACTION Unanimously approved s submitted. (Higashi/Kealoha)

ITEM E-3 QUEEN EMMA SUMMER PALACE LANDSCAPE MAINTENANCE, HONOLULU,
OAHU

ACTION The board, on Mr. Ing's motion and seconded by Mr. Kealoha, unanimously (1) approved the Daughters of Hawaii's request to remove certain trees; and (2) delegated the authority to the chairman to approve or disapprove future requests by the Daughters of Hawaii submitted in conformance to paragraph 6 of General Lease Nos. S-4356 and S-4357.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

MAUI

Item F-1-a REVOCABLE PERMITS

ALLAN J. MENDES - Government land situate at Kahakuloa Homesteads - for pasture purpose - \$10.00 monthly rental

This particular area was encumbered under a lease which was cancelled early this year for nonpayment of lease rent. Most of the acreage is in gulch. There are only about four to five acres that are

usable. Mr. Mendes has applied for a permit covering that area. Pending disposition of it, Mr. Detor said they would like to turn it over to him.

Mr. Kealoha asked how soon will the staff be able to put it up for lease.

Mr. Detor didn't think it would be too long. He thought they can get it out pretty quick.

Mr. Ono asked if that is the case whether Mr. Mendes would still be interested in a permit.

Mr. Detor said yes.

Item F-1-b EAST MAUI IRRIGATION COMPANY, LTD. ("Keanae License")
Government water from land within the Koolau Forest Reserve
Area, 10,768 acres

Item F-1-c EAST MAUI IRRIGATION CO., LTD. ("Huelo License")
Portion of the government land within the Koolau Forest Reserve
Area, 8,752.690 acres

Item F-1-d ALEXANDER & BALDWIN, INC. ("Nahiku License")
Government land within the easterly portion of the Koolau Forest Reserve
Aggregate area of 10,111.22 acres

Since Items F-1-b, F-1-c and F-1-d were related, they were taken up together. These are three permits covering three of the water license areas in the East Maui Range on Maui.

East Maui Irrigation (EMI) runs the ditch system there. This takes water starting at the Hana boundary, going all the way into Kahului. Basically, the water that goes in there is used to irrigate the sugar cane fields.

Mr. Detor said the land ownership pattern, through which this ditch system runs, is mostly part EMI owned and state. So the water that runs through that ditch system is partially owned by EMI and partially owned by the state. There are four areas: Huelo, Nahiku, Keanae and Honomanu. Three of them, which we are dealing with today, have expired and they are all on a month-to-month permit basis. The Honomanu Water License runs out in 1986.

It has been the staff's intention, a number of years ago, to get these water licenses to expire all at one time. But because of the Hanapepe Water Case, which has dragged on for a number of years (which involved taking of water out of one area and transporting it to another), Mr. Detor said they held up making a permanent disposition of these water licenses, because the law limits the duration of a water permit to one year.

Mr. Ing recalled when one of the licenses came up last year, we had some people from Hana at that meeting, indicating that water was drying up. He asked whether there was any resolution to that problem.

Mr. Detor asked Mr. Chuck to elaborate on that.

Mr. Chuck said the farmers at Keanae are dependent upon the water from mauka through the streams. Sometimes when it is dry the farmers have been out of water, and they have been interested in working out something with EMI, which is taking water at about the road level there and crossing over. He said Manabu Tagomori of his staff and Maui Land Agent Eddie Ansai went out there and talked to the people to see what the problem was. Mr. Phil Scott from EMI and even the mayor also went out there. They are working on the problem but they haven't resolved it as yet.

The EMI's position, according to Mr. Chuck, is that the ditch from the EMI intake, down to where the farmers are, need to be maintained and cleared. Part of the problem is that even if EMI releases some water, it doesn't get down there because of poor maintenance of the ditch. For the farmers to get together and maintain that ditch is also a problem, he said. They are still working on that and subsequent meetings are proposed.

Mr. Detor said the problem that they are talking about is in the Keanae license area, below the road.

Mr. Chuck said EMI is looking into releasing water for the farmers' needs, but also is concerned that the ditch is not being maintained at all.

Mr. Kealoha said then the question is not that they are shutting off the water, or they are taking too much water on the mauka end.

Mr. Chuck said it is still the community's concern that this ditch intercepts some water that would eventually go down there, and they would like to see something worked out in the taking of water, such that they would always have the necessary water down there.

Mr. Chuck further pointed out that there is nobody maintaining the ditch. If there is proper ditch maintenance, he felt that then EMI would be more than willing to release the relatively small amount of water that they need down there.

Mr. Ono wanted to know whose ditch that is. Mr. Detor said it runs through both EMI and state land, but EMI built the ditch, and they have a perpetual easement for that area that goes through state land.

Mr. Ing asked how long the ditch, which runs mauka-makai, has been there.

Mr. Detor thought the whole ditch system was installed around 1910. It was his understanding that during much of the year there is a tremendous amount of spillage that flows out to the ocean from this whole ditch system. So there is plenty of water. There are dry periods, however.

Mr. Higashi asked whether they find that both parties are cooperating.

Mr. Chuck said yes, they are trying to work together. He said EMI is very cooperative on this.

Mr. Higashi asked Mr. Chuck whether it wouldn't be cheaper to put in plastic pipes, from the long-range standpoint, so no maintenance would be needed there.

Mr. Chuck said a ditch system is good, in that it is more economical to build a ditch system and carry large quantities of water. He said the pipe system is restricted as to amount of water that it can carry, and you need a tremendously big pipe or box culvert to replace the cross-sectional area of the ditch. They want to have this large conveyance system in order to convey the flash flood that come into their reservoirs. So it would be prohibitive to build that ditch as large as its cross-sectional area.

Mr. Detor said this ditch system not only transports but it also collects.

Mr. Chuck said Mr. Higashi's question was, from that ditch down to the Keanae farms, how about putting that into some kind of a pipeline and get away from the maintenance. He said that would, of course, be the best solution, but the initial cost would be costly. He said they can make an estimate of that.

Mr. Kealoha asked whether those farmers are under Hawaiian Homes' permits.

Mr. Detor said most of them are state permits, although there are some kuleanas there. The land there is mostly state, not Hawaiian Homes. He said they had suggested at one time exchanging some of those lands with Hawaiian Homes. The then Director of Hawaiian Homes Land, Mrs. Billie Beamer, said she didn't want to go through with the exchange because the people who were on that land would go to the end of the list, and they won't get the land. There are some old Hawaiian families living there.

Mr. Ing said the department should continue to work with the farmers for the resolution of the problem.

Item F-1-e CONSENT TO ASSIGN AND MORTGAGE (UNDER SECOND MORTGAGE)
FAITH KIYOKO OKABE, unmarried, and STATE OF HAWAII, by its
Department of Agriculture - Lots 56-A and 56-B, Waimanalo Farm Lots,
GL No. S-3859

ACTION On Mr. Ing's motion and seconded by Mr. Higashi, Item F-1 was unanimously approved as presented.

ITEM F-2 KIKUE KIYABU REQUEST FOR RIGHT OF ENTRY, OLAA RESERVATION
LOTS, PUNA, HAWAII

This was a request for right of entry in the Puna area on Hawaii in order to install a road. They want to subdivide the land. This is actually a road reservation, but they would improve the road. They would come in on a right of entry and install the road and be responsible for maintenance.

Mr. Ing asked why we are going through with a right of entry instead of an easement.

Mr. Detor said this is actually a road and is designated as a road. If they are willing to fix it up, we would not charge them because it was designated and reserved as a road.

ACTION Unanimously approved as submitted. (Higashi/Ing)

(See pages 2 to 4 for Item F-3.)

ITEM F-4 HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE CO.
APPLICATION FOR EASEMENT AT PUUKAPU HOMESTEADS, 1ST SERIES,
WAIMEA, SOUTH KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-5 COUNTY OF HAWAII REQUEST FOR E. O. SETTING ASIDE LAND FOR THE
LILUOKALANI GARDENS, WAIAKEA, SOUTH HILO, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-6 DOA REQUEST FOR ACQUISITION OF MARSHALLING YARD SITE IN NORTH
KONA, HAWAII

This was a request from the Department of Agriculture for acquisition of a marshalling yard site in Kona. The land is privately owned and contains some 4.774 acres. The area is presently zoned agriculture, which abuts urban property. It is located on the makai side of the main road and is opposite the hospital.

The Department of Agriculture has an appropriation of \$250,000.00 for the acquisition of this site and they have asked us to go ahead with the acquisition.

Mr. Detor said we are proceeding on the basis of fee acquisition. However, he was informed that it may end up as a lease. He said he was informed this morning from his staff from Honolulu that the property owner himself doesn't know whether he wants to sell it or to lease it.

Mr. Ono asked Mr. Detor whether he wants to make his recommendation optional to acquire it in fee or lease.

Mr. Detor said although the submittal itself doesn't say to acquire it in fee, he thought it would be a good idea to amend it to let it go either way.

ACTION Mr. Higashi moved for approval of Item F-6 as amended. Mr. Kealoha seconded and the motion was unanimously carried.

(See pages 4 to 8 for Items F-7 and F-8.)

ITEM F-9 ENERCON, INC. REQUEST FOR RIGHT OF ENTRY TO CONDUCT WIND
TESTING, KEALALOLOA, UKUMEHAME, WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)

ITEM F-10 HUI MEA HANA O HAWAII REQUEST FOR REDUCTION IN AREA AND RENTAL,
R. P. NO. S-5282, WAIMANALO, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

(See pages 8 and 9 for Item F-11.)

ITEM F-12 DAGS REQUEST FOR ACCEPTANCE OF RIGHT OF ENTRY TO INITIATE
CONSTRUCTION ON THE MILILANI COMMUNITY LIBRARY, MILILANI TOWN,
WAIPIO, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM F-13 JAMES HAGER REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION
(2/12/82, AGENDA ITEM F-18) AUTHORIZING SALE OF EASEMENT AT
KALAHEO, KAUAI

This was a correction of an action taken on February 12, 1982. This was the award of an easement for access purposes at Kalaheo, on Kauai, to two parties--James G. Hager and Donald L. Bodine. Mr. Hager has pulled out and a letter was attached to the board submittal to substantiate this. Staff recommended that the previous action be amended so that the easement is awarded to Donald L. Bodine alone.

ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM F-14 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF LOT 135
AND IMPROVEMENTS, KEKAHA GARDENS SUBDIVISION, INCREMENT IV,
KEKAHA, WAIMEA, KAUAI

This was a recommendation that the board authorize the public auction sale of a house and lot at Kekaha which we recently repurchased. The repurchase price was \$111,236.00. The land was purchased on the basis of the original sale price and the house at the appraised value. The present appraised price, which was reflected in the upset, is \$156,700.00. Mr. Detor expressed some concern that at that price we may not get any bidders.

Mr. Ing asked what do we do at that point.

Mr. Detor said if we don't get any bidders, rather than setting a price now, he would like to ask the board to authorize the chairman to set the price and go ahead with the sale.

Mr. Kealoha asked whether or not we can rent it out to some governmental agencies. When the economy gets better, he said we can put it up for sale at that time.

Mr. Detor recommended that the submittal be approved and in the event it doesn't sell, that we put it up again at a lower upset to be determined by the chairman, or look for other uses.

ACTION Unanimously approved as amended above. (Yamamoto/Ing)

ITEM F-15 RESUBMITTAL - ELVIN KAIKAPU REQUEST FOR EXTENSION OF TIME
WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 12, BRODIE
LOTS, HANAPEPE, WAIMEA, KAUAI

This was a resubmittal. The previous submittal had a condition that if they didn't build within six months (we can only extend building time six months at a time) that they would have to forfeit the \$5,000 bond. Obviously they can't do this within the six-month period. So a suggestion was made at that time, which was incorporated into the board submittal, that

we reduce the amount to \$500, that they would forfeit if they do absolutely nothing at all between now and the six-month period. If they show some progress, drafting their plans, getting their finance, something like that, then we would not jump the bond.

- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)
- ITEM F-16 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 800, 801 AND 803 OF THE BETHEL-PAUAHI BUILDING, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-17 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 511, 513, 515 AND 517 OF THE BETHEL-PAUAHI BUILDING, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-18 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOM 411 OF THE BETHEL-PAUAHI BUILDING, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Higashi)
- ITEM F-19 DSSH REQUEST FOR MODIFICATION OF LEASE COVERING OFFICE SPACE AT 770 KAPIOLANI BOULEVARD, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-20 B&F REQUEST FOR ACQUISITION OF LEASE COVERING UNIT #7 OF THE BASQUE PROFESSIONAL BUILDING, CAPTAIN COOK, HAWAII
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-21 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOM 202 OF THE SEN PLEX BUILDING, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-22 FILLING OF POSITION NO. 27722, LAND AGENT IV, OAHU DISTRICT LAND MANAGEMENT OFFICE, HONOLULU, OAHU
- ACTION The board, on Mr. Ing's motion and seconded by Mr. Higashi, unanimously approved the appointment of Albert G. Powell to fill Position No. 27722, Land Agent IV, Assistant Oahu District Land Agent.
- Mr. Yamamoto inquired about the vacant clerical position at the Kauai Office. It has been quite sometime.
- Mr. Detor said they are waiting for another list now. We're supposed to be getting a new list soon.
- Mr. Ono asked Mr. Detor to follow up on this matter.
- ITEM H-1 CDUA FOR RECONSTRUCTION OF AN OLD WATER INTAKE AND TRANSMISSION LINE ON STATE-OWNED LANDS AT HANA, MAUI
- Staff recommended approval of the CDUA for the reconstruction of an old

water intake and transmission line on state-owned lands at Hana, Maui, on property designated as TMK 1-1-02:2, subject to the conditions listed in the submittal.

Mr. Ing suggested that we add one more condition, as recommended by OEQC, that warning signs be posted that water from the stream should not be used for drinking.

ACTION Unanimously approved as amended above. (Higashi/Yamamoto)

ITEM H-2 CDUA FOR REPAIR AND MAINTENANCE OF THE PEEKAUAI DITCH AT WAIMEA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Higashi)

ADDED APPOINTMENT OF MASTERS TO TAKE PUBLIC TESTIMONY ON A PROPOSED
ITEM H-3 DEPARTMENTAL RULE

Mr. Evans made a correction to a typo on the date of the submittal. It should correctly read July 23, 1982 and not August 5, 1982.

The department is in the process of developing a set of departmental rules for contested hearings. As part of that process, we are required to go through with a public hearing on the rules themselves. On the advice of the Attorney General's Office, staff recommended that the board appoint masters to conduct these public hearings on the rules; further, that the masters for each county be the land agents on Kauai, Maui, Hawaii, as well as our Land Management Administrator, along with the Planning Office staff. The notice has been published in the papers, and the date of the public hearings has been set as August 5.

Mr. Higashi asked whether the proposed rules were distributed to all the counties.

Mr. Evans said the Land Office in each county, as well as the Chairman's Office, and the Planning Office in Honolulu, have copies of the proposed rules, and they are also available to the public.

Mr. Kealoha asked whether the Attorney General's Office is qualified to conduct the public hearings.

Deputy Attorney General Dona Hanaike said the masters just take the information, and their main purpose is to take in testimonies. She said the deputy attorney generals are going to be working with the land agents to give them the basic understanding of what's going on.

Mr. Evans said they are meeting with the land agents on Monday, as well as with representatives of the Attorney General's Office, to provide the land agents with every information that they may need.

Mr. Ono said one possibility is to have Mr. William Tam, who is the lead attorney on this matter, make himself available on that night. If the neighbor island masters have any questions which they cannot answer, they should be able to make a quick telephone inquiry through a hotline.

Mr. Ono asked Mr. Evans to name the masters instead of going by titles.

Mr. Evans said they are Mr. Sam Lee from Kauai, Mr. Eddie Ansai from Maui and Mr. Glenn Taguchi from Hawaii. On Oahu, Mrs. Ann Lo-Shimazu from our Planning Office will be conducting the hearing. Mr. Detor will be available and will substitute to go to any county in case the need arises.

Mr. Kealoha asked whether it is not necessary to consider Lanai and Molokai.

Mr. Evans said as he understood it, a public hearing is required to be held in the county where the proposed rule is being developed. As far as Lanai and Molokai are concerned, he said they do lie within Maui county so they did proceed along that basis.

All of the public hearings are going to be held at 7 P. M. with the exception of Hawaii where it is going to start at 6 P. M. The reason for this is that there may be more people on the Big Island that desire to provide us with input and comments. So we want to give them enough time to accommodate the public.

ACTION Unanimously approved as amended. (Higashi/Kealoha)

ITEM J-1 RIGHT OF ENTRY, HONOLULU INTERNATIONAL AIRPORT, OAHU (NORTH-WEST AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM J-2 CONSENT TO SUBLEASE, WAIMEA-KOHALA AIRPORT, HAWAII, (HAWAIIAN AIRLINES, INC. TO PRINCEVILLE AIRWAYS, INC.)

ITEM J-3 CONSENT TO SUBLEASE, WAIMEA-KOHALA AIRPORT, HAWAII (HAWAIIAN AIRLINES, INC. TO FLIGHT EXECUTIVE, LTD. DBA HAWAII LANDAIR)

Items J-2 and J-3 were resubmittals. They were deferred at the last board meeting because there were several questions and Mr. Garcia was not able to provide the board with accurate answers.

Mr. Garcia said Hawaiian Airlines terminated its operation at Waimea on November 1, 1981. The operator currently there now is Royal Hawaiian Airways. Princeville Airways and Flight Executive are also operating there. Princeville is flying between Lihue, Honolulu and Waimea. They provide passenger services. Flight Executive is providing cargo services. Royal Hawaiian is providing passenger services on each of the other major airports in the state.

The lease with Hawaiian Airlines will terminate on November 1, 1982. At that time DOT will enter into revocable permits with Princeville and Flight Executive to continue their use of the facilities at Waimea Airport.

The rental is at the old rate. When the master lease with Hawaiian Airlines terminates, the new rental will reflect the fair rental values that will exist at that time.

ACTION Mr. Higashi moved for approval and Mr. Kealoha seconded.

Mr. Ono asked Mr. Garcia why they are going through the permit route after November 1, 1982.

Mr. Garcia said Princeville is operating there now, but there is a possibility that they may find that it is not economically feasible and they would want to terminate their operations. So they want to go on a revocable permit basis until such time as there is some degree of permanency there, then they will go into a lease arrangement with them.

Mr. Ono said he would prefer not to go through the permit route in cases like this.

Mr. Garcia said Hawaiian Airlines requested CAB for approval to terminate its operations at Waimea Airport. They were given approval subject to Royal Hawaiian Air Services continuing their passenger operations there. Should Royal Hawaiian terminate its services, Hawaiian Airlines is obligated to go back into that location. So there is a period of time here that they will need an adjustment.

On the call of the question, the motion was unanimously carried.

ITEM J-4

RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS
DIVISION

ACTION Approved as submitted. (Higashi/Kealoha)

Mr. Ing excused himself from voting on Western Airlines permit because of a conflict.

ITEM J-5

RESUBMITTAL - SALE OF A LEASE BY PUBLIC AUCTION, HARBORS
DIVISION, HONOKOHAU BOAT HARBOR, KEALAKEHE, NORTH KONA,
HAWAII

This was a resubmittal. It was for a sale of a lease by public auction. There are various applicants, and the location is at Honokohau Boat Harbor.

The upset rental is \$25,000 for the initial development of 2.0 acres. The sale of a lease by public auction was approved by the board on June 27, 1980 (Item J-1) and July 10, 1981 (Item J-5). A public auction was held on October 9, 1981 at the upset rental of \$49,700.00 per annum. There was no bidder.

Mr. Garcia said this proposed revised lease allows the development of the land in increments. The successful bidder is required to develop two acres initially at an annual rent of \$25,000. Upon notification and approval by DOT, the successful bidder shall be permitted to develop the remaining 2.083 acres on an incremental basis, providing that the lease rental is increased at the rate of 27.2 cents per square foot per annum for each increment of additional development. When the 4.083 acres are fully developed on or before the end of the fifth year, the annual rental shall be \$49,700 through the end of the first five years of the lease. Thereafter, rental shall be renegotiated at five-year intervals.

Mr. Ono asked whether we should have an independent appraisal on the renegotiation at five-year intervals.

Mr. Garcia said the contract states that it will be by independent appraisal.

Mr. Higashi said he understood there were no bidders because there were lots of concerns about a number of things. Subsequent to that a committee

was formed to look at the bid specs by the various people who are interested. He asked Mr. Garcia whether there was enough input and people are relatively satisfied with the specs.

Mr. Garcia said yes. The initial rental of approximately \$50,000 per annum was too much to handle without anything there to begin with. However, cutting it up into two segments, it was felt that at least there will be a better chance of developing the area.

Mr. Higashi asked whether there is any requirement on the amount of ice or the size of the ice house.

Mr. Garcia said as far as the ice house is concerned, it will be just what the needs are. He said just to put in a small one is expensive.

Mr. Kealoha asked whether any portion of this is in conservation. He was particularly referring to the submerged land since he thought all submerged land was in conservation. He said the original application for the development of Honokahau Harbor may have gone through the CDUA process.

Mr. Garcia said they did go through the process because a portion of it did cross conservation land.

In referring to the question raised by Mr. Higashi on the ice plant, Mr. Ono asked whether it is going to be left up to the successful bidder who determines the size and the capability of that ice plant.

Mr. Garcia said it will be up to the successful bidder but it will be subject to DOT's approval.

Mr. Ono said assuming the successful bidder comes out with a capacity that is too small, will DOT be authorized to require one with a bigger capacity.

Mr. Garcia couldn't say that they can require a bigger one because it may not be economically feasible to do it. He said one of the reasons is that the cost of the facility is so great.

Mr. Ono said the ice facility is one of the most frequently raised questions in the fishing communities. He said for the state to authorize the building of an ice plant that is so small that it won't service the needs of that particular complex doesn't make sense.

Mr. Higashi, in referring to Exhibit "A", asked Mr. Garcia whether these things that are listed are the things that the successful bidder has to do or he may do.

Mr. Garcia said he may do. For instance, under Services, No. 2 (sail making, canvas goods and repair), if it wasn't economically feasible for him to provide this service, he couldn't justify it.

On the price structure, Mr. Higashi asked whether the successful bidder has to check with DOT for approval for the sale of his services or the hourly rates, like the ones we have at the airports.

Mr. Garcia said no. They do not have any requirement within the lease itself that provides for price controls. He said the airports are different, they are concessions. On the concessions, they have provisions in there and the state has provided the facilities itself. This is a lease and they are just providing the land. They have not provided the facilities.

Mr. Higashi asked whether he is allowed to sublease any part of this area.

Mr. Garcia said under the standard provisions of the statutes, subleasing is permitted.

ACTION Mr. Higashi asked for deferral for further discussion.

Mr. Ono said he, too, had some questions and asked Mr. Garcia whether there is a timing problem on this.

Mr. Garcia said they would like to have the facility there as soon as possible but they don't have any timing problem.

Mr. Ono said he would like to see activities or services listed on Exhibit A listed in two sets--one, a mandatory kind of services and the other one is optional. He said right now DOT has it all of them as being optional, so the operator has the monopoly of the entire complex. He can pick and choose what kind of services or activities he wants to provide.

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

ITEM J-6 CONSTRUCTION RIGHT OF ENTRY, HARBORS DIVISION, KAHULUI HARBOR, MAUI (U. S. CORPS OF ENGINEERS, DEPT. OF THE ARMY)

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 19, HONOLULU HARBOR, OAHU (SAUSE BROS. OCEAN TOWING CO., INC.)

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-8 USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINALS, HONOLULU, OAHU (HAWAII GOVT. EMPLOYEES ASSOC.)


ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-9 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3645, GENERAL LYMAN FIELD, HILO, HAWAII (MERCHANT AIR, INC.)

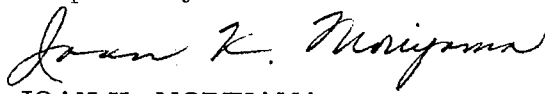
ACTION Unanimously approved as submitted. (Higashi/Kealoha)

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

APPROVED


SUSUMU ONO
Chairman

Respectfully submitted,


JOAN K. MORIYAMA
Secretary

jkm