

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

DATE: August 13, 1982

TIME: 9:00 A. M.

PLACE: County Council Chambers
County Office Building
Lihue, Kauai

ROLL
CALL

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

MEMBERS

Mr. Takeo Yamamoto
Mr. Thomas S. Yagi
Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Susumu Ono

(Mr. Roland Higashi was absent
and excused.)

STAFF

Mr. James Detor
Mr. Roger Evans
Mr. Sam Lee
Mr. Henry Sakuda
Mr. Libert Landgraf
Mr. Takeo Fujii
Mr. Roy Sue
Mr. Maurice Matsuzaki
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Johnson Wong
Mr. Peter Garcia
Mr. Jack Wilhelm (Item F-1-i)
Mr. Norito Kawakami (Item F-33)
Mr. Robert Gerald D'Anna (Item H-3)
Mr. Chester Hunt (Item F-30)
Mr. Joe Vierra (Item H-2)

MINUTES

The minutes of June 25 and July 9, 1982 were unanimously approved as submitted. (Ing/Kealoha)

Added
Item

The board, on Mr. Yamamoto's motion and seconded by Mr. Yagi, unanimously approved to add Item B-5 (Filling of Position No. 33987, Aquatic Biologist V, Division of Aquatic Resources).

The board deviated from the printed agenda and took up the items in the following order:

Item F-1-i

KAUAI RACING ASSOCIATION APPLICATION FOR R. P. COVERING THE
MANA DRAG STRIP, KEKAHA, MANA, KAUAI

This was an application for a revocable permit from the Kauai Racing Association, a nonprofit organization, to rent the Mana Drag Strip situated on Kauai. This drag strip was originally built with an appropriation

of the legislature and has been intermittently in operation for a number of years. The Racing Association now has more than 100 members. They have been holding meets on a right-of-entry basis at the track. They've installed about 300 feet of reinforced guard rail along the edge of the track. They've also built an observation and timing tower, refurbished and repaired the water pipeline, the timing gear and underground electrical system, etc. and cleared the land.

The board was informed that there is another party by the name of Mr. Reese who is interested in renting the track. He was notified that this matter would be taken up today. Mr. Detor received a telephone call from him this morning from Honolulu requesting that this matter be deferred until such time as he could present his plans to the board. He said he will not be available until September. What he wants to do is put on races once every week. It would be a commercial venture and he has offered a rental that is substantially in excess of what we propose to charge the Kauai Racing Association.

Mr. Detor recommended that the board issue a permit to the Kauai Racing Association because they have been operating the track and taking care of it for sometime now and they are basically Kauai people.

One of the provisions in the staff's recommendations was that they carry a million dollar insurance for each race event. Mr. Ing asked what happens in-between the racing events.

Mr. Detor didn't think the one million dollar coverage would be in effect during a nonracing period. However, he thought the applicant can best answer that question.

Mr. Kealoha inquired about the standard liability insurance.

Mr. Detor said the public liability insurance is covered under Recommendation No. 1.

It was Mr. Ono's understanding that there is an admission charge for the general public when the formal races are held. He asked what the fee schedule was.

Mr. Detor didn't have that information. As he understood it, the money that they collect is used to cover expenses. They have other expenses during the course of the meet, and it's not used as a profit venture.

Mr. Ing asked whether the board reviews and approves the fee schedule where admissions are charged.

Mr. Detor said in our golf course leases we have a stipulation that the rates to be charged are subject to the approval of the chairman. He said a similar provision could be incorporated here.

Mr. Jack Wilhelm, representing the Kauai Racing Association, Inc., said as far as the liability coverage is concerned, they are covered only at such time as when they have a designated scheduled date, which will average about once every five weeks. He said the more races you have there you will burn it out in no time and felt that one race every five weeks is sufficient.

Mr. Wilhelm further stated that the area was in a terrible condition and looked like a junk pile. The entrance to the area was completely cluttered. They went in there about six months ago and cleared the area. Kekaha Sugar assisted them with heavy equipment and they cleared that place with volunteers.

Mr. Yamamoto said he was amazed to see the results because a few years back the place was cluttered with junk cars.

Mr. Ing asked whether they looked into the comprehensive public liability insurance coverage in addition to the per racing event. He said one of the conditions of the permit is that they obtain a general liability insurance for those periods of time in-between races.

Mr. Wilhelm said no. He said the biggest problem there with the continual coverage is containment since it is an open facility. There is always the possibility of having outside activities. They did look into the possibility of installing a gate there, but he said this will not keep the private racers out.

Mr. Ing said one of the board's concerns is that people would be going in there to use the track and getting injured because it is not secured.

Mr. Wilhelm said in the event that a revocable permit is granted to them, he assumed that the carrier would be liable for such a mishap in the event that there is an accident.

Mr. Ono said in the recommendation it mentions a million dollar coverage during or every race. He asked Mr. Wilhelm how they would handle during practice runs or warm-ups on nonracing days.

Mr. Wilhelm said their only activities at the race track are on the day of the race. They open up early in the morning for practice runs and having the cars ready.

Mr. Ing said if they are given the permit, one of the things that should be done is to have a sign posted, informing the public that it is under the jurisdiction of the Kauai Racing Association, and that it is not to be used except for authorized racing events, so that the public does not feel that this is an open track and can be used at any time.

Mr. Wilhelm agreed and said the general feeling now is that it is an open track and anybody can go in there. He anticipates vandalism and burning down that area and cutting off the wires. If there is going to be any kind of control, it has to be done now.

As far as admissions are concerned, Mr. Wilhelm said they have general admission and pit admission. General admission of \$2.00 is for the people who stay on the left area, and the pit admission of \$3.00 is for those who go into the actual area where cars are fixed, etc.

Mr. Ing asked whether the spectators are on the mauka side and they are contained.

Mr. Wilhelm said they are.

ACTION Mr. Yamamoto moved to approve Item F-1-i as amended to include the fee

schedule as discussed above. Mr. Ing seconded and the motion was unanimously carried.

ITEM F-33 JAMES BLACKWELL REQUEST FOR EXCHANGE OF LANDS, WAILUA, KAUAI

Mr. Detor said he can best explain this submittal by showing the affected parcels on the map.

At the last board meeting we had a submittal that was deferred. This was the same proposal. However, this time it is an exchange rather than a relocation of the ditch. The lot which the ditch right of way runs through is privately-owned and fronts on Kuamoo Road. The owner, Mr. Blackwell, wants to subdivide it. The ditch right of way which runs through the property is owned by the state and is part of the East Kauai Water license. It is abandoned and it is not there on the ground.

At the last meeting, there was a proposal to move the ditch right of way but after checking with the Attorney General's Office, it was found that because the state owns it in fee, we cannot relocate it. If it were an easement, you can do that. So staff prepared an exchange proposal whereby the state will convey the abandoned ditch right of way, in exchange for which Mr. Blackwell will convey the area where the new ditch right of way will be located, with the exception of a little piece which will provide entry to the subdivision. That little piece will not be included in the exchange, and instead the state will sell it to the county (money will be provided by Mr. Blackwell) at a fair market value.

Mr. Ono asked whether the parcel which the state will be getting is of any value to the state.

Mr. Detor said normally what we would do is to abandon it and sell it to the abutting owner. However, the Attorney General's Office has informed us that under the terms of the East Kauai Water License this ditch right of way cannot be abandoned. This is why the staff was going through the exchange route.

Mr. Kealoha said you are still selling it.

Mr. Detor said that's true but we're retaining the ditch right of way.

Mr. Kealoha said the feeding, however, is not connected to the new alignment so it's still not a ditch. He said he had the same concern that Mr. Ono had. What value is the relocated area to the state? He said we don't need the ditch.

ACTION Mr. Yamamoto moved to defer this matter until the next meeting for more information. Mr. Yagi seconded the motion.

Mr. Kealoha asked whether we requested the Attorney General's Office for an opinion.

Mr. Detor said we did that and they have advised us that this should be an exchange rather than simply relocating it.

Mr. Kealoha said that was an off-the-cuff opinion.

Mr. Detor said we do have a previous opinion in writing advising that we could not sell it.

Mr. Norito Kawakami, representing the applicant, gave a brief background information. What the applicant would like to get from the state is the ditch right of way. What the state will get in return will be the ditch line so that if there ever is a time when the state wants to re-establish the ditch, the state will have a land, and also the easement underneath the county road for conveyance of water along the ditch line. He said apparently the necessity of the state is to retain the capability of transmitting water across if the necessity ever arises in the future. This is really trying to build a contingency insurance to the highest degree because it is all subdivided property.

Mr. Kawakami said the original map that shows this ditch line (which is labeled on the tax map as a ditch right of way) dates back to about 1930. The only available map showing this is dated 1939. However, during World War II, the army made an army camp there, and under their war powers they flattened out the ditch on their own instead of doing anything about the legality of it. He said there are some remnants of that ditch still showing. However, because this ditch system is part of the water license owned by East Kauai Water Company, there seems to be an objection that if you just sold the subject ditch right of way, you get into problems in terms of their lease. Therefore, Mr. Kawakami said they would like to purchase it. However, to take care of that situation where there might be a potential need for East Kauai Water to build a ditch at sometime in the future, they will convey to the state the new ditch line if the state would let them buy this ditch right of way.

Mr. Kawakami said he worked with one of the deputies in the Attorney General's Office. In talking to him, he was informed that it was better to come in under Section 171-50.

Mr. Ing said one of the state's concerns is that the original ditch as it is laid out (before the army covered it over) exists as a cloud in the title for those lots which the ditch runs. In the relocation of that, the developer in effect would be getting a deal because it will clear that title so there might be some value to that. On the other hand, the state doesn't necessarily want to have to maintain a ditch that meanders through ten different properties. So he said the argument is on both sides of that.

Mr. Kawakami said this is one of the reasons it was recommended to go under Section 171-50. He said actually this whole ditch line is not a cloud in the title. The title is owned by the state because the area of the ditch was subtracted from the original grant.

Deputy Attorney General Johnson Wong said what Mr. Ing is talking about is not so much a cloud in the title, but because the lots will no longer be separated by a ditch that is clearly owned by the state, there is an enhancement value to them in the removal of that ditch. So Mr. Wong said they would like to look into whether we really want a ditch that leads to nowhere and doesn't reconnect back to the system and just exists by itself. He apologized for the fact that Mr. Kawakami talked to one of the deputies, but he said the deputy did not mention the problem to him.

Mr. Yamamoto asked Mr. Wong whether his staff can work this out with the DLNR staff within the next two weeks.

Mr. Wong said he can if the staff can give them some material to work on. He said this is the danger of an oral advice without the full information.

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

Mr. Detor informed the board that the next meeting is two weeks from today, and the submittals are due in the chairman's office today. He said it would be pretty difficult for him to get an opinion, re-write this and be back in two weeks, and get it on proper timetable on the agenda.

Mr. Ono said to list it on the agenda. As far as the written materials, he said they can be distributed at the next meeting.

ITEM H-6 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT TANTALUS, OAHU

Staff recommended approval of this application for a single-family residential use under our standard conditions.

Mr. Ing said in the past we have included a provision that the document be recorded in the Bureau of Conveyances, so in the event that the applicant sells the property the new owner doesn't come in and say he was without notice that this was in the conservation district and that a CDUA was required. He asked that that condition be added. Mr. Ing also referred to Condition No. 10, a condition requiring that building plans be submitted to the chairman, or his representative, for approval, with a proviso that any expansion or alteration does not change or expand the existing land use. He asked that this proviso be removed because it creates an ambiguity.

ACTION Mr. Ing moved for approval as amended above. Mr. Kealoha seconded the motion.

Mr. Ono asked the applicant's representative whether he had any comments to the conditions and the amendments.

The applicant's representative said they have no problem with them.

Mr. Ono suggested that the two points which Mr. Ing brought up about the document being recorded in the Bureau of Conveyances, and also the removal of the proviso from Condition No. 10 be included as standard provisions in our future submittals.

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

ITEM H-3 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT PUNA, HAWAII

This was an after-the-fact CDUA. Mr. Evans pointed out to the board that although the proposal came in as a proposed single-family use, staff requested the enforcement division (DOCARE) to make a field investigation of the property. The investigation revealed that certain structures were already on the land. There were approximately six different kinds of structural activities that had occurred prior to Land Board approval. The County Building Department informed us that the residence not be occupied until such time as the county completes its final inspection. Staff was informed that there is a "garage" on the property. However, that "garage" was being used for sleeping purposes.

Staff recommended basic approval of the request. However, in doing so, staff recommended that the board separately consider the violations that have occurred.

Staff recommended that the board find that there were six separate land use violations, basically two structures that were completed, one structure partially completed, a catchment system, cesspool and toilet; that the standard fine of \$500 per violation be imposed for a total of \$3,000; that the applicant, in addition, cease living on the property until such time as he obtains permission from the Hawaii County to do so; and that the applicant remove the stove, icebox, fuel supply/storage system from the structure which he has designated as his garage.

Mr. Kealoha asked at what point must the applicant comply with Recommendations A, B, C and D so staff's recommendation for approval can be executed.

Mr. Evans said on Recommendations A and C, they would expect within sixty days. On Recommendation B, although it's not stated in the submittal, he recommended that it be done immediately. On Recommendation D, it would be when A, B and C have been completed, or within sixty days.

Mr. Kealoha noted that the CDUA expires on the 12th of next month.

Mr. Evans said should the board approve the basic land use and Recommendations A and C were not met within the sixty days, staff would generally ask the Attorney General's Office to follow up and take whatever action is appropriate to insure that those conditions are complied with.

Mr. Ono asked what happens if there is only partial compliance. What kind of leverage do we have to force compliance because the CDUA would have already been approved.

Mr. Evans said the board can alternatively deny, have these things cleared up first, and then have them come back for CDUA approval.

Mr. Evans called the board's attention to an error on Recommendation A. The date on the last line should be August 13, 1982, and not July 13, 1982.

Mr. Ono said one approach that the board can take is to split this into two parts, and take the violation and the penalty portions as one and totally separate. On the second part, act on the CDUA itself.

Mr. Evans said Recommendation D is valid only if there is compliance with Recommendations A, B and C.

Mr. Ono said that would go back to Mr. Kealoha's concerns. We would have passed the 180 days by then. So if there are still some conditions attached beyond the 180th day, the applicant may say, "the 180th day came and went, and I got my approval."

Mr. Kealoha asked whether the staff discussed Recommendation A with the applicant.

Mr. Evans said he personally did not. However, a copy of the board submittal was sent to the applicant and the proposal itself was discussed with the Planning Office staff and the applicant.

Mr. Ono said assuming that the board approves the CDUA, can the board follow up and make sure that the conditions of Recommendations A, B and C are complied with by the applicant beyond the 180th day. He asked Mr. Wong whether the board has the legal authority to force compliance.

Mr. Wong said it would be easier if the board would hold up the approval until there have been compliance. The other way would be a conditional approval, subject to the applicant complying. He said it's not really final until there has been compliance. The other way, if the board approves it and try to treat it separately, then in a way we've lost the leverage.

Mr. Ing suggested approving it with an automatic revocation if conditions are not fulfilled within sixty days.

Mr. Evans said we do have a specific clause that provides for revocation of permits.

Mr. Kealoha asked whether that has the effect of law as the 180 days have.

Mr. Ing said the board's only obligation in the 180 days is to act on the application and the board can impose the conditions. It is a conditional use which allows for revocation. He said once the board approves doesn't mean that we are forever barred from revoking if there is a subsequent violation. He didn't think that was the implication of the statutes. It was his understanding that we just have to act on it within 180 days.

Mr. Ono said the other possibility is force compliance on Recommendations A, B and C before the last meeting in which this board can act.

Mr. Robert Gerald D'Anna, the applicant, said he hoped to rectify any discrepancy that has arisen and asked for fairness and understanding. He realized that he did not follow the procedure correctly, and that he will do his very best to comply with any condition set by the board.

He doesn't have any problem with Recommendations B and C and can comply with them immediately. On Condition A, however, he said he didn't know whether he will be able to raise the \$3,000 within sixty days. He said the garage was never intended as a dwelling. There is a greenhouse which was not on his plan. That was an oversight. He asked whether he would be able to attach that drawing to his application.

Mr. Ono said the board wouldn't be able to pass judgment on that particular request. He asked Mr. D'Anna to put that in as a request to amend the original plan.

On the fine, Mr. Ono asked how about if it were spread out within a longer period of time instead of just sixty days.

Mr. D'Anna said he will have to think about it. He felt that if the fine was lowered to \$50 to \$100 per violation, or \$300 to \$600 total, he would be able to comply before the 180-day expiration date.

Mr. D'Anna said he purchased the lot from Yukio Takeya (Alakai Realty) and his limited partnership, L & M Associates, in 1977. He didn't know that this lot was in conservation until he went to the County Building Department, and they sent him to the County Planning Department, who sent him to DLNR.

Mr. Ono said he has a hard time understanding why, after he discussed with the staff and got written notice, he still proceeded with the construction activity. When his application was accepted for processing, a letter was sent to him saying that his application has been accepted for processing. He said nowhere in that letter does it indicate that the application

is to be approved or disapproved. But Mr. D'Anna interpreted that letter to mean that everything was okay so he could proceed with his construction.

Mr. D'Anna said there was one paragraph about the conditional use and he took that to mean that everything was okay. He said he was eager and anxious to house his family.

Mr. Yagi said in the past this board has imposed a fine of \$500 per violation. He said if we give exception to this case, the board will be criticized and may face some kind of litigation. He asked Mr. D'Anna how long it will take him to pay the \$3,000 fine.

Mr. D'Anna said one year would be reasonable. He asked whether there is a minimum fine, or is it only a maximum fine.

Mr. Ono said the board can fine \$500 a day for violation. That is the maximum.

ACTION

Mr. Kealoha moved to approve Recommendations B, C and D as recommended by staff, with the understanding that these conditions be complied with, and to defer Recommendation A for the staff to review the penalty portion. Mr. Ing seconded the motion.

Mr. Yagi asked whether that means that the fine portion is going to be modified from \$500 per violation to \$300 per violation. If there truly are six violations there, there is a set amount of \$3,000 fine. He said the only question is the question of payment, whether it is going to be on an installment basis. He said he can go along with it if staff is only coming in with a recommendation for the method of payment of the \$3,000 fine. He said we shouldn't mislead the applicant by saying that there might be a change in the violation.

Mr. Yagi suggested that the motion be amended by having the staff work with the applicant on the method of payment schedule on the \$3,000 fine.

The amended motion, which was moved by Mr. Yagi and seconded by Mr. Ing, was that Recommendations B, C and D be approved as recommended; that on Recommendation A, staff is to work out the payment schedule with the applicant; that the revocation clause be included; and that Condition No. 8 be amended by deleting the proviso on the alterations and repair portion.

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

Mr. Ono asked the applicant to work with the staff.

ITEM F-30 CHESTER HUNT REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, G.L. NO. S-4649, KEKAHA, KAUAI

This was a request from Mr. Chester Hunt for approval of extension of a construction deadline. Staff recommended that Mr. Hunt be given an extension to May 15, 1983, on condition that he post a bond in the amount of \$37,500 within thirty days of the notification of receipt of the extension.

Mr. Ono asked whether there is going to be any problem about granting the extension which maybe interpreted as changing the terms and conditions of the lease. He asked whether we can amend the provisions of the lease after we sold it at public auction.

Mr. Detor said there is a provision in the lease which allows the board to extend the building time.

ACTION Unanimously approved as submitted. (Yamamoto/Ing)

ITEM H-2 CDUA FOR PROPOSED DRAINAGE IMPROVEMENTS AT ONELOA BEACH, KAPALUA, MAUI

Staff recommended approval of the project, subject to a number of conditions. The applicant has had an opportunity to go over the entire application, as well as the conditions themselves.

Mr. Evans called the board's attention to Conditions 21 and 22 on page 21. He said these are the two areas of concern. In addressing Condition No. 22, Mr. Evans said he would still like the board to entertain this condition, but would like to modify it, as follows: "That should Oneloa Beach dune area erode significantly, as a result of this project exposing any portion....."

Mr. Ono asked, "as determined by whom?"

Mr. Evans said by this department.

Mr. Ono said he better make that very clear.

With respect to Condition No. 21, there is disagreement on the condition between the staff and the applicant. Staff recommended that the lower silt basin be retained to contain local runoff from the areas makai of Honoapiilani Highway. Mr. Evans said the applicant does not agree that this condition should be included. He said, as indicated on page 5 of the board submittal, staff concluded that that particular condition should be incorporated. The comments that have come in to us relating to that were provided by the Division of Aquatic Resources. They drew their comments on a sedimentation study that was completed by our Division of Water & Land Development (DOWALD). They called it a Statewide Silt Basin Investigation. The investigation particularly looked at reefs in the Kapalua area. They indicated that as part of the investigation that the runoff was a problem, and they specifically concluded in that study that if urbanization is proposed on low lands where natural silting is occurring, then a silt basin development is recommended. Considering the comments by DOWALD and by Aquatic Resources, the Planning Office staff felt them to be reasonable and consistent. Mr. Evans said a spokesman for the applicant was present who would like an opportunity to present their argument on the issue.

Mr. Yagi said they made a statement at the hearing that the silt basin will be left as they are.

Mr. Ono asked whether the staff had a map showing the alignment. He said there were considerable discussions as to how this project is going to go and where. He wanted to know what staff's recommendation calls for in terms of how the alignment is going to look like.

Mr. Evans said their recommendation is basically the same where the applicant had proposed with the exception on the change in the lower silt basin.

Mr. Joe Vierra, representing Kapalua Land, the applicant, said the specific proposal is to retain the existing silt basin on the mauka side to construct a new outlet on the makai side, and to fill the existing makai silt basin which has been considerably enlarged by the storm. They did not intend to indicate, and he apologized if they did, that the makai silt basin would be retained.

He said approximately two-thirds of the beach is on the area that is not proposed for any pipeline. None of that area will drain into the silting basin, nor does the Ironwoods Project. He said approximately 80% to 90% of the project does not drain into any silt basin. Basically they felt that to repair the existing silt basin, it serves minimal purpose except for the area immediately makai. Their reason for wanting to put the pipe in is to restore that area and to essentially reclaim it.

Mr. Vierra said they will be able to comply with most of the conditions listed and satisfy the department. However, Item 21 becomes very difficult to do, and asked the board to reconsider that.

Mr. Ing suggested that since we do have time that we defer this matter to allow DOWALD staff to come before the board and explain, or perhaps give them time to discuss the differences of opinion with Mr. Vierra.

Mr. Yagi asked what the time frame was as far as construction is concerned.

Mr. Vierra said in fulfilling the conditions listed in the submittal, they would be able to start construction within a year.

Mr. Yagi asked whether Mr. Vierra had any objection if the board deferred this matter until the next meeting and until they get together with the DLNR staff.

Mr. Vierra had no objection.

ACTION The board had no objection to deferring this matter. The chairman instructed the DLNR staff, Mr. Evans and Mr. Chuck or his staff member, to visit the site and make an on-site inspection, and report back to the board no later than the first meeting in September.

ITEM B-1 FILLING OF EXEMPT TEMPORARY FISHERY TECHNICIAN III, POSITION NO. 1988E, IN THE DIVISION OF AQUATIC RESOURCES

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Yagi, unanimously approved the appointment of Mark M. Matsushita to the exempt temporary Fishery technician III, Position No. 19881E.

ITEM B-2 FILLING OF TEMPORARY FISHERY TECHNICIAN III, POSITION NO. 24262, IN THE DIVISION OF AQUATIC RESOURCES

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Ing, unanimously approved the appointment of Mr. Glen Inamura to Position No. 24262, Fishery Technician III.

ITEM B-3 FILLING OF TEMPORARY SECRETARY I, POSITION NO. 24652, IN THE DIVISION OF AQUATIC RESOURCES

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Ing, unanimously approved the appointment of Amy H. Dickson to Position No. 24652, Secretary I.

REQUEST FOR APPROVAL TO CONTRACT THE RCUH AND THE UH TO ASSIST THE DIVISION OF AQUATIC RESOURCES IN CONDUCTING TWO FISHERIES DEVELOPMENT PROJECTS: (1) A COMPREHENSIVE MIDWAY ALBACORE FISHERIES STUDY; AND (2) DEVELOPMENT OF A COST-EFFECTIVE TEST TO DETECT CIGUATERA FISH POISON IN CERTAIN HAWAIIAN FOOD FISHES

ITEM B-4

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ADDED FILLING OF POSITION NO. 33987, AQUATIC BIOLOGIST V, DIVISION OF
ITEM B-5 AQUATIC RESOURCES

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

APPOINTMENT OF DISTRICT FIRE WARDEN FOR DISTRICT NO. 3, ISLAND
ITEM C-1 OF KAUAI

ACTION Mr. John C. Hance, President and Manager of the Lihue Plantation Co., Ltd. was unanimously appointed as District Fire Warden for District No. 3, on Mr. Yamamoto's motion and seconded by Mr. Yagi.

ITEM C-2 RESUBMITTAL - TIMBER (LAND) LICENSE NO. S-49 RENEGOTIATION

ACTION Since the party is still away, Mr. Yagi moved to defer Item C-2. Mr. Kealoha seconded and the motion was unanimously carried.

ELECTRICAL SERVICE AGREEMENT FOR JOB NO. 41-OL-31, WAIMANALO
ITEM D-1 AGRICULTURAL PARK, PHASE I, WAIMANALO, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

APPROVAL OF AWARD OF CONTRACT FOR CONSTRUCTION AND PERMIS-
SION TO ENTER INTO CONTRACTS FOR CONSTRUCTION SURVEYING
SERVICES AND MATERIALS TESTING SERVICES FOR JOB NO. 41-OL-31,
ITEM D-2 WAIMANALO AGRICULTURAL PARK, PHASE I, WAIMANALO, KOOLAUPOKO,
OAHU

ACTION Unanimously approved as submitted. (Kealoha/Yagi)

ITEM D-3 SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yamamoto, unanimously voted to appoint and certify the persons listed below to serve as directors of the respective Soil and Water Conservation Districts, all terms to end June 30, 1985:

West Kauai

Roger D. Fergeson, Field Superintendent

South Oahu

Jane D. Lum, farmer

Robert F. Rosehill, Land Manager

Warren Yee, farmer

Kau

Jim Frazier, field superintendent

APPROVAL OF THE WATERSHED PLAN AND ENVIRONMENTAL IMPACT STATEMENT, WAIMANALO WATERSHED, CITY AND COUNTY OF HONOLULU, OAHU

ITEM D-4

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM E-1

FILLING OF VACANT GROUNDSKEEPER I POSITION, WASHINGTON PLACE, OAHU

ITEM E-2

FILLING OF PARK CARETAKER II POSITION NO. 33474, SAND ISLAND STATE PARK, OAHU PARK SECTION

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Ing, unanimously approved the appointments of Lance Imura as Groundskeeper I at Washington Place, and James Kalili as Park Caretaker II at Sand Island State Park, as presented under Items E-1 and E-2, respectively.

ITEM E-3

REQUEST FOR OUT-OF-STATE TRAVEL FOR ROY SUE, STATE PARKS ADMINISTRATOR

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-1

DOCUMENTS FOR CONSIDERATION

MAUI

Item F-1-a

REVOCABLE PERMIT

KAHANA CANOE CLUB - Government land at Lahaina - for storage of canoes - at a monthly rental of \$10.00

Item F-1-b

LAND PATENT

Land Patent to be issued in confirmation of Land Commission Award 4834 to MANU by application of Hana Ranch, Inc. - Hana

OAHU

Item F-1-c

REVOCABLE PERMIT

DEPARTMENT OF LAND & NATURAL RESOURCES

Division of Conservation & Resources Enforcement (DOCARE)
Lot 545, Sand Island, Honolulu - Gratis

KAUAI

Item F-1-d

LAND PATENT

To be issued in confirmation of LAND COMMISSION AWARD NO. 4764 to M. NAHOA, awardee, by application of Grove Farm Company, Incorporated; land situated in the Ii of Kapalua, East Koloa

HAWAII

Item F-1-e

REVOCABLE PERMIT

ROY SANTOS - Government land being a portion of the Waiakea Pasture land, Waiakea, South Hilo - for pasture only; \$10.00 per month

Mr. Detor pointed out for the board's information that the applicant is a DLNR employee.

MOLOKAI

Item F-1-f

SUBLEASES

COUNTY OF MAUI, Sublessor, to MR. WILLIAM FORREST PFEIL, Sublessee; Hoolehua-Apana and Palaau-Apana 2 and Palaau and Hoolehua (G. L. NO. S-4433)

Item F-1-g COUNTY OF MAUI, Sublessor, to GRANT SCHULE DBA KUMU FARMS,
Sublessee - (G.L. No. S-4433)

Items F-1-f and F-1-g were taken up together. The County of Maui has a lease on Molokai from the state. The county has been subleasing lots within that subdivision to various farm enterprises, with rental coming to the state. They are asking for consent to issue subleases to the respective parties.

OAHU

Item F-1-h REVOCABLE PERMIT
HAWAII BAPTIST ACADEMY - Nuuanu, Honolulu - for parking and recreational use - monthly rental to be determined by staff appraisal, subject to review and approval by the chairman

(See pages 1 to 4 for Item F-1-i.)

MAUI

Item F-1-j REVOCABLE PERMIT
LAHAINA RESTORATION FOUNDATION - restored Hale Pa'i Printshop on the premises of Lahainaluna High School at Lahaina - for the purposes of restoring, operating and maintaining Hale Pa'i Printshop building for museum - gratis

Mr. Ono questioned the fee charge on the Restoration Foundation. He asked whether the board would have a chance to review the admission schedule.

Mr. Detor said this is covered under Condition No. 6. However, he asked that this condition be amended to make it the chairman instead of the board.

ACTION Item F-1 was unanimously approved as amended. (Yagi/Yamamoto)

ITEM F-2 STAFF RECOMMENDATION FOR CONVEYANCE OF ROADS TO THE COUNTY OF HAWAII, KEAHOLE AGRICULTURAL PARK, PHASE II, KALAOA-OOMA, NORTH KONA, HAWAII

ITEM F-3 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (4/23/82, AGENDA ITEM F-2) AUTHORIZING DISPOSITION OF LOTS WITHIN THE KEAHOLE AGRICULTURAL PARK, PHASE II, KALAOA-OOMA, NORTH KONA, HAWAII

ITEM F-4 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (9/25/81, AGENDA ITEM F-3) AUTHORIZING RIGHT OF ENTRY TO HOME-STEAD ROADS AT NANAWALE, PUNA, HAWAII

ACTION Items F-2, F-3 and F-4 were unanimously approved as submitted. (Yagi/Ing)

ITEM F-5 KAREN NAKAGAWA REQUEST FOR RIGHT OF ENTRY TO ROAD RIGHT OF WAY AT WAIAKEA, SOUTH HILO, HAWAII

ACTION Mr. Detor said Hawaii Board member, Mr. Higashi, who was unable to be here today, asked for deferment of this item.

The board had no objection to deferring Item F-5 to the next meeting.

ITEM F-6 HAWAIIAN TELEPHONE CO. APPLICATION FOR EASEMENT AT OPIHIKAO,
PUNA, HAWAII

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM F-7 COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, APPLICATION FOR
EASEMENT AT PUUKAPU, WAIMEA, SOUTH KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM F-8 HAWAII ELECTRIC LIGHT CO. AND HAWAIIAN TELEPHONE CO., INC.
APPLICATION FOR EASEMENTS AT PAPAOKOKO, HIENALOLI 1ST, WAIAHA,
1ST, AND HOLUALOA 1ST & 2ND, NORTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Kealoha/Yagi)

ITEM F-9 KANOELEHUA INDUSTRIAL AREA ASSOCIATION (KIAA) REQUEST FOR
RECONSIDERATION OF RENEGOTIATED LEASE RENTALS, WAIAKEA,
SOUTH HILO, HAWAII

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Ing, unanimously
voted to defer Item F-9.

ITEM F-10 ELDEN LIU APPLICATION TO LEASE LOTS 2 & 3 OF THE WAILUA HOME-
STEADS, KOOLAU, HANA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM F-11 CHERLYN KUOHA LOGAN AND EDWARD WENDT APPLICATION TO LEASE
LAND IN THE WAILUA HOMESTEADS, KOOLAU, HANA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-12 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE
NO. S-4550, HANA, MAUI

ITEM F-13 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE
NO. S-4568, WAKIU, HANA, MAUI

Items F-12 and F-13 were taken up together since they were two leases on
Maui, which are held by husband and wife, Parker Purdy and Mary Harris.
Mr. Detor said they tried real hard, but they haven't been able to make it
a go of it. There are mortgages in effect by the State Department of Agri-
culture and the Small Business Administration.

Mr. Detor said we've got requests from the Small Business Administration
to put off action on it, but it just reached a point where we can't do it any
longer.

ACTION Items F-12 and F-13 were unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-14 ACQUISITION OF LAND FOR ADDITION TO WAILUKU ELEMENTARY SCHOOL,
WAILUKU, MAUI

ACTION Mr. Detor asked to withdraw Item F-14. The Department of Accounting and
General Services asked us to withdraw this item because the funds had
lapsed. The board had no objection.

- ITEM F-15 CANCELLATION OF G. L. NO. S-4559 TO SEA HABITAT HAWAII, INC. COVERING PORTION OF SUBMERGED AND GOVERNMENT (CROWN) LAND AT UKUMEHAME, WAILUKU, MAUI
- ACTION Unanimously approved as submitted. (Yagi/Kealoha)
- ITEM F-16 DOT REQUEST FOR ACCEPTANCE OF CONVEYANCE OF LAND FOR KAMEHAMEHA V HIGHWAY, WAIALUA, MOLOKAI
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ITEM F-17 CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 831, LAND SET ASIDE TO DEPT. OF EDUCATION FOR MOLOKAI INTERMEDIATE SCHOOL, HOOLEHUA AND PALAAU, MOLOKAI (TMK 5-2-15:02)
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ITEM F-18 DIRECT GRANT OF PERPETUAL NONEXCLUSIVE EASEMENT FOR ACCESS & UTILITY PURPOSES, TMK 5-3-07:14, MAKUA, KOOLAULO, OAHU
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-19 APPOINTMENT OF A TEMPORARY REAL PROPERTY APPRAISER IV, TECHNICAL SERVICE
- This was a request for approval of the appointment of a temporary real property appraiser in the Land Management Division, in Honolulu. Mr. Detor said the legislature gave them an appropriation for the purpose of hiring a temporary appraiser to clean up the backlog, not to exceed June 30, 1983.
- ACTION The board, on Mr. Yamamoto's motion and seconded by Mr. Ing, unanimously approved the appointment of Mr. Ty H. Kimura to Position No. 34294, Real Property, Appraiser, effective September 1, 1982.
- ITEM F-20 RICHARD ARMSBY REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (5/29/81, AGENDA ITEM F-23) AUTHORIZING SALE OF EASEMENT AT ANAHOLA, KAWAIHAU, KAUAI
- ACTION Unanimously approved as submitted. (Yamamoto/Yagi)
- ITEM F-21 STAFF RECOMMENDATION FOR SALE OF LEASE COVERING LOTS 1-A AND 1-B OF THE WAILUA RICE & KULA LOTS, WAILUA, KAUAI
- ACTION Unanimously approved as submitted. (Yamamoto/Yagi)
- ITEM F-22 STAFF RECOMMENDATION FOR SALE OF LEASE COVERING PORTION OF THE GOVERNMENT LAND OF WAILUA (TMK'S 4-1-09:7 AND 4-1-10:PORTION OF 16), WAILUA, KAUAI
- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)
- ITEM F-23 STAFF RECOMMENDATION FOR SALE OF LEASE COVERING PORTION OF THE GOVERNMENT LAND OF WAILUA (TMK 4-1-09:8), WAILUA, KAUAI
- ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-24 PIONEER HI-BRED INTERNATIONAL, INC. APPLICATION TO LEASE PORTION OF THE GOVERNMENT LAND OF WAIMEA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-25 VENTURA DEVELOPMENT CORP. REQUEST FOR RIGHT OF ENTRY FOR LANDSCAPING AND MAINTENANCE PURPOSES, WAILUA, KAUAI

Mr. Ing asked that the liability insurance coverage under Condition No. 7 be raised to \$300,000/\$600,000.

ACTION Unanimously approved as amended. (Yamamoto/Yagi)

ITEM F-26 JAMES BULLOCH REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT A-64, WELIWELI HOUSE LOT SUBDIVISION, WELIWELI, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-27 STAFF RECOMMENDATION FOR SALE OF LEASE COVERING LOT 9-A, HANAPEPE RICE & KULA LOTS, HANAPEPE, WAIMEA, KAUAI

Mr. Detor said he would like to withdraw Item F-27 for more study. It's currently under lease to McBryde Sugar, and that lease won't run out until April of next year.

ACTION The board had no objection to withdrawing Item F-27.

ITEM F-28 SOLOMON HOLI REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 1-A, PARTS 1 & 2, HANAPEPE TOWN LOTS, HANAPEPE, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-29 FRANCIS ABERGAS REQUEST FOR WAIVER OF REPURCHASE OPTION, LOT 127, KEKAHA GARDENS SUBDIVISION, INCREMENT IV, KEKAHA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

(See pages 9 and 10 for Item F-30.)

ITEM F-31 COUNTY OF KAUAI REQUEST FOR TERMINATION OF EXECUTIVE ORDER NOS. 1514 AND 2378, WAIMEA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-32 MURL NIELSEN REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 3-B, HANAPEPE TOWN LOTS, 1ST SERIES, HANAPEPE, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

(See pages 4 to 6 for Item F-33.)

ITEM F-34 AMENDMENT OF OFFICE LEASE, AMELCO CORP. TO DEPARTMENT OF HEALTH,
645 HALEKAUWILA STREET, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

Mr. Ono said there are a number of ag lands on Kauai that are being offered for lease at public auction. He said this is good because this is the direction that was given to us, and he commended Kauai Land Agent Sam Lee for that. He asked that similar kinds of action be taken for other counties also.

Mr. Detor said there are couple of Maui ag lands on today's agenda, and there'll be more coming in. As far as Hawaii is concerned, he said, other than the ag parks, they don't have that many. But they'll be coming in, too.

ITEM H-1 CDUA FOR AGRICULTURAL USE, RAISING TARO FOR HOME CONSUMPTION
AT KAHAKULOA VALLEY, WAILUKU, MAUI

Mr. Evans recommended that this submittal be amended by adding Condition No. 15, that the applicant obtain a water license from our department.

Mr. Johnson Wong questioned the issuance of a water license because he wanted to know whether that creates a vested right in the lessee, so if we take it away from him later on we'll have to compensate him for it.

Mr. Evans said Condition No. 14 states that should the board approve it, that this does not engender any legal rights to water from Kahakuloa Stream.

Mr. Wong asked whether we are going to approve the use and not issue any water later on, or are we going to say that they are going to be locked in into issuing the water after approving the use.

Insofar as the proposed land use does encompass water from the adjacent stream, Mr. Evans said it would appear logical to infer that approving the land use also incorporates some inferential water use along with it. He suggested that the board approve this as originally submitted, deleting that condition, and he can get together with the Attorney General's Office and formally ask for guidance.

Mr. Ono asked whether whatever is applicable would be tacked on to this.

Mr. Evans suggested this be taken care under "other terms and conditions."

Since this is a major basic question, Mr. Ono said he didn't want to just piggy-back under "other terms and conditions."

Mr. Evans said as part of the approval, they can incorporate this question to the Attorney General's Office, and if the answer is applicable, that it be incorporated as an approved condition. The applicant would have to come back to the board for some type of disposition through the Land Management Division, so Condition No. 15 could read that the applicant obtain a water license from the Division of Land Management upon advice of counsel.

Mr. Detor said right now they don't know whether they have the rights to the water or not. When this matter comes to them for land disposition and if water is involved, and if it is determined that they do have to get a water license, they can come in with that request at that time.

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Yamamoto, unanimously approved Item H-1, as amended by adding Condition No. 15 as discussed above.

(See pages 10 and 11 for Item H-2 and pages 6 to 9 for Item H-3.)

ITEM H-4 CDUA FOR SUBDIVISION TO ACCOMMODATE TRANSFER OF LAND FROM THE DIVISION OF FORESTRY AND WILDLIFE TO THE DIVISION OF STATE PARKS RECREATIONAL CAMPING CONCESSIONS PURPOSES

The board, several years ago, approved the temporary buildings at Hale Pohaku at Mauna Kea to house the staff. Part of the approval was that if the buildings were not needed any more that they would be turned over to the Division of State Parks. The State Parks would then dispose of them as they saw fit.

Basically, this was a request from the Division of State Parks to subdivide lands within their parks, and the purpose of the subdivision is to allow these cabins to be run on a concession basis. There were three areas involved: Kalopa State Recreation Area, Mauna Kea State Park and Hapuna Beach State Park.

Mr. Evans asked that the Hapuna Beach site be withdrawn at this time since the State Parks Division has not been able to meet the SMA requirement. Should they meet this requirement, he said State Parks could then come back and amend this application to include that.

Mr. Ing pointed out that the CDUA expires on September 9, 1982.

Mr. Evans said then he would recommend denial, as indicated in the submittal, without prejudice; and secondly, that the board approve the other two areas.

As far as Mauna Kea State Parks is concerned, our Division of Conservation and Enforcement (DOCARE) has expressed the need for cabins at the very same location where the concession is proposed. As such, our Division of State Parks proposes in the future to take one of those buildings at Hale Pohaku, move it onto this property, and turn it over to DOCARE.

Mr. Evans pointed out to the board that this particular work was done by Ms. Sherrie Samuels, staff planner, and it is one of the better pieces of work. He said he was very happy to recommend to the board as presented.

Mr. Ono noted that Mr. Evans, in his presentation, made a comment that this approach would free Division of State Parks employees to do other things. He said actually it doesn't free any of the existing park staff. He said whenever we go outside for help and it impacts, or is going to take away the work that is assigned to that particular unit from the bargaining unit, we'll have to take it up with the union. He was under the impression that this would not free or affect the current staff. The way it was presented by Mr. Evans, he said it is not quite the way that he understood it from the beginning.

Mr. Evans said he was informed by the State Parks Division that the responsibilities would be lessened by existing staff with this particular proposal. He said the way he is presenting it is a result of the staff's discussion with the State Parks' staff. That resulted in the statement on the top of page 12, where it states that, "In addition, concession development will provide income to the state, benefit the park-using public and free State Parks employees from cabin rental operations and tasks."

Mr. Ono asked whether the unions were consulted on this.

Mr. Evans had no knowledge of that.

Mr. Ono said that is something that we need to check on it right away.

ACTION Item H-4 was approved as presented, on Mr. Ing's motion and seconded by Mr. Yamamoto.

Mr. Kealoha did not vote indicating that he was not present at any of the proceeding and the hearing.

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

Staff recommended approval of this application with the standard conditions approved by the board for the Haena Hui subdivision.

Mr. Yamamoto questioned the 7,200 square-foot dwelling. He asked whether this is a hotel or an apartment.

Mr. Evans didn't know because he had not seen the design plans. However, he called the board's attention to Condition No. 18, requiring that "the residence shall be designed to be compatible and complementary to the existing rural character of the north shore region of Kauai."

Mr. Ono said Condition No. 18 should be made more specific because of the 7,200 square feet floor area, and he asked that Mr. Yamamoto's concern be tied in.

Mr. Ing said we should include a provision here requiring the applicant to submit his building plans.

Mr. Evans thought that would be covered under Condition No. 1 on the compliance of applicable parts of Section 13-2-21 of Title 13, Chapter 2.

Mr. Ing suggested that we insert a specific condition in there of the submission of the building construction plans for approval.

The board had no objection to that.

ACTION The board, on Mr. Yamamoto's motion and seconded by Mr. Yagi, unanimously approved Item H-5 as amended above.

- - -

Mr. Evans called the board's attention to the particular condition which was discussed earlier and which was amended by deleting the proviso.

He said that entire wording was taken directly from the existing Regulation No. 4. He wanted to be sure that by putting a period and deleting the proviso that we were not changing Regulation No. 4. That still exists.

ITEM H-7 CDUA FOR AFTER-THE-FACT SEAWALL AND BOAT RAMP AT KANEOHE, KOOLAUPOKO, OAHU

This was an after-the-fact application. Mr. Evans said the seawall and the boat ramp were constructed approximately in 1977. Subsequent to that seawall and ramp construction, they have found that DAGS did a survey again in 1980 and encroachment was verified.

Staff met and discussed the applicant's concerns. Their concerns were that they were losing land, and they did make every effort to have that property certified from time to time. Staff found that the encroachment has occurred, and that two violations had occurred--one for the seawall and one for the boat ramp.

Staff recommended that the board find that there are two violations and to impose a financial sanction of \$500 per violation; and that the board approve the after-the-fact construction of the seawall and the boat ramp, with our standard conditions and a requirement that they receive some type of approval from the Division of Land Management for those parts of the improvements that are on state land.

Mr. Ono suggested, just to make it consistent with the others, that we insert the condition on the automatic revocation if the applicant does not comply with Condition A.

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

Mr. Ono asked Mr. Evans the status on the violation portion of the Kaneohe Bay study.

Mr. Evans said he has not implemented it yet. He said it's a matter of priorities.

Mr. Ono said we need to get moving even if we have to get temporary help. He said if the matter sites for couple more years, we are going to have to start all over again.

ITEM H-8 REQUEST TO AMEND A PREVIOUSLY APPROVED BOARD SUBMITTAL FOR THE PURPOSE OF MODIFYING A CONDITION FOR CDUA FOR SUBDIVISION AND ESTABLISHMENT OF A RADIO STATION SITE AT SUMMIT CAMP, WITH PERMISSION TO LAND HELICOPTERS FOR CONSTRUCTION AND THEREAFTER FOR PERIODIC MAINTENANCE AT WAILUA, KAWAIHAU, KAUAI, ON PROPERTY IDENTIFIED AS TMK 4-2-01:02 (PORTION) (ITEM H-7, 7/9/82)

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM H-9 AMENDMENT TO AN APPROVED CDUA FOR THE PURPOSE OF REQUESTING A ONE-YEAR TIME EXTENSION FOR USE OF A MILITARY RADIO RELAY SITE AT HUMUULA, NORTH HILO, HAWAII

Mr. Ing asked whether this is going to be an every year thing, or is it something that since we haven't received complaints from the public, we want to grant them the use without restriction as to time.

Mr. Evans explained that after they have been granted board approval, it turned out that problems had developed with the condition of use. As a result, the board has taken a rather cautious approach to the military's activities.

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM H-10 REQUEST FOR PUBLIC HEARING FOR COMMERCIAL USE OF LAND WITHIN CONSERVATION DISTRICT FOR COMMERCIAL PURPOSES

Mr. Evans asked to amend this submittal by adding CDUA OA-1485 (Moku-leia Partners, applicant), Waialua, Oahu. The proposed use would be for a subdivision. The expiration date is November 10, 1982.

ACTION Unanimously approved as amended. (Ing/Kealoha)

ITEM H-11 FILLING OF POSITION NO. 9690, ACCOUNT CLERK IV, ADMINISTRATIVE SERVICES OFFICE

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yamamoto, unanimously approved the appointment of Mrs. Jane Y. Nakazaki to Position No. 9690, Account Clerk IV, effective September 1, 1982.

ITEM I-1 FILLING OF POSITION NO. 33269, CLERK-TYPIST I, MAUI

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yamamoto, unanimously approved the appointment of Rene M. Tanga to fill the Clerk Typist II position on Maui.

ITEM I-2 APPOINTMENT OF LICENSE AGENT

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Yagi, unanimously approved the appointment of Kaya Fishing Supply, Inc. as a license agent to sell hunting and fishing licenses.

ITEM J-1 LEASE OF LAND AT HONOLULU INTERNATIONAL AIRPORT, OAHU (LANI BIRD, INC., DBA SCENIC AIR TOUR, HAWAII)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-2 CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (WESTERN AIRLINES, INC. TO PHILIPPINE AIRLINES, INC.)

Mr. Ing disqualified himself and did not vote on this item indicating a possible conflict.

ACTION Approved as submitted. (Kealoha/Yamamoto)

ITEM J-3 MODIFICATION NO. 14 TO LEASE NO. DOT-A-73-35, HONOLULU INTERNATIONAL AIRPORT, OAHU (WESTERN AIRLINES, INC.)

Mr. Ing again disqualified himself and did not vote on this item because of a possible conflict.

ACTION Approved as submitted. (Kealoha/Yamamoto)

ITEM J-4 FIXED-BASE FACILITY, UPOLU AIRPORT, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-5 CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-80-25, HONOLULU INTERNATIONAL AIRPORT, OAHU (MOON JA ROWAN DBA MJR CORP. TO MJR CORPORATION)

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-6 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS PERMITS NOS. 3643, 3650 AND 3652

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-7 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3657, HONOLULU INTERNATIONAL AIRPORT, OAHU (AERO GROUP MAINTENANCE, INC.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-8 RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-9 SUPPLEMENTAL LEASE AGREEMENT TO LEASE NO. GS-09B-70402, HARBORS DIVISION, MEZZANINE FLOOR, LOBBY 'B', PIER 10, HONOLULU, OAHU (UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION, BUREAU OF CUSTOMS)

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, NAWILIWILI HARBOR, KAUAI (MATSON NAVIGATION CO., INC.)

Mr. Garcia made some revisions to this item. He said the exhibit that was used to determine the rental was incorrect. The second floor storage space should be 217 square feet rather than 248 square feet. Under RENTAL, the storage spaces should be \$28.00 per month, instead of \$32.24; utilities and maintenance to be deleted. He said Matson has its own meter for electricity and they will provide their own maintenance. So the correct rental should be \$91.00 per month, instead of \$134.00 per month.

ACTION Unanimously approved as amended. (Yamamoto/Ing)

ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8 BUILDING, HONOLULU HARBORS, OAHU (HUNG YAT CHANG)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (PAUL THOMAS CUNNINGHAM)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-13 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION

ACTION Approved as submitted. (Kealoha/Yamamoto)

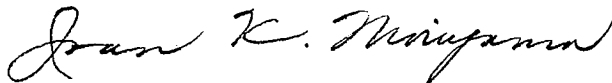
The record reflected that Mr. Ing disqualified himself from voting on the Young Brothers and Dillingham permits.

ITEM J-14 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON (SMALL BOAT HARBOR), HONOLULU, OAHU (LADON VANNOY)

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ADJOURNMENT: There was no further business and the meeting was adjourned at 12:15 P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm