

MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: September 10, 1982

TIME: 9:00 A. M.

PLACE: Waimea State Office Building
Waimea, 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. Roland Higashi
Mr. Takeo Yamamoto
Mr. Thomas S. Yagi
Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Susumu Ono

STAFF

Mr. Roger Evans
Mr. James Detor
Mr. Henry Sakuda
Mr. Libert Landgraf
Mr. Robert T. Chuck
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Johnson Wong
Mr. Kenneth Young (Item F-16)
Mr. Scott Leithead (Item F-16)
Mr. Robert Gerald D'Anna (Item H-6)
Mr. Peter Garcia

Added
Items

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

Forestry & Wildlife

Item C-5 -- Request for approval of Memorandum of Agreement between the U. S. Fish and Wildlife Service and the Department for funds to Support the Alala (Hawaiian Crow) Propagation Project

Administration

Item H-8 -- Request for Public Hearings for Use of lands within Conservation Districts for Commercial and Subdivision uses

ITEM H-3

REAPPLICATION FOR CONSERVATION DISTRICT USE FOR EXPANSION OF KAUNAKAKAI SEWAGE TREATMENT PLANT AT KAUNAKAKAI, MOLOKAI

ACTION

Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-16

COUNTY OF HAWAII REQUEST FOR LAND FOR DEVELOPMENT OF HOUSING, KEALAKEHE, NORTH KONA, HAWAII

This was a request from the County of Hawaii for approval, in principle, of a housing development in the Kealakehe Tract in Kona. Mr. Detor said

since the details have not been fully developed, they are asking for approval in concept now so they can develop the plans and specs, locate the project, and then come back to the board with the details for final approval. The state owns the Kealakehe Tract. The county is attempting to work with West Hawaii Housing Foundation to develop affordable housing in the Kona area. They want to develop housing that people can afford which would be in the \$50,000 range. In order to be able to do that, what they would like to do is to cut down on some of the refinements, insofar as subdivisions are concerned, and satisfy county requirements. Mr. Detor said it is not a case of just doing away with them all together, but rather postponing the installation of some of these refinements to a later date.

Mr. Ing asked what the nature of our commitment is to HHA.

Mr. Detor said some meetings ago the board approved an arrangement with Hawaii Housing and Hawaiian Homes Commission, covering land at Waianae, which Hawaii Housing has and wants to turn it over to Hawaiian Homes. Hawaii Housing cannot exchange directly with Hawaiian Homes so a three-way exchange is being worked out whereby we would get the land from Hawaii Housing and then turn it over to Hawaiian Homes.

At the last meeting, the board authorized the chairman to go ahead and conclude that arrangement, including shifting parcels around, if necessary. This is one of them that is on the list.

Mr. Higashi said it seemed to him that both the county and the state, through HHA, achieve the same goal of providing low and moderate-income housing. He asked Mr. Scott Leithead, representing the county, whether they can work with HHA and work within that thirty-five acres which were turned over to HHA.

Mr. Leithead said they can work with HHA and they can also work within the thirty-five acres. He said the goals and objectives of housing as a whole, for their department and the county, are patterned after and made consistent with the State Functional Plan. He understood that beyond a conceptual understanding, this specific resolution of the thirty-five acres has not taken place yet and that it would be done today.

Mr. Detor said the entire Kealakehe Tract is to be considered today, with the exception of the conservation-zoned area.

Mr. Leithead said the approach that they have taken here is somewhat unusual. They've come with just basically a project concept in the first phase. They expect to come in at a later time to develop more specific proposals for the project. The essence of the concept of the project proposal here is that it would be leased to the final user, and that might not be possible if the land moves through HHA.

Mr. Kenneth Young said West Hawaii Housing Foundation is a nonprofit corporation, and it has been dedicated to providing low-cost housing in Kona because they feel that there is a tremendous need. They are trying to get the county involved and are working with them. They will work with the state. However, he doesn't want to tie himself down to HHA regulations because he thinks they can come up with some better programs. They can show the state how to build affordable housing cheaper. He said it was easier a few years ago to build low-income housing because

the Federal Government provided all the money. That money is not going to be available anymore.

They believe that they should provide housing to the working population in Kona. The county's own report says there is a need for 10,000 units, so if HHA and the county are involved they would be much happier because then it would make it more possible that these units can be built.

Mr. Young expressed his concern about the thirty-five acres. He would have preferred to go in there but they have upfront costs. Their major concept in approaching this project is to see how they can cut the upfront costs in land, site development, housing development and financing. They will approach these very carefully. One is the use of state land under a leasehold concept and changing it to fee simple at some future time. He said they have been working for over a year with the county administration on the improvements.

Mr. Young further stated that one of the things that they are vitally concerned about is that the county and other agencies are looking at an inclusionary zoning. He didn't believe that an inclusionary zoning is the answer. They believe that housing can be provided so people can afford it, and they are looking for every other source that they can to make this possible. He said HHA has HULA MAE, and HULA MAE is running into trouble right now because of the high cost. So now they are looking at pension funds. They believe that they can work with pension funds to make it profitable for them to provide housing at a much lower rate than it has been in the past. They feel that they are not in competition with HHA. They would like to supplement their efforts to make housing available especially in West Hawaii.

Mr. Higashi said they don't necessarily have to go through HULA MAE for financing even if they go into HHA land.

Mr. Young said the one thing that he is concerned about is the upfront cost. This has a cash contribution of \$30,000 an acre. He said that immediately starts the clock running that is going to add on to the cost, so it is going to make it higher than what they would want to do.

Mr. Ono asked Mr. Young when does the state get its return on the land under their concept.

Mr. Young said if you can cut down the cost of the improvements and the cost of financing, you will still get your market value of your land, but it will be deferred, just like they're asking the deferral of some of the site improvements. In order for a person to qualify, the fixed costs are always the key items, and if you can keep those fixed costs down, then you can reduce the amount in income that a person has to earn in order to qualify. So under a leasehold concept, that's a lesser figure than the cost of buying the land in the first place. He said right there you have created a reduction in the upfront cost. He said nobody has looked at this and nobody had to look at it in the past because federal money paid for the land in cash. There was no problem. Now there is a problem because federal money is not available. So he said they have to come up with an alternate idea, and the idea is the leasehold upfront, a conversion to fee simple at some future time, and the state gets paid off.

Mr. Higashi asked what kind of future time he was talking about.

Mr. Young said they haven't worked it out yet. It will probably be within the ten-year period. It will have to be whenever the property is turned over.

Mr. Higashi asked about the repurchase option and whether they would have a covenant that they cannot sell within ten years.

Mr. Young said that would have to be in there. He said most houses turn over within an eight-year period. They would have a covenant so that the buyer is not a speculator. He cited the Liliuokalani Village which he built with two other partners. They sold those houses for \$22,000 and four years later they were selling these houses for \$90,000. They didn't put that repurchase option in so these people made a fantastic profit, he said.

Mr. Higashi asked whether they are proposing an improvement district, and whether this would be a condition of the sale that each party must participate in the improvement district.

Mr. Young said absolutely. However, they haven't finalized the improvement district as part of it yet. It depends on the county. They believe that curbs and gutters are heavy upfront expenses that they would like to defer. They feel that they can be put into improvement district at a later date.

Mr. Higashi asked Mr. Young whether he can project some future cost so the purchaser would understand how much he has to participate.

Mr. Young said you cannot say what the actual cost will be from today and ten years from now.

Mr. Higashi said it is difficult for the buyer not to know exactly what he has to pay in the future.

Mr. Leithead said they share Mr. Higashi's concerns. They are extremely valid concerns. He said the county's part in this primarily has been the application for land and working on these cost-reduction concepts, and the sponsor in the project is West Hawaii Housing Foundation. They have been working on these cost-reduction concepts for about nine or ten months and are seriously looking at things such as deferring for five or six years.

Mr. Leithead said they will be discussing these concepts with HHA, as well as other developers, and the public at large. They have come up with the first draft for circulation this week and he will be sending a copy of the draft to HHA.

Mr. Higashi said before this project came into conceptual stage, HHA did not have control over the land. This took place recently. He said he would like to see if they can work with HHA and try to iron out the problems.

He said the board put a ceiling to HHA when they made representation to us that they are going to come in with a certain amount, and the board held them to that price. So he felt it is only fair if representation is made to us at \$50,000, that those houses come in at \$50,000.

Mr. Young said the only thing is that they don't know what the restrictions are. He said the important thing is that the board realizes that affordable housing is a critical item in the state. They need all the help that they can get from this board.

Mr. Leithead said he wasn't exactly clear on what the staff's recommendation was, but he said what the county was looking for is some kind of conceptual approval by the board, pursue the idea of trying to build houses in Kona for \$50,000, work with HHA and see what they can work out. Then come back to the board and obtain whatever approval that is necessary.

Mr. Higashi said he would prefer that they work with HHA first.

Mr. Young asked what happens if they cannot work out something with HHA.

Mr. Higashi said the board should be made aware why they cannot work it out and what the problems are.

ACTION Mr. Higashi moved to defer Item F-16 and asked Mr. Leithead and Mr. Young to work with HHA first, and then come back to the board with an integrated response. Mr. Yagi seconded the motion.

Mr. Leithead felt that this was a fair approach to take.

Mr. Ono said a letter will be sent to HHA from him expressing the concerns of the board.

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

ITEM B-1

FILLING OF POSITION NO. 10336, AQUATIC BIOLOGIST IV, MARINE SECTION FISHERIES BRANCH, DIVISION OF AQUATIC RESOURCES

ACTION The board unanimously approved the appointment of David Eckert to Position No. 10336, Aquatic Biologist IV, effective September 16, 1982, on Mr. Ing's motion and seconded by Mr. Kealoha.

ITEM B-2

REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING TO AMEND THE DEPARTMENT OF LAND AND NATURAL RESOURCES RULES, CHAPTER 13-89, RELATING TO SPINY LOBSTER OR ULA

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM B-3

OUT-OF-STATE TRAVEL REQUEST FOR ALVIN KATEKARU

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM C-1

HAWAII DISTRICT FIRE WARDENS

ACTION Mr. Higashi moved to approve Item C-1 and further moved to delegate the authority to the chairman to handle any such future awards administratively. Mr. Kealoha seconded and the motion was unanimously carried.

Mr. Yagi suggested that the names at least be submitted to the board so there is some recognition by the board.

ITEM C-2 FILLING OF TEMPORARY FORESTRY TECHNICIAN III, POSITION NO. 32894, HAWAII

Mr. Landgraf called the board's attention to a typographical error on the agenda. The agenda should correctly read "Forestry Technician III" and not "Clerk-Stenographer II."

ACTION Mr. Stephen Anderson was unanimously appointed to fill Position No. 32894, on a motion made by Mr. Ing and seconded by Mr. Higashi.

ITEM C-3 FILLING OF TEMPORARY CLERK-STENOGRAPHER II, POSITION NO. 31806, ADMINISTRATION

ACTION The board, on Mr. Ing's motion and seconded by Mr. Higashi, unanimously approved the appointment of Ms. Jodi Fujisue to fill Position No. 31806.

ITEM C-4 OUT-OF-STATE TRAVEL FOR DIVISION OF FORESTRY AND WILDLIFE ADMINISTRATOR, MR. LIBERT K. LANDGRAF

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM C-5 ADDED REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE U. S. FISH AND WILDLIFE SERVICE AND THE DEPARTMENT FOR FUNDS TO SUPPORT THE ALALA (HAWAIIAN CROW) PROPAGATION PROJECT

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM D-1 HONOLULU COMMUNITY COLLEGE WATER WITHDRAWAL AND USE PERMIT APPLICATION, HONOLULU GROUND WATER CONTROL AREA

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM D-2 APPROVAL OF COOPERATIVE AGREEMENT WITH U. S. GEOLOGICAL SURVEY FOR WATER RESOURCES INVESTIGATION

ACTION Unanimously approved as submitted. (Ing/Kealoha)

Mr. Ono asked whether the federal contribution has always been equal to the state's contribution, and whether we check periodically to see whether we are getting our money's worth.

Mr. Chuck said yes, it has always been equal. They have been checking. They have a separate Memorandum of Agreement that they work out with them each year, and they go over the accomplishments in those agreements. He said in past years, the Water Resources Division of USGS was doing heavy work in surface water and had screen gauges throughout the state. But in the last decade (through our direction to them), we had turned that over to being heavier in groundwater.

Mr. Chuck said recently he and his staff went down to the USGS and were exposed to the computer setup. So they are reacting to our needs.

Mr. Ing asked whether there are reports generated as a result of this.

Mr. Chuck said there are many reports.

Mr. Ing suggested that the next time they come up with this, that they circulate them to the board, not necessarily as a part of the board submittal.

ITEM D-3 SOIL AND WATER CONSERVATION DISTRICT DIRECTOR

ACTION The board, on Mr. Ing's motion and seconded by Mr. Kealoha, unanimously appointed and certified the two people listed below to serve as directors of the respective Soil and Water Conservation Districts, both terms to end June 30, 1985:

Windward-Oahu

Alfred Lee, Office Manager, Del Monte Corp.

Kona

H. Peter L'Orange, Executive Secretary, Hawaii Leeward Planning Conference

ITEM D-4 FILLING OF ENGINEERING AID I POSITION ON TEMPORARY APPOINTMENT OUTSIDE OF LIST BASIS

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Kealoha, unanimously approved the hiring of Morris K. Ota to fill the Engineering Aid I position on a temporary appointment effective September 16, 1982.

FILLING OF VACANT PARK CARETAKER II POSITION, POLIPOLI SPRINGS STATE RECREATION AREA AND HALEKII-PIHANA STATE MONUMENT, MAUI PARKS SECTION

ITEM E-1

Mr. Detor made the presentation for Mr. Roy Sue who did not attend the board meeting.

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Yamamoto, unanimously approved the appointment of Richard Tavares as Park Caretaker II, assigned to the Polipoli Springs State Recreation Area and Halekii-Pihana State Monument.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

KAUAI

Item F-1-a ASSIGNMENT

CHESTER WAYNE HUNT, assignor, to ALBERT FICKER and CHESTER WAYNE HUNT, a partnership, assignees - Lots 3 and 4, Kekaha Town Lots, Waimea - GL No. S-4649

The correct name of the assignee is FICKER & HUNT, a partnership, and the consideration is \$1.00. The submittal was corrected to reflect those changes.

HAWAII

Item F-1-b ASSIGNMENTS OF SUBLEASES

TOMOICHI DAIMARU, assignor, to TELJI and JANE Y. SAKANOI, husband and wife, assignees - Piihonua Camp 3, Piihonua, South Hilo - GL No. S-3662 (Sublease No. S-3662-5)

Item F-1-c SEIKICHI TOKESHI, assignor, to SHELDON N. TOKESHI (son), assignee - 2056 Waianuenue Avenue, Hilo - GL No. S-3662

Item F-1-d LAND PATENT

Issuance requested in confirmation of Land Commission Award No. 7130, Apana 2, to Kinimaka by application of WILLIAM J. PARIS, JR., current landowner - lands situated at Maihi 1st, North Kona

Item F-1-e COMMISSIONER'S ASSIGNMENT OF LEASES

STEPHEN YAMASHIRO, as Commissioner appointed by the Third Circuit of the State of Hawaii, to FRANCIS DE MORALES, as assignee - GL Nos. S-3931 and S-5003, Lots 1317 and 1417, respectively, of the Waiakea Homesteads, South Hilo

OAHU

Item F-1-f ASSIGNMENT OF LEASE

Stephen Joseph Herbert, Donna Lee Lawn, Sheldon Alois Hoyt, Josephine Lacy Hoyt, James King Ingham, Mary Lee Ingham, Robert Philip Corboy, Mary Gallagher Corboy (Assignors) to Stephen Joseph Herbert, Sheldon Alois Hoyt, Mary Ann Burgess McCrea and Joseph Michael Dacey (Assignees); Lot 73-A, Malaekahana Beach, Koolauloa - for residential purposes only

Mr. Detor asked that the consent to this assignment of lease be subject to determination by the Attorney General's Office that no relocation costs will have to be picked up by the state.

ACTION Item F-1 was unanimously approved as amended. (Ing/Higashi)

ITEM F-2

HAWAII ELECTRIC LIGHT COMPANY, INC. AND HAWAIIAN TELEPHONE COMPANY APPLICATION FOR EASEMENT AT KEALAKEHE, NORTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM F-3

KENNETH KUDO REQUEST FOR PERMISSION TO ERECT DWELLING ON LOT 5 (G.L. NO. S-4824) OF THE PAHOA AGRICULTURAL PARK, PHASE I, KEONEPOKO IKI, PAHOA, HAWAII

ACTION Mr. Higashi moved for approval, which was seconded by Mr. Yamamoto.

Mr. Ono said there is a violation involved in this particular case and this is an after-the-fact request. He said a letter should be sent to him warning him that future violations will be dealt with more severely.

Mr. Higashi requested that this be incorporated as a part of his motion and so amended it. Mr. Yamamoto seconded the amended motion. On the call of the question, the amended motion was unanimously carried.

ITEM F-4

HAWAIIAN TELEPHONE COMPANY APPLICATION FOR EASEMENT, KAWAIAHAO, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-5

U. S. ARMY REQUEST FOR AMENDMENT OF LEASE COVERING DILLINGHAM AIRFIELD, MOKULEIA, WAIALUA, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-6 DOH REQUEST FOR ACQUISITION OF LEASE, COVERING APT. A OF BUILDING 8 OF STAFF HOUSING, PRINCEVILLE, HANAIEI, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-7 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 501 & 503 THROUGH 509 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-8 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOM 412 OF THE BETHEL-PAUAAHI BLDG., HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-9 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOM 401 THROUGH 408 OF THE BETHEL-PAUAAHI BLDG., HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-10 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 512, 514, 516, 518 & 520 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-11 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 602, 604 & 606 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-12 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 609, 610, 611, 613, 615 & 617 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-13 DSS&H REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 614, 616 & 618 OF THE BETHEL-PAUAAHI, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-14 DOH REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 205, 600 KAPIOLANI BOULEVARD, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM F-15 WINDWARD PLANTS INCORPORATED REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTIONS (1/8/82, AGENDA ITEM F-21 AND 3/25/82, AGENDA ITEM F-13) AUTHORIZING EXTENSION OF GENERAL LEASE NO. S-3761 AND CONSENTING TO MORTGAGE, WAIMANALO, OAHU

ACTION Unanimously approved as submitted. (Yagi/Higashi)

(See pages 1 to 5 for Item F-16.)

ITEM F-17 JAMES BLACKWELL REQUEST FOR CONVEYANCE OF ABANDONED DITCH
RIGHT OF WAY, WAILUA, KAUAI (SUBMITTAL TO BE DISTRIBUTED AT
BOARD MEETING)

The submittal was not distributed at the meeting.

ACTION Mr. Detor asked to defer Item F-17. This matter was referred to the Attorney General's Office, he said, and although they have come up with an opinion, it has not been put in writing.

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

ITEM H-1 CDUA FOR RECONSTRUCTING A SMALL RETAILING STORE ON PRIVATE
LAND AT MILOLI, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM H-2 CDUA FOR A LARGE LOT SUBDIVISION FOR ESTATE PLANNING PURPOSE
KEALAKEKUA, HAWAII

Mr. Ing said the submittal states that it is for estate planning purposes, and the grantee is still alive. He said in the past when the board entertained subdivision requests, it has been as a result of probate decision by probate court as to how the land is going to be split. In this case, there is nothing to prevent the subsequent owners of the subdivided parcels from turning around and selling it, once the subdivision occurs.

Mr. Evans said Mr. Ing is correct. There is nothing here to prevent future land transactions.

Mr. Ing expressed his concern because he said we could end up with a situation where people go through the CDUA process and end up with splitting up of parcels. So where you once had a huge tract of land with one house on it, you may later find a number of houses.

Mr. Evans said since we have time on this, the board may wish to defer. He said he would like to research this further to come up with an absolute condition which would restrict or severely limit the sale of the lot.

ACTION The board had no objection to deferring this item and directed the staff to report back at its next meeting with additional information, as it relates to the purpose or stated intent of estate planning.

(See page 1 for Item H-3.)

ITEM H-4 CDUA FOR SINGLE-FAMILY RESIDENCE AT HAENA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM H-5 CDUA FOR AFTER-THE-FACT COMMERCIAL KAYAK TOURS OF KALIHUWAI
RIVER AT HANAIEI, KAUAI

ACTION Mr. Yamamoto moved for deferral for further study until the next meeting. Mr. Yagi seconded and the motion was unanimously carried.

ITEM H-6

RESUBMITTAL FOR CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT
PUNA, HAWAII

The board took action on this CDUA at the last Kauai meeting. By that action, the board found that there were six violations, however, the method of payment for the violations was deferred.

Mr. Higashi asked Mr. Evans to recap the violations.

Mr. Evans said the six violations were construction of two structures, partial construction of a third structure, installation of a water tank/catchment system, installation of cesspool and toilet, and the use of the structure designated as a garage for living quarters.

Mr. Higashi felt the use of the garage may not be a violation, and asked the chairman whether it was possible to discuss this matter at this time.

Since the board took action on the original set of recommendations, Mr. Ono said this would actually be a request for reconsideration.

Mr. Higashi asked whether a request for reconsideration can be made at this time.

Mr. Ono called for a short recess to check this out with the deputy attorney general, and reconvened the meeting. He ruled that if there is to be a request for reconsideration of Item H-6 as contained in today's agenda (for which action was taken on August 13, 1982) that we can still do so. He said the request for reconsideration has to come back to the board formally as a motion, no later than the next board meeting. He said this particular item was on the previous board meeting so this, in effect, is the next board meeting. The board cannot entertain any request for reconsideration on Item H-6 on any date beyond today's meeting, he said.

ACTION Mr. Yagi moved to reconsider Item H-6 as it relates to the action taken by the board on August 13, 1982. Mr. Yamamoto seconded. The motion to reconsider was unanimously carried.

Mr. Ono said a motion is in order to get this matter on the board agenda.

Mr. Higashi moved to add the request for reconsideration of Item H-6 on the agenda. Mr. Yagi seconded and the motion was unanimously carried.

Added Item H-6(a) Mr. Ono said the board in effect will not be taking formal action on Item H-6, and that the request for reconsideration will be listed as Item H-6(a).

ACTION Mr. Higashi moved to amend Recommendation A (Item H-3 of August 13, 1982) to read as follows:

- A. That the board find the construction of two (2) wooden structures, and partial construction of a third structure, installation of a water tank/catchment system, installation of a cesspool and toilet to be violations of Title 13, Chapter 2, Departmental Administrative Rules, as amended, and that the board assess the applicant a fine of Five Hundred Dollars (\$500.00) per violation, the total of five (5) separate violations being equal to the sum of Two Thousand Five Hundred

Dollars (\$2,500.00); \$500 to be paid today and the balance to be paid at \$100 per month, at 11½% interest, and this is to be documented as a technical lien on the property and recorded in the Bureau of Conveyances.

Mr. Higashi further moved that the application be amended to include the greenhouse as described in the applicant's August 17, 1982 letter to the department.

Mr. Yagi seconded the motion.

Mr. D'Anna said he was glad that the board reconsidered the matter of the fine. However, he said he still would like to see the reduction on the maximum fine, if possible, and that he be cited for only one violation, and that is for starting construction without a permit. Mr. D'Anna submitted a \$500 cashier's check to settle this case, and asked the board to approve the application.

Mr. Higashi said the board has been consistent in its fining process, that each improvement is a violation.

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

RESUBMITTAL FOR CDUA FOR PROPOSED DRAINAGE IMPROVEMENTS AT ONELOA BEACH, KAPALUA, MAUI (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

ITEM H-7

This was a resubmittal. There were discussions on this matter at the previous meeting as it relates to Condition 21. Mr. Evans said staff felt that they were out of line to put Condition 21 in. The reason being that the silt basin that is under discussion in Condition 21 is not located in the conservation district. As such, Mr. Evans felt that this is precedent setting if we use the CDUA, for whatever purpose, as a part of the condition to impose conditions on something outside of the conservation district. Staff, therefore, recommended that Condition 21 be deleted in its entirety.

ACTION Mr. Yagi moved to approve Item H-7 with Condition 21 deleted. Mr. Yamamoto seconded and the motion was unanimously carried.

Mr. Vierra said whether it is a condition or not, they will still go ahead and do what was actually suggested by DOWALD.

Mr. Yagi said he wanted to be sure that this is not the kind of condition that the board is trying to impose on them, and that DOWALD had no business in making such a recommendation outside of the conservation area.

Mr. Ing said, although he did concur with staff's recommendation that Condition 21 be deleted, he personally does not endorse Mr. Evans' statement as a blanket policy with regard to conditions as they apply to outside of conservation district. He said depending on what's going on in conservation land and what's going on in nonconservation land that there may be appropriate conditions or limitations that should be placed.

Mr. Ono agreed and said we should interpret Mr. Evans' comments as staff's comments at this particular point.

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

ADDED REQUEST FOR PUBLIC HEARINGS FOR USE OF LANDS WITHIN CONSERVA-
ITEM H-8 TION DISTRICTS FOR COMMERCIAL AND SUBDIVISION USES

Mr. Evans called the board's attention to CDUA HA-1515 (C. Brewer & Co., Inc., applicant) which was listed last in the submittal. The purpose for this request is for consolidation and subdivision and is to allow the applicant to plant macadamia nuts on private land, land that is presently in cane. He said the board may have some thoughts about holding a public hearing for this purpose even though it's a consolidation and resubdivision.

Mr. Ono said if we follow the present practice of the board, all consolidation and subdivision requests would require a public hearing. However, in this particular case, it's an ag use in ag-classified land, and there is no change in use in conservation land. There is no specific guidelines as to when a waiver of a public hearing should take place, and he raised this question of whether we should subject the applicant to go through the whole review process.

ACTION Mr. Yagi moved to approve added Item H-8 as amended by deleting CDUA HA-1515 from the list. Mr. Ing seconded and the motion was unanimously carried.

ITEM J-1 LEASE - GIFT AND SUNDRIES CONCESSION, LIHUE AIRPORT, KAUAI
(RESUBMITTAL)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-2 ADDENDUM NO. 1 TO LEASE NO. DOT-A-78-23, LIHUE AIRPORT, KAUAI
(ALOHA AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM J-3 MODIFICATION NO. 3 TO LEASE NO. A-68-16, HONOLULU INTERNATIONAL
AIRPORT, OAHU (HONOLULU FUELING FACILITIES CORPORATION)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-4 RIGHT OF ENTRY, HONOLULU INTERNATIONAL AIRPORT, OAHU
(HAWAIIAN ELECTRIC COMPANY, INC.)

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM J-5 RIGHT OF ENTRY, HONOLULU INTERNATIONAL AIRPORT, OAHU (FEDERAL
AVIATION ADMINISTRATION)

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM J-7 ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-8 WITHDRAWN

ITEM J-9 RENEWAL OF REVOCABLE PERMIT, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, HONOLULU HARBOR, OAHU (NORTHLAND SERVICES, INC.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN AND HONOLULU HARBOR, OAHU (ALOHA PETROLEUM LTD., ED YAMA-SHIRO, INC., GARLOW PETROLEUM, INC. AND GEORGE KIMURA, KEWALO STATION)

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT)

Mr. Ing asked whether they are going to run the pipes on the submerged land, or are they going to be buried.

Mr. Garcia said he believed that it is going to be stored along the reef, close to the breakwater, on the submerged land itself. He thought it's in place now and that it was part of the OTEC project.

Mr. Ing said in effect it is going to be a use within the conservation district and there is no existing CDUA for storage of pipes.

ACTION Mr. Ing moved for deferral and asked that this be referred to the DLNR Planning Office for their comments as to whether a CDUA is required or not. He said it may seem like a relatively minor matter but the use and submerged lands are involved.

The board had no objection to deferring this item.

ITEM J-13 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU HARBOR, OAHU (VELMA P. KEKIPI)

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM J-14 CONTINUANCE OF REVOCABLE PERMIT, HARBORS DIVISION

The record showed that Mr. Ing disqualified from participating on this item.

ACTION Approved as submitted. (Yagi/Higashi)

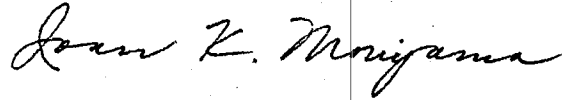
ITEM J-15 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (LA MARIANA SAILING CLUB, INC.) (RESUBMITTAL)

This matter was deferred at a previous meeting because Mr. Ing wanted a copy of the CDUA to be attached to the submittal. Mr. Garcia asked for further deferral because they were not able to get a copy of the CDUA. He said they will try to get it by the next meeting.

ACTION The board had no objection to deferring Item J-15 until the next meeting.

ADJOURNMENT: There was no further business and the meeting was adjourned at
11:00 A. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm