

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

DATE: September 24, 1982
TIME: 9:05 A. M.
PLACE: DLNR Conference Room
Room 132, Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

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

MEMBERS: Mr. Takeo Yamamoto
Mr. Roland S. Higashi
Mr. Thomas S. Yagi
Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Susumu Ono

STAFF: Mr. Melvin Young
Mr. James J. Detor
Mr. Roger Evans
Mr. Henry Sakuda
Mr. Libert Landgraf
Mr. Robert T. Chuck
Mr. Ralston Nagata
Mr. Charles Neumann
Mr. John Corbin
Mrs. Joan K. Moriyama

OTHERS: Dep. Attorney General Edwin Watson
Mr. Peter Garcia
Mr. John Witeck, UPW (Item H-8)
Mr. Norito Kawakami (Item F-13)
Mr. Frank Farm (Item B-3)
Mr. Nathan Ortiz (Item B-3)
Mr. Gregg Tanaka and Mr. David
Nakada (Item F-1-a)
Mr. Robert Crane (Item H-5)
Mr. Gary Okamoto (Item H-4)

MINUTES The minutes of August 13, 1982 were unanimously approved as circulated.
(Higashi/Kealoha)

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

ITEM J-1 APPROVAL OF CONSENT TO ASSIGNMENT BY WAY OF MORTGAGE, HARBORS
DIVISION, HAWAII AND KAUAI (CYPRUS HAWAIIAN CEMENT CORP.)

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM J-2 CONSENT TO ASSIGNMENT, FOOD CONCESSION IN THE PIER 19 OFFICE BUILDING, HONOLULU HARBOR, HONOLULU, OAHU (SANG CHAN TO LE KUONG LI)

ACTION Mr. Yagi moved to approve Item J-2. Mr. Kealoha seconded the motion.

Mr. Ono said when the original concessionaire says that it is more than he can handle, shouldn't that alone be a reason to take back the property instead of assigning it to someone else. He said the Department of Transportation should look into this.

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

ITEM J-3 RESUBMITTAL - SALE OF A LEASE BY PUBLIC AUCTION, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, KEALAKEHE, NORTH KONA, HAWAII

Mr. Higashi asked whether the 120 working days is a realistic figure for the completion of the facility.

Mr. Garcia felt it is a realistic figure since the 120 working days commences after approval of all of the construction permits, not from the date the lease begins.

Mr. Higashi noted that the sale of gasoline is not included here.

Mr. Garcia said the sale of gasoline was not included because they are not sure whether they are going to put up a long-term lease for the sale of gasoline. It becomes a little difficult for the people to bid on it, he said, because there is not that much business at that location. They do have someone doing it now under a revocable permit.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, HONOKOHAU, HAWAII (KONA SAILING CLUB)

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI SMALL BOAT HARBOR, HONOLULU, OAHU (TEXACO, INC.)

Mr. Ono asked why they are going on a permit basis rather than a lease here when there is more activity in the Ala Wai than on the Big Island.

Mr. Garcia said they intend to go on a lease. The appraisal of the premises is currently being undertaken.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, SAND ISLAND, OAHU (MATSON NAVIGATION CO., INC.)

Mr. Garcia made some corrections to the submittal. He said the area should be 6,000 square feet and rental should be \$1,140.00 per month. Under Remarks, the second paragraph should correctly read 6,000 square feet.

ACTION Unanimously approved the submittal as corrected. (Ing/Yagi)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 1, SECOND FLOOR CONTROL TOWER, HONOLULU HARBOR, HONOLULU, OAHU (SEA-WARD MARINE SERVICES)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39, HONOLULU HARBOR, HONOLULU, OAHU (GEO ENGINEERING CORP.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39-1A, HONOLULU HARBOR, OAHU (MARISCO, LTD.)

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MANELE BOAT HARBOR, LANAI (TRILOGY EXCURSIONS)

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-11 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU HARBOR, HONOLULU, OAHU (SERVCO PACIFIC, INC.)

Mr. Kealoha abstained from voting on this item.

ACTION Approved as submitted. (Ing/Yagi)

ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (LA MARIANA SAILING CLUB, INC.)

This matter was deferred earlier because Mr. Ing asked that the board be furnished with a copy of the CDUA. Copies of the CDUA were made available to the board today. Also attached to the CDUA was a copy of a letter from Mr. Roger C. Evans to Ms. Annette L. Nahinu informing her that a CDUA is not required and that the original CDUA covers the work that is being done.

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM J-13 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (ALOHA AGRICULTURAL CONSULTANTS, INC.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-8 ASSIGNMENT OF RESIDENCES AT STATE PARKS

Mr. Melvin Young, the Departmental Personnel Officer, said page 1 of the submittal says nine employees. It should correctly read ten employees. Under Recommendation on page 2 of the submittal, fifth line, the number should be changed from seven to eight Park Caretaker III employees.

Staff recommended the transfer of all existing and new residences to DOCARE on the basis that they would be able to provide more security and surveillance within the park area.

ACTION Mr. Ing asked to defer Item H-8. He would like to have an opportunity to examine the residences. He would also like to know a little bit more about the problems with vandalism as opposed to maintenance since that seems to be the key issue.

The board had no objection to defer this item pending site inspection.

Mr. John Witeck, UPW Business Agent, was present at the meeting and said he will furnish the board with a copy of his testimony which he was planning to present today.

ITEM F-13 JAMES BLACKWELL REQUEST FOR CONVEYANCE OF ABANDONED DITCH RIGHT OF WAY, WAILUA, KAUAI (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

This matter was deferred several times because staff was waiting for a legal opinion as to the course of action to follow. Mr. Detor said we do have that opinion now, and the proposal before the board reflects that particular opinion.

Mr. Detor briefly explained what was involved. Mr. Blackwell proposes to subdivide his fee simple land. Running through that lot is a "paper" ditch right of way which is owned by the State of Hawaii, and which is part of the East Kauai water license. The right of way is not in use and it does not appear on the ground. The proposal is to abandon it and sell it to the abutting owner, Mr. Blackwell. Mr. Blackwell would then convey to the state an alternate ditch right of way in fee simple, gratis. The particular segment of this ditch through which the road would come, would be conveyed to the County of Kauai, and would become part of the road.

Mr. Yagi asked how this would benefit the state.

Mr. Detor said the benefit to the state would be that it would receive money for something that is not in use anyway, and we will still have a ditch right of way. Right now it appears on the map. However, it is not on the ground, and it doesn't bring in anything.

ACTION The board, on Mr. Yamamoto's motion and seconded by Mr. Yagi, unanimously took the following action:

- A. Accepted the conveyance in fee, at gratis, by Mr. James C. Blackwell, Jr., the land for a ditch right of way on, over and across Lot 16 of the Wailua Homesteads, First Series, subject to the conditions listed in the submittal.
- B. Authorized the relocation of a 15-foot wide state right of way crossing Lot 16 of the Wailua Homesteads, First Series, excepted and reserved to the State of Hawaii under Land Patent Grant No. 12,107, to the right of way described in Exhibit A (appended to the basic file), subject to the conditions listed in the submittal.
- C. Found that the portion of the state's ditch right of way, crossing said Lot 16, and described in Land Patent Grant No. 12,107, is abandoned and is no longer required as a ditch right of way and, therefore, deemed a remnant for sale in fee to Mr. Blackwell, subject to the conditions listed in the submittal.

D. Authorized the conveyance of the subject .027-acre parcel to the County of Kauai for roadway purposes, subject to the conditions listed in the submittal.

E. Granted Mr. Blackwell a right of entry to the state's relocated ditch right of way and permission to construct the roadway, subject to the conditions listed in the submittal.

ITEM H-4

RESUBMITTAL - CDUA FOR A LARGE LOT SUBDIVISION FOR ESTATE PLANNING PURPOSE AT KEALAKEKUA, HAWAII

This was a resubmittal. This matter was deferred at the last meeting as concern was expressed by the board in terms of potential future development in the conservation district.

Staff recommended approval and also suggested that Condition 7 be amended to read, "That any future developments or structures shall be restricted to lands outside of conservation district." Mr. Evans said this amendment will not preclude the applicant from trying to put a structure on lands zoned other than conservation. He further explained that if the applicant wanted to have a structure or a house, that it be located in the agricultural portion of the lot. Staff would like to see that there is no increase in the density in the conservation district as a result of this approval.

Mr. Gary Okamoto, representing the applicant, said they understand Condition 7 and have no objection.

Mr. Higashi said because the submittal says the purpose is for estate planning, he would like the applicant to forward copies of the deeds to our department when the subdivision is completed to make sure that these lots in fact are turned over to the children; or if the document for future gift is considered, he said he would like that document to be filed with the department.

Mr. Evans suggested that this be incorporated as Condition 8.

ACTION Mr. Yagi moved to approve Item H-4, as amended. Mr. Higashi seconded and the motion was unanimously carried.

ITEM B-3

ADOPTION OF CHAPTER 13-34, ADMINISTRATIVE RULES, PUPUKEA MARINE LIFE CONSERVATION DISTRICT, OAHU

This was a request for adoption of proposed Chapter 13-34 to establish the Pupukea Marine Life Conservation District.

As a background information, Mr. Sakuda said the University of Hawaii published a report in 1975 on the various sites around Oahu and Hawaii to determine which areas were best suited for marine life conservation district candidates. The report recommended two sites on Oahu. The first one recommended was Kahe Point, with a condition that Kahe Point Beach Park be taken over by the City and County of Honolulu and established as a City and County Beach Park. The other site was Pupukea. The Fish and Game Division (Now Aquatic Resources Division) did a survey in 1976 and agreed that the area was very suitable for a marine life conservation district as a backup park.

A public hearing was held on August 24, 1982, at the Sunset Beach Elementary School, and generally the people were for the establishment of the marine life conservation district. A petition was also received from the people who live in that area, and they were also for the establishment of the marine life conservation district. However, they were also for spearing, limu taking, pole and line fishing, and no coral and scuba diving in the area.

Mr. Sakuda said in all of the meetings, representatives from the Sunset Beach Community Association and the North Shore Neighborhood Board #27 were present.

Subsequently, the original draft of the regulation was revised to allow pole and line fishing from shore, limu taking, spearing, skin diving, but no scuba diving. No spearing with scuba.

Mr. Ono asked how many months out of the year can the average swimmer use that place during the winter months.

Mr. Sakuda said they do have high surfs during the winter months and the area will be closed by itself. The weather will close it.

Mr. Ono wanted to know how the general public will know.

Mr. Sakuda said generally the North Shore has a storm warning. There is a fire station, right down on the lower part of this beach park, that will have the men on stand-by, and they will probably police the area, just like the way they do at Waimea Bay.

Mr. Ono said when an area is designated as a marine life conservation district, the general public may think that it is safe to get into that area even during the winter months.

Mr. Sakuda said they will post signs like the way they do at Hanauma Bay.

Mr. Sakuda informed the board that there is some local concern about the closing of the area for netting.

ACTION Mr. Ing moved for approval. Mr. Kealoha seconded.

The President of the Hawaii Council of Diving Clubs, Mr. Frank Farm, said the Council supports the idea and is supportive of the changes from the original draft.

Mr. Nathan Ortiz, a resident of the area, said they were not aware of the meetings that were held earlier on the regulation. He only found out about this recently. He said they share the same type of benefit that the water has to offer and questioned why they should curtail their activities and not the scuba divers. He said for 22 years he has been using the area and feeding his family. Now he cannot use it. He cannot lay his net.

Mr. Ing asked whether there are other areas which they could go to.

Mr. Ortiz said there are but there is no geological formation for the fish to hide and make it easier for them to get the fish.

Mr. Ortiz complained that the scuba divers come in big vans. They come in droves. He said he was speaking for all of the people who signed the petition. He said they are not making money. The scuba classes are making money. They are teaching the people to dive but at the same time they are infringing with their lifestyle.

Mr. Higashi suggested a permit system that could be worked out by the staff.

Mr. Ing withdrew his earlier motion and moved to defer this matter to see if something can be worked out by way of a permit, as suggested by Mr. Higashi, or perhaps by way of designation of certain area within the conservation district.

Mr. Yagi asked Mr Sakuda whether scuba diving is permitted by this regulation as claimed by Mr. Ortiz.

Mr. Sakuda said at the present time this area is a city and county park and there are lots of scuba divers using the area. They generally dive with scuba and the diving is generally outside in the deeper area. He said the use of scuba, as in Hanauma Bay, is the way that we encourage the people to look at fishes and the caves. However, as far as commercial activity is concerned, he did not know.

Mr. Higashi said staff should look at this in the same way we are handling Hanauma Bay.

Mr. Ono said we have to look at two areas. One is the scuba diving activities, whether it is commercial or nonprofit, and the second one is Mr. Ortiz's immediate concern about netting. He asked the staff to work directly with the affected parties and address these two specific questions.

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

Item F-1-a

RESUBMITTAL - THE VALIANTS REQUEST FOR CONSENT TO ASSIGN
G. L. NO. S-4321, WAIMANALO, OAHU

This was request for consent to assignment of a lease in Waimanalo from The Valiants to The Boys Club of Honolulu. The matter was deferred at the last Oahu meeting to give The Boys Club some time to explain to the board what they had in mind.

Mr. Detor pointed out to the board that since that time it has become more evident that this particular lot is going to be required as a reservoir site for use in the Waimanalo Ag Park.

The submittal recommended approval. However, in view of the fact that the area is going to be required for the reservoir, Mr. Detor suggested that this item be deferred until they can get more information on the reservoir.

Mr. Kealoha suggested that The Valiants' lease be cancelled.

Mr. Detor said he would hesitate recommending cancellation of the lease today because there hasn't been proper notice served on The Valiants.

Mr. Gregg Tanaka, a volunteer helping The Boys Club of Honolulu on this project, and Mr. David Nakada, Executive Director of The Boys Club of Honolulu, addressed the board briefly.

They informed the board that they would like to withdraw their request since there is a possibility that a 60-million gallon reservoir would be built there as a part of the ag project. They expressed their disappointment. They had several definite plans for the area prior to finding the state's use of the property. They said it was too bad that they didn't know about this property at least five years ago because it's a nice site for youth activities.

They said the real issue is the kids and there is presently a good program for kids in the Waimanalo area. They hoped that the board would give every consideration to The Boys Club or some organization in the future, should another situation like this occur where there is a balancing of two legitimate interests--kids on one hand and state agricultural and economical use on the other hand. They felt strongly about kids, but they are not going to make trouble when it's too late either.

Mr. Ono appreciated their comments and said he was glad that they looked at both sides to make their decision.

Item F-1-a was withdrawn.

ITEM B-1 OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA

ACTION Unanimously approved as submitted. (Ing/Higashi)

REQUEST FOR APPROVAL TO RENEW AGREEMENTS WITH THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL, AND WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII

ITEM B-2

ACTION Unanimously approved as submitted. (Ing/Kealoha)

(See pages 5 to 7 for Item B-3.)

ADDED
ITEM B-4

FILLING OF TEMPORARY AQUATIC BIOLOGIST II POSITION (POSITION NO. 27074) IN THE MARINE SECTION, FISHERIES BRANCH, DIVISION OF AQUATIC RESOURCES

ACTION The board, on Mr. Ing's motion and seconded by Mr. Kealoha, unanimously approved the appointment of Ms. Jo-Anne N. Ho to Position No. 27074, Aquatic Biologist II.

ITEM C-1 TIMBER SALE IN LIHUE-KOLOA FOREST RESERVE, KAUAI

This was a request to cancel the timber sale that we entered into with Woodfuels, Inc. on Kauai. The contract was signed with Woodfuels, Inc. on February 13, 1981. Woodfuels harvested 8,211 tons of green eucalyptus chips. These were the fallen eucalyptus trees as a result of a windstorm in early 1980. Woodfuels, Inc. is having problems with Lihue Plantation, to whom they were selling the chips, by neglecting to follow through with some of the items in the contract, specifically, they fell in arrears with their payments.

Staff recommended that the sale be cancelled and authorize the administrator of Division of Forestry & Wildlife (DOFAW) to take appropriate steps to notify Mr. Kamen, President of Woodfuels, Inc. of this action, and to take steps to recover the overdue stumpage payments.

Mr. Landgraf said they do have a performance bond posted by Woodfuels, Inc., and that the bonding company has been contacted.

Mr. Ono asked which is the higher amount--the outstanding stumpage payment or the performance bond.

Mr. Landgraf said the outstanding stumpage payment is the higher amount. They owe us approximately \$10,000.00. The bond is for \$5,000. When the litigation goes through, he said we are in line with whatever equipment, etc., that they sell.

ACTION Unanimously approved as recommended by staff. (Yamamoto/Yagi)

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

ACTION The board, on Mr. Yamamoto's motion and seconded by Mr. Yagi, unanimously approved the appointment of Craig Resureccion to fill Position No. 13360.

ITEM C-3 APPROVAL OF ISSUANCE OF LICENSE TO HUEHUE RANCH FOR A COMMERCIAL SHOOTING PRESERVE

This was a request for approval of a license to Huehue Ranch on Hawaii for a commercial shooting preserve. This covers approximately 1,700 acres of agriculture-zoned fee land owned by Huehue Ranch. They would establish a 200-yard buffer zone around all buildings and parallel with the highway. The issuing of commercial shooting preserve is covered by our departmental rules and regulations under Chapter 122. This license would be only good until June 30, 1983.

Mr. Ono said the license should be made a part of the recommendation because the cut-off date is not made a part of the recommendation. He said the conditions contained in the proposed license does not automatically become part of the recommendation.

Mr. Landgraf asked that the license be made a part of the recommendation.

Mr. Higashi suggested that in all future submittals for such licenses that the submittal indicate who controls the surrounding lands.

Mr. Landgraf said with the board's permission he would like to incorporate Mr. Higashi's suggestion in establishing a procedure that would become an in-house working policy.

Mr. Ono said it would also be a good idea if there is an interim report to see if there is any problem.

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

REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN
THE U. S. DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF
LAND AND NATURAL RESOURCES FOR COOPERATION IN WILD ANIMAL
DISEASE CONTROL

ITEM C-4

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ADDED
ITEM C-5 FILLING OF TEMPORARY CLERK-STENOGRAPHER II, POSITION NO. 31906,
ADMINISTRATION - OAHU

ACTION The board, on Mr. Ing's motion and seconded by Mr. Higashi, unanimously approved the selection of Mrs. Joan Yoneshige to fill Position No. 31906 as a temporary Clerk-Stenographer II.

ITEM D-1 OFFICIAL DUTY AND PER DIEM STATUS, NATIONAL WATER RESOURCES
ASSOCIATION 1982 ANNUAL CONFERENCE

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM D-2 HONOLULU BWS WATER WITHDRAWAL AND USE PERMIT APPLICATIONS,
GROUND WATER CONTROL AREA

ACTION Unanimously approved as submitted. (Ing/Higashi)

Mr. Ono asked whether we can get some indication as to what the total withdrawal might be after a year or two down the road. He said it's difficult for the board to take action when it's presented to them in bits and pieces.

Mr. Chuck said they have received from the Board of Water Supply the plan that this board required of them to submit. He apologized that he didn't have that information with him right now. However, they do have a table in that document which supplies the information. In that plan, they take it up to the year 2000 to show what their requirements are.

Mr. Ing thought it would be helpful if the Board of Water Supply and the Division of Water & Land staff can make a presentation to the board on what the requirements are going to look like for the future, and what the status is today after designation. He suggested the Thursday before the next Oahu meeting for this presentation.

ITEM D-3 FILLING OF DRAFTING TECHNICIAN VI POSITION, DIVISION OF WATER
AND LAND DEVELOPMENT

ACTION The board, on Mr. Yamamoto's motion and seconded by Mr. Yagi, unanimously approved the appointment of Ms. Sherrie Samuels to Position No. 10876, Drafting Technician VI.

ITEM E-1 AWARD OF CONSTRUCTION CONTRACT, JOB NO. 36-MP-25, COMFORT
STATION AND PARKING LOT, PUA A KAA WAYSIDE, KOOLAU, MAUI

Mr. Nagata said on June 25, 1982, the board awarded the subject contract to the low bidder, COVCO Hawaii Corporation. Unfortunately, COVCO was unable to provide the performance bond, and the contractor also informed us that his figures were inaccurate. Staff, therefore, recommended that the contract be awarded to DNL Construction, Inc., the

second low bidder. COVCO will be forfeiting its bid bond that was provided earlier.

Mr. Yagi asked whether the second bidder will be accepting the bid.

Mr. Nagata said that was his understanding.

ACTION Mr. Yagi moved to approve Item E-1. Mr. Yamamoto seconded the motion.

Mr. Ono asked, if a bidder runs into trouble after the contract is awarded and tell us that he made a calculation error, isn't that his hard luck?

Mr. Nagata said although the board may make the award, under the state's contracting procedure, the obligation by the contractor does not take effect until the contract is fully executed. Before the contract is fully executed, he must provide the state with a performance bond, which he was unable to do in this case.

Mr. Ono questioned whether this lets him off the hook. He said there must be something little bit more than that. When a guy submits a bid, he must stand for more than that. He said when you jump to the next low bidder, the state will have to pick up the difference. He had some reservations and said he would like to have this matter looked at a little bit more.

On the call of the question, Mr. Ono and Mr. Ing voted no. Since Mr. Higashi stepped out for a few minutes, the motion did not carry with only Mr. Yagi, Mr. Yamamoto and Mr. Kealoha voting yes.

Mr. Yagi asked whether we are going to force the issue to the contractor who doesn't want to sign the contract.

Mr. Watson suggested that this matter be referred to the Attorney General's Office:

Mr. Yagi asked whether the second low bidder would wait that long after he accepts the bid. How many days will he have to accept the bid? Do we have to readvertise?

Mr. Ono asked Mr. Watson to give priority so the board can take action one way or other at the next board meeting.

Mr. Chuck said if the low bidder did not take the award, this board has the right to follow the specifications and have him forfeit the bid bond. If the board does not award the contract within 60 days after bid opening, he said the contractor has the right to not sign out, but he also has the option. In this case, however, the low bidder, was awarded the contract by this board before the 60 days expired.

Mr. Watson said the board can award to the second lowest bidder and see whether we can go against the low bidder by way of damages, other than forfeiting the bond.

ACTION Mr. Yagi withdrew his former motion (and Mr. Yamamoto withdrew his second) and moved that we proceed with the awarding of the subject contract to the second lowest bidder and see what legal action, if any, should

be taken against the original bidder other than the forfeiture of the bond. Mr. Yamamoto seconded the motion.

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

ITEM E-2 FILLING OF GENERAL LABORER I POSITION NO. 30026, MAKUA-KAENA STATE PARK, OAHU PARK SECTION

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yagi, unanimously approved the appointment of Daniel Kelly to fill Position No. 30026, General Laborer I, Makua-Kaena State Park.

ADDED
ITEM E-3 FILLING OF POSITION NO. 5056E, HISTORIC SITES PROGRAM DIRECTOR

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Yamamoto, unani-
mously approved the appointment of Dr. Don Hibbard to Position No. 5056E
as the Historic Sites Program Director.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

(See pages 7 and 8 for Item F-1-a.)

MAUI

Item F-1-b REVOCABLE PERMIT
LIONEL V. DUPONTE & GARY K. WASANO - Government land situate at
Waiohuli-Keokea, Kula - for pasture - \$10.00 per month

HAWAII

Item F-1-c ASSIGNMENTS OF LEASE WITH ASSUMPTION OF MORTGAGE
RONALD C. ROBERTSON (married) and PUNA SHORES, INC., a Hawaii
corporation, Assignors of their respective undivided one-eighth interests,
to DAVID DE LUZ (unmarried), Assignee - Lots 12 and 12-A, Ocean View
Lots, Waiakea, South Hilo (GL No. 3029)

Item F-1-d RONALD C. ROBERTSON (married) and PUNA SHORES, INC., a Hawaii
corporation, Assignors, of their respective undivided one-eighth interests,
to JOHN TOLMIE (married), Assignee - Lots 12 and 12-A, Ocean View
Lots, Waiakea, South Hilo (GL No. 3029)

Item F-1-e JOHN and LINDA A. TOLMIE (husband and wife), Assignors of their un-
divided one-quarter interest, to JOHN TOLMIE (married), Assignee -
Lots 12 and 12-A, Ocean View Lots, Waiakea, South Hilo (GL No. 3029)

Item F-1-f SUBLEASE
JOHN S. TOLMIE, JR., (married) aka John Tolmie and DAVID S. DE LUZ
(unmarried) aka David De Luz, dba Polynesian Pacific Hotel, Sublessors,
to SPENCER ENTERPRISES, INC., dba Spencer Health and Fitness Center,
a Hawaii corporation, and SHELDON C. N. SPENCER (unmarried), Sub-
lessees - Lots 12 and 12-A, Ocean View Lots, Waiakea, South Hilo (GL
No. 3029)

Items F-1-c to Item F-1-f were all related so they were taken up
together. There was one error in the recommendation on Item F-1-f.
It reads, "...but not limited to, the adjustment (increase) of the
basic lease rental...." Mr. Detor said this is not correct. This is

an old lease which was extended by the tidal wave action so this line should be stricken. The lease was in existence before the land laws changed. There was no provision in that lease to increase the rent.

MOLOKAI

Item F-1-g SUBLEASE

COUNTY OF MAUI, Sublessor, to MR. SEIZEN BONK, Sublessee - Hoolehua - Apana and Palaau-Apana 2 and Palaau and Hoolehua - GL No. S-4433

This was a request from the County of Maui asking for consent to sublease a portion of the leasehold on Molokai. This is the ag park where the county operates. Any lease revenues that they get come to the state.

Mr. Detor said Seizen Bonk still owes us money for a lease in Lalamilo Farm Lots, so they are recommending that the consent be subject to him paying up the full amount of about \$600.00 that he owes on the cancelled general lease.

Mr. Watson said we have had problems with Bonk. He thought there was a statutory requirement that a person cannot acquire a leasehold interest if he is in arrears in his delinquent rental.

Mr. Detor said it has been more of a policy. In any event, he said, Mr. Watson is right and suggested that Item F-1-g be withdrawn.

Item F-1-h COUNTY OF MAUI, Sublessor to MR. JOE KENNEDY, Sublessee - Hoolehua - Apana and Palaau-Apana 2 and Palaau and Hoolehua - GL No. S-4433

HAWAII

Item F-1-i LAND PATENT

To be issued in confirmation of Land Commission Award No. 9971, Apana 28, to W. P. LELEIOHOKU, Awardee, by application of the Trustees of the Palani Land Trust II - Kaumalumu, North Kona

MAUI

Item F-1-j REVOCABLE PERMIT

FONG CONSTRUCTION COMPANY, LIMITED - Government land, Lower Honokowai, Lahaina - for storage of equipment and materials - \$38.50 per month; area, 0.90 acre

Added

HAWAII

Item F-1-k MORTGAGE

YOSHIO WATANABE and MARJORIE WATANABE, husband and wife, mortgagors, to STATE OF HAWAII, by its Department of Agriculture, Mortgagees - Lot 8, Keahole Agricultural Park, Phase I, Kalaoa-Ooma, North Kona

ACTION Mr. Higashi moved to approve Item F-1 as amended. Item F-1-g was withdrawn. Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-2

RICHARD HA, JR. APPLICATION TO LEASE LAND AT KAIMU-MAKENA, HAWAII

Mr. Detor pointed out to the board that this lease, as in all future agricultural leases, even though it goes to public auction, people who are

going to bid will have to be screened first. They have to qualify under a law passed last session.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-3 COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, REQUEST FOR EXECUTIVE ORDER SETTING ASIDE PUMP SITE AT HOLUALOA 1ST & 2ND, NORTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-4 STAFF RECOMMENDATION FOR PUBLIC HEARING FOR WITHDRAWAL OF LAND FROM THE MAUNA KEA FOREST RESERVE, KAOHE, HAMAKUA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM F-5 DAGS REQUEST FOR ACCEPTANCE OF CONVEYANCE AND SUBSEQUENT SET-ASIDE OF LAND AT KANAUEUE 2ND, NORTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-6 K. K. RANCH, INC. REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO REMEDY DEFAULT, G. L. NO. S-4475, HAMAKUA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM F-7 STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-4146, WAIMANALO, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-8 STAFF RECOMMENDATION TO CANCEL SSA NO. S-5567 COVERING LAND AT ANINI, HANAIEI, KAUAI

This item dealt with former homestead lease land on Kauai. The board had authorized the sale of that homestead lease and a special sale agreement was issued so that they can pay up on a time payment plan. These people were behind on their payment so a notice of default was served. They still owe us some \$14,674.99, most of which consists of interest.

Mr. Detor said about two days ago he met with Mrs. Verdelle C. P. Lum, personal representative who is handling the estate of homestead lessee. She indicated to him that she will bring in the check this morning. She hasn't shown up. Mr. Detor said there are further problems here in that this amount includes two payments which they claim they have made but we have been unable to verify this.

Mr. Detor said his recommendation is that we go ahead and cancel it.

Mr. Yamamoto asked what the \$1800 represent.

Mr. Detor said that is the amount still left to be paid on the purchase price. He didn't know what the original purchase price was but said he could get the information for the board.

Mr. Watson said if they paid up most of it and there is only \$1800 left, it would be pretty hard to close it up.

ACTION Mr. Yamamoto suggested that this matter be deferred to the next board meeting for further information.

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

ITEM F-9 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 601, 603, 605, 607 AND 608 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM F-10 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 201 THROUGH 204 OF THE WESTGATE SHOPPING CENTER, WAIPAHU, OAHU

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-11 STAFF RECOMMENDATION TO HOLD PUBLIC HEARING FOR WITHDRAWAL OF LAND FROM THE LIHUE-KOLOA FOREST RESERVE, WAILUA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-12 EVERGREEN NURSERIES REQUEST FOR EXTENSION OF TERM AND CONSENT TO MORTGAGE G. L. NOS. S-3754 AND S-3764, WAIMANALO, OAHU

ACTION Approved as submitted. (Yagi/Yamamoto)

The record showed that Mr. Kealoha did not vote on this item.

(See pages 4 and 5 for Item F-13.)

ITEM Z-1 ADDED RESULTS OF LOT SELECTION HELD ON SEPTEMBER 9, 1982 FOR KEAHOLE AG PARK, PHASE II, NORTH KONA, HAWAII

This was the report on the leases, Phase II of the Keahole Ag Park, that were awarded recently just before the last board meeting. Mr. Detor pointed out for the board's information that the dedication of the ag park is scheduled for next Friday.

ITEM G-1 FILLING OF ABSTRACTING ASSISTANT V, POSITION NO. 27299, OAHU

ITEM G-2 FILLING OF ABSTRACTING ASSISTANT V, POSITION NO. 153, OAHU

ITEM G-3 FILLING OF ABSTRACTING ASSISTANT III, POSTION NOS. 6619 AND 26526, OAHU

Mr. Neumann asked that a correction be made to submittal Item G-3 on Position No. 6619. It should correctly read 9B, \$1,023 per month.

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Yamamoto, unani-
mously approved Items G-1 to G-3 (as amended), as follows: Nicolene
Gega as Abstracting Assistant V (Position No. 27299); Jane Takumi as
Abstracting Assistant V (Position No. 153); and Wayne J. Tamane (Posi-
tion No. 6619) and Carol K. Matsunaga (Position No. 26525) as Abstract-
ing Assistants, III, respectively.

ITEM H-1 CDUA FOR CONSTRUCTION OF A TOOL HOUSE AND WINDBREAK STRUCTURE AT TANTALUS, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM H-2 CDUA FOR THE CONSTRUCTION OF QUARTERS FOR STAFF AND VISITING SCIENTISTS AT POHAKULOA, HAWAII

Mr. Evans asked to defer this item for one more meeting since the proposed use is not the intended proposed use. What is before the board is for living quarters. That is not the purpose of the project. He said the purpose of the project is to rear captured birds, not to have people live there.

Mr. Ono asked how the application was worded and how the public hearing was conducted.

Mr. Evans said the application was worded as written in the submittal. There was no public hearing on this.

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

ITEM H-3 ONE-YEAR EXTENSION ON CDUA OA-1336 FOR DRILLING MAKAHA EXPLORATORY WELL NUMBER IV

Staff recommended approval, subject to all the conditions that were originally placed upon the Board of Water Supply.

ACTION Unanimously approved as submitted. (Ing/Yagi)

(See page 5 for Item H-4.)

ITEM H-5 RESUBMITTAL - CDUA FOR AFTER-THE-FACT COMMERCIAL KAYAK TOURS ON KALIHIWAI RIVER AT HANAIEI, KAUAI

This was a resubmittal. A public hearing was held on this matter and staff had an opportunity to analyze the comments that were received from different agencies and the public.

Staff recommended:

1. The denial of the application for the reasons listed in the submittal;
2. That the proposed operation (if it had been operating) be ceased at this time and the removal of the improvements (ropes); and
3. That the board find that there were two violations: First, the use of the kayak at the waterfall area without a CDUA; second, the physical location of the improvements, and that the board assess a financial sanction of \$500 per violation, for a total of \$1,000 to be paid within sixty days of the date of this meeting.

Mr. Yamamoto asked whether the petition was signed by the Kalihiwai people.

Mr. Evans said it was a petition that was passed around and signed by a number of people. A vast majority who signed the petition were people who reside outside of the Kalihiwai area.

Mr. Yamamoto asked whether the applicant can reapply if the board should deny this application.

Mr. Evans said they can, but clarified that by saying that there were several things that needed to be clearly resolved first as pointed out in the submittal. So it wouldn't be a question of the board taking action today and then the applicant comes in tomorrow and submit another application. There are legitimate hurdles that have to be overcome first.

Mr. Robert Crane, President of Island Adventures, addressed the board briefly. He said they are beginning to talk to the community and they are making headway. They need more time, however, to work with the community because they believe that there are some loose ends that could be worked out.

Mr. Yamamoto said that was the reason he asked for deferral at the last board meeting to this meeting to give them time to work on it.

ACTION Mr. Yamamoto moved to approve staff's recommendation for denial. Mr. Ing seconded and the motion was unanimously carried.

ITEM H-6 REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION DISTRICT FOR SUBDIVISION USE

This was a request for a public hearing. The applicant wants to consolidate and resubdivide the conservation district land for the purpose of going into macadamia nut development. However, there is no change of proposed land use in the conservation district.

Mr. Evans said generally when the purpose is for subdivision within the conservation district, the board holds a public hearing. For this type of a request, the board has not clarified whether a public hearing is required or not. However, if the county or another agency holds a public hearing, the board has indicated that the transcripts of that public hearing will suffice for our public hearing. He asked for guidance in this particular case.

Mr. Ono said in this particular case, there is no change in the land use. It is just a sliver of land that is affected whether they are going to redraw the line. He said the plantation has some planting schedule, but they were caught short on the timetable. He said it looks like we're going through a very cumbersome process.

Mr. Ono said during the processing of the application, after the staff makes its recommendation whether a public hearing should be held or not, at that point staff should check with the board member from the respective county and also the member-at-large. At least, that way, he said, we have a three-member board for the informational review process.

Mr. Ing said there ought to be some flexibility in a situation such as this whether to hold a public hearing or not.

Mr. Evans said he can prepare a draft incorporating what had transpired today and circulate it among the board members. With the board's permission, he asked to withdraw this item.

The board had no objection to the withdrawal.

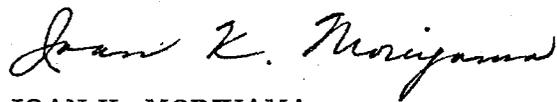
PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII COLLEGE
OF TROPICAL AGRICULTURE AND HUMAN RESOURCES TO CARRY OUT A
PROGRAM ON HEALTH INDICES FOR HAWAIIAN PRAWNS - JUVENILES
AND ADULTS

ITEM H-7

ACTION Unanimously approved as submitted. (Ing/Yagi)

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