

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

DATE: November 19, 1982  
TIME: 9:00 A. M.  
PLACE: State Office Building  
Conference Room  
75 Aupuni Street  
Hilo, 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 present:

MEMBERS

Mr. Takeo Yamamoto  
Mr. Roland Higashi  
Mr. Moses W. Kealoha  
Mr. Susumu Ono

(Mr. J. Douglas Ing and Mr. Thomas Yagi were absent and excused.)

STAFF

Mr. James Detor  
Mr. Roger Evans  
Mr. Libert Landgraf  
Mr. Ralston Nagata  
Mrs. Joan K. Moriyama

OTHERS

Dep. A.G. William Tam  
Mr. Alan Woodell, Mr. Walter E. Heller  
and Mr. Gary Woodson (Item F-1-d)  
Mr. Ivan Lui-Kwan and Pacific Standard  
Life Ins. Co. Rep. (Item F-14)  
Mr. Ernest Heen, Jr. and Mr. James  
Gomes (Item H-4)  
Mr. Peter Garcia

MINUTES

The minutes of October 8, 1982 were unanimously approved as circulated. (Higashi/Kealoha)

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

FOREMOST DAIRIES, INC. REQUEST FOR CONSENT TO ASSIGN AND MORTGAGE GENERAL LEASE NO. S-4101, AND FOR CANCELLATION AND REISSUANCE OF R.P.'S NOS. S-4459 AND S-4460, WAIMANALO, OAHU (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

Item F-1-d

This was a request from Foremost Dairies-Hawaii, Ltd. for consent to assign and mortgage a general lease that they hold covering some 195 acres at Waimanalo. In addition to that they are asking that the two revocable permits, also covering parcels of land in Waimanalo, be cancelled and reissued to the parties who are taking over the Foremost operation in Waimanalo.

Foremost-McKesson is getting out of the dairy business, and they are forming a new entity which will be called Foremost Dairies, Inc. The

mortgagee would be Walter E. Heller Western Incorporated, a California corporation.

Mr. Kealoha asked whether there is a reopening on this lease.

Mr. Detor said this is an existing lease. This lease commenced in July of 1967, so he thought there is a reopening in 1987. The lease runs to 1997.

Mr. Kealoha said if the board approves this request, is it possible to redo the lease over and still have reopening in 1987.

Mr. Detor didn't think it was legally possible to do so. This lease was sold at public auction. It does not have such a provision. He said the last session of the legislature did pass a law that permits this for leases that we issue from now on. It does not affect leases that are already in existence. However, this may have to be confirmed by the Attorney General's Office, Mr. Detor said.

Mr. Ono asked to have that checked because he didn't know whether that is a correct interpretation of the law.

Mr. Kealoha said the board should look further into this request. He didn't feel the permittee should tell the board to whom the permit should be issued.

Mr. Ono asked how the current permittee has been using the land and asked for a report on that. If the existing permittee has not been using the land in a prudent or a productive fashion, he didn't see why the board should automatically reissue another permit to the succeeding party.

Mr. Kealoha suggested deferring this item.

Mr. Detor said it was his understanding that there is some time element involved.

Mr. Alan Woodell, the attorney for Foremost Dairies, Inc., Mr. Walter E. Heller, representing a finance company, and Mr. Gary Woodson, representing Foremost Hawaii, Ltd. were present.

Mr. Woodell said it was his understanding that Foremost-McKesson desires to get out of the dairy business. He said closing has been postponed but it is supposed to take place on November 30. Foremost Hawaii consists of two operations--the milk processing plant at Dillingham Boulevard, and the dairy which is at Waimanalo. The dairy operation includes this property, which is covered by the lease. The two permits are used for grazing the dairy cattle. The permits and the lease are very important to the dairy aspect of this operation. It was his understanding that it has been a part of the whole total operation, and it has been a part of an economic unit. He asked the board to consider their request in light of those circumstances.

Mr. Heller added that it is very important to have the matter resolved today if at all possible because land board approval is one of the important aspects of this whole transaction. He said management of the dairy and the local operations won't change even though the lease is being assigned to a new corporation.

Mr. Kealoha said he understands their position but they overlooked the state's position. They took it for granted that the lease and the permit would automatically be processed; that if they sell the dairy, this would automatically change hands. Unfortunately, he said, it is not so.

Mr. Ono said we have had instances where parties had state lands for a number of years then pass it on to someone else. When we checked it out, we found out that they were not using the land as it was originally intended for. That is not the intent of offering public lands to the people, he said.

Mr. Woodell said if there has been improper use or unproductive use of those permits, they would certainly understand if the board would make it subject to some kind of a report.

Mr. Ono asked whether it would satisfy their November 30 deadline if the board acted on it subject to a certain condition being met, as suggested by Mr. Woodell.

Mr. Woodell said it would.

Mr. Ono said we would have to consult with our legal counsel on the assignment portion to see if the act that was passed by the last legislature on this particular subject matter authorizes the board to re-enter the picture. If the act authorizes "reopening" then the board is obligated to get the appraisal and see if there is any adjustment of the rent. If the legal findings indicate that this is only prospective, then there is no problem. He said he would like to see these conditions included here. Mr. Ono said that is one approach to satisfy the board's concerns and at the same time meet their November 30 deadline.

ACTION

Mr. Kealoha moved for approval of Item F-1-d subject to Attorney General's opinion and to the conditions discussed above. Mr. Higashi seconded and the motion was unanimously carried.

Mr. Ono suggested that they get together with Mr. Detor as soon as possible.

ITEM F-14

PACIFIC STANDARD LIFE INSURANCE CO. REQUEST FOR ISSUANCE OF SPECIAL PERMIT FOR RESIDENTIAL USE, GENERAL LEASE NO. S-5018, WAIAKEA, SOUTH HILO, HAWAII

This request dealt with a leasehold in Reeds Bay at Hilo. The lessee is asking for permission, by means of a special permit from the board, to operate an apartment-hotel on the premises. They want to be able to rent the units out on a weekly, monthly and yearly basis.

The lease itself has a provision in it that reads: "No permanent on-site residency, other than the manager and hotel employees whose full-time presence on the site may be necessary, will be allowed except by special permit from the Board of Land and Natural Resources."

The lease began in May of 1967 and runs to the year 2032. There is a rental reopening at the end of the 20th year, which would be in 1987.

Mr. Detor said at the present time there are fifty-nine rental units in the building. They comprise of 22 two-bedroom, two-bath apartment/hotel

units and 39 two-bedroom, two-bath hotel suites. He said actually there is very little difference between the so-called suites and units. It's just a question of having a kitchenette facility. They propose to improve (install rugs, curtain, etc.), and then they would rent them out.

Staff suggested (1) that this particular request be approved, and if the special permit is approved by the attorney general's office that it shall continue in effect only to the rental reopening date, which is May 18, 1987; and (2) that any commitment of those units beyond one year be subject to board action.

Mr. Higashi said the fact that they do not have any latitude to have agreements for more than one year, what do we do with the word permanent-- "No permanent on-site residency . . ."?

Mr. Detor said normally in hotels you are thinking in terms of a week at the most. Very seldom are hotel rooms rented out for a longer period of time, although they have in some instances. He said the word "permanent" they have in mind is that this is a person's permanent address for a year.

Mr. Higashi said we need to work out the language with the attorney general's office where we have this clearly understood, as far as what is a long-term lease and what is permanent.

Mr. Higashi further pointed out that Condition D is not too clear.

Mr. Detor agreed that there might be a technical problem there. He said that recommendation perhaps should be rewritten. They'll work it out with the attorney general's office.

Mr. Kealoha said as part of the "other terms and conditions" some consideration should be given to have the owner-operator report to the board rather than to the department. It becomes cumbersome if the department has to be monitoring, he said.

Mr. Ivan Lui-Kwan, attorney representing the applicant, and the vice president of Pacific Standard Life Insurance Company, were present and briefly addressed the board.

Mr. Lui-Kwan said they will tell the interested parties that one of the conditions of the special permit is that they have authorization to lease only for one year. After that one year, they'll see how things are and maybe come in with another lease.

Mr. Kealoha said rather than annual reports, quarterly reports would be a better arrangement because you have a full year to cure the problem. The burden of monitoring and controls, he said, should not be placed on the department. It should be placed on the operators.

Mr. Lui-Kwan said the only concern that he would have on that would be for a restaurant.

Mr. Detor said restaurant would be a sublease so that's entirely different. The lease calls for subleases to come in separately for consent.

Mr. Higashi said we should amend Condition D by deleting, "except with the prior permission of the Board of Land and Natural Resources." It

should read, "Hotel occupancy for rental units shall be available to visitors and local residents for periods less than a week, including overnight use (24-hour basis as usual), and no unit for longer than one year shall be permitted."

Mr. Ono said this would be with the understanding that if you come across a situation where you are being forced to turn away a customer because of this condition, that they come back and try to work out some other ways.

**ACTION**

Mr. Higashi moved for approval as amended and discussed above. Mr. Yamamoto seconded and the motion was unanimously carried.

Mr. Higashi suggested that there be a meeting in the near future, as it relates to other lessees, and look at the future master plan of that area, so we would have a general idea what everybody wants to do.

Mr. Detor said they have been talking to the people there and they have real concerns about the future of the area.

**ITEM H-4**

**AMENDMENT TO CDUA FOR RESIDENTIAL USES AT KAHALUU, OAHU  
(SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)**

This was deferred at the last Kauai meeting because there were several concerns raised, about noncompliance with conditions of an approved CDUA, and concerns relating to commercial use amendment request.

Mr. Evans said Condition 13 of the originally approved CDUA states that "the property and new improvements shall not be used for commercial purposes."

In April of this year staff discovered that there was an apparent violation of Condition 13 in that the graded material was sold. Subsequently in May of this year, the applicant was informed that he was to cease and desist from his activity. On a follow-up, staff found out that the cease and desist was not complied with.

The Attorney General's Office has advised the staff that although the original application was approved under the old regulation (Regulation 4), the fact that there was noncompliance with the conditions, that the board can revoke the original permit. The applicant was notified of the violation and was ordered to cease and desist. The activity still continued.

Mr. Evans said this request for an amendment would become moot should the board revoke the original application.

In any event, staff analyzed the request for commercial use on the property and incorporated the information that was provided us at the public hearing. There are loud noises. Heavy equipment operations and truck haulings are some, but not all, of the problems that are associated with this particular activity. Staff felt that it is important to draw a distinction between the conditional use previously approved by the board and the applicant's action and implementing that use.

Mr. Evans said the applicant's past actions show a willful disobedience towards this department, therefore, staff made the following recommendations:

1. That the board revoke the CDUA approved on September 14, 1973 for the reasons listed in the submittal.
2. That the board find that the property owner was aware of the illegality of establishing land use within the conservation district and did make the violations as detailed in the submittal. For this reason, a total fine of \$2,000 to be paid within sixty days of the date of this meeting.
3. That the board deny this application for commercial use for the reasons listed in the submittal.
4. That the applicant comply with all of the requirements of the City and County's final notice letter of March 18, 1982.
5. That failure on the part of the owner to fully comply with these sections will result in the matter being turned over to the attorney general's office for appropriate action.

Mr. Kealoha said Mr. Gomes is a personal friend of his so it is very uncomfortable and very difficult for him to be involved under the circumstances. However, he felt that Mr. Gomes had ample time since 1973 to build a house, so the board must proceed.

**ACTION**

Mr. Kealoha moved, and Mr Higashi seconded, to approve staff's recommendation outlined above.

Mr. Higashi asked whether the applicant can reapply.

Mr. Evans said yes. He can apply again and go through the normal process under our present rules.

Mr. Ono asked whether there is a need for a public hearing.

Mr. Evans said generally a public hearing is not required for a single family dwelling within our resource subzone although it is a conditional use.

Mr. Kealoha said there is going to be a problem with the restoration on the part that he graded. Although it was not mentioned in the submittal, he said that should be considered.

Mr. Ono said assuming this motion carries, and the applicant reapplies again with the intent to build a house, at that point the restoration question may also be addressed. If we put in the restoration condition and the applicant restores the area to its original status and reapplies, and the board approves, he has to go through grading again. You are going to disturb that area more than necessary. He said it doesn't make sense.

Mr. Ono said before the board acts on the motion, he would like to give Mr. Gomes or his agent, Mr. Ernest Heen, an opportunity to offer comments.

Mr. Heen said he suggested to Mr. Gomes this morning to withdraw his application. His thoughts about it were that what they would be asking for would be one that would be perpetually attached to the right to build a residential dwelling, when in fact what he was really seeking was a

temporary use within the conservation district because the commercial aspect would end when the grading ends. There would be no commercial after that. In view of the board's comments regarding reapplication and wiping the slate clean, he said the board added a more humane approach to the issue. He said he would recommend to Mr. Gomes that he accepts the board's decision and proceed forthwith to decide how they could comply with the \$2,000 fine and examine the serious issue of restoration of the ground.

Mr. Ono asked Mr. Gomes whether there is a possibility, if he reapplied, to build a house on that particular parcel. He asked this question because of the restoration question.

Mr. Gomes said it was his intent all the time to get the place graded and build a house. He said as far as violating the grading, there is none. He said when he first bought the lot, it was scarred, barren and damaged.

Mr. Gomes further stated that he checked with the city and county inspectors. There were seven washouts in Kahaluu this year since January and he had no problem at all.

Mr. Ono reminded Mr. Gomes that even though he said there is no violation, as far as grading is concerned, we do have correspondence on file from the city that indicates otherwise.

Mr. Gomes said the city got after him mostly because there was no action. He said the state stopped him from working.

Mr. Ono asked whether he was denying that there is any violation.

Mr. Gomes said outside of this severe rainstorm damage, he said he is quite innocent.

Mr. Ono informed Mr. Heen that this is the problem that we have with Mr. Gomes over the years. If this kind of an attitude persists, he said he doesn't know whether it is going to help anybody.

Mr. Heen said he really doesn't believe in his heart that Mr. Gomes wants to deny some wrong doing has occurred. What he means to say is that it was without malice and forethought or intentionally done in violation of the law. He said what you are hearing is a plea, for your understanding that he is really a victim of circumstances. He said the points raised by Mr. Ono is well taken. From this point forward, they would look to see some improved relationship so that the matter can eventually be disposed of to everybody's mutual satisfaction.

Mr. Ono said what we have before us are documents, evidences, and that's how the board has to act.

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

CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-74-27, HAWAII DISTRICT AIRPORTS (ISLANDER U-DRIVE, INC. - ROYAL RAINBOW, INC., DBA ROYAL RAINBOW RENT-A-CAR OF HAWAII)

ITEM J-1

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

CDUA FOR CONSOLIDATION AND RESUBDIVISION OF PRIVATE LANDS AT  
PEPEEKEO, SOUTH HILO, HAWAII (SUBMITTAL WAS DISTRIBUTED AT THE  
BOARD MEETING)

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ITEM H-3

Before taking up this matter, Mr. Higashi informed the board that he is an officer of the corporation that is buying land from Mauna Kea Sugar Company. It has nothing to do with this application. He asked the chairman whether there is any conflict. Mr. Ono said there is no conflict.

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM C-1

SALVAGE TIMBER SALES, ISLANDS OF MAUI AND HAWAII

Mr. Landgraf requested withdrawal of this submittal. When staff came in with the original request to the board, and it was approved, it was immediately after the 1980 windstorm that there were trees lying in the over 650 acres on Maui and 1500 acres in Hawaii. They were blocking the roads and the streams. It was a fire hazard with all of these timber on the ground, also the possibility of insect getting in there and breeding and spreading into neighboring lands.

Mr. Landgraf said in looking at the situation, they came in under the provisions of an emergency, therefore, the requirement of a CDUA was waived. He said he has reservations at this time and asked the board's permission to withdraw this so they can make that determination again whether the requirement of a CDUA is still valid.

ACTION

The board had no objection to Mr. Landgraf's request and this item was withdrawn.

AUTHORIZATION FOR NIGHT USE OF HAPUNA BEACH STATE PARK,  
HAWAII

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ITEM E-1

Mr. Kealoha asked whether they are going to have any problem or encourage the kinds of problems that we had there some years ago. He said precautionary measures must be taken.

Mr. Nagata said they have informed us that they would be providing their own security. He said a condition can be included in the permit regarding security. The area is closed at 8 P. M. This is a special permit use.

Mr. Ono asked whether they are going to charge any fees to their members even though it's a nonprofit organization.

Mr. Nagata didn't think their application discussed that but this is something that they want to make sure. They can insert this condition in the permit to make sure that there is no fee charged.

Mr. Kealoha reminded that if they are going to charge fees, it's going to require a different kind of a permit.

Mr. Kealoha further noted that the submittal reads that the use commences January 1983, however, it does not have a closing period. They also say they want to use the park on January 15 or 16. So we already know that it's going to extend beyond six months.



Mr. Nagata said what they are trying to do is present the concept to the board. If the board generally agrees with it, they would like to incorporate appropriate conditions subject to chairman's approval.

ACTION

Mr. Higashi moved, seconded by Mr. Kealoha, and the board unanimously approved the request as amended and discussed above.

ITEM E-2

PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 57-HP-17, LIGHTING SYSTEM RENOVATION, WAILOA RIVER STATE PARK, HILO, HAWAII

ACTION

Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM F-1

DOCUMENTS FOR CONSIDERATION

MOLOKAI

Item F-1-a

SUBLEASE

COUNTY OF MAUI, sublessor, to MR. SEIZEN BONK, sublessee - Hoolehua-Apana and Palaa-Apana 2 and Palaa and Hoolehua - for agriculture use - GL No. S-4433

This matter was withdrawn at a previous meeting because the prospective sublessee owed money to the state for a lease at Lalamilo Farm Lots, Hawaii, that had been cancelled. He has since paid the back rent and also the amount that we had to pay the collection agency.

OAHU

Item F-1-b

REVOCABLE PERMITS

MR. WILLIAM TAKEMOTO - portion of Kaaawa Beach Lots at Kaaawa - for diversified agriculture use - \$100.00 per month

Item F-1-c

ELIZABETH M. KAAIAI and THOMAS HAUOLA KAAIAI, JR. - Makiki Valley, being Lot 9 of Maunalaha Homesite Permit Area, Honolulu - \$7.50 per month

This lot is presently covered by a permit and held by David Kaaiai, Sr. and his wife. David is in deteriorating health, so he asked that the permit be put in the name of his wife and son.

Mr. Detor said he would like to amend this submittal by adding the name of the son's wife, Joan. Now that we are at the point of issuing the leases to the people who qualify, Mr. Detor said the lease would be issued in their names.

Mr. Kealoha said we have to have a cut-off point. He asked at what generation do we cut off. He also asked whether they are all living there now.

Mr. Detor said what we are trying to do is to issue it to the people who are there now. It was his understanding that they all live there.

Mr. Ono asked that this be verified.

Mr. Kealoha said you have to be careful because you may have another Kahana Valley if you are not careful.

(See pages 1 to 3 for Item F-1-d.)

ACTION

Item F-1 was unanimously approved as submitted and as amended above. (Kealoha/Yamamoto)

- ITEM F-2 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (7/10/81, AGENDA ITEM F-3) AUTHORIZING GRANT OF EASEMENT AT OOMA II, NORTH KONA, HAWAII
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- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ITEM F-3 ALEXANDER & BALDWIN, INC. APPLICATION FOR DRAINAGE EASEMENT, KAHULUI, MAUI
- 
- ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)
- ITEM F-4 GLENN MASUNAGA APPLICATION FOR EASEMENT AT MAKIKI, HONOLULU, OAHU
- 
- ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)
- ITEM F-5 PRIDE COMPANY, INC. REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, G. L. NO. S-4654, KEKAHA, KAUAI
- 
- ACTION Unanimously approved as submitted. (Yamamoto/Higashi)
- ITEM F-6 STAFF RECOMMENDATION FOR SALE OF A LEASE COVERING LOT 9-A, HANAPEPE RICE & KULA LOTS, HANAPEPE, KAUAI
- 
- ACTION Mr. Yamamoto asked for deferral of this for couple of months. He said there is a relocation problem. The board had no objection to the deferral.
- ITEM F-7 STAFF RECOMMENDATION FOR SALE OF A LEASE COVERING LOT 8, HANAPEPE RICE & KULA LOTS, HANAPEPE, KAUAI
- 
- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)
- ITEM F-8 WM. R. WARREN REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4728, LOTS 7 & 37, KOKEE CAMP SITE LOTS, KOKEE, KAUAI
- 
- Mr. Detor said all of the leases at Kokee Camp Site expire in 1985. He said new leases cannot be issued until two years prior to the expiration, or December 31, 1983. There are over 100 of these leases. Mr. Detor said they have received inquiries from people wanting to know what we are going to do. He said a decision is going to have to be made soon, whether to continue the leases, phase them out, or put it up for auction.
- Mr. Kealoha asked what happens if a person comes in and he has a few years more to go. Are we going to say no, that we cannot extend.
- Mr. Detor said the only thing that we can do legally is to give them a one-year holdover after the lease expires.
- Mr. Kealoha said before we issue a one-year holdover period, we have to know what we are going to do.
- Mr. Detor said they have been making it a point to let them know when they are transferring these leases that there is absolutely no commitment, and that these leases run out in 1985.
- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM F-9 STAFF RECOMMENDATION FOR EXERCISE OF REPURCHASE OPTION, LOT 146, KEKAHA GARDENS SUBDIVISION, KEKAHA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM F-10 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOTS 53 & 54-A OF THE HANAPEPE TOWN LOTS, HANAPEPE, KAUAI

This was a recommendation for a sale of a lease covering Lots 53 and 54-A of the Hanapepe Town Lots. Lot 54-A, the smaller lot, is presently covered by a lease. This will expire in February. Lot 53 is covered by a permit. The smaller lot has an old service station/repair building which fronts on Hanapepe Road, and an old residential building to the rear. What staff was suggesting, as part of the provisions of the new lease, is that the service station be reconditioned. It's in a pretty good shape. The cottage, however, must be demolished and they have to clean up the area. Mr. Detor said the problem we have with this is that we have people living there.

Mr. Yamamoto suggested deferring this until the next meeting.

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

ITEM F-11 STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-5887 AND ISSUANCE OF NEW R. P., WAILUA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM F-12 DOH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE IN THE VETERAN'S ANNEX BUILDING, LIHUE, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

Mr. Ono reminded the staff that the agencies are slipping back again. The commencement date of this lease is January 1, 1982. He directed the staff to remind the agencies.

ITEM F-13 STAFF RECOMMENDATION FOR RECISSION OF PREVIOUS BOARD ACTION (2/22/80, AGENDA ITEM F-9) AND ISSUANCE OF REVOCABLE PERMIT, COVERING EASEMENT AT UALAPUE, MOLOKAI

This was a request for cancellation of a previous action of the board, which authorized the sale of an easement on Molokai, and in its stead the issuance of a permit. The reason for that is that the applicant is supposed to furnish us with metes and bounds description for the easement. However, the applicant found out that it's going to cost him three to four thousand dollars to get a surveyor to go up there and do it. He has already put in a \$200 deposit down for an appraisal. He has been using the place since 1979. What the applicant would like to do is to apply the \$200 to the rental retroactively and just go on a permit basis.

Mr. Kealoha asked for how long. Mr. Detor didn't know.

Mr. Detor thought perhaps the next time the State Survey crew is up there, they can work out something.

Mr. Ono expressed his concern about issuing a permit.

Mr. Detor said this is an easement leading to a private property. But it's an easement across state land. Normally when we sell an easement, the state surveyor does the survey work. However, because he cannot send a crew up there, we informed the applicant that if he wants an easement that he would have to furnish us with the survey.

ACTION Mr. Kealoha moved for denial. Mr. Higashi seconded and the motion was unanimously carried.

Mr. Kealoha said the applicant should be reminded of the Land Board's action of February 22, 1982, that he get his own surveyor.

(See pages 3 to 5 for Item F-14.)

ITEM H-1 CDUA FOR SINGLE FAMILY RESIDENCE AT HAENA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM H-2 REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN THE CONSERVATION DISTRICT FOR CONDITIONAL USE

Mr. Evans asked to include another application, Molokai CDUA 1526, Belt Collins, applicant; TMK 6-1-01, parcel 1.

Mr. Kealoha asked where the public hearing was going to be held--at Kaunakakai or at Kalaupapa.

Mr. Evans said the plan is to hold the public hearing in the court house at Kaunakakai.

Mr. Kealoha asked how do we get the input from the people in the settlement.

Mr. Evans said they are forwarding additional notices of the public hearing to our enforcement people on Molokai, who has assured us that he will distribute them all over town. That is one way. The other way, he said, would be for the staff to work with the Department of Health personnel so they can notify the people at the settlement that we are having a public hearing on this application.

Mr. Kealoha said some years back when the board went to Kalaupapa there were concerns expressed on the mule trail on behalf of the people there in the settlement. Some of them were in favor and some were not. They had concerns because originally the area staging the animals was not maintained properly and they had to force the operator to relocate the staging area.

Mr. Evans said Mr. Busby did speak for a number of people in the Kalaupapa Settlement.

ACTION Mr. Kealoha moved to approve as amended. Mr. Yamamoto seconded and the motion was unanimously carried.

(See page 8 for Item H-3 and pages 5 to 7 for Item H-4.)

- REQUEST FOR APPROVAL TO CONTRACT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII FOR CONTINUATION OF THE HAWAIIAN PRAWN AQUACULTURE RESEARCH PROGRAM
- ITEM H-5
- ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- (See page 7 for Item J-1.)
- MODIFICATION NO. 5 TO LEASE NO. DOT-A-73-32, HONOLULU INTERNATIONAL AIRPORT, OAHU (CONTINENTAL AIR LINES, INC.)
- ITEM J-2
- ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- MODIFICATION NO. 9 TO LEASE NO. A-62-22, HONOLULU INTERNATIONAL AIRPORT (UNITED AIR LINES, INC.)
- ITEM J-3
- ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)
- MODIFICATION NO. 18 TO LEASE NO. A-62-19, HONOLULU INTERNATIONAL AIRPORT (UNITED AIRLINES, INC.)
- ITEM J-4
- ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)
- CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT (HAWAIIAN AIRLINES, INC. TO SNOW AVIATION)
- ITEM J-5
- ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)
- ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, KAILUA-KONA BAY AND KEAUHOU SMALL BOAT HARBOR (UNION PRODUCTS OF KONA, INC.)
- ITEM J-6
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MAALAEA SMALL BOAT HARBOR, MAUI (JAMES J. SERVICE)
- ITEM J-7
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 23, HONOLULU HARBOR, OAHU (CARNATION COMPANY MILLING DIVISION)
- ITEM J-8
- ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10, PASSENGER TERMINALS, HONOLULU, OAHU (HONOLULU MARATHON ASSOCIATION)
- ITEM J-9
- USE OF HARBORS DIVISION FACILITIES, PIERS 10 AND 11 SHED, IRWIN PARK AND SURROUNDING AREAS UNDER HARBORS DIVISION JURISDICTION, OAHU (HONOLULU MARATHON ASSOCIATION)
- ITEM J-10
- ACTION Mr. Kealoha moved, seconded by Mr. Yamamoto, and the board unanimously approved Items J-9 and J-10 as submitted.
- ITEM J-11
- CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION
- ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)

ITEM J-12

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

Mr. Kealoha asked whether the union is in agreement with this.

Mr. Garcia believed that the union was involved in this. Matson Navigation Company picks up the cost of the parking stalls. They have some type of arrangement with the union to provide a certain number of stalls to them. This is for their own staff workers also, but he thought that they do provide some stalls.

Mr. Kealoha asked whether the office people benefit from this also.

Mr. Garcia said the office people benefit from this, too, but he wasn't sure what arrangement they have with Matson Navigation Company. He said those laborers who go from one place to another have their own parking area.

ACTION

Unanimously approved as submitted. (Kealoha/Yamamoto)

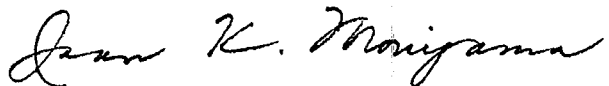
ITEM J-13

USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER  
TERMINALS, HONOLULU, OAHU (NICHIREN SHOSHU ACADEMY) (SUB-  
MITTAL WAS TO BE DISTRIBUTED AT THE BOARD MEETING)

Mr. Garcia said the applicant, Nichiren Shoshu Academy, has withdrawn their application. This item, therefore, was withdrawn.

ADJOURNMENT: There was no further business and the meeting was adjourned at 11:50 A. M.

Respectfully submitted,



JOAN K. MORIYAMA  
Secretary

APPROVED



SUSUMU ONO  
Chairman

jkm