

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

DATE: December 3, 1982

TIME: 9:00 A. M.

PLACE: DLNR Conference Room
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

Roll
Call

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

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

(Mr. Takeo Yamamoto was absent and
excused.)

STAFF: Mr. Libert Landgraf
Mr. James J. Detor
Mr. Melvin Young
Mr. Henry Sakuda
Mr. Robert T. Chuck
Mr. Roy Sue
Mr. James Lam
Mr. John Corbin
Mr. Roger Evans
Mr. Maurice Matsuzaki
Mrs. Joan K. Moriyama

OTHERS: Dep. A. G. Edwin P. Watson
Mr. Peter Garcia
Mr. Walter Arakaki (Item F-1-i)
Mr. John Witeck, UPW (Item H-4)
Mrs. Margaret Young (Item E-2)
Mrs. Emmaline Miyashiro (Item F-1-f)

Minutes

Mr. Higashi moved, seconded by Mr. Yagi, and the board unanimously approved the minutes of October 22, 1982 as submitted.

Added
Items

Mr. Higashi moved and Mr. Yagi seconded to add the following items to the agenda:

Forestry & Wildlife

Item C-5 -- Disposition of Hurricane Damaged Forest Stands

Land Management

Item F-1-m -- Katsuki Kubo request for consent to mortgage, G. L. No. S-4761, Waiakea, South Hilo, Hawaii

Administration

Item H-9 -- Request for Personnel Action

Other State Departments

Item J-8 -- Use of Harbors Division Facilities, Pier 9 Passenger Terminal, Honolulu, Oahu (AMERICAN RED CROSS, HAWAII STATE CHAPTER)

Item J-9 -- Use of Harbors Division Facilities, Pier 9 Passenger Terminal, Honolulu, Oahu (I & R PRODUCTIONS INC.)

The chairman asked Deputy Attorney General Watson whether Added Items J-8 and J-9 above are not considered disposition items.

Mr. Watson said that's correct.

On the call of the question, the motion to add the above items to the board agenda was unanimously carried.

The Division of Forestry and Wildlife items were taken up first to accommodate Mr. Landgraf who had to leave for another meeting.

REQUEST FOR APPROVAL OF THE FEDERAL BUREAU OF INVESTIGATION TO ESTABLISH A RADIO FACILITY IN THE MAUNA LOA MICROWAVE FACILITY

ITEM C-1

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM C-2

FIRE AREA LIABILITY

Staff requested board approval to establish the procedure as recommended in the submittal that they post a sign in the fire area. On the third page of the submittal was a sample of the type of sign that would be posted. The sign says State Forester. Mr. Landgraf pointed out to the board that the proper title should be Administrator, Division of Forestry & Wildlife.

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM C-3

FILLING OF PERMANENT CLERK-TYPIST II, POSITION NO. 4671, ADMINISTRATION

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yagi, unanimously approved the appointment of Cheryl Park to fill Position No. 4671, Clerk Typist II.

ITEM C-4

RESUBMITTAL - SALVAGE TIMBER SALES, ISLANDS OF MAUI AND HAWAII

This item was deferred at the last board meeting because staff wanted to make sure that the condition under which it was submitted--that an emergency exists--has been clarified. Mr. Landgraf said because of the fire hazard of all of these timbers on the ground, insects and disease that may breed there, and access in case of emergencies, that the emergency nature still does exist. He asked that the board approve this as submitted.

ACTION Unanimously approved as submitted. (Yagi/Ing)

ADDED
ITEM C-5

DISPOSITION OF HURRICANE DAMAGED FOREST STANDS

This was a disposition of hurricane damaged forest stands on Oahu and Kauai. Staff asked the board to allow them to enter into negotiations for the disposition and to allow them to put a public notice in the newspapers.

Their estimate acreage on Kauai is 2,128 acres and they are all planted. These are primarily eucalyptus and some pines that were planted in the mid-sixties. No native or koa trees are involved.

Mr. Kealoha said there is a typo on Recommendation 1. The correct word should be "recourse" and not "resource."

Mr. Landgraf said this is only to start talking to the people and getting feelers. There is no disposition at this time. They would have to come back to the board with recommendations on that later. When they find that there is a great demand for this, then they will recommend to the board that it be put up for public auction.

Mr. Kealoha said if that is the intent, then "without recourse to public auction" should be deleted from the recommendation.

ACTION

Unanimously approved as amended above. (Kealoha/Higashi)

Item F-1-i

STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-5728 AND APPLICATION OF A-1 TITLE CORP. OF HAWAII FOR R. P. COVERING LOT 526, SAND ISLAND, HONOLULU, OAHU

Staff recommended the termination of an existing permit and the issuance of a new permit to a new party. The area which covers Lot 526 on Sand Island is currently covered by a permit to Walter Arakaki for storage yard for construction equipment and materials purposes. Staff found that the entire area has been used by another party, Carlos Grout and Concrete Pumping Service.

Mr. Detor said the policy has been that when a permit is issued, it is to be used by the party to whom the permit is issued. We do have a waiting list for people who want to use the Sand Island area. Staff, therefore, recommended that A-1 Title of Hawaii Corp., who is next in line, be issued the permit after the current permit is terminated.

Mr. Kealoha asked what is the violation. What are they subrenting?

Mr. Detor said the permittee, Walter Arakaki, has not been using the area. They have given it out to another party. However, apparently there is no money involved.

Mr. Kealoha asked how that constitutes violation.

Mr. Detor said regardless of the compensation, it is a form of subrent by permitting another party to use it.

Mr. Kealoha said we have a policy that we don't permit subrenting and this has been the board policy. The permit says there will be no subrenting of any kind. If the man is not collecting rent, how does that constitute

subrenting, he asked. There are lots of people who are helping other people because they are having hard time in one form or other. They are just helping out, especially in these hard times, he said.

Mr. Detor said he understands that. However, he said on one hand staff is being told that they have to go in and check every single permit to see whether they are letting somebody else use it. He said it's a very difficult thing to do. He said we have to establish a consistent policy here. He said this is really the start of a vigorous enforcement policy. There has been laxity in the past.

Mr. Ing said he is in favor of vigorous enforcement policy. However, he said the board should have control over who utilizes the space, and not some other permittee, particularly when we have a long waiting list.

Mr. Kealoha said the permittee was notified that his permit was going to be cancelled. If in fact it was a violation, the permittee didn't have the opportunity to correct that. He agreed with Mr. Detor that we have to police all of these permits, but he said we have in the past, in almost every case, given the permittee an opportunity to correct the default or the violation.

Mr. Ing asked the deputy attorney general whether he is familiar with the language of the revocable permit.

Mr. Watson said the intent of the permit is that the premises be utilized by the permittee for the reasons stated therein. He said there has been occasions in the past that if someone else utilizes the area that it is a violation. In this particular case, they are saying no money is being paid so it's not subletting. However, it could be other considerations. He said what Mr. Detor is trying to say is that it is a violation. The fact that the permittee is not utilizing the area and he is allowing (whether for money or otherwise) some other corporation or company to come and utilize the whole area, this can pose a problem with other permits.

Mr. Ing asked Mr. Detor whether they were given a chance to cure it.

Mr. Detor said we wrote to them asking for an explanation.

Mr. Ono said the board may have to set some kind of a guideline for the cure period before we revoke anybody's permit.

Mr. Watson said although there is no such policy, in the past with respect to permits, the Land Management has communicated or written to the permittee that this constitutes a violation so he has to clear it. If the permittee doesn't clear it, staff comes to the board and recommends cancellation of the permit. He doesn't know whether it was done in this case. He said they have been in court on numerous occasions where the people are saying that they should have been given land board hearing prior to the cancellation of the permit, or that he should have been given a certain number of days. He said they have always prevailed on the basis that permit is different from lease.

Mr. Yagi asked whether Mr. Arakaki was notified that this was a violation. He said Mr. Arakaki responded to our letter on October 8 saying that he

was not subletting the premises so he didn't think that this was a violation. He said Mr. Arakaki thought a violation was when they collect money or receive some other consideration.

Mr. Walter Arakaki said it must have been a misunderstanding. He said if he knew that he was in violation he would have done something about it. He was informed by letter dated October 6, 1982 that he was in violation if he was subleasing. He said on October 8, he responded by saying that he was not subleasing.

Again on November 15, he was informed that he was in violation and that this matter will be brought before the board. Subsequently, he sent a letter explaining why he had made arrangements to have Carlos Grout & Concrete Pumping Service on the property. It was an emergency case because they had no place to go. He said he did not collect any money. If he knew that he was in violation, he said he would have done something to correct that. He felt that he should be given a chance to correct the violation.

Mr. Ing said the permit is restricted to use by the permittee. The state's concern is that there are lots of people who are on the waiting list wanting to get lots at Sand Island. He said it's not fair to have someone else slide in when these other people have been waiting for years and years.

ACTION

Mr. Ing moved that the permit not be cancelled; that the board give Mr. Arakaki thirty days from the date we notify him of the violation (which, in this case is the use of the premises by someone other than the permittee) and to cure that violation. If the violation is not cured within that time, then the permit is to be cancelled. He further moved that the board use this as a board policy.

Mr. Watson suggested that rather than saying thirty days from the date we notify him, or the date of receipt of the notice, that today be the date of notice because the permittee is present here today. He said in the past we've had problems with people not accepting certified mail.

Mr. Ing so amended his motion. Mr. Kealoha seconded the motion.

Mr. Ono said this has to be the guideline on all future handling of similar cases.

Mr. Detor said he was glad that at least we got the policy matter settled. He said on one hand they have been urged to crack down on the violators. On the other hand they do have requests for exceptions. The question is, "Where do you draw the line?"

Mr. Ing commended Mr. Detor for his efforts. He said it's a tough situation both on the personnel and on the paper work. He said there are going to be some technicalities, however, so that would have to be worked out. This is one of them.

Mr. Yagi said we should forewarn all permittees that there is a board policy now, and if they are subleasing that they should refrain from it.

Mr. Detor thought this was a good idea. He said we can put a flyer to that effect in our next billing.

Mr. Higashi said when the permits are being renewed annually, when we send out notices or correspondence to the permittees, we should remind them that they should review the policies and the board is looking at that area.

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

ITEM H-4

ASSIGNMENT OF RESIDENCES AT STATE PARKS

This matter was originally brought to the attention of the board at its September 24, 1982 meeting. It was deferred at that time to allow the board members, at least on Oahu, to actually survey the residences.

There are ten residences statewide at the present time that are assigned to employees of the State Parks Division. Staff recommended that all existing and new residences with the State Parks be filled by Conservation and Resources Enforcement Officers, based upon the determination that the surveillance and response to such situations that may arise on state property is of primary importance. Staff further recommended that on those eight Park Caretaker III employees who, through past approval and appointment by the board, were designated as resident caretakers, that this action be deferred and that they be allowed to maintain their residence status until they retire, resign or their services are otherwise terminated at the designated park site. Finally, two Park Caretaker II resident employees who reside there at Heeia State Recreation Area and at Kahana Valley, continue to be subject to the thirty-day notice of termination agreement which they have with the Division of State Parks until we determine that they should be assigned to conservation.

Mr. Kealoha asked why did they come to the board with this recommendation if they haven't determined that yet.

Mr. Young said it is conditional because at Kahana Valley, it was his understanding that there is no intention at this time to replace the resident there. However, at Heeia State Parks, they have intention of taking that action, he said. He said they also realize that we do have to give the employees thirty-day notice per our original agreement with the employee.

Mr. Kealoha asked how long will they take to determine before they reassign the residence.

Mr. Young said this is a consolidated effort between DOCARE and State Parks.

Of the other eight, Mr. Kealoha asked how many are ready to retire. Mr. Young did not have that information available.

Mr. Higashi asked how many cabins are not assigned. Mr. Young said one at Mauna Kea. He said it's really assigned to Mr. Roger Hikiji but he's out on workmen's compensation leave at the moment.

Mr. Higashi said in case like Mauna Kea we have people staying there five days at a time during their work shift. Where do they stay, he asked?

Mr. Higashi said at Mauna Kea it's a problem because it is isolated. It's awfully hard to have an employee travel from Hilo to Mauna Kea State

Park. If you take away the residence, he said, you are going to create a bigger problem.

Mr. Young said the proposal is to replace with a conservation officer.

Mr. Higashi said the conservation officer doesn't work there and maintain the ground on a daily basis. You'll have some other adverse effect on the parks upkeep. He said he would like to see a broad policy adopted.

Mr. Ono asked whether this point was brought up in the review.

Mr. Young said it wasn't.

Mr. Young said Mr. Higashi's point is that another consideration could be the geographic isolation of the park. He said his difficulty in arriving at a conclusion has been that the board's consideration was that surveillance is the most important thing. If he can go on that concept, but yet allow some degree of maintenance, then he can come up with a better recommendation, he said.

Mr. Ono said with the guideline suggested above, Mr. Young should come back to the board with park-by-park recommendations.

Mr. John Witeck, representing the United Public Workers, introduced the resident caretakers who were present at the meeting: Mr. Raymond Santana from Keaiwa State Park in Aiea, Mr. John Vellis from Wahiawa and Mr. Louis Perreira and his wife from Heeia State Park. Mr. Witeck said he distributed the position of the UPW at the last board meeting when this matter was deferred.

He briefly summarized the main points of that position. The UPW is strongly against this proposal. They don't think security and surveillance will be increased. They felt that they are putting down the workers and the type of workers that have done the job so well in the past.

Mr. Witeck said where there are resident caretakers, you have had vandalism decreased 99% at Keaiwa State Park. Similarly at Wahiawa Freshwater Park, there was hardly any vandalism. At Sand Island State Park, there has been an 85% decrease since there is a resident-employee there.

He said the important thing in these parks is to have a resident, and they feel that their caretakers have shown that they have done a very effective job. They felt that putting the DOCARE officers in the residence will not have that much impact in improving security or surveillance. They are still doing their 8-hour day time patrol work, and they are not going to be around much more than the resident caretakers. He said the public's needs is to have someone there who can respond to emergencies; someone that they can get information from; someone who can open up facilities; someone who can clean restrooms, take care of emergencies, do plumbing, get the water fountain working, respond to the kinds of inquiries and needs of the public. He said their park caretakers people have done this.

Mr. Witeck circulated samples of letters which showed that the public appreciated their services and this is the kind of service that they feel should be continued for the public. When there are difficult situations,

or serious crime, he said, their people have been able to rely on the police department. The average response time in most areas (not in the remote areas) has been three to five minutes. For minor problems, they feel that the resident caretaker is the better pick. They feel that the department can show no sizable increase in serious crime problems or vandalism in any of these parks which have resident caretakers.

Mr. Witeck said they feel that DOCARE should mainly concentrate on conservation rules enforcement. They agree that in the last five or ten years there have been more serious problems in parks in general. He said the worst problems are in the areas that have no resident employee at all. He said if the board is interested in better security for the public, to say that they can do without cost take one employee and transferring to another employee, is false reasoning. By simply changing the uniform of the employee, you do not necessarily improve the situation at all, he said.

He said if you want more security, he suggested that we hire more DOCARE personnel and have night and weekend patrols. Have these people more available to the public and to the resident caretaker.

Mr. Witeck said if the DOCARE officers do the emergency, maintenance and repairs that their people are doing, they feel that they are violating their contract. He said their people are the ones who have done the maintenance work. On the other hand their people are already doing the surveillance. They are already reporting vandalism to the police. They have already been checking permits. The only thing they can't do is to arrest.

Mr. Ono said it works both ways. He said no matter which way they go, there is going to be some overlapping.

Mr. Witeck said another concern is that if you abolish the Caretaker III positions, for the Caretaker II's they will lose the chance for promotion. He said the one serious problem that concerns him is what Mr. Young had presented today, that the board intend fairly quickly to evict the resident caretaker from Heeia State Park who has been there for over four years. This man is subject to 30-day eviction. He said this policy would have an immediate impact and his family. They feel, given the kind of service he has done to that park, that it's really unfair to him and would do great harm and disservice.

Lastly, Mr. Witeck did not feel that they were consulted adequately on this whole thing. In August 1981, he said the board had its meeting and expressed sincere interest in improving security. On November 1981, the HGEA was consulted. They only heard rumors. In May of 1982, they asked the department to see what's happening. Are our people going to be evicted from the houses? Are they going to be turned over to DOCARE? He said it took until June or July to get consultation. They didn't feel that the workers who are doing the job now have been fairly treated.

Mr. Witeck said they feel that this policy is not a good policy to pursue. They feel that it violates their contract and it does serious disservice to the people who served well.

Mr. Ono said if Mr. Witeck feels that the UPW contract has been violated, he has a recourse to follow. He asked him to follow and pursue that from the established channels.

ACTION Mr. Higashi asked the staff to come back with a park-by-park, island-by-island basis recommendation. He said in some cases surveillance may require higher priority than the regular park services.

ITEM B-1 FILLING OF POSITION NO. 22570, FISHERY TECHNICIAN IV IN THE DIVISION OF AQUATIC RESOURCES, ANUENUE FISHERIES RESEARCH CENTER

ACTION Mr. Higashi moved, seconded by Mr. Yagi, and the board unanimously approved the appointment of Mr. Nathan K. Kimura to fill Position No. 22570, Fishery Technician IV.

Mr. Ono asked Mr. Sakuda to furnish the board with a report on the buoys after the storm.

(See pages 2 and 3 for Forestry items.)

ITEM D-1 SOIL AND WATER CONSERVATION DISTRICT DIRECTOR

ACTION Mr. Edward Kawamura, Jr. was unanimously appointed to serve as a director of the East Kauai Soil and Water Conservation District, on Mr. Kealoha's motion and seconded by Mr. Higashi.

ITEM E-1 FILLING OF EXEMPT, PART-TIME, COASTAL RECREATION SPECIALIST (PLANNER IV) POSITION NO. 22034E IN THE DIVISION OF STATE PARKS, OUTDOOR RECREATION AND HISTORIC SITES

ACTION Mr. Kealoha moved, seconded by Mr. Ing, and the board unanimously approved the appointment of Mr. John R. K. Clark to Position No. 22034E, Coastal Recreation Specialist.

ITEM E-2 ONE-YEAR EXTENSION OF THE MANAGEMENT AGREEMENT WITH MAKIKI ENVIRONMENTAL EDUCATION CENTER, INC. TO CONDUCT PROGRAMS IN THE MAKIKI-TANTALUS STATE RECREATION AREA

This was a request to extend the management agreement, which was entered into last November with Makiki Environmental Education Center, Inc. for another year. They have complied with all of the conditions of the agreement and they have promulgated some programs, according to Mr. Roy Sue. One of them is the youth education program and the other is the public education program.

Mr. Kealoha asked whether a one-year agreement is enough.

Mr. Sue said they would like to look at it for another year and go for a longer term after the one year. He said he just learned from Mrs. Margaret Young that in order for them to raise funds from private sector, they are required to have a longer period of commitment.

Mr. Yagi asked Mr. Sue whether he still recommends one year, considering the fact that they are doing a good job and are required by the donors to have a longer period.

Mr. Sue admitted that one year is too short. However, he said he didn't have enough data to fully evaluate even the initial phase, so he would like to recommend that we go for another year, evaluate that and then go for three to five-year commitment.

Mrs. Margaret Young said the director of a foundation in California was here about a month or so ago and was very interested in supporting their environmental program. However, he informed her that in order to achieve their goals, they should be able to assure the donors of a long-range program. She said the same message came from the McInerny Foundation, that in order to ask for funds (particularly for an endowment fund), you have to say that you are going to be there for more than one year at a time.

If they are going to plan and start an environmental drive in May, they really want to be able to assure the public that this is going to be there. They feel that they need a longer term, and yet the agreement asks for one-year extension in the original agreement. She said the fund-raising problem has come up more recently.

Mrs. Young further stated that the management agreement and their charter do indicate that if at any time their operation went out of business, any funds or assets would be turned over to a like environmental group. She said there is some question whether they should specify some foundation that's in the environmental field, or whether they have the power to take what they raise.

The Makiki-Tantalus State Park was created by the 1970 Legislature. Mrs. Young said it has taken them since 1981 to get off the ground with this particular phase, and it is the only phase, besides the trails, that has been accomplished in the twelve years.

Mr. Higashi asked what would be reasonable for them.

Mrs. Young said five years would be the minimum.

Mr. Sue said it depends on the donation. If you give them a long commitment, and if there is no donation forthcoming, we may have some problems in-between.

Mr. Kealoha agreed with Mrs. Young that this type of institution want to be sure that it's going to be there, and they want to be certain that it's an on-going thing before you get the commitment. He suggested including a condition that is workable between the two parties--a five-year period based on a three-year performance, or something like that.

ACTION

Mr. Yagi moved that the agreement be extended, month-to-month, until such time as the staff can come back with a recommendation for a longer contract. Mr. Kealoha seconded and the motion was unanimously carried.

ITEM E-3

PERMISSION TO NEGOTIATE WITH HOONANI MAUNA-ALA MAI NA MAMAKA-KAUA AND TO EXECUTE CONTRACT DOCUMENT FOR PHASE IV RESTORATION OF THE ROYAL MAUSOLEUM CHAPEL, NUUANU, OAHU

ACTION

Mr. Sue asked for deferral of this item because there was a mix-up in the expenditure plan. The board had no objection to deferring this item.

ITEM F-1

DOCUMENTS FOR CONSIDERATION

KAUAI

Item F-1-a

REVOCABLE PERMITS
KEKAHA SUGAR COMPANY, LIMITED - Portion of the government land of Kekaha, Waimea - for agriculture purposes - \$117.00 per month

Item F-1-b PRIDE COMPANY, INC. - Portion of the government land of Kekaha - for agricultural purposes - \$290.00 per month

MOLOKAI

Item F-1-c SUBLEASE
COUNTY OF MAUI, Sublessor, to MAUI COMMUNITY COLLEGE, Sublessee - Hoolehua-Apana and Palaau-Apana 2 and Palaau and Hoolehua - for agriculture - GL No. S-4433

HAWAII

Item F-1-d REVOCABLE PERMITS
TAKUMI SHIRAKAWA - Portion of the government land of Waiohinu, Kau - for diversified agriculture - \$10 per month

KAUAI

Item F-1-e VERNON J. SOUZA - Portion of Lot 7, Wailua Rice and Kula Lots, Wailua - for pasture use - \$14.00 per month

OAHU

Item F-1-f ERIC HASEGAWA dba ERIC'S AUTO BODY - portion of state land situate at Aiea - for auto body repairs and storage - \$427.00 per month

This was another case where the permit area has been subrented out to someone else. Staff recommended that the board authorize the cancellation of the permit, which is currently issued to United Towing Service, and that a new one be issued to the actual occupant of the area, Eric's Auto Body.

Mr. Ing asked whether the current permittee was given a cure period.

Mr. Detor said they sent them the same type of a letter, saying that they are in violation, and that we were bringing it to the board. It did not say that they had to clear it up by a certain time, or we will cancel it.

Mr. Ing said in light of the board's prior action, we should handle it the same way.

Ms. Emmaline Miyashiro of United Towing addressed the board briefly. She said Eric Hasegawa did not have a job so she put him in there with the understanding that he would watch her yard and do some small jobs for her. He was selling the car parts for her and forwarding the checks to her. She wasn't making money, she said. Later on she found out that he was doing illegal things so she got him out. This was before she received the letter from the state. She said she had to clean up the place.

Mr. Kealoha asked her whether she was aware that it was illegal to subrent.

Ms. Miyashiro said she was aware of that. So she told Eric that she will only lend the place to him. In other words, he would be working for her by fixing cars that needed small body work. She also permitted him to do small jobs for himself. But then, she said, he started to get bigger and bigger so she told him that he had to move out.

Mr. Kealoha said this is the very thing that the board wants to stop, whether rent is being collected or not.

Mr. Yagi asked whether United Towing Service is using the premises now.

Ms. Miyashiro said they have always been using the place to store their cars there.

Mr. Ing felt that she should have been given cure time. It can be implied from the letter, but he didn't feel that it was specific enough.

ACTION Mr. Ing moved that this matter be handled in the same manner that the board handled Item F-1-i and give Ms. Miyashiro two weeks from today to rectify the situation and get the unauthorized equipment off the property. If she fails to do this then cancel the permit. Mr. Kealoha seconded.

Mr. Ono said staff should make a quick field check on this.

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

HAWAII

Item F-1-g MORTGAGE AND ESTOPPEL CERTIFICATE
YAMADA TRANSFER, INC., Mortgagor, and FIRST HAWAIIAN BANK,
Mortgagee - Lot A, being a consolidation of Lots 9 to 16, inclusive of
Block 40, Waiakea House Lots - GL No. S-4302

KAUAI

Item F-1-h ASSIGNMENT
DOROTHY K. CHING, widow, Assignor, to BETTY M. CHING, widow,
Assignee - Lot 28, Lawai Homesteads, Koloa - GL No. S-3649

(See pages 3 to 6 for Item F-1-i.)

MAUI

Item F-1-j REVOCABLE PERMITS
ULUPALAKUA RANCH, INC. - Government land at Honuaula, Makawao -
for pasture purposes - \$10.00 per month

OAHU

Item F-1-k JAMES W. S. NG - Waimanalo, TMK 4-1-08:45 - for pasture use - \$40.00
per month

This was another case of request for cancellation of a permit. The permit is held by George Bell. He apparently does not use the premises. The applicant, Mr. James Ng, has been using the premises for about four or five years. Mr. Bell was informed in July that the board would be asked to revoke his permit because of a violation. On July 21, Mr. Bell informed us that at no time was the property sublet to anybody. This matter was scheduled to be submitted on August 13 and it was withdrawn because staff wanted to look into this matter further.

Mr. Detor informed the board that we have copies of cancelled checks made out to Mr. Bell by Mr. Ng for use of the premises.

Mr. Kealoha said he knows Mr. Ng, and Mr. Ng informed him that Mr. Belt represented to him that he had a lease from the state and that he was subleasing it to Mr. Ng. So he was of the impression that he was paying on a sublease and built improvements.

Mr. Kealoha said when he notified Mr. Ng that he did not have a lease and that he only had a permit, Mr. Ng notified Mr. Bell that they should both correct the situation from the Land Office. Mr. Bell said no.

Mr. Detor said Mr. Ng applied in 1976 so he is on top of the list of applicants.

Mr. Yagi asked what was Mr. Ng paying for the sublease.

Mr. Detor said the cancelled checks show that he was paying \$350 a month. The permit is for \$40 a month.

Mr. Yagi asked what are we going to do when a permittee subleases it for more than what he is paying to the state. He asked whether the state can recover the differences. He said if the permittee violates the permit and subleases it and gets away with it, it's not right.

Mr. Watson said it all depends on the facts of the case because we might be spending more and get nothing in the end. How much is it worth for the state to sue the person? How long has he been doing it?

Mr. Watson asked why staff selected the August 31 deadline. If Mr. Bell has been paying the rent to the state and the permit is cancelled effective August 31, then the Land Department must make a refund to Mr. Bell.

Mr. Detor agreed with Mr. Watson that the date should be changed. He said this submittal was prepared for the August 13, 1982 meeting and it was withdrawn. At that time they were going to cancel the permit at the end of the month. The same submittal was brought back without changing the date.

Mr. Ono said he wants to make sure that Mr. Ng is not in violation of any county codes. He said staff should check it out. If there are illegal structures, then there is no use giving him the permit, he said.

Mr. Watson reminded the staff that under the permit requirement you have to give the permittee thirty-day notice for cancellation. He notified that on all of the submittals, although the submittal date is December 3, staff mentions December 31 as the date of cancellation. He said by the time you serve the notice, you don't even have the thirty days.

Mr. Detor recommended that the date of cancellation be January 31, 1982.

Mr. Ono asked the staff to work with the attorney general's office to see what kind of action, if any, shall be taken on this matter.

OAHU

Item F-1-1

PACIFIC TRADING AND SALVAGE CO. - Lot 223, Sand Island, Honolulu - for marine salvage & repair - at a monthly rental of \$708.00

HAWAII

Added
Item F-1-m

MORTGAGE

KATSUKI KUBO and JANE K. KUBO, husband and wife, mortgagors, to STATE OF HAWAII, by its Department of Agriculture, mortgagee - Lot 14, Panaewa Agricultural Park, Waiakea, South Hilo - General Lease No. S-4761

ACTION Mr. Yagi moved, seconded by Mr. Kealoha, and the board unanimously approved Item F-1 as amended, and unless otherwise noted.

ITEM F-2

DHHL REQUEST FOR CANCELLATION OF EXECUTIVE ORDER NO. 1789, WAIKOLOA, SOUTH KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM F-3

DHHL REQUEST FOR CANCELLATION OF EXECUTIVE ORDER NO. 1859, WAIKOLOA, SOUTH KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM F-4

AMFAC TROPICAL PRODUCTS REQUEST FOR RIGHT OF ENTRY, KAMAILI, PUNA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM F-5

EDWARD WENCE REQUEST FOR RIGHT OF ENTRY, PONAHAHAWAI, SOUTH HILO, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM F-6

DR. A. STARK WOLKOFF APPLICATION FOR EASEMENT AT HALEAKALA HOMESTEADS, MAKAWAO (OLINDA), MAUI

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM F-7

E. N. NAGAO, LTD. REQUEST FOR CONSENT TO REDUCTION IN AREA COVERED BY REVOCABLE PERMIT NO. S-5910, SAND ISLAND, HONOLULU, HAWAII

Mr. Kealoha said the applicant is asking to reduce the area to 3,200 square feet, and he has an adjoining parcel of 5,250 square feet. He suggested cancelling all of that and give him 5,000 square feet. He felt that we may not have a taker on the 2,200 square feet if you split it that small. If the remaining portion is in such a location where nobody can get through, how can you rent it out, he asked.

Mr. Detor suggested that this matter be deferred.

ACTION The board had no objection to deferring Item F-7 for further review.

ITEM F-8

MCDONALD'S OF HAWAII DEVELOPMENT CO. APPLICATION FOR EASEMENT, MANOA VALLEY, HONOLULU, OAHU

Mr. Ing said there are lots of children there and asked whether we can require them to fence the stretch of the road or the bank.

Mr. Detor said they can incorporate a condition to that effect.

- ACTION Mr. Ing moved for approval with the added condition that they be required to put up a fence or some barrier between the road and the stream. Mr. Higashi seconded and the motion was unanimously carried.
- ITEM F-9 RESUBMITTAL - STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOTS 53 & 54-A OF THE HANAPEPE TOWN LOTS, HANAPEPE, KAUAI
- ACTION Unanimously approved as submitted. (Higashi/Ing)
- ITEM F-10 DOH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE AT 2045 KAM IV ROAD, HONOLULU, OAHU
- Mr. Ing thought this matter was deferred earlier because he felt that the rental was too high for that area. He asked whether any attempt was made to lower the rent.
- Mr. Detor said no and asked for deferral.
- ACTION This matter was again deferred for further information.
- ITEM F-11 DSSH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE IN THE ALA MALAMA BUILDING, KAUNAKAKAI, MOLOKAI
- ACTION Unanimously approved as submitted. (Yagi/Ing)
- ITEM F-12 OAHU METROPOLITAN PLANNING ORGANIZATION REQUEST FOR ACQUISITION OF SUBLEASE COVERING SUITE 1511, 1164 BISHOP STREET, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ITEM H-1 REQUEST FOR APPROVAL TO TRAVEL TO PORTLAND, OREGON, TO REVIEW WORK IN PROGRESS FOR THE REGIONAL AQUACULTURE PRODUCTS MARKETING STUDY
- ACTION Unanimously approved as submitted. (Yagi/Ing)
- ITEM H-2 REQUEST FOR APPROVAL FOR OUT-OF-STATE TRAVEL TO ATTEND AQUACULTURE 83
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ITEM H-3 TEMPORARY APPOINTMENT TO PERSONNEL CLERK II, POSITION NO. 33450, PERSONNEL OFFICE, OAHU
- ACTION Mr. Higashi moved, which was seconded by Mr. Yagi, and the board unanimously approved the temporary appointment outside the list of Ms. Jill Y. Lee to Position 33450 for the duration of the permanent incumbent's promotion.
- (See pages 6 to 9 for Item H-4.)
- ITEM H-5 CDUA FOR SUBDIVISION AND THE CONSTRUCTION AND INSTALLATION OF THE KITANO HYDROELECTRIC FACILITY AND ACCESS ROAD AT WAIMEA, KAUAI
- ACTION Mr. Evans asked for deferral of this item for one board meeting for further review of the submittal. The board had no objection to the deferral.

ITEM H-6

CDUA FOR KALIA ROAD RELIEF DRAIN PROJECT AT WAIKIKI, HONOLULU, OAHU

Mr. Ing asked what is going to happen to the concrete that stands out into the water. Is it going to remain there? He didn't feel that there is any problem in keeping it there. He knows that people use that to walk out, jump off and go surfing.

Mr. Evans said if the board has a specific concern as to its removal or its retention, staff could recommend adding a condition to that effect. However, the board was informed that we are requiring them, under Conditions 14 and 15, that they do come in with some erosion control measures. As a part of the erosion control measure, we could cause the retention or the removal. He said they could recommend retention based upon safety, and also that there wouldn't have any effect on the erosion.

ACTION

Unanimously approved as submitted. (Yagi/Ing)

ITEM H-7

CDUA FOR CONSOLIDATION AND RESUBDIVISION OF TWO LOTS AT TANTALUS, HONOLULU, OAHU

Staff's recommendation was for denial because the applicant had not provided us with a survey when the submittal was written up. Subsequently, the applicant did come in with a survey. Staff, therefore, recommended that the application be approved under the conditions listed in the amended submittal which was distributed to the board members at the meeting.

Mr. Ing said at the time of the public hearing the other landowners were also present. There was some confusion at that time as to where the boundary was. The purpose of the survey was to fix it so that they would know. He asked whether that problem was worked out.

Mr. Evans said that problem was worked out. He has the results of the survey and both parties have been notified as to who gets what. Staff is satisfied that this has been adequately addressed.

ACTION

The board, on Mr. Ing's motion and seconded by Mr. Yagi, unanimously approved the application subject to the conditions listed in the amended submittal.

ITEM H-8

CDUA FOR CONSTRUCTING TWO LOADING DOCKS AND TWO FLOATING DOCKS AT THE WAIKIKI YACHT CLUB, OAHU

Staff recommended approval of this application. Mr. Evans called the board's attention to Condition No. 7. Since this proposal affects state land, question has been raised as to potential discriminatory actions on the part of private clubs. Mr. Evans asked to make one change in Condition 7. On the third line where it reads, "discriminatory basis," he said it should read, "discriminatory basis relating to race, color, sex or national origin, age or handicap."

Mr. Evans said they hope to use this condition in the future as one of our standard conditions on all similar requests.

ACTION

Mr. Kealoha moved to approve the application as amended. Mr. Higashi seconded and the motion was carried.

The record showed that Mr. Ing disqualified himself and did not participate on this item.

- ADDED
ITEM H-9 REQUEST FOR PERSONNEL ACTION
- ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Ing, unanimously approved the appointment of Ms. Anne Lo-Shimazu to Position 26434, Planner IV, effective December 13, 1982.
- ADDED
ITEM J-1 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ADDED
ITEM J-2 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON SMALL BOAT HARBOR, HONOLULU, OAHU (DONALD I. STODDARD)
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ADDED
ITEM J-3 ISSUANCE OF NEGOTIATED LEASE, HARBORS DIVISION, PIER 1 TRANSIT SHED, PORT OF HILO, HAWAII (MATSON NAVIGATION CO.)
- ACTION Unanimously approved as submitted. (Yagi/Kealoha)
- ADDED
ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, LAHAINA SMALL BOAT HARBOR AND MAALAEA SMALL BOAT HARBOR, MAUI (RICHARD FUKUSHIMA, DBA NO KA OI FUELS)
- ACTION Unanimously approved as submitted. (Yagi/Ing)
- ADDED
ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI SMALL BOAT HARBOR, HONOLULU, OAHU (HONOLULU COMMITTEE TRANSPACIFIC YACHT RACE)
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ADDED
ITEM J-6 MODIFICATION NO. 5 TO LEASE NO. DOT-A-73-31, HONOLULU INTERNATIONAL AIRPORT, OAHU (CHINA AIRLINES)
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ADDED
ITEM J-7 ADDENDUM NO. 5 TO LEASE NO. DOT-A-72-15, HONOLULU INTERNATIONAL AIRPORT, OAHU (HONOLULU FUELING FACILITIES CORP.)
- ACTION Unanimously approved as submitted. (Ing/Yagi)
- ADDED
ITEM J-8 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (AMERICAN RED CROSS, HAWAII STATE CHAPTER)
- ACTION Unanimously approved as submitted. (Yagi/Ing)
- ADDED
ITEM J-9 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (I & R PRODUCTIONS INC.)
- ACTION Unanimously approved as submitted. (Ing/Yagi)

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

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Ing, approved the appointment of Marilyn M. Yagi to fill the Clerk Typist II Position 33269, effective December 16, 1982.

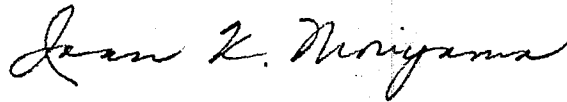
Mr. Yagi was excused from voting on this item.

ITEM I-2 FILLING OF POSITION NO. 30197, INFORMATION SPECIALIST III, OAHU

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved the appointment of Ms. Marion I. Huff to fill the Information Specialist's job, effective December 16, 1982.

ADJOURNMENT: There was no further business and the meeting was adjourned at 12:05 P. M.

Respectfully submitted,



Joan K. Moriyama
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm