

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

DATE: December 17, 1982
TIME: 9:00 A. M.
PLACE: Kahului Library
Kamehameha and School Streets
Kahului, Maui

ROLL
CALL

Chairman Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:00 A. M. The following were in attendance:

MEMBERS Mr. Roland Higashi
Mr. Moses W. Kealoha
Mr. Thomas S. Yagi
Mr. Susumu Ono

Absent & Excused
Mr. J. Douglas Ing
Mr. Takeo Yamamoto

STAFF Mr. James Detor
Mr. Eddie Ansai
Mr. Roger Evans
Mr. Libert Landgraf
Mr. Maurice Matsuzaki
Mr. Patrick Ah Sam
Ms. Georgiana Awo
Mrs. LaVerne Tirrell

OTHERS Ms. Donna Hanaike, Deputy Atty. General
Mr. Robert Carlsmith (Item H-4)
Mr. Bert Hatton (Item H-5)
Mr. I. W. Gibson (Item H-1)
Mr. Harold Masumoto (Item H-6)
Mr. Peter Garcia, DOT

MINUTES

Mr. Higashi moved for approval of the November 5, 1982 minutes as circulated. Mr. Kealoha seconded and motion carried unanimously.

SERVICE
AWARDS

Service Awards were presented to the following employees from the Division of Conservation and Resources Enforcement:

Ms. Georgiana Awo - 10 years service
Mr. Patrick Ah Sam - 20 years service

Items on the Agenda were considered as follows in order to accommodate those persons present at the meeting:

ITEM F-7

COUNTY OF MAUI REQUEST FOR CONVEYANCE OF STATE'S INTEREST IN THE KULA AGRICULTURAL PARK PROPERTY, MAKAWAO, MAUI.

ACTION

The board, upon motion by Mr. Yamamoto and a second by Mr. Kealoha, unanimously approved the conveyance by Deed to the County of Maui the State of Hawaii's one-half (1/2) interest to the 125.002-acre portion of the Kula Agricultural Park subject to the terms and conditions listed in the submittal, and subject also to approval by the Governor.

ITEM H-3

CDUA FOR ADDITION TO RESIDENCE AT TANTALUS, HONOLULU, OAHU, (MR. & MRS. GUIDO GIACOMETTI).

The applicant proposes to construct a 575 square foot addition to the existing residence to be used as a master bedroom.

Mr. Evans said that although staff has recommended approval of the requested addition they also found, in their review of the application, that there did appear to be two violations existing on the property that did not have land board approval. Firstly, there was the beginnings of a rock wall and, secondly, some clearing of the land. Therefore, staff has recommended a \$500.00 fine per violation.

If prior approval had been obtained to build the original residence, said Mr. Higashi, the applicant may have also received permission to clear the land.

Mr. Evans explained that part of staff's standard investigation is to go into previous records on the particular parcel and nothing along this line has come out.

Does this mean, asked Mr. Kealoha, that besides this applicant, any other dwelling in this subzone would be in violation everytime they clear their lot. What I'm trying to say is that I don't see how clearing would be a violation. If this is the case, we'll have a violation every other week.

We have maintained the posture, said Mr. Evans, that land clearing within the Conservation District does require land board approval.

Mr. Kealoha said that he finds it difficult to site the clearing as a violation. If there is a violation, Mr. Kealoha felt that it should be incorporated as one violation rather than two -- one violation for the rock wall now under construction but not the clearing of the land. Mr. Kealoha felt also that the fine should be \$250.00 instead of \$500.00 per violation.

Mr. Kealoha moved to amend staff's recommendation by having the violation charge lowered from \$500.00 to \$250.00 and that the violations be constituted as one violation rather than two separate violations.

Staff's position, said Mr. Evans, in recommending the maximum is simply for the board's consideration from the staff's perspective.

Mr. Yagi seconded the motion.

Mr. Ono voted no so motion did not carry for a lack of quorum. Mr. Ono agreed with combining the two violations into one, but not to lowering the fine to \$250.00.

ACTION

Because the first motion failed, Mr. Kealoha moved instead that the applicant be fined \$500.00 rather than \$250.00 but that the violations be combined into one violation instead of two. Mr. Kealoha moved also that staff check the original application and if it allows the use of clearing of property or construction of a stonewall, etc. that a fine not be imposed.

Mr. Yagi seconded and motion carried unanimously.

ITEM H-4

CDUA FOR NONCONFORMING SINGLE FAMILY RESIDENTIAL USE AT KIHOLE BAY,
NORTH KONA, HAWAII (O.V. and LORETTA LYNN)

Staff recommended approval of this application subject to the terms and conditions listed in the submittal. However, Mr. Evans called attention to Condition No. 9 which recommends approval specifically for a residential use and in no way grants, establishes and/or recognizes legal access to the applicant's property identified as TMK: 7-1-02:2. Staff is, however, at the present time resolving the questions of legal access.

Regarding Condition No. 9, asked Mr. Ono, is there any follow-up work that needs to be done on the part of staff?

There is another application in process which would provide for access, said Mr. Evans. Once the board acts on that application, then there would be a follow up on a number of people in the area.

Mr. Robert Carlsmith, the applicant's attorney, in answer to Mr. Kealoha's question, said that there are at least three residents in the area who all presently use the same road to get to their places. The Lynn's will use the same road to get to their residence. Mr. Carlsmith said that they have been applying for several years to settle the access question and hopefully it will be settled in January when the item is on the agenda.

ACTION

Mr. Higashi moved for approval as submitted, subject to the terms and conditions listed in said submittal. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-5

RESUBMITTAL OF A CDUA FOR SUBDIVISION AND THE CONSTRUCTION AND INSTALLATION OF THE KITANO HYDROELECTRIC FACILITY AND ACCESS ROAD AT WAIMEA, KAUAI (KEKAHA SUGAR COMPANY, LTD.)

This item was deferred earlier to clear up some technical in-house concerns. Staff feels that the proposed use is a reasonable use within the resource subzone and recommends approval subject to the conditions listed in the submittal.

In answer to Mr. Ono's question, Mr. Evans said that he had not been informed that the effects of the hurricane had any effect on this particular project.

Mr. Bert Hatton, representing Kekaha Sugar Company, said that the hurricane did damage the power line that goes up to their existing Waimea Hydro and they are in the process of repairing that right now. He explained that they lost about 12 poles and a number of trees in the vicinity. Other than that, there has not been any major land damage or erosion inasmuch as there wasn't a lot of rain with the storm.

ACTION

Mr. Higashi moved for approval as submitted, subject to the terms and conditions listed in the submittal. Mr. Yagi seconded and motion carried unanimously.

ITEM H-6

CDUA FOR THE CONSTRUCTION OF THE CALIFORNIA INSTITUTE OF TECHNOLOGY 10-METER TELESCOPE FOR MILLIMETER AND SUBMILLIMETER AT MAUNA KEA, WITH RIGHT OF ENTRY AT HAMAKUA, HAWAII (UNIVERSITY OF HAWAII).

Mr. Evans said that concerns were expressed earlier by staff that from a land use planning perspective, what was needed on Mauna Kea was a master plan for the entire area which would tend to give staff a handle as to what is proposed and the kinds of different uses in addition to scientific use which may be considered and in some cases regulated.

Where does the comprehensive EIS fit in, asked Mr. Ono?

Mr. Evans said that he understood that the Mauna Kea Scientific Reserve Development Plan and the EIS will eventually be one specific package which would be presented as a singular CDUA to be processed by DLNR for board consideration. Staff has had an opportunity to review a draft of the plan and in this plan the University does indicate the total number of sites that they would hope to have.

Mr. Ono said that his question was whether or not the EIS would be a part of the development plan or is it going to be a separate document.

Mr. Evans said that he would expect it to be combined. The Mauna Kea Science Reserve Plan would serve as the basis of the EIS.

In answer to Mr. Kealoha's question, Mr. Evans said that there are about six observatories at Mauna Kea.

When the public hearings were held on Mauna Kea, sometime in 1977, was a ceiling set for the number of observatories to be built on Mauna Kea, asked Mr. Kealoha?

In terms of a specific number, none was set said Mr. Evans. What was articulated though was that a ceiling should be set and this ceiling, whatever the numbers, should be developed in such a manner that it is compatible with other uses on the mountain and this was expressed as a part of the development of the Mauna Kea Plan.

At that time, asked Mr. Kealoha, did the University express doing a study with respect as to what they felt would be a comfortable number of observatories on the summit?

The University's response at that time, said Mr. Evans, was not to set a number.

I realize that no numbers were set at that time said Mr. Kealoha but the University did say that they would know within the next three or four years what the carrying capacity would be on the summit. Have they ever come back with what they consider to be the maximum number of observatories available on the summit?

As a part of the draft of the Complex Science Reserve Plan, they have. Prior to that there was nothing to our knowledge that was circulated, said Mr. Evans.

Mr. Higashi called attention to the University of Hawaii's response to Hawaii County, Planning Department wherein they say that the Board of Land and Natural Resources will have to approve of Cal Tech's application during the Conservation District Use Application (CDUA) Process. What do they mean that we have to approve?

Mr. Higashi said that for sometime now we have been discussing the single CDUA and on a couple of occasions there were meetings with interested groups where we could dialogue with the community, specifically the groups like the hunting groups, conservationists, etc. and at that point of time with the University people and, in my opinion, they made some commitments that they would use the single CDUA concept and move ahead. What happened to that?

Harold Masumoto, UH Vice President, said that they are still working on that. We made it clear to all groups at that time that this Cal Tech request is a separate one which had already started its process and staff did not want to hold up Cal Tech to take care of all the single CDUA's. We are now working on a physical Master Plan for Mauna Kea and in follow up of those discussion that you mentioned, Mr. Higashi, we have had quite a bit of input from interested groups on the matter and the draft EIS was circulated for that particular project. The deadline was December 8, 1982.

Don't you have another application in for United Kingdom, asked Mr. Higashi?

Mr. Masumoto said yes, that it is pending.

Mr. Higashi felt that all issues regarding the use of the mountain should be settled all at once. Seems like we've been talking about this for a long time, yet the process seems to be moving very slowly.

Mr. Masumoto explained that he thinks this problem arose when they said that they were going with a single CUDIA. If we went with a single CUDIA for the master plan and for two telescopes or whatever other numbers, then it would not be necessary to submit CUDIA applications. The way we understand the process right now there will not be a CUDIA on the master plan.

But the intent of the single CUDIA was to figure out the whole carrying capacity of the mountain, said Mr. Higashi.

I think we should separate the CUDIA from the master plan, said Mr. Masumoto. If the assumption is that there is to be an approved CUDIA on the Master Plan and that CUDIA is permission for the University or any other telescope operator to build additional telescopes, I think we would have no objections to a single CUDIA, said Mr. Masumoto. But our understanding of that is not possible under DLNR rules.

Would there be any objection to holding up the United Kingdom request until the Master Plan is finished, asked Mr. Ono?

Mr. Masumoto said that there would be no problem with holding up the CUDIA until the master plan is submitted. However, there is a problem with the wording of Condition No. 6.C, which states that no further commitment of land use within the Mauna Kea Science Reserve be considered until such time as the University's Mauna Kea Science Reserve Development Plan is completed and consistency between that plan and the Department's Mauna Kea Plan has been achieved. He felt that this condition was overly broad because the CUDIA for UKIRT or UK&L may be consistent with everything else except a certain part of the Mauna Kea Plan which may require some jurisdictional arguments such as who should be responsible for maintenance of the road, etc.

Another problem is that the two plans are separate plans. The Board of Regents may ask for a lot of things which the Board of Land and Natural Resources, which has the right, but might not agree to 100%.

Mr. Higashi called Mr. Masumoto's attention to the fact that the Mauna Kea Plan prevails so the Mauna Kea Science Reserve Plan has to be in conformity with said plan as it presently stands, or as amended.

Mr. Masumoto said that the UH's intent is to come up with a plan that will lay out the road, the power, the access, etc. In this case, they have asked that there be a joint meeting between the Board of Land and Natural Resources and the Board of Regents sometime in March on the subject. They have no problem with proceeding on this. After that particular meeting, a public hearing, which we will suggest be held in Hilo, the Board of Regents would adopt the Mauna Kea Science Reserve Development Plan as a planning document for the University. That plan may conflict with the Mauna Kea Plan so, for the Board of Regents to implement their plan, they would need a Board of Land and Natural Resources' approval to amend their plan. Then certain provisions in the University's plan, we realize, will not be implementable. Whether the BLNR's action will be in the form of an amendment of the Mauna Kea Plan plus an action on a CUDIA I think is a question that is not clear to me at this time. I was under the impression that it would be more logically an amendment to the Mauna Kea Plan rather than action on a CUDIA.

Before the Master Plan is acted on, are there any other requests pending that this board is not aware of, asked Mr. Ono.

Mr. Masumoto said that there have been discussions with the University of California but they are not ready to submit any documents for consideration at this time.

Having made certain commitments to this board and to the community for a Master Plan, would you still continue to submit individual requests even if the Master Plan is not adopted, asked Mr. Ono?

No, said Mr. Masumoto. I don't think that we can make a commitment that we will not be submitting any more CDUA's. If we do that and then we may need to amend something up there, etc. I hate to have those denied because we don't have a master plan. The impact of those type of applications would be minimal. If you're talking about new telescopes, yes we can. But if you're talking about renovating an existing telescope up there I think we'd like to reserve the right to do that.

The EIS that has been circulated recommends a certain corridor as close to Pohakuloa as possible. It also recommends overhead transmission lines from about a mile from Saddle Road to about 800 yards short to Hale Pohaku and then underground thereafter. That is the major amendment to the Mauna Kea Plan. If that amendment is not approved by the Board of Land and Natural Resources, we just cannot put anymore telescopes up there so therefore there won't be any more applications.

With respect to the Master Plan, do you have a timetable asked Mr. Kealoha? We've been waiting a long time.

Our timetable, said Mr. Masumoto, is for about January 15, 1983 and we have suggested for joint hearings before the Board of Regents and the Board of Land and Natural Resources.

We thought it would be beneficial to the community and both boards to be heard at the same time and allow the community to make their presentations. Our understanding is, however, that there will be separate actions taken.

Mr. Kealoha felt that the plan should be submitted first to BLNR for review and comment before going before the public.

In regard to your response to the Hawaii County Department, page 17, what is meant by that, asked Mr. Higashi?

The intent there, said Mr. Masumoto, is that it still has to be approved by the Board of Land and Natural Resources.

Could you brief us one more time, asked Mr. Higashi, as to what the University's procedure will be, what you intend doing with your plan, and what is your understanding about a single CDUA.

We will complete the Master Plan as soon as possible, which is sometime in late January, said Mr. Masumoto and then we will submit it to the Board of Land and Natural Resources for review. We have recommended to the Board of Land and Natural Resources that there be joint hearings on that plan. We have checked the BLNR tentative dates and our board's tentative dates and have suggested to the Chairman of the Board that it be held in late February or sometime in March. The Board of Regents will be asked to act on the Mauna Kea Master Plan sometime in March and, following the Board of Regents approval of our master plan, the formal transmittal will be made to the Board of Land and Natural Resources requesting amendments to the Mauna Kea plan. If everything goes according to schedule, this should be sometime in late March. Whether we submit a single CDUA with that request for amendment to the Mauna Kea Plan, we need to review again.

ACTION

Mr. Higashi moved for approval as submitted with the amendment that Condition 6.C. read as follows: "That there be no further commitment of land use of major improvements within the Mauna Kea Reserve site until such time as the University's Mauna Kea Science Reserve Development Plan is completed. Mr. Kealoha seconded and motion carried unanimously.

Mr. Higashi called to Mr. Masumoto's attention the fact that the Mauna Kea Plan has precedence over any other plan.

ITEM F-4

AMENDMENT TO PREVIOUS BOARD ACTION - UNIVERSITY OF HAWAII REQUEST FOR CONSTRUCTION RIGHT-OF-ENTRY, HILO CAMPUS ADDITION, WAIAKEA, SO. HILO, HAWAII

The board, on July 23, 1982, authorized a 65-year lease to the University of Hawaii for State land at Waiakea, So. Hilo, Hawaii. The University, in order to meet its projected 1983 construction start, recently requested that it be granted right of entry for construction purposes. Subsequently, such right of entry was granted by letter dated December 6, 1982 subject to certain conditions.

ACTION

Mr. Higashi moved to amend the Board's action of July 23, 1982 (Item F-3) by adding and approving the grant of right of entry to the University of Hawaii for purposes of construction on State land identified as TMK 2-4-01:7 subject to the terms and conditions listed in the submittal. He moved also to ratify the issuance of said right of entry by letter dated December 6, 1982. Mr. Yagi seconded and motion carried unanimously.

ITEM H-1

CDUA FOR REPAIRING AN EXISTING SEAWALL AT KIHEI, MAUI (MRS. LESLEY ALEXANDER)

Mr. Yagi said that this is the only property in the area without a seawall. The other property owners had built their seawalls in violation of the law as far as we're concerned. However, they have not been penalized wherein Mrs. Alexander, who is trying to do everything legal, is being penalized. If possible, I would like to see her have some leeway instead of being restricted to those conditions recommended by the Division of Aquatic Resources.

One possibility, said Mr. Evans, is to see that our State Surveyor gets a copy of our follow-up action, wherein we could incorporate some of your concerns. This would be on record over at that office should a survey come in to be re-certified.

Mr. Ono explained that some of the questions raised by Mr. Yagi were not within the jurisdiction of the Board but a function of the State Surveyor's office so the best we can do is convey the intent of the board as it relates to this particular parcel.

Are the lots within this area all on conservation land, asked Mr. Ono?

Mr. Evans did not know for certain.

Mr. Ansai, Maui Land Agent, explained that the applicants would like to construct the wall on their own property -- this would not require a CDUA. However, a CDUA may be required in the event the equipment needed to construct the wall crosses State land.

Mr. I. W. Gibson, representing Mrs. Alexander said that this job shouldn't last more than 4 to 5 days. He said also that Mrs. Alexander is the only person within that area who will have her wall on her own property. Everyone else is encroached out from their own property lines which has changed the entire wave pattern.

Mr. Kealoha did not feel that they needed a CDUA to build a wall but possibly needed a right of entry to have the equipment on the sand.

Mr. Ono asked Mr. Evans what staff's recommendation was.

Mr. Evans said that their recommendation was for approval, but the wall be limited to private landownership.

Mr. Ono called to Mr. Evans attention the fact that portion of the strengthening of the seawall is going to take place on public land.

If there is no alternative but to require the use of public lands, said Mr. Evans, then staff's recommendation would have to remain in the negative, based upon past precedence. The effect of that would mean that if there is to be an improvement in the wall it would have to be done on the private property side in urban district which is not of our functional responsibility.

We are trying, said Mr. Ono, to find a way to help Mrs. Alexander reinforce the wall legally. When you recommended approval I thought you at least had a suggested solution to the problem.

We had hoped that it could have been reinforced from the interior side rather than from the exterior side. We apparently were not correct, said Mr. Evans.

RECESS

At Mr. Kealoha's request, the board recessed from 10:40 to 10:45 in order to consult with the Land Management staff.

ACTION

Mr. Yagi moved for approval as submitted and also to amend staff's recommendation by adding the following:

1. Approve the sale of a six (6)-foot easement to Mrs. Alexander.
2. That no cement adhesive be used outside the seawall.
3. That a plan be submitted to the Department of Land and Natural Resources prior to construction of the seawall.

Mr. Kealoha seconded and motion carried unanimously.

The board also directed staff to assess the shoreline in that vicinity in respect to any violations of the construction of the other walls and then report back to the board with their findings and recommendations.

ITEM J-8

APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3689 (FLYING DUTCHMEN AIR CARGO, INC. AND 3692 (UNITED AIR LINES, INC.)

ACTION

Mr. Higashi moved for approval of Revocable Permit No. 3689 for use of 13,200 sq. ft. at General Lyman Field for air freight and ramp facilities at a monthly rental of \$418.00. Mr. Yagi seconded and motion carried unanimously.

Mr. Kealoha asked to defer action on Revocable Permit 3692 to United Air Lines, Inc. for use of 200 sq. ft. at Kahului Airport for ticket and baggage counter and move back to the regular schedule.

ITEM C-1

REQUEST FOR APPROVAL TO HIRE ONE TEMPORARY EXEMPT POSITION TO ASSIST IN A MULTI-RESOURCE INVENTORY, POSITION NO. 30139, ISLAND OF OAHU.

ACTION

Mr. Landgraf requested withdrawal of this item inasmuch as Item C-1 does not conform with recently established policies and guidelines in terms of hiring and filling of vacancies, which have just come down from the Governor's office.

ITEM C-2

MASTER'S REPORT OF PUBLIC HEARING

ACTION

Upon motion by Mr. Higashi and a second by Mr. Yagi, the board unanimously approved the withdrawal of approximately 1,485 square feet of State land within the Lihue-Koloa Forest Reserve, Wailua, Kauai.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

Item F-1-a HOON PARK APPLICATION FOR REVOCABLE PERMIT, KAIWIKI HOMESTEADS, 1st SERIES, KAIWIKI, SO. HILO, HAWAII.

The applicant is in the final stages of purchasing TMK 2-6-10:50 and a survey has found that the house and hot house are actually encroaching within a homestead road right of way. Approximately 63 sq. ft. of the house and 500 sq. ft. of the hot house are encroaching.

Mr. Higashi asked that this item be deferred in order that he may have time to see the area.

Item F-1-b ROYAL MAUIAN HOMEOWNERS ASSOCIATION APPLICATION FOR REVOCABLE PERMIT, KAMAOLE, KULA, MAUI.

This is a resubmittal of the request to fix up a wall which fronts their property, which was deferred by the board at its October 8, 1982 meeting. The cemented rubble rock was constructed on an emergency basis following the severe storm of January, 1980 to prevent further erosion of portions of the Government Beach Reservation and undermining of Royal Mauian Condominium's Shuffleboard Court and Swimming Pool.

Mr. Ono felt that it was premature to act on this since there appears to be a potential violation. Our practice has been that if there is a violation then they should not be receiving a permit.

Mr. Yagi asked that this item be deferred for further study at which time specific recommendations can be made to the board regarding the encroachment, etc.

In answer to Mr. Kealoha's question, Mr. Detor said yes, there is a violation. They have performed work on State land without permission from the State, although they did have county permission.

Item F-1-c A. J. SHIELDS APPLICATION FOR LAND LICENSE TO HARVEST BAMBOO, KOOLAU FOREST RESERVE, HUELO-KAILUA SECTION, MAKAWAO, MAUI.

In answer to Mr. Kealoha's question, Mr. Detor said that he did not know whether the applicant, which is a California corporation, was licensed to conduct business in Hawaii.

Mr. Kealoha said that he had no objection. However, he would prefer to see someone locally do this business. Mr. Ono also felt that a local company should be canvassed first before giving the business to a mainland firm.

Mr. Yagi asked that this matter be deferred.

Item F-1-d ISLAND HOLIDAYS, LTD. REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-3737, WAILUA, KAUAI TO FORT ASSOCIATES LIMITED PARTNERSHIP - Parcel F of Wailua Coconut Grove, containing 14.834 acres at an annual lease rental of \$5,254.00.

Item F-1-e BERT KOBAYASHI REQUEST FOR CONSENT TO ASSIGNMENT BY WAY OF AGREEMENT OF SALE, GENERAL LEASE NO. S-4291, SHAFTER FLATS, HONOLULU, OAHU TO CLU INVESTMENT - Lot 2 Shafter Flats Industrial Development containing 10,153 sq. ft.

ACTION Mr. Higashi moved for approval of Items F-1-d and F-1-e. Mr. Kealoha seconded and motion carried unanimously.

Items F-1-a, F-1-b and F-1-c were deferred.

- ITEM F-2 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4234, KULANI CONE, OLAA, PUNA, HAWAII.
- ACTION The board unanimously authorized cancellation of General Lease No. S-4234 effective immediately, subject to applicable provisions of said lease and such other terms and conditions as may be prescribed by the Chairman. (Higashi/Yagi)
- ITEM F-3 STAFF RECOMMENDATION FOR AMENDMENT TO PREVIOUS BOARD ACTION AUTHORIZING GRANT OF EASEMENT TO HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE CO., KAOHE 2nd, HAMAKUA, HAWAII.
- It was moved by Mr. Higashi that the board amend its action of January 13, 1978, under agenda Item F-2 by adding the condition that the Hawaiian Telephone Company be allowed to assign its interest in the subject easement to Hawaiian Trust Company, Ltd., as trustee for the bondholders. Mr. Yagi seconded and motion carried unanimously.
- ITEM F-4 UNIVERSITY OF HAWAII REQUEST FOR CONSTRUCTION RIGHT-OF-ENTRY, HILO CAMPUS, ADDITION, WAIAKEA, SO. HILO, HAWAII.
- ACTION (See page 7 for action)
- ITEM F-5 RESUBMITTAL - STAFF RECOMMENDATION FOR RESCISSION OF PREVIOUS BOARD ACTION (2/22/80), AGENDA ITEM F-9) AND ISSUANCE OF REVOCABLE PERMIT COVERING EASEMENT AT UALAPUE, MOLOKAI.
- The board voted unanimously to rescind its action of February 22, 1980 under agenda Item F-9 authorizing the public auction or direct sale of an easement for ingress/egress and utility purposes and authorize the issuance of a revocable permit to Mr. Leon W. Schumaker subject to the terms and conditions listed in the submittal. (Yagi/Kealoha)
- ITEM F-6 DR. BRUNO WEST, ET AL, APPLICATION FOR EASEMENT AT WAKIU, HANA, MAUI.
- ACTION The board, upon motion by Mr. Kealoha and a second by Mr. Higashi, unanimously authorized the direct sale of the subject perpetual, non-exclusive easement to the applicants for access and water tank site purposes subject to the terms and conditions listed in the submittal and also authorized cancellation of Revocable Permit No. S-5956 issued to the applicants with the effective date of cancellation to be determined by the Chairman.
- ITEM F-7 COUNTY OF MAUI REQUEST FOR CONVEYANCE OF STATE'S INTEREST IN THE KULA AGRICULTURAL PARK PROPERTY, MAKAWAO, MAUI.
- ACTION (See Page 1 for Action)
- ITEM F-8 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUEST FOR ACQUISITION OF LAND FOR STATE CAPITOL COMPLEX, HONOLULU, OAHU.
- ACTION The board, upon motion by Mr. Kealoha and a second by Mr. Higashi, unanimously voted to authorize the chairman to acquire the parcels listed in the submittal by negotiations or through condemnation proceedings if necessary and, upon completion of said acquisition, the board also authorized the transmittal of a request to the Governor for issuance of an executive order setting aside the acquired properties under the control and management of the Department of Accounting and General Services for the State Capitol Complex.

- ITEM F-9 HAZEL LEE APPLICATION TO PURCHASE HIGHWAY REMNANT (PARCEL 53-B OF THE LUNALILO FREEWAY), HONOLULU, OAHU.
- ACTION Finding the subject parcel to be unsuitable for development as a separate unit because of size and shape and is a remnant by definition, the board, upon motion by Mr. Kealoha and a second by Mr. Higashi, unanimously approved the direct sale of the subject remnant under the terms and conditions listed in the submittal.
- ITEM F-10 U. S. CORPS OF ENGINEERS REQUEST FOR RIGHT OF ENTRY FOR SURVEY AND EXPLORATION, SAND ISLAND STATE PARK, SAND ISLAND, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted. (Kealoha/Yagi)
- ITEM F-11 HAWAII HOUSING AUTHORITY REQUEST FOR EXTENSION OF RIGHT OF ENTRY FOR FEASIBILITY STUDY, KANEOHE, KOOLAUPOKO, OAHU.
- ACTION The board unanimously approved a two-year extension of the right of entry to Hawaii Housing Authority commencing February 2, 1982.
- ITEM F-12 ISLAND HOLIDAYS, LTD. REQUEST FOR CONSENT TO ASSIGNMENT AND MORTGAGING OF GENERAL LEASE NOS. S-4740 AND S-46745, WAILUA, KAUAI.
- ACTION The board, upon motion by Mr. Yagi and a second by Mr. Higashi unanimously:
- A. Consented to the assignment of G. L. S- 4740 and G. L. (Grant of Easement) No. S-4645 from Island Holidays, Ltd. to Fort Associates Limited Partnership, a Texas limited partnership, subject to the review and approval of the Office of the Attorney General; and
 - B. Consented to the mortgaging of G. L. S-4740 and G. L. (Grant of Easement) No. S-4645 by Fort Associates Limited Partnership, to the lenders providing the above-mentioned \$123,000,000.00 loan, subject to the review and approval of the Office of the Attorney General.
- ITEM F-13 ISLAND HOLIDAYS, LTD. REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION AUTHORIZING AWARD OF SEWER EASEMENT AT WAILUA, KAUAI.
- The board, upon motion by Mr. Yagi and a second by Mr. Higashi, voted unanimously to amend its action of August 26, 1977, under agenda Item F-33 by doing the following:
- A. Changing the name of the applicant for the above-described sewer easement parcels from Island Holidays, Ltd. to International Associates, Limited Partnership; and
 - B. Subsequent to the disposition of the grant of easement covering said sewer easement parcels to Fort Associates Limited Partnership, consent to the mortgaging of said easements by Fort Associates Limited Partnership to the lenders providing the above-mentioned \$123,000,000.00 loan subject to the review and approval of the Office of the Attorney General.
- ITEM F-14 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (10/22/82, AGENDA ITEM F-10) AUTHORIZING SALE OF A LEASE COVERING LOT 82, HANAPEPE TOWN LOTS, 1ST SERIES, HANAPEPE, KAUAI.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM F-15 STAFF RECOMMENDATION FOR CONTINUANCE OF REVOCABLE PERMITS COVERING STATE LANDS ON THE ISLAND OF HAWAII.
- ACTION Unanimously approved as submitted. (Higashi/Yagi)

- ITEM F-16 STAFF RECOMMENDATION FOR CONTINUANCE OF REVOCABLE PERMITS COVERING STATE LANDS ON THE ISLANDS OF MAUI AND MOLOKAI.
- ACTION Unanimously approved as submitted. (Yagi/Kealoha)
- ITEM F-17 STAFF RECOMMENDATION FOR CONTINUANCE OF REVOCABLE PERMITS COVERING STATE LANDS ON THE ISLAND OF OAHU.
- ACTION Deferred to the next board meeting scheduled for January 14, 1983 on the island of Oahu.
- ITEM F-18 STAFF RECOMMENDATION FOR CONTINUANCE OF REVOCABLE PERMITS COVERING STATE LANDS ON THE ISLAND OF KAUAI.
- ACTION Unanimously approved as submitted.
- ITEM F-19 DIVISION OF STATE PARKS REQUEST FOR ACCEPTANCE OF CONVEYANCE AND ISSUANCE OF EXECUTIVE ORDER SETTING ASIDE ABANDONED DIAMOND HEAD RESERVOIR, HONOLULU, OAHU.
- ACTION Deferred. It was requested by the board that the Division of State Parks study this matter further to ensure that they will have plans in the near future to use the subject parcel.
- ITEM F-20 COUNTY OF MAUI REQUEST FOR CONVEYANCE OF HOMESTEAD ROADS, HALEAKALA HOMESTEADS, MAKAWAO, MAUI.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM F-21 CITY AND COUNTY OF HONOLULU REQUEST FOR CANCELLATION OF EXECUTIVE ORDER NOS. 1708 and 1813, HONOLULU, OAHU.
- What the City really wants, said Mr. Detor, is to acquire the fee title to the parcels covered under the abovementioned executive orders. However, staff is recommending only that the executive orders be cancelled and title not yet be conveyed. The reason being that the executive orders are subject to legislative disapproval and staff would like to get these executive orders in for this session but does not want to settle the title question since we would like to tie it in with an exchange of lands with the City -- not just give it to them for free.
- ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- ITEM F-22 AMERICAN LAND GROUP REQUEST FOR APPROVAL OF PETITION FOR SUBDIVISION, DESIGNATION OF EASEMENT, AND CANCELLATION OF EASEMENT, HONOLULU, OAHU.
- ACTION The board unanimously consented to the foregoing Petitioner's easement designation, redesignation and cancellation requests which are being made to facilitate consolidation of the areas through the realignment of Makiki Stream within the Petitioner's property boundaries subject to the approval of the Attorney General's Office and such other terms and conditions as may be prescribed by the Chairman. (Kealoha/Yagi)
- ITEM H-1 CDUA FOR REPAIRING AN EXISTING SEAWALL AT KIHEI, MAUI.
- ACTION (See Page 8 for Action)

- ITEM H-2 CDUA FOR SWIM SCHOOL USE ADJACENT TO THE SANS SOUCI BEACH AND THE NATATORIUM, WAIKIKI, OAHU (MRS. BETTY M. SKATES).
- Mr. Evans said that if approval is given, that it be limited to six (6) months and, upon review by the DLNR, be extended for a period of three years. At the end of three years, the applicant should be required to request an extension of time for an additional period. Should any complaints occur in the meantime, then steps would be taken to cease operations through non-renewal. If after the six months period there are no complaints then we would return to the board to have said permit extended for three years.
- This recommendation, said Mr. Evans, has been sent to the applicant who has requested a temporary period of one year rather than six months. The rationale is that they feel it is really only usable during three months of the six-month period of the year.
- Mr. Higashi suggested that, instead of giving them a year, the actual six month period begin after the first class is started rather than from the date of board approval.
- ACTION Mr. Kealoha moved for approval with an amendment to Condition No. 2, wherein the extension will be for one instead of three years and, instead of the six months being effective from December 17, 1982, that the effective date start from the first day class begins. Mr. Higashi seconded and motion carried unanimously.
- ITEM H-3 CDUA FOR ADDITION TO RESIDENCE AT TANTALUS, HONOLULU, OAHU.
- ACTION (See page 2 for Action)
- ITEM H-4 CDUA FOR NONCONFORMING SINGLE FAMILY RESIDENTIAL USE AT KIHOLO BAY, NORTH KONA, HAWAII (O.V. & LORETTA LYNN).
- ACTION (See Page 3 for Action)
- ITEM H-5 RESUBMITTAL OF A CDUA FOR SUBDIVISION AND THE CONSTRUCTION AND INSTALLATION OF THE KITANO HYDROELECTRIC FACILITY AND ACCESS ROAD AT WAIMEA, KAUAI.
- ACTION (See Page 3 for Action)
- ITEM H-6 CDUA FOR CONSTRUCTION OF THE CALIFORNIA INSTITUTE OF TECHNOLOGY 10-METER TELESCOPE FOR MILLIMETER AND SUBMILLIMETER AT MAUNA KEA, WITH RIGHT OF ENTRY AT HAMAKUA, HAWAII.
- ACTION (See Page 6 for Action)
- ITEM I-1 APPOINTMENT OF VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICER, OAHU.
- ACTION The board unanimously approved the appointment of Dr. Wesley K. Young as a Volunteer Conservation and Resources Enforcement Officer effective January 1, 1983. (Higashi/Yagi)
- ITEM J-1 ADDENDUM NO. 1 TO LEASE NO. DOT-A-80-19, HONOLULU INTERNATIONAL AIRPORT, OAHU, (DUTY FREE SHOPPERS, LTD.)
- ACTION Unanimously approved as submitted. (Higashi/Yagi)
- ITEM J-2 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3686, 3690 and 3694, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)

- ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3687, ETC., AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ITEM J-4 REVISION OF RENTAL, RENEWAL OF REVOCABLE PERMITS, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM J-5 RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM J-6 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LEASE NO. 42, PIER 35, HONOLULU HARBOR, OAHU (NATIONAL CO., INC. TO OVERSEAS VENTURES, INC.).
- ACTION Unanimously approved as submitted. (Yagi/Kealoha)
- ITEM J-7 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.
- ACTION Unanimously approved as submitted. (Higashi/Yagi)
- ITEM J-8 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3689 and 3692, AIRPORTS DIVISION.
- ACTION See Page 10 for action on R. P. 3689 to Flying Dutchmen Air Cargo, Inc., United Air Lines, Inc. request for space at the Kahului Airport (Permit No. 3692) was deferred until the next meeting or until such time that DOT completes its study.
- The board asked for further information e.g. whether they will be bringing employees from the mainland or whether they would rehire people from the islands who have been laid off. Also, the number of employees that would be required. Other board concerns were the traffic, the parking, the pick up, the drop off, etc. One of the major concerns of the residents was the noise control. Mr. Garcia said that the noise was not unique only to one airlines since they will be using the same type of planes as the other airlines.
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39, HONOLULU HARBOR, OAHU (JANET YAZAWA AND MAE Y. FUKUDA DBA TRADE ZONE COFFEE SHOP).
- ACTION Unanimously approved as submitted. (Yagi/Kealoha)
- ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 51A, HONOLULU HARBOR, (U. S. LINES, INC.)
- ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ADJOURNMENT: There being no further business, the meeting adjourned at 11:50 A. M.

Respectfully submitted,

LaVerne Tirrell

Mrs. LaVerne Tirrell
Secretary

APPROVED:

S. Ono
SUSUMU ONO
Chairman
lt