

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

DATE: February 11, 1983

TIME: 9:00 A. M.

PLACE: DOE Hawaii District Annex
Conference Room Two
450 Waiianuenue Avenue
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. Thomas S. Yagi
Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Susumu Ono

STAFF

Mr. James Detor
Mr. Roger Evans
Mr. Libert Landgraf
Mr. Robert T. Chuck
Mr. Glenn Taguchi
Mrs. Joan K. Moriyama

OTHERS

Dep. Attorney General William Tam
Hawn. Telephone Representatives
(Item F-11)
Mr. Joseph Vierra (Item H-5)
Mr. Rick Okawa (Item C-5)
Mr. Charles Dawrs (Item C-5)
Mr. Harold Masumoto (Item C-5)
Mr. Peter Garcia

Added
Items

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

Division of Forestry and Wildlife

Item C-7 -- Advertisement for Formal Bids to Open Access Roads and to Remove Debris Adjacent to Access Roads within Portions of the Na Pali-Kona and Puu Ka Pele Forest Reserves of the Waimea Canyon and Kokee State Parks, Kauai

Item C-8 -- Disposition of Hurricane-Damaged Forest Stands on Kauai

Division of Land Management

Item F-1-e -- MORTGAGE - PAULINO GAMPON and FELISA GAMPON to HAWAII PRODUCTION CREDIT ASSOCIATION - Lot 31, Keahole Agricultural Park, Phase II, Kalaoa-Ooma, North Kona, Hawaii - GL No. S-4844

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

ITEM F-11 HAWAIIAN TELEPHONE CO. APPLICATION FOR LEASE FOR RADIO STATION SITE, LIHUE-KOLOA FOREST RESERVE, WAILUA, KAUAI

The board, at its meeting of July 9, 1982, approved CDUA KA-1/21/82-1426 for a subdivision and construction of a radio station site at Summit Camp, also permission to land helicopter for construction, and thereafter for periodic maintenance of this facility. The terms and conditions under which the CDUA was approved were incorporated in the submittal.

A public hearing was held in connection with the CDUA for the withdrawal of the area from the forest reserve in order to accommodate the lease.

This application dealt with the actual award of a lease to Hawaiian Telephone.

In referring to Recommendation D.4 (Grantee shall submit construction plans for review and approval by the Chairman prior to construction.), Mr. Yamamoto asked whether they are doing this. He said he has been getting calls about some construction being done on top of Mt. Kahili.

Mr. Detor said Kauai Land Agent Sam Lee also called him about this. There is a big dish that was constructed up there and apparently it was put up without approval of this department. Mr. Detor didn't have any details on it. They are checking it out.

Mr. Kealoha asked what is the penalty in the event of such violation.

Mr. Detor said if it's a CDUA violation, there is a provision for a \$500.00 per day fine. As far as the lease itself is concerned, Mr. Detor said there is a different set of circumstances.

ACTION Mr. Yamamoto moved for approval and Mr. Yagi seconded the motion.

Mr. Ono said it has been the board's practice not to entertain any request from anybody if there is a matter pending before the board for possible violation, or if a violation has occurred. He said he would not feel comfortable in approving this request if there are some unanswered questions.

On the call of the question, the motion was carried. Mr. Kealoha and Mr. Ono voted no.

Mr. Ono strongly advised the telephone company representatives that they work with the staff and clarify these problems. He asked them to submit a report at the next meeting.

ITEM B-1 OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA TO ATTEND THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING IN SAIPAN AND GUAM

Mr. Ono said Mr. Henry Sakuda is a member of the Fishery Management Council as the state representative.

Mr. Kealoha said if it is possible he would like to have a board member also be authorized to attend this meeting.

ACTION Mr. Higashi moved, seconded by Mr. Ing, and the board unanimously approved the request with the amendment suggested by Mr. Kealoha to include a board member, if possible.

ITEM H-5 CDUA FOR RE-ESTABLISHMENT OF THE GUIDED MULE RIDE TO KALAU-PAPA AT KALAWAO COUNTY, MOLOKAI (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

A public hearing was held at Kaunakakai. A public meeting was also held at Kalaupapa because of the concerns expressed by the community, as well as some of the board members. Mr. Evans, Mr. Kealoha and Mr. Yagi attended the meeting at Kalaupapa. The purpose of this public meeting was to interact with the residents and patients and the Department of Health staff to ascertain what their concerns were.

Staff recommended approval subject to a number of conditions. A copy of the submittal was sent to the consultant for the applicant. Mr. Evans said the consultant had an opportunity to review it and he may disagree with the staff's recommendation on one specific area.

Mr. Yagi asked why staff was limiting the number of mules going down the trail. He said the original request was for fifty.

Mr. Evans said the visitor count per day that is set for the peninsula is 100, and three basic modes of transportation were mentioned--airplane walking down the foot trail, and the mules. Given that 100 as the basic count, staff felt that the mule transportation should have one-third of it. In addition to that thinking, staff wanted to come up with and tried to establish what is the primary purpose of the trail. Staff's analysis on that was that the trail was basically cut and used for foot path as the primary purpose. Mr. Evans said if you increase the number of mules, then what may happen is the mules become the primary mode of access using the trail, as opposed to the people. Because of those reasons, staff felt that limiting the number of mules should be used at this time. That is not to say that in the future should the patients feel that the carrying capacity could be expanded, the applicant could come back for an amendment to the CDUA.

Mr. Yagi added, "or in the future when the patient population decreases and no longer will require the patients there." They are not going to have additional permanent residents there, he said. It will be a national park, at which time they might increase the mule train. Mr. Yagi said that option should be left open to the patients at Kalaupapa.

Mr. Kealoha wanted to know who is responsible for maintenance of the trail.

Mr. Evans said the maintenance question was not addressed. If there is no mule trail, then the maintenance of the trail will rest with the Department of Health. However, if the board approves the commercial mule train, staff would suggest that maintenance of that trail become the responsibility of the successful commercial operator. (See Recommendations 11 and 12 of the board submittal.)

Mr. Kealoha asked whether there is a time limit on this CDUA, and whether the applicant can sell (or not sell) the business to someone else during that time period.

Mr. Evans said staff did not set a time limit for the land use. He said the board may desire to do so. The staff's function rested primarily with the land use.

Mr. Kealoha said it is an important consideration. If the Federal Government takes over the whole area tomorrow and say they are going to move out all of the people there within a time span, the present operator can either stay in business or sell his business. The board is responsible for issuing the CDUA and the conditions thereafter may change. Mr. Kealoha said unless we say nontransferable.

Mr. Evans suggested adding Condition No. 19 which would limit this particular land use to a fixed time frame.

Mr. Yagi asked whether that would mean that when the time expires, they come back to the board again.

Mr. Evans said they have to come back before the time expires and ask that it be extended.

Mr. Higashi asked what agency will be responsible for disposing of the property.

It was Mr. Evan's understanding that the Department of Health (DOH) as the administrator for the Kalaupapa Settlement will be responsible. They are presently the administrator.

Staff's recommendation was in three parts: Section A, the land use with certain conditions; Section B, things that we would like to see occur before the land use is started; and Section C, things that we are suggesting to the Department of Health. Mr. Evans said the disposition section can be added as Number 5 under Section C.

Mr. Ono asked what if DOH say they won't accept our suggestion.

Mr. Evans recommended this as a regular condition.

Mr. Higashi said we can inform DOH that they do not have jurisdiction of disposing of the lands, that the Land Board has jurisdiction over it, and that they must come back to this board for consent for disposition of the lease.

Mr. Evans said that can be Condition 19.

Mr. Higashi said the CDUA may continue to exist but when the new leases are set for four, five, ten or whatever term, the land use condition continues but the disposition has to be renegotiated and any other term of the lease may be changed.

Mr. Yagi suggested that in the event this application is approved by the board that these conditions, with the amendments, be posted on the bulletin board at Kalaupapa and up above.

ACTION Mr. Yagi moved to approve the CDUA with the amendments as discussed above. Mr. Yamamoto seconded the motion.

Mr. Joe Vierra, representing the applicant, thought it would be fair to limit it to 34 tourists and not to limit the mule skimmers. With 34 tourists they have either six or seven people who go down who do not take the tour, who, like the airplane pilots are restricted to a particular area. The mule skimmers handle the mules during the three-four hour tour ride and do trail maintenance during that time. Their feeling is that while they agree that 1/3 can come down with the mules, they felt that we should not hinder the mule skimmers who must accompany them on the trail, but would not be allowed to accompany them on the tour. They felt that if they have to keep a limit at a 7-to-1 ratio, you end up with 41 mules at the maximum, or you can limit the number of tourists to 34. They do not take 34 people down every single day. In the absence of being able to do that, they felt that 34 mules should be 34 tourists because he didn't see any limitation on pilots who stay at the airport. he said each group of about 7 tourists are accompanied by one mule skimmer.

Mr. Yagi said his understanding is that 34 mules mean 34 tourists.

Mr. Vierra said he would like that to be the understanding.

Mr. Ing said that should be clarified if it is going to be posted. He said he doesn't have any problem with the suggestions made by Mr. Vierra.

Mr. Ono asked Mr. Vierra whether he is sure that the mule skimmers are not counted towards the 100 visitors per day ceiling.

Mr. Vierra said it was his understanding that mule skimmers are not visitors. His understanding of the pilots is that they are required to stay at the airport.

Mr. Ono said if the Interior Department's ceiling includes everybody, including the mule skimmers, then the 34 as currently worded is okay.

Mr. Vierra said yes. He said if you wanted to count the mules, they would like to suggest that the number be 42, then they wouldn't have problem with any kind of an interpretation.

Mr. Ono said the potential problem is that the Land Board may not have the total say as to how many people come by what mode. The administrator, National Park Service, or DOH may be the controlling agency.

Mr. Vierra suggested that we say 34 tourists with the approval of the administrator at Kalaupapa.

To expedite this, Mr. Higashi suggested that it be subject to an amendment that you can negotiate a new figure or have an approval by the Department or the administrator.

Mr. Vierra said Condition 11 says that the commercial tour land use be limited to six days a week, with the seventh day set aside for trail maintenance, unless the standard for maintenance be otherwise met to the satisfaction of DLNR. Mr. Vierra said the normal way that is done is that the mule skimmers take the tourists down. It's about a three or four-hour tour with the patient tour operator at the settlement. During that time, the mule skimmers take care of the mules, feed them, and do trail maintenance. He said maintenance is actually done everyday they go down.

They have to maintain a standard as established by the Department of Health. To take away the extra day of travel further reduces the number of times that they can get the people to go down. They would like to have it for seven days because it is when they take the tourists down that they do the maintenance. Mr. Vierra said the way the rules work right now is, the Department of Health has the authority to close down the trail if it is not in condition for travel. And they have closed it down in the past.

Mr. Ono asked Mr. Evans why the maintenance standard has to satisfy DLNR since DOH is the administering agency.

Mr. Evans said although they do administer, staff felt that based on the land use there really should be some ultimate body that the people could complain to. Also if we had it as a condition that they would have to satisfy us, and if it wasn't satisfied, then we would have a firmer basis in case of violation.

Mr. Ono said if we split jurisdiction between DOH and DLNR, it can create a problem. He said he would rather have one agency to be accountable. He said if DLNR is partially responsible, the responsibility is going to be on us to periodically check the trail.

Mr. Yagi said he would like to see DOH to be responsible for the maintenance of the trail.

The board was in unanimous agreement to delete Condition A.11.

Mr. Ing referred to Condition 7 and asked whether we are going to say 34 visitors per day as defined by DOH, or 34 mules, not including mule skimmers. He said Condition 7 should be amended to say 34 visitors as defined by DOH excluding the mule skimmers.

Mr. Higashi said DOH has to make the determination whether the mule skinner is a visitor or not.

ACTION Mr. Yagi moved to amend his original motion to include the amendments as discussed above and Mr. Higashi seconded the amended motion. On the call of the question the amended motion was unanimously carried.

Mr. Yagi commended Mr. Evans for his masterful work with the people at Kalaupapa.

Mr. Vierra thanked the board. He said as a result of the expeditious review by Mr. Yagi and Mr. Kealoha by going to Kalaupapa, people who were formerly unemployed are now employed.

ITEM C-1 SUBMITTAL FOR ACCEPTANCE OF THE HAWAII RENEWABLE RESOURCES RESEARCH PLAN FOR THE EIGHTIES

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM C-2 REQUEST FOR APPROVAL OF THE U. S. NAVY TO ESTABLISH A RADIO FACILITY IN THE MAUNA LOA MICROWAVE FACILITY

The board was informed that we own and manage a building on the slopes

of Mauna Loa which is currently known as the Mauna Loa tv relay site, and it is a state-federal cooperative agreement. It is the only one that exists in Hawaii today. The navy has requested to co-locate in that building. So staff asked for board approval to allow the navy in there and one of the conditions is that they pay the utilities. They cannot put in anything in there that will interfere with any existing transmissions or relay.

Mr. Higashi noted that other agencies have been interested in the facility. He wanted to know who the other agencies were.

Mr. Landgraf said the secret Service, the FBI, DOH, the State Department of Defense (National Guard).

Mr. Higashi asked why should we favor the navy, especially when DOH is a state agency.

Mr. Landgraf said the state's allocation has enough space for the expansion of other state agencies.

The Department of Accounting and General Services has its telecommunications there. They will eventually handle all of the state's telecommunications.

Mr. Ing asked who is the land owner and what is the land use classification.

Mr. Landgraf said the land owner is the state. A number of years ago, a CDUA was filed and approved by the board, and they actually have about two acres there that were set aside for telecommunication relay.

Mr. Ono said Mr. Landgraf mentioned that the navy is paying for the utility cost. He asked whether that includes the state's share, too.

Mr. Landgraf said yes. He said the navy will cover the state's portion of the utilities and they will split the federal's share.

Mr. Kealoha asked who is responsible for the maintenance of the building, repairs, renovations, etc.

Mr. Landgraf said when that building was built, the Coast Guard established a revolving fund and pays for the maintenance out of this fund.

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM C-3 DISTRICT FIRE WARDEN, ISLAND OF HAWAII

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved the appointment of Carl Bredhoff as District Fire Warden for District No. 11.

ITEM C-4 APPOINTMENT OF DISTRICT FIRE WARDENS, ISLAND OF MAUI

Mr. Yagi asked what the duties are of the district fire wardens.

Mr. Landgraf said by statutes they have almost the same authority as we do in initial response to go out to put out the fire. They initially get to the fire site and do what they can. Once a bona fide representative of

the division or the department appears at the scene, they relinquish that responsibility.

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM C-5 MASTER'S REPORT ON PUBLIC HEARING

This was a Master's Report on a public hearing which Mr. Landgraf conducted in Hilo on December 15, 1982. The purpose of that public hearing was to receive testimonies on the withdrawal of the two parcels of land from the Mauna Kea Forest Reserve--13,000 acres from the Summit Area of Mauna Kea for the Mauna Kea Science Reserve, and approximately 7 acres in the Hale Pohaku area for the mid-level elevation facilities.

The minutes of that public hearing were made available to the board and were included in the submittal. Mr. Landgraf said they were thirty-one people who attended the public hearing, and they were all opposed to the withdrawal. The single most consistent concern for the objection to the withdrawal that was expressed was that they didn't know what the University's plan, the use, and particularly the management of the area were going to be. They didn't know whether they could continue to play in the snow, what the access was going to be, etc.

Staff recommended that because the request is basically an after-the-fact action, the board approve the withdrawal of those two parcels from the Mauna Kea Forest Reserve for the aforementioned-stated purposes. Mr. Landgraf, however, strongly emphasized that he was further recommending that this approval be subject to the condition that the University first complete their Mauna Kea Science Reserve Development Plan and a public disclosure made thereof.

Mr. Higashi said this action is to withdraw the described areas out of the forest reserve. The University already has a lease. It is not in any way amending that lease.

Mr. Yagi asked whether any explanation was made to those people at the public hearing to satisfy their concerns.

Mr. Landgraf said he didn't know enough about it, nor felt that he was qualified to respond to their concerns and their questions which related to what the University's proposed plans were. He did, however, explain to them the purpose of that public hearing that it was to receive testimonies to withdraw the area. He said these people were not necessarily objecting to the withdrawal per se. It was in opposition to not knowing what the University's plans were.

Mr. Kealoha asked why recommend approval to something like this when we are still waiting for their master plan after a year or two.

Mr. Higashi said the University reacted very quickly on this and they are having a hearing tonight.

Mr. Rick Okawa, who said he didn't represent any group, said he just hunts and go up the Summit to play in the snow and take people up there and he also hunts at Mauna Kea. He said under the statutes (Section 183-11) on forest reservation, any land or lands while set aside shall not be leased

or sold by the government. These parcels need to be withdrawn from the forest reserve status because the University already has the lease, and this becomes an after-the-fact thing, Mr. Okawa said.

Mr. Okawa further stated that most of the people don't disagree or have any complaint with the University having the lease because they've had it since 1968, and they kind of moved in to Hale Pohaku. It's just that in their General Plan, they want to end up with total jurisdiction. He said the way the lease (G. L. No. S-4191) is written up for the Summit area, the provision, where the mountain would be opened to the public during the day light hours, is crossed out so it leaves a question as to whether the statutes regarding leases would allow public access. He said they could now say during day light hours the dust is bothering us and effectively shut down the mountain. He said the lease specifically would not prevent it. So this is the concern that he had.

Mr. Charles Dawrs also briefly spoke. He was also representing himself. He recommended that the board not pass this proposal until the University of Hawaii guarantees in writing that public access to all lands on or affected by the Mauna Kea lease will be consistent with the ultimate objective of public land use policy. He said once they correct this, going back and legalizing all the leases is fine.

Mr. Harold Masumoto, representing the University of Hawaii, said the University is holding a public hearing on the master plan tonight. He asked the board to consider deferral of this item.

ACTION Mr. Higashi moved for deferral in order to allow the University's Mauna Kea Development Plan to be heard publicly. Mr. Yagi seconded and the motion was unanimously carried.

ITEM C-6 RESUBMITTAL FOR ACCEPTANCE OF THE HAWAII WILDLIFE PLAN

ACTION Unanimously approved as submitted. (Higashi/Ing)

ADVERTISEMENT FOR FORMAL BIDS TO OPEN ACCESS ROADS AND TO REMOVE DEBRIS ADJACENT TO ACCESS ROADS WITHIN PORTIONS OF THE NA PALI-KONA AND PUU KA PELE FOREST RESERVES AND OF THE WAIMEA CANYON AND KOKEE STATE PARKS, KAUAI

ADDED
ITEM C-7

Mr. Landgraf said recommendation was for approval pending approval of the Governor. He said Governor's approval was received yesterday.

Mr. Ono asked Mr. Landgraf whether he envisions this to be one big contract or several medium-sized contracts. He said he would like to have him look at it to make sure that a contractor can undertake such a job. He said he didn't want to just necessarily go with one big contract if it is going to jeopardize our project or jeopardizes somebody else's project. His concern was they have been so back-logged and to have one more big contract let out, some other aspect may suffer, or price may go way up. He asked the staff to at least take a look at it from that standpoint.

Mr. Landgraf said they already have, and there are contractors on Kauai who can handle that and have already expressed interest.

ACTION Unanimously approved as submitted. (Yagi/Ing)

ADDED
ITEM C-8

DISPOSITION OF HURRICANE-DAMAGED FOREST STANDS ON KAUAI

ACTION The board, on Mr. Yamamoto's motion and seconded by Mr. Ing, unani-
mously approved the advertising for bids for the sale of timber on the
Island of Kauai.

Mr. Landgraf said in late August he came in with a request to amend the
surrender agreement that they have with Molokai Ranch to allow the
Nature Conservancy to manage approximately 2,000 acres at the Kamoku
area on Maui. Copies of the management plan were distributed to the board
members for their information.

ITEM D-1

PERMISSION TO ENTER INTO CONTRACT FOR CONSULTING SERVICES
FOR JOB NO. 2-HW-18, REHABILITATION OF PUU PULEHU RESERVOIR
AND CONSTRUCTION OF INTAKE FACILITIES AND PIPELINE, WAIMEA
IRRIGATION SYSTEM, SOUTH KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM D-2

APPLICATION FOR ASSISTANCE UNDER THE WATERSHED PROTECTION
AND FLOOD PREVENTION ACT FOR THE SOUTH KOHALA-HAMAKUA
AGRICULTURAL WATER PROJECT

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM D-3

EXTENSION OF AMFAC PROPERTY'S WATER WITHDRAWAL AND USE PER-
MIT FOR WAIPAHU WELLS NO. 2400-05 AND 2400-06, PEARL HARBOR
GROUND WATER CONTROL AREA

Mr. Ing disqualified himself from voting on this because of a conflict.

ACTION Approved as submitted. (Kealoha/Yagi)

ITEM F-1

DOCUMENTS FOR CONSIDERATION

MOLOKAI

Item F-1-a

REVOCABLE PERMIT

MR. CURTIS W. CARLSMITH - Portion of Government land encumbered
under Homestead Lease No. 55 to Isabel Kaauwai (deceased), Ualapue-
Kapualei, Molokai

KAUAI

Item F-1-b

REVOCABLE PERMIT

FORT ASSOCIATES LIMITED PARTNERSHIP - Parcel F of the Wailua Coconut
Grove at Wailua, Kawaihau (Puna) - to maintain the lawn and Coconut Grove -
\$600 per month

HAWAII

Item F-1-c

COMMISSIONER'S ASSIGNMENT OF LEASE

GILBERT K. HARA, as Commissioner appointed by the Third Circuit Court
of the State of Hawaii, to WILLIAM C. FEHR and MARTHA H. FEHR, as co-
trustees of the Fehr Family Trust, as assignee - Lot 37, Ocean View Lease
Lots, Waiakea, South Hilo - GL No. 3170

Mr. Higashi informed the board that he has a business dealing with Mr. Hara and disqualified himself from this item.

ACTION Mr. Ono asked to take up Item F-1-c separately. The board, on Mr. Ing's motion and seconded by Mr. Kealoha, approved Item F-1-c as presented. Mr. Higashi did not vote.

Item F-1-d MORTGAGE

A & A HAWAII, INC., a Hawaii corporation, mortgagor, to FIRST HAWAIIAN BANK, a Hawaii corporation, mortgagee - Lot 11, Kanoelehua Industrial Lots, Waiakea, South Hilo - GL No. S-3631

Added

Item F-1-e MORTGAGE

PAULINO GAMPON and FELISA GAMPON, husband and wife, Mortgagors, to HAWAII PRODUCTION CREDIT ASSOCIATION, a corporation federally chartered under the Farm Credit Act of 1971, Mortgagee - Lot 31, Keahole Agricultural Park, Phase II, Kalaoa-Ooma, North Kona - GL No. S-4844

ACTION Mr. Higashi moved to approve Items F-1-a, F-1-b, F-1-d and Added Item F-1-e. Mr. Kealoha seconded and the motion was unanimously carried.

ITEM F-2 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (3/25/82, AGENDA ITEM F-6) AUTHORIZING SALE OF LEASE COVERING LAND AT HONUULA & HIENALOLI, NORTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM F-3 COUNTY OF HAWAII APPLICATION FOR DRAINAGE DITCH EASEMENT, PONAHAHAWAII, SOUTH HILO, HAWAII

Mr. Detor said at the recommendation of his Hawaii Land Agent he would like to add one more condition, and that is to require the County of Hawaii to cut down the tree within the easement area.

ACTION Mr. Higashi moved for approval with the amendment that the chairman be authorized to impose a condition to require the County of Hawaii to cut down the tree. If the cost, however, is too high to cut down the tree and is deemed unreasonable for them to cut it down, then the chairman should weigh the facts to see whether we would want to impose that condition. Mr. Yamamoto seconded and the motion was unanimously carried.

ITEM F-4 MAUI COUNTY COUNCIL, LTD., BOY SCOUTS OF AMERICA, APPLICATION FOR LEASE, LOTS 12-A AND 12-B-1, KAHAKULOA HOMESTEADS, KAHAKULOA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-5 A. G. REQUEST FOR CONFIRMATION OF STIPULATION OF SETTLEMENT AND ACCEPTANCE OF DEED, SAND MINING CASE, PAPOHAKU BEACH, KALUAKOI, MOLOKAI

This was a request from the Attorney General's Office for confirmation of a settlement involving the Molokai sand case that has been pending for many years, and to accept conveyance of certain properties by Molokai Ranch to the State in settlement of that particular case.

A memo from Deputy Attorney General Andrew Lee to the Attorney General was distributed to the board members together with the board folders. That memo gave the terms of the settlement and some of the back history.

Mr. Ing asked what was the date the fair market value was established.

Mr. Detor did not know. He said the stipulation of settlement did not show the date of the appraisal. The negotiation was handled by the Attorney General's Office.

Mr. Ono asked what happens if the board disapproves this request.

Mr. Detor wasn't sure whether it is legally required that the board confirm the settlement in order for this settlement to be effective, or whether this is merely an advisory.

Mr. Ing asked what agency participated in the settlement itself.

Mr. Detor said the Attorney General's Office and the State Surveyor's Office had a hand on it. The agreement was signed by Molokai Ranch, HC&D and Deputy Attorney General Andrew Lee.

The board was informed that the parcels that they are conveying are in the Kaunakakai area. They are not where the sand was taken from. But the value of the property is supposed to be relative to the amount of money that was received by the ranch from HC&D in payment for the sand.

Mr. Detor suggested that this matter be deferred to the Honolulu meeting so we can ask someone from the Attorney General's Office to brief the board.

Mr. Ing pointed out that there is a discrepancy on Tax Map Key 5-3-01-2 on page 1 of the board submittal and on page 3 of Andrew Lee's memo. The fair market value in the submittal shows \$1,192,000 and Andrew Lee's memo gives the figure of \$1,902,000.

Mr. Ono said another question that he would like to have answered is on the three parcels that are earmarked to be conveyed to the state. We don't know whether we can make any use of those parcels. He said there is no sense getting something for which there is no immediate use for.

Mr. Detor said one of the parcels is being used by DOT as a baseyard and one is leased to GASCO. The big one is not being used.

Mr. Ono pointed out that if DOT is operating under a special fund, the money goes in the special fund. So it really doesn't make much sense.

Mr. Ono said unless there is something in our records delegating the responsibility to the Attorney General's Office to handle this case.

ACTION Mr. Yagi said this matter should be deferred as recommended by the staff. The board had no objection.

ITEM F-6 STAFF RECOMMENDATION TO RESCIND PREVIOUS BOARD ACTION (10/12/79, AGENDA ITEM F-1-F) CONSENTING TO ASSIGNMENT OF G. L. NO. S-3947, HONOULIWAI, MOLOKAI

ACTION Unanimously approved as submitted. (Yagi/Ing)

<u>ITEM F-7</u>	DOT REQUEST FOR APPROVAL OF SUPPLEMENTAL AGREEMENT COVERING ADDITION TO LAND COVERED BY LEASE OF AIR FORCE LAND AT HICKAM AFB, HONOLULU, OAHU
ACTION	Unanimously approved as submitted. (Ing/Yamamoto)
<u>ITEM F-8</u>	T. F. INVESTMENT CO. REQUEST FOR DELETION OF ENCUMBRANCES, HONOLULU, OAHU
ACTION	Unanimously approved as submitted. (Ing/Yagi)
<u>ITEM F-9</u>	MURL NIELSEN REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 3-B, HANAPEPE TOWN LOTS, HANAPEPE, WAIMEA, KAUAI
ACTION	Unanimously approved as submitted. (Yamamoto/Yagi)
<u>ITEM F-10</u>	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING PORTION OF LOT 9-A, HANAPEPE RICE & KULA LOTS, HANAPEPE, KAUAI
ACTION	Mr. Yamamoto asked for deferral of this item until the first meeting in March. The board had no objection to the deferral. (See page 2 for Item F-11.)
<u>ITEM F-12</u>	DOH REQUEST FOR ACQUISITION OF LEASE COVERING ROOMS 102 THROUGH 121 AND ROOMS M-123 THROUGH M-145 IN THE J. WALTER CAMERON CENTER, WAILUKU, MAUI
ACTION	Unanimously approved as submitted. (Yagi/Higashi)
<u>ITEM F-13</u>	RESUBMITTAL - DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING THE 1ST AND 2ND FLOORS OF THE WAIANAE COMMERCIAL BUILDING, WAIANAE, OAHU
ACTION	Unanimously approved as submitted. (Ing/Yagi)
<u>ITEM F-14</u>	RESUBMITTAL - DHHL REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 307 & 308 OF THE TANI BLDG., HONOLULU, OAHU
ACTION	Unanimously approved as submitted. (Ing/Yagi)
<u>ITEM H-1</u>	REQUEST TO AMEND CONDITIONS OF AN APPROVED CDUA (MA-1436) FOR AGRICULTURAL USE, RAISING TARO FOR HOME CONSUMPTION AT KAHAKULOA VALLEY, WAILUKU, MAUI
	Mr. Evans said the reason staff was recommending approval of amendment No. 1 is because our Division of State Parks has recommended that the archaeological survey required as part of the conditions be waived. This is the second time since State Parks has gone out and did the work rather than the applicant. Mr. Evans said staff asked State Parks if this is going to be their policy. To this date we have not received an answer. Mr. Evans asked for guidance from the board whether we should put the burden of archaeological surveys on the department staff, or should we continue, as we have in the past, to place that burden on the applicant.

Mr. Ono said you cannot have a blanket policy on this. It depends on what the project is. He asked why State Parks says they will waive this requirement.

Mr. Evans said the reason for this particular request is that since State Parks staff was going to Maui and they were going to be doing some archaeological work in the area, they said they will cover this at the same time.

Mr. Ono said then we are not actually waiving that requirement. Somebody is going to do it. He said that should be made clear, otherwise people might think that the state doesn't care about the archaeological survey.

Mr. Evans said he can amend the first condition that archaeological survey required as part of Condition 6 has been to the department's satisfaction.

ACTION Unanimously approved as amended above. (Yagi/Higashi)

ITEM H-2 CDUA FOR A POWERLINE EASEMENT OVER STATE LAND AT OLAA, PUNA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ITEM H-3 CDUA FOR A SINGLE-FAMILY RESIDENTIAL USE AT LANIKAI, OAHU

Staff was recommending denial of this CDUA for a number of reasons. The applicant did get a copy of this submittal and has retained Mr. Jack Schweigert as his legal counsel.

After Mr. Schweigert inspected the site with his client, he informed the staff that he had indicated to his client that he was in favor of staff's recommendation. Mr. Schweigert asked the staff what his alternatives were. He was informed that his alternatives were to do nothing or try to withdraw the item and work out another plan with his client. Mr. Schweigert has subsequently submitted a formal written request for withdrawal.

Mr. Evans said he would prefer the board to act on this application as recommended by staff.

Mr. Ing said the primary reason for denial is because the land is not compatible for residential use and the area is sloped, further that this is also for a vacation home.

ACTION Mr. Ing moved for approval of staff's recommendation which was for denial. Mr. Kealoha seconded and the motion was unanimously carried.

ITEM H-4 CDUA FOR AN ADDITION TO A SINGLE-FAMILY RESIDENCE AT TANTALUS, HONOLULU, OAHU

Mr. Ing asked the staff to include a requirement, as with all other Tantalus CDUA's, to have the permit recorded in the Bureau of Conveyances.

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

(See pages 3 to 6 for Item H-5.)

ITEM J-1	<p>LEASE - INSTALLATION, OPERATION AND MAINTENANCE OF A MEDIUM-INTENSITY APPROACH LIGHTING SYSTEM WITH RUNWAY ALIGNMENT INDICATOR LIGHTS (MALS/RAIL) FACILITY, LIHUE AIRPORT, KAUAI (FEDERAL AVIATION ADMINISTRATION)</p>
ACTION	<p>Unanimously approved as submitted. (Yamamoto/Yagi)</p>
ITEM J-2	<p>LEASE - INSTALLATION, OPERATION AND MAINTENANCE OF AN INSTRUMENT LANDING SYSTEM (ILS) FACILITY, LIHUE AIRPORT, KAUAI (FEDERAL AVIATION ADMINISTRATION)</p>
ACTION	<p>Unanimously approved as submitted. (Yamamoto/Yagi)</p>
ITEM J-3	<p>LEASE - LEI STAND CONCESSIONS, HONOLULU INTERNATIONAL AIRPORT, OAHU (SANDRA SANTIMER, MYRNA M. K. CHUN, MARTINA MACALINO, JOYCE CHANG)</p>
ACTION	<p>Unanimously approved as submitted. (Ing/Kealoha)</p>
ITEM J-4	<p>LEASE - CONCESSION, INSTALLATION AND OPERATION OF ONE INSTANT TRANSFER AUTOMATIC TELLER MACHINE TERMINAL, INTER-ISLAND TERMINAL, HONOLULU INTERNATIONAL AIRPORT, OAHU (SLH, INC.)</p>
ACTION	<p>Unanimously approved as submitted. (Ing/Kealoha)</p>
ITEM J-5	<p>Mr. Higashi inquired about the status on the change machine for telephones.</p> <p>Mr. Garcia said he will look into that and report back.</p> <p>APPLICATION FOR ISSUANCE OF R. P., GENERAL LYMAN FIELD, HILO, HAWAII (HAWAII COUNTY DEPARTMENT OF WATER SUPPLY)</p>
ACTION	<p>Mr. Higashi asked for deferral of Item J-5. He said the county originally asked for the area in the back. He would like to talk to the County Water Department. The board had no objection to deferring this item.</p>
ITEM J-6	<p>REVISION OF RENTAL, RENEWAL OF REVOCABLE PERMITS, AIRPORTS DIVISION</p>
ACTION	<p>Unanimously approved as submitted. (Yagi/Ing)</p>
ITEM J-7	<p>RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION</p>
ACTION	<p>Unanimously approved as submitted. (Yagi/Yamamoto)</p>
ITEM J-8	<p>ISSUANCE OF R. P., HARBORS DIVISION, VICINITY OF PIER 36, HONOLULU HARBOR, OAHU (CHEVRON USA INC.)</p>
ACTION	<p>Unanimously approved as submitted. (Ing/Kealoha)</p>
ITEM J-9	<p>ISSUANCE OF R. P., HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, HAWAII (PATTI BLANK, DBA JINGLES)</p>
ACTION	<p>Unanimously approved as submitted. (Higashi/Yagi)</p>

ITEM J-10 CONTINUANCE OF REVOCABLE PERMITS, HIGHWAYS DIVISION

ACTION Unanimously approved as submitted. (Higashi/Yagi)

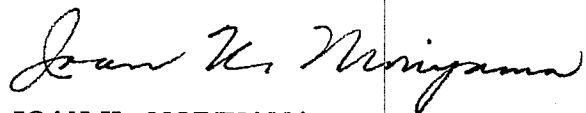
ITEM J-11 CONSENT TO ASSIGNMENT, LOT A-2, TERMINAL FREIGHT SITE, KEALAKEHE, NORTH KONA, HAWAII (AMFAC, INC. TO AMFAC PROPERTY DEVELOPMENT CORP.)

ACTION Approved as submitted. (Higashi/Yagi)

Mr. Ing disqualified himself and did not vote on this item.

ADJOURNMENT: There was no further business and the meeting was adjourned at 11:45 A. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm