

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

DATE: April 8, 1983

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 to order at 9:10 A.M. The following were in attendance:

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. Al Powell
Mr. Roger Evans
Mr. Henry Sakuda
Mr. Libert Landgraf
Mr. Takeo Fujii
Dr. Robert Lee
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Dona L. Hanaike
Mr. Walter W. T. Chang (Item F-6)
Mr. James B. Young (Item F-12)
Mr. Hiram Fong (Item H-1)
Mrs. Emiko Kudo (Item H-4)
Mr. Peter Garcia

Minutes

The board, on Mr. Higashi's motion and seconded by Mr. Ing, unanimously approved the minutes of February 25, 1983 as submitted.

Added
Items

Mr. Higashi moved, which was seconded by Mr. Ing, and the board unanimously approved to add the following items to the board agenda:

Division of Land Management

Item F-13 -- U. S. Corps of Engineers' request for right of entry to conduct topographic survey, Waime, Kauai

Administration

Item H-7 -- Request for Public Hearing for Use of Land within Conservation District for Commercial/Subdivision/Protective Subzone

The board deviated from the printed agenda and took up the items in the following order to accommodate the people in the audience:

ITEM F-5

TELEGLOBE CANADA APPLICATION FOR SUBMARINE CABLE EASEMENT,
KEAWAULA, WAIANAE, OAHU

This was an application for nonexclusive easements for submarine communication cable lines off the Waianae coast. This was a follow-up of a CDUA which was approved by the board.

Staff recommended the following:

1. Authorize the sale of an easement covering two new lines, which will run from the shore out to the ocean.
2. Retroactive easement covering the two lines that were installed some years back.

The retroactive easement will run until 1984 because the life of the existing cable lines is estimated to run out at that time. The two new ones that are going in are replacements for the existing ones.

The terms and conditions listed in the submittal included those which were approved by the board in approving the CDUA.

Mr. Ono said because this is an easement there is no reopening. It's a one-time payment upfront. If it's a lease, he said, we would normally have a reopening. He didn't feel too comfortable about one-shot payment upfront without any kind of a future adjustment being considered. He asked whether any kind of an index is attached to the calculation, or is it just on the present value?

Mr. Detor was not sure whether the appraiser would take that into consideration or not. He thought the approach that they take is as though they are selling the land. He reminded the board that this is not a perpetual easement. It's a term of years for approximately forty-six years. He said they timed it so that the easement would terminate on the same date that the present lease (which covers the ground facility) runs out. That would be April 1, 2029.

Mr. Detor didn't know whether it is technically or legally possible, but suggested that instead of having them pay on a yearly basis, have three payments for those particular periods.

Mr. Ing asked about the boundaries of the easement. Is it going to be from the shoreline up to the three-mile limit? Mr. Detor said yes.

Mr. Ing asked whether we are going to be able to specify the boundaries.

Mr. Detor said they will do the survey so they will be able to specify the alignment in the water.

ACTION

Mr. Ing moved to approve Item F-5 as submitted and with the amendment, as suggested by Mr. Detor, that this would be a lease of an easement with reopenings to be determined by the chairman. Mr. Higashi seconded the motion.

Mr. Ono said he wants it noted for the record that just because the three-mile limit was mentioned in the discussion above that in no way are we saying that the state's boundary extends only to the three-mile limit.

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

ITEM F-6

RESUBMITTAL - STAFF RECOMMENDATION FOR CANCELLATION OF R. P. NO. S-5096, SAND ISLAND, HONOLULU, OAHU

This was a resubmittal. There was an extensive discussion at the last meeting on the staff's proposal to cancel Mr. Walter Chang's permit covering land on Sand Island. It was deferred to this meeting.

One of the things that was discussed was, if the permit is cancelled, who is it going to? There was representation on behalf of H.I.T. Trucking, Inc. to take over the permit area, with the understanding that they would remove the scrap metal and take over the operation of the permit. Staff was asked to check that out.

The second thing was the fact that Mr. Chang had written to the department asking for a modified use of the permit area and he did not receive an answer.

Mr. Detor said it's true that Mr. Chang did not get an answer, however, there were violations at that time. Even if these changes were granted, he said, the violations would still be violations.

Mr. Detor further stated that the Sand Island Businessmen's Association (SIBA) has expressed fears that the 10,000 square-foot lot may not be large enough to accommodate H.I.T. Trucking, therefore, they may spill out onto the road. SIBA also asked that if H.I.T. Trucking is not allowed to take over the lot, that the board be specific that Mr. Chang is to remove the contents on Lot 110 completely off from Sand Island.

Staff recommended that:

1. The present permit be cancelled.
2. H.I.T. Trucking, Inc. be given the permit covering the premises, and that the use be limited to conducting a trucking business.
3. H.I.T. Trucking, Inc. accept the lot in as-is condition. Any clearing of the lot and the removal of the items left on the lot by previous tenant will be at the expense of H.I.T. Trucking, Inc.
4. Any scrap removal from the lot be taken to an off-site dump and not to be dumped at the Sand Island area.
5. That all vehicles and equipment belong to H.I.T. Trucking, Inc. will be kept within the boundaries of the lot and not spill out on the road.

Mr. Ing said the submittal today only addresses the cancellation of the permit to Mr. Chang.

Mr. Detor said yes. He said staff can come back at the next meeting with a formal application. However, at the previous meeting, the board did talk about what would happen if it were cancelled.

Mr. Kealoha asked whether we are talking about 5,000 square feet or 10,000 square feet.

Land Agent Al Powell said Mr. Chang came from the old Foreign Trade Zone area and he was given 5,000 square feet at Sand Island. He was asked to move from there because of the coming Sand Island Parkway road, and he was given another area, supposedly at that time consisting of 5,000 square feet. Two years after that a survey was made and it was found that he was actually occupying 10,000 square feet. So a letter was written to Mr. Chang informing him of the adjustment in the rentals and the back rentals, which he paid and he has been paying rent ever since on the 10,000 square-foot parcel.

Mr. Ono asked Mr. Detor whether he has any idea what he may be coming back with on the disposition. Would it be pretty much incorporating what was presented today? He asked whether there would be any additional conditions which might be attached.

Mr. Detor said yes, incorporating what was presented today and the normal conditions that are in the permits.

Mr. Powell informed the board that H.I.T. Trucking is not on our list of applicants so we would be moving them up to number one if the board grants them the permit.

Mr. Ono asked what do we do with the people on the waiting list? If all of the people on the waiting list have been contacted, requesting this kind of lot and size. If they say the conditions are too severe and they turn it down, it wouldn't be so bad. Some of them may need bigger lots so they will be eliminated along the way. He said it's kind of hard for the board to jump this particular company on top of the waiting list without contacting the others. He said we should at least give them a chance to say yes or no.

Mr. Detor said we can do that but it's going to take a little time.

Mr. Powell reminded the board that the responsibility of clearing the lot really rests with Mr. Chang.

Mr. Detor said, in any event, the next meeting is going to be held on Kauai so this matter will probably be brought back the first meeting in May.

Mr. Chang said when they were relocated from the Foreign Trade Zone to this new area, the place was not surveyed yet. He said the staff asked him whether he wanted to take 10,000 square feet, so he took the 10,000 square feet. He didn't want the board to think that he was trying to get away not paying for what he got.

ACTION The board, on Mr. Ing's motion and seconded by Mr. Kealoha, unanimously approved Item F-6 as submitted.

ITEM F-12 RESUBMITTAL - DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS
REQUEST FOR ACQUISITION OF OPERATING AND RIGHT-OF-ENTRY AGREEMENT FOR PUBLIC TV SYSTEMS, WAIKII, WAIMEA, KAUAI

This was a resubmittal. This item was deferred previously. This was a request of the Department of Commerce & Consumer Affairs, on behalf of the Hawaii Public Broadcasting Authority, for the acquisition of an Operating and Right-of-Entry Agreement to install, maintain and operate tv transmitting and receiving equipment on Parker Ranch land. The reason for the deferral was because the board questioned the \$500 per annum rental.

Attached to the board submittal was a memo from Ms. Mary Bitterman, Director of Department of Commerce & Consumer Affairs, to Mr. Ono explaining the situation. She indicated that compared to their other rental agreements, the Parker Ranch \$500 rental may be high. However, since their state and federal funding will lapse in June, they would like to go ahead anyway, and at a later date they can renegotiate a more favorable agreement.

Mr. Higashi said when the state and federal funding lapse, and if they don't have any more federal funding, he asked how are they going to reduce the rate.

Mr. James Young, the Executive Director of the Hawaii Public Broadcasting Authority, said they are not quite sure how they are going to have any bargaining position in getting the rent down. He said they have about \$300,000 right now of federal money that is very difficult to obtain. They've already got one extension on that funding and they have requested for second extension. They don't know if they are going to get it or not.

Mr. Higashi said the state owns considerable amount of land leased to Parker Ranch in that area. He asked whether they looked at these areas.

Mr. Young said he personally has not. He was sure that the engineers in picking the best location for this translator looked at every possibility. He thought the site was chosen because it was best from the standpoint of getting their signal.

Mr. Ono said if we go with this rental, it does set a benchmark. He said he does not like to have this lease rental help determine what the value of the land that we may eventually have to exchange in the future with Parker Ranch. He said \$500 a year may seem like a small amount, but it has a much bigger implication.

Mr. Ono asked Mr. Young whether they would object to having our DLNR staff get involved in this matter with Parker Ranch officials.

Mr. Young said not at all. They would appreciate that very much. Their main goal, he said, is to get that translator site.

ACTION

Mr. Ono asked to defer this matter and directed Mr. Detor and Mr. Landgraf to assist the Hawaii Public Broadcasting Authority staff. He suggested that they also look at state lands within that area.

The board had no objection to the deferral.

ITEM H-1

REQUEST FOR TIME EXTENSION FOR A PREVIOUSLY APPROVED CDUA FOR COMMERCIAL, HORTICULTURAL, AND BOTANICAL GARDEN USE AT KAA-LAEA, KOOLAUPOKO, OAHU ON TMK 4-7-07:10 AND 15

This was a request for time extension. Some years ago the board held a public hearing and subsequently approved a conservation district use application, with conditions, for a garden which would be used for commercial purposes at his private property at Kaalaea. One of the conditions was that work must be started within one year after board approval and completed within three years.

Mr. Evans reported that work has been started, but they are not able to complete it within three years and they have requested for time extension.

Staff felt that this is a reasonable request and recommended that the completion deadline be extended for a year.

Mr. Ing asked what has been done so far.

It was Mr. Evans' understanding that there are several different types of cultural gardens completed. It was also his understanding that it has not been effectuated to the point where they are actually taking tourists yet.

Mr. Ono asked what was the requested time extension, and how many extensions can we grant?

Mr. Evans didn't recall the specific time requested. According to our administrative rules, he said, there is no stipulation on the number of times, so if the board felt that they would want to give extension on a year-by-year basis, they can do that.

Mr. Ing asked how we are going to determine when the project is completed.

Mr. Evans said when the gardens are opened commercially and busses and tourists are taken in, that would be the time when they would consider it as basically completed.

Mr. Ing asked whether we know how much work has progressed for what has been shown on the landscaping plans.

Mr. Evans said staff has not made a field inspection to compare what's there today with what the original plans call for. So they don't know how much work has progressed.

Mr. Hiram Fong said his problem is not with the building of the garden, but with the City and County of Honolulu. Since his letter to us, he said, he has been waiting for about five months for approval of his road plan. To this date he has not received approval yet. The city has required him to widen the roadway from Kamehameha Highway to his garden (which is one mile long) to twenty-eight feet, and then widen the private roadway to twenty feet. He cannot proceed with the building of his administration building, nor can he proceed with the building of his parking area until he fixes the road. He said this is one of the conditions.

Mr. Fong asked that the extension be granted for two years because by the time he gets his approval from the city he would need another six or seven months to build his administration building and his parking area. He said as far as the garden area is concerned, it's ready for view, and it has been ready for the past two years.

Mr. Ono said Mr. Fong is asking for two years' extension. He asked what if the county permit for the roadway isn't approved for another year or so.

Mr. Fong said he was sure that it's going to be approved soon. His engineers told him that they are on the last leg now. They have asked for certain requirements and he has complied, and he has submitted new plans.

Mr. Ono asked what if the approval is for one year beyond the date of city's approval of the roadway.

Mr. Fong said that would be fine. He said one year after the city gives approval.

ACTION Mr. Ing moved for approval for one-year period beyond the date of the county approval of the building permits, however, not to exceed two years from today's date. Mr. Kealoha seconded, and the motion was unanimously carried.

ITEM H-4 CDUA FOR COMMERCIAL ACTIVITIES AT HANAUMA BAY BEACH PARK AT HANAUMA BAY, MAUNALUA, OAHU

This was a request by the City and County of Honolulu for commercial activities at Hanauma Bay Beach Park. This application was subjected to a public hearing. At the public hearing, the board expressed concerns relating to the carrying capacity of the marine habitat. In that particular aspect, staff felt that relatively little use of the marine habitat is made by users who don't go through the park. Although you may occasionally see someone use the marine habitat by way of a boat that comes in to Hanauma Bay. The primary use of the marine habitat was through the park, and as such staff reviewed the carrying capacity of the marine habitat to be the same as that of the beach park itself.

There was also a question of policing activities that the board had raised. The policing aspect would rest with the county in carrying out their functional responsibility should the board approve the proposed land use. Staff felt that enforcement on any approved land use is really the function of the applicant receiving the approval.

Mr. Evans said the board also brought to their attention a concern relating to user count. The user count was provided for October 1982. The board felt that the summer user count would be anticipated to be greater and should be monitored. Staff felt that the carrying capacity of 1350 people a day (this carrying capacity is expressed in the county's Hanauma Bay Beach Park Management Plan) was a prudent user count. There was also some concern about the accommodation of commercial permittees and requests from the educational facilities. Staff felt that there was a proper distinction that would be made between commercial people who would be taking clients to the beach park for scuba or snorkeling activities and other kinds of uses, such as school classes or certification classes.

Staff recommended that the commercial activities be approved. Staff felt that renting of the snorkeling equipment is proper, reasonable and legitimate. However, staff suggested that this occur in the existing building that is there at the park now, and that no additional building be built for that use.

The city, as part of their request, also requested commercial filming activities by permit at Hanauma Bay. Since the state-wide CDUA that was done by the Department of Planning & Economic Development covers Hanauma Bay, staff felt that if the city desires or wants to allow commercial filming people to use Hanauma Bay, they can do so as a land owner.

Lastly, the city has asked for use of the area for commercial scuba divers and proposed 300 people at any given time to use the area. Staff felt that to allow 300 people on the area at any given time would be deleterious to regular users of the beach. The Hanauma Bay Beach Park Management Plan suggests that the optimum use level for park during the day is about 1350 persons. Given that optimum use level, staff felt what would be appropriate and reasonable would be 10%, or approximately 135 people. Mr. Evans said test and monitor this out for a year and then come back to the board for any adjustment that needs to be made.

It was Mr. Evans' understanding that the exception of the figure for the commercial scuba use, the city is generally in agreement with what is being recommended.

Mr. Ono said staff's recommendation is that commercial filming by permit be denied. He said this can be interpreted to mean that staff is recommending that no filming take place on the beach or in the water within the Hanauma Bay. He asked whether that is the staff's intent.

Mr. Evans said no. That's an error. What is intended is that they don't have to apply because it's already there via the board approved Cдуа.

Mr. Kealoha said staff did not mention anything with respect to the revenues. He asked whether the state is entitled to any revenues from rentals, etc. From time to time, the board has expressed concern on the percentage of the revenues received, he said, like the Waikiki Shell, the golf course, etc.

Mr. Evans said because this is all on city lands, he felt that all revenues should go to the city. However, they also go into the water, which is state owned, so the board may be interested in receiving a percentage of the revenues that Mr. Kealoha is talking about.

Mr. Ono had a question on the number of scuba divers allowed per day. He said the figure of 130 per day is being recommended. He asked whether the figure was intended to be 130 spread out throughout the day, or is it 130 at any given time.

Mr. Evans said the optimum level recommended use in the management plan was 1350 people per day, not at any given time. So staff took 10% of that. He felt that if you put 130 people at 11 A.M., 12 noon or at 1 P.M. at the same time, you're going to have displacement of other users.

Mr. Ono said because this is an organized effort, you are going to tend to have groups of people hitting the shore and into the water all at the same time. He asked whether this is going to tend to concentrate the users at a given time at a given area.

Mr. Evans said there certainly would be concentration. The concentration would be through prime use, prime hours, between such hours as 11 to 2.

Mr. Ono said he didn't disagree with staff's intent to make sure that the general public has access and free usage of the beach and the water. He said we have to place some condition on the commercial use so that we lessen the load on the general public, and still not deny the commercial diving companies from using the area.

Mr. Ing asked how staff arrived at the 10% figure.

Mr. Evans said he tried to look at the 300 figure which was proposed by the city. It turned out that the 300 figure was 22% of the recommended carrying capacity. Staff felt that 10% of the recommended carrying capacity for specific commercial use was a reasonable base figure to start with. The city may desire to come back after a year and say 130 is too much. They may come back and say 130 does not really displace people. The staff's

position was they would rather start with a low figure and be able to raise it later, than start up with a high figure and lower it a year later.

Mr. Ing said they may set it so low that a lot of people won't have the availability to the park. He said we're looking at days when the general public is not there. The big heavy use comes on week ends and on holidays, he said.

Mr. Evans said this is why they are suggesting that it be tested and come back after a year.

Mr. Ono asked Mrs. Emiko Kudo, City and County Parks Director, whether she had a chance to look over the conditions and the recommendations.

Mrs. Kudo said their intent at 300 was to test it out and to adjust it as they saw fit. She said the rationale that DLNR staff uses is the same, but it is on week days only where the maximum use wouldn't be there. The rule of thumb that they are using 1350 is on the basis of the amount of beach space there is to accommodate that number of people. If those numbers of people aren't there during the week days, then probably they figured that 300 might be all right.

Mr. Higashi asked how many applicants are we talking about.

Mrs. Kudo said about 11. But, as she understood it, and they have been monitoring it very closely, there are other people that in it now that are not included with the 11. So there might be more in numbers.

Mr. Ono asked if we use the city's 300 as the maximum number allowable per day on week days, what happens if 300 showed up at the same time?

Mrs. Kudo said their intent was that they would accommodate no more than 300 at any one time. They didn't feel that there would be any displacement with the 300 figure during the weekdays.

Mr. Ono asked whether there was any attempt to try to spread the 300 at least through part of the day.

Mrs. Kudo said the idea is fine except it will cost them more to administer this because they are going to have to police it, like the golf courses, where you can only come at a certain time. If the intent is not to displace people and not jeopardize the conservation aspects of it, they will try to do that.

Mr. Ono said somebody raised a question at the public hearing about the school children coming over and you have 300 divers over there. You may have to ask the school children to move away from there. In terms of numbers, the children may not be great, Mr. Ono said, but still you are really displacing a group that should be entitled to use the beach and the water.

Mr. Ono asked Mrs. Kudo whether during this one-year trial period, they can work with the companies so they themselves can work out this schedule so we don't get one big group at one time on the beach or in the water.

Mrs. Kudo said they would need to schedule the school children, too.

Mr. Kealoha said they are saying that for the use in the bay, they have about 325 people in the upper picnic area, 400 people in the lower grass

area, and 625 people in the sand beach area, for a total of 1350 people. The city is saying they want 50% of the sand area for commercial users. He said maybe they can take the months from September, when school starts, to around May. You have limited use during the week days during these months. The testing period should be not only for twelve months but we should test the seasons--the school season and the summer months.

Mrs. Kudo said there is a differentiation that they need to make. The 1350 figure is the beach capacity and this figure is based on the park area--picnic, grass and the big sandy beach. In addition to that, the snorkelers entering from the side will make it that many more.

Mr. Ing asked whether 1350 is for per day carrying capacity, or is that a per unit time carrying capacity.

Mrs. Kudo said that is at any one time, and not for the whole day.

Mr. Evans said staff used the figure of 1350 persons per day rather than 1350 persons at any given time. The reason for this was it would allow for a maximum annual total of 492,000 visitors to Hanauma Bay Park.

Mr. Evans called the board's attention to Conditions 17, 18 and 19. Under Conditions 17 and 18, the individuals are made responsible to see that all the conditions in the land use are met. Condition 19 confined the commercial scuba/snorkeling use to week days, excluding holidays.

Mr. Ono asked Mrs. Kudo whether Conditions 17 and 18 would interfere with the city's administrative practices.

Mrs. Kudo didn't think that they will have any problem. She asked for clarification on Recommendation C where staff recommended denial on the commercial filming at Hanauma Bay. It was their understanding that the staff would come after them as the land owner. Because Hanauma Bay is in conservation, no commercial activity is permitted without Land Board approval, and nowhere is the city given approval to allow commercial filming at Hanauma Bay. The board may have given approval to Dr. Henry Wong of the Hawaii Film Office at DPED.

Mr. Higashi suggested that when we write to the city informing them of the board action on the land use, that we also inform them that commercial filming by permit has been denied because it has already been approved through the CDUA process.

Mr. Evans said rather than say "be denied" he suggested that the staff's recommendation be modified to say, "that it is not required for the following reasons:" He thought perhaps in the letter to the city informing them of the board approval on the use, we can assure them that they have approval.

Mr. Ono said the city would need specific approval for the use and the procedure. He said he would rather have the board take action. That is the board's function to determine whether it is permissible or not.

Mr. Evans recommended that filming permit be approved with conditions regulated by the state in the conservation district.

Mr. Kealoha said if and when Hanauma Bay Beach Park is turned over to the state, at that point the concession lease, which may still be in existence,

would have to come to the board through the Land Management Division. He said so when a person bids for the concession, he should be made aware that when it is turned over to the state that the lease also terminates.

Mrs. Kudo said in effectuating the negotiation of their contract now, they will insert that clause, as suggested by Mr. Kealoha, just in case the Hana-uma Bay is turned over to the state. She said there is always the catch-all termination clause.

ACTION Mr. Ing moved to approve Item H-4, subject to the following amendments:

1. With regard to Recommendation B, that the commercial activities be limited to no more than 130 participants, including certified instructors, at any one time, as opposed to per day.
2. With regard to Condition 19, we should specify the state holidays because that is covered by statutes.
3. With regard to Paragraph C, amend that to reflect that commercial activities described as commercial filming by permit be approved, following the same procedure used in the approved CDUA for film permits.

Mr. Ono asked whether there is a need to add the disposition requirement.

Mr. Evans said we can make it subject to other terms and conditions as determined by the chairman. Mr. Ing so amended his motion.

Mr. Ono said the activities can go on and the disposition question can be reviewed along the way.

Mr. Kealoha seconded and the amended motion was unanimously carried.

ADOPTION OF AMENDMENT TO SECTION 13-89-1, ADMINISTRATIVE RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES RELATING TO "SPINY LOBSTER OR ULA"

ITEM B-1

ACTION Unanimously approved as submitted. (Higashi/Yagi)

NOTICE TO BIDDERS, PROJECT NO. DOFAW-83-19, INSTALLATION OF APPROXIMATELY ONE MILE OF CHAIN LINK FENCING AT KANAHA POND WILDLIFE SANCTUARY, KAHULUI, MAUI

ITEM C-1

Mr. Landgraf said at the suggestion of the Attorney General's Office, he would like to amend his recommendation as follows: "That the board approve the advertising of notice to bidders for Project No. DOFAW-83-19." He said the way it is written, it singles out one newspaper on the island of Maui. The statutes say that we must advertise in a newspaper of general circulation, so we may have to advertise it in other than the Maui News.

ACTION Unanimously approved as amended. (Yagi/Yamamoto)

SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ITEM D-1

Mr. Ono asked the staff to check whether Mr. Shoichi Nagamine is eligible to serve on two boards since he is a member of the Board of Agriculture.

The board can approve this, he said, subject to clarifying whether Mr. Nagamine can legally serve on two boards.

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

ITEM F-1 DOCUMENTS FOR CONSIDERATION

KAUAI

Item F-1-a REVOCABLE PERMIT

DOUGLAS KAKUDA CONTRACTOR, INC. - portion of the former Waimea Baseyard Site, being a portion of the Waimea Town Lots at Waimea - for storage and construction baseyard - monthly rental to be determined by staff appraisal, to be reviewed by the chairman

HAWAII

Item F-1-b SUBLEASES

JOHN TOLMIE (married) and DAVID DE LUZ (married), Sublessors, and DORIS K. NAKAYAMA, dba DORIS K. NAKAYAMA REALTY, Sublessee - Lots 12 and 12-A, Ocean View Lots, Waiakea, South Hilo - GL No. 3029

Item F-1-c JOHN TOLMIE (married) and DAVID DE LUZ (married), Sublessors, and TERUO MORIGAKI REALTY, INC., a Hawaii Corporation, Sublessee - Lots 12 and 12-A, Ocean View Lots, Waiakea, South Hilo - GL No. 3029

Mr. Higashi asked to be excused from voting on Items F-1-b and F-1-c because of a conflict.

The chairman asked the board to take action on Items F-1-b and F-1-c separately.

The board, on Mr. Yagi's motion and seconded by Mr. Ing, approved Items F-1-b and F-1-c.

MAUI

Item F-1-d REVOCABLE PERMIT

LESLIE A. DUNN - Portion of Government land situate at Kahakuloa Valley, Wailuku - for raising taro for home consumption together with the use of ditch water - \$10.00 per month

OAHU

Item F-1-e REVOCABLE PERMIT

JAMES ALLEN PASSOS - Government land situate at Waimanalo - for equestrian use, which shall mean the keeping, caring and training of horses and other activities related thereto - \$55.00 per month

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yagi, unanimously approved Items F-1-a, d and e.

H. HARADA CONTRACTOR, INC. REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, GENERAL LEASE NO. S-4665, WAIAKEA, SOUTH HILO, HAWAII

ITEM F-2

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ITEM F-3 LESLEY ALEXANDER APPLICATION FOR EASEMENT FOR REVETMENT, GOVERNMENT BEACH RESERVE, KULA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

<u>ITEM F-4</u>	HAWAIIAN ELECTRIC CO., INC. REQUEST FOR AMENDMENT TO GENERAL LEASE NO. S-3897, NANAKULI, OAHU
ACTION	Unanimously approved as submitted. (Ing/Kealoha) (See pages 2 to 4 for Items F-5 and F-6.)
<u>ITEM F-7</u>	THE TIGER TRUST APPLICATION TO LEASE LAND AT HALAWA, EWA, OAHU
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM F-8</u>	TOM COLLINS APPLICATION TO PURCHASE RECLAIMED LAND AT KAHALUU, KOOLAUPOKO, OAHU
ACTION	Unanimously approved as submitted. (Ing/Yamamoto)
<u>ITEM F-9</u>	STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (8/13/82, AGENDA ITEM F-24) AUTHORIZING SALE OF A LEASE COVERING LAND AT KEKAHA, KAUAI
ACTION	Unanimously approved as submitted. (Yamamoto/Higashi)
<u>ITEM F-10</u>	STAFF RECOMMENDATION FOR SALE OF A LEASE COVERING SECTION 3, HANAPEPE GOVERNMENT LAND, HANAPEPE, WAIMEA, KAUAI
ACTION	Unanimously approved as submitted. (Yamamoto/Yagi)
<u>ITEM F-11</u>	STAFF RECOMMENDATION FOR SALE OF A LEASE COVERING THE REMAINDER OF LOT 22, HANAPEPE RICE & KULA LOTS, HANAPEPE, WAIMEA, KAUAI
ACTION	Unanimously approved as submitted. (Yamamoto/Yagi) (See pages 4 and 5 for Item F-12.)
<u>ITEM F-13</u>	ADDED U. S. CORPS OF ENGINEERS' REQUEST FOR RIGHT OF ENTRY TO CONDUCT TOPOGRAPHIC SURVEY, WAIMEA, KAUAI
ACTION	Unanimously approved as submitted. (Yamamoto/Yagi) (See pages 5 to 7 for Item H-1.)
<u>ITEM H-2</u>	CDUA FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL DWELLING AT KAPAAHU, PUNA, HAWAII
	Mr. Evans said the developer of this area should really go to the Land Use Commission and have the subdivision, that's in effect, rezoned from conservation to urban. Staff, however, didn't feel it proper to recommend denial of this application based on that and recommended approval of this application. Should the board approve this application, Mr. Evans said, he would like to incorporate that thinking in our letter.
	Mr. Higashi said the problem with that is, this subdivision is already done and the developer is gone. The lots are all sold.
	Mr. Evans said he understands that a Mr. Fred Livingston is representing most of the residents in that area.

Mr. Higashi said if the residents themselves want to get together and make the application, that's fine. He didn't feel that the burden should be put on the future applicants that they should go to the Land Use Commission.

Mr. Ing said Exhibit 2 of the board submittal shows that certain ones have been denied. He asked why were they denied.

Mr. Evans said denial may have occurred prior to the rewriting of our administrative rules. As noted on the chronology list attached to the board submittal, he said, the subdivision approval was in 1963.

Mr. Evans thought perhaps the board may want to delete Condition 23. (That this application is the last Conservation District Use Application that this department will take action on until such time as the Land Use Commission reviews and decides on a zoning change for the entire subdivision.)

ACTION Mr. Higashi moved, seconded by Mr. Yamamoto, and the board unanimously approved Item H-2 as amended above.

ITEM H-3 CDUA FOR SKI INSTRUCTION AND TOUR BUSINESS AT MAUNA KEA,
HAMAKUA, HAWAII

Staff recommended denial of the application and a \$500 fine imposed because of the violation.

The University has sent to us a letter dated March 24, 1983, informing us of the agreement which they reached with the applicant, and recommended that this application be approved, subject to our standard conditions, in addition to the following conditions:

1. No alcohol or drug use of any kind by the applicant or his client while on land under the jurisdiction of UH.
2. There be no littering--all material brought in to be taken out.
3. The applicant be required to provide portable toilets for clients' use above Hale Pohaku.
4. Skiing and tour operations to be conducted only during daylight hours (8 a.m. to 5 p.m.).
5. Official vehicles (those identified as being associated with one of the telescopes by an appropriate logo) to have right of way over those operated by the ski tour.
6. Following snowfalls, no vehicular access above Hale Pohaku until two-lane traffic is possible and the road is opened by Mauna Kea Observatory Support Services personnel.

In discussing this matter with Mr. Harold Masumoto of the University, Mr. Evans said a question came up as to what would happen if someone else came in and want to have commercial skiing. He said his response to that was, when that happens we will take a look at the load factor and reassess the situation and the probability is that we will allow that to occur.

Mr. Evans said he also discussed with Mr. Masumoto that the University should also be the co-applicant in this matter. The University, however, prefers not to join Mr. Terstenjack as co-applicant.

Mr. Higashi said he would like to give the staff some time to look over the conditions which the University wants to impose rather than to accept what is incorporated in the letter.

Mr. Ono referred to Part A of the staff's recommendation. Staff was recommending denial because staff didn't have sufficient time to review all aspects of the Mauna Kea Science Reserve Complex Development Plan as it relates to this proposed use. He asked whether that is a basis for denying this request.

Mr. Evans said they would have difficulty in recommending approval without having an opportunity to really check out the plans.

Mr. Ono said there is still time. This application does not expire until May 11, 1983.

Mr. Ono further pointed out that under Section A, Part 2, staff is recommending at this stage that the University be the applicant. If that was the case, he asked, why did we start processing this application? The applicant applies in good faith, and we let him go through the entire process, and at the end of the process staff is saying that he shouldn't have been the applicant. It should have been the University. That is really an imposition on the applicant, he said.

Mr. Evans apologized. They just didn't think of it.

Mr. Detor said Mr. Masumoto's letter seems to pre-suppose that if this is approved that the applicant is going to get the concession. He said the board is really talking about the use. If the use is approved, it isn't necessarily the applicant who would be the concessionaire. He said the highest bidder would get it.

ACTION The board had no objection to deferring this item as requested by Mr. Higashi.

(See pages 7 to 11 for Item H-4.)

ITEM H-5 SPECIAL-USE PERMIT FOR A BATCHING SITE IN THE MAUNA KEA ICE AGE NATURAL AREA RESERVE

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM H-6 DELEGATION OF THE CHAIRMAN AS THE BOARD'S AUTHORIZED REPRESENTATIVE IN ISSUING PERMITS FOR NATURAL AREA RESERVES

Mr. Robert Lee said they would like to have the same type of situation, similar to what the Aquatic Resources and Forestry & Wildlife Divisions have (through the Board resolution of February 8, 1974), that the chairman be authorized to sign the permit if a permit request comes in. They would like to do this to speed up and streamline the process.

Mr. Ing said he didn't recall that they had a very great many of these special use permits. He said we don't hear much from the Natural Area Reserves,

and the board doesn't know what's going on. The process might also place a burden on the chairman.

Mr. Lee said there have been about half a dozen of this since the program started. He said actually it's a type of a request coming in that has to come before the board, prepare a board submittal, and the applicant has to wait during that period. He said the commission itself has to approve the issuance of a permit. The commission is made up of eleven members, one of whom is Mr. Ono.

Mr. Ing asked whether their special uses are like our conditional uses.

Mr. Lee said no. He said if there is such a request, it will probably have to come through the CDUA process.

Mr. Higashi said their rules and regulations spell out pretty much what you can do, what you can't do, what is allowable and what kind of permit you need.

Mr. Lee said yes.

ACTION Mr. Higashi moved for approval, Mr. Ing seconded, and the motion was unanimously carried.

ADDED REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION
ITEM H-7 DISTRICT FOR COMMERCIAL/SUBDIVISION/PROTECTIVE SUBZONE USE

Mr. Evans said he would like to delete CDUA OA-1551 from the submittal because it has been withdrawn by the applicant.

ACTION Unanimously approved as amended. (Higashi/Ing)

ITEM J-1 ASSIGNMENT OF LEASE NO. DOT-A-81-33, HONOLULU INTERNATIONAL
AIRPORT, OAHU (WHITELAW/O'NEAL-HAWAII)

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM J-2 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS NOS. 3734, ETC.,
AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Ing/Higashi)

Mr. Ono asked the DLNR staff whether Kenai Air of Hawaii owes us money.

Mr. Sue said they have paid up their delinquency so they are current now.

ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS NOS. 3738 AND
3739, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM J-4 REVISION OF RENTAL, RENEWAL OF REVOCABLE PERMITS, AIRPORTS
DIVISION

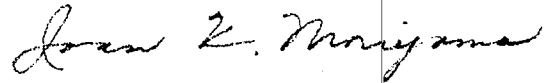
ACTION Approved as submitted. (Yagi/Yamamoto)

The record showed that Mr. Ing did not vote on this item because of a conflict.

ITEM J-5	RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION
ACTION	Unanimously approved as submitted. (Kealoha/Yamamoto) Mr. Ono asked Mr. Garcia whether Kenai Air is expanding their operations. Mr. Garcia said he knows that they need more space. But as far as whether they are expanding, he said he'll have to check that out and report back to the board.
ITEM J-6	APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3725, NONCONFORMING USE, AIRPORTS DIVISION, HONOLULU INTERNATIONAL AIRPORT, OAHU (SERVCO PACIFIC, INC.)
ACTION	Approved as submitted. (Yagi/Yamamoto) The record showed that Mr. Kealoha did not vote on this item because of a conflict.
ITEM J-7	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39, HONOLULU HARBOR, OAHU (FRED L. WALDRON, LTD.)
ACTION	Unanimously approved as submitted. (Yagi/Yamamoto)
ITEM J-8	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (ISLAND CHARTERS)
ACTION	Unanimously approved as submitted. (Ing/Yagi)
ITEM J-9	USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (ALOHA LIFT TRUCK SALES)
ACTION	Mr. Garcia said the date should be corrected to read May 11, 1983, and not April 26, 1983. Unanimously approved as amended. (Yagi/Yamamoto)
ITEM J-10	USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (WAIKIKI SURF CLUB)
ACTION	Unanimously approved as submitted. (Ing/Yagi)
ITEM J-11	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU, OAHU (MOTOR IMPORTS INTERNATIONAL)
ACTION	Approved as submitted. (Yagi/Yamamoto) The record showed that Mr. Kealoha did not vote because of a conflict.
ITEM J-12	ISSUANCE OF REVOCABLE PERMIT NO. HY-82-690, HIGHWAYS DIVISION, OAHU (K. C. DRIVE INN, LTD.)
ACTION	Unanimously approved as submitted. (Higashi/Yagi)

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