

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

DATE: April 22, 1983

TIME: 9:00 A. M.

PLACE: County Council Chambers
County Office Building
4396 Rice Street
Lihue, Kauai

Roll
Call

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

MEMBERS

Mr. Roland Higashi
Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Susumu Ono

(Mr. Takeo Yamamoto and Mr. Thomas Yagi were absent and excused.)

STAFF

Mr. James Detor
Mr. Roger Evans
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Johnson Wong
Mr. Peter Garcia
Mr. Bill Liu (Item F-9)
Mr. Morio Omori and Mr. Glenn Fukuda
(Item D-2)
Mr. Joel Nevels (Item F-18)
Mr. Norito Kawakami (Item H-1)
Mr. Bob Blackbill (Item H-2)

Minutes

The minutes of March 11, 1983 were unanimously approved as circulated. (Higashi/Kealoha)

Added
Items

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

Division of Forestry & Wildlife

Item C-1 -- Out-of-State Travel Request for Libert K. Landgraf,
Administrator, Division of Forestry & Wildlife

Division of Land Management

Item F-1-j -- Francis Ouye request for approval of collateral agreement,
Lot 60, University Heights, Waiakea, South Hilo, Hawaii

Item F-19 -- Resubmittal - Department of Commerce & Consumer Affairs
Request for acquisition of Operating and Right-of-Entry
Agreement for Public TV Systems, Waikii, Waimea, Hawaii

Administration

Item H-6 -- CDUA for Ski Instruction and Tour Business at Mauna Kea, Hamakua, Hawaii

Item H-7 -- Request for Public Hearing for use of Land within Conservation District for Commercial Purposes

ADDED
ITEM C-1

OUT-OF-STATE TRAVEL REQUEST FOR LIBERT K. LANDGRAF, ADMINISTRATOR - DIVISION OF FORESTRY AND WILDLIFE

As indicated in the submittal, the Federal Government has invited the State Forester and the State Civil Defense Coordinator to participate in the evaluation of recent emergency procedures that were instituted and the results of several emergencies that we had in the state, and they will be absorbing the total cost for this trip.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

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-9

STAFF RECOMMENDATION FOR EXCHANGE OF LAND WITH U. S. NAVY FOR ACQUISITION OF LAND FOR PEARL HARBOR ELEMENTARY SCHOOL, MAKALAPA, HONOLULU, OAHU

This proposal involved portion of the Pearl Harbor Kai Elementary School site at Makalapa. Under this particular arrangement, the Navy is to convey some 5,300 square feet of land to the state for an addition to the school grounds. This area has been appraised by independent appraisers at a value of \$15,900. The state in return would convey to the Navy a 1.140-acre portion of the school property which is not being used because it is lower in elevation than the rest of the school grounds, having a value of \$151,000.00. The difference in value would be paid in cash by the Navy to the state. In addition to that, the Navy is going to provide work to the school site, costing in excess of \$250,000. This would include the erection of a retaining wall, relocation of existing utility poles, removal of fire hydrant, concrete macadam walkways and some other work in connection with grading this site.

It was Mr. Detor's understanding that the property that is being conveyed to the Navy is to be used in connection with the Navy's housing project.

Mr. Ono asked whether the Department of Education (DOE) has agreed to this arrangement. He noted that the housing project is going to come right up to the school. The noise problem may crop up and we may have problems in the future, he said.

Mr. Detor said DOE has agreed to this arrangement and they are aware of this.

Mr. Bill Liu, Assistant Facility Engineer for the Naval Base, said exactly two years ago they started their negotiation with the then DOE Superintendent, Mr. Charles Clark. The land that the Navy will acquire is not being utilized and the DOE people felt that it is very unlikely that they will be able to get capital improvement program to construct and make the land usable.

Mr. Liu said DOE and the Department of Accounting & General Services are agreeable to what the Navy is proposing here.

Mr. Liu did not have the plan for the housing with him but he did have a site plan showing their proposed housing in relation to the school. On the question that Mr. Ono pointed about the noise impact, Mr. Liu said right now the school has Navy housing facilities adjacent to it, and there is also a high rise in that area. The impact would be minor, he said, to the school itself, and 99% of the children that go to that particular school are military dependents. So if there is anybody that is going to be impacted by this project, he said, it would be their own children.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-3 CONSENT TO PARTIAL ASSIGNMENT OF LEASE NO. 61, HONOLULU INTERNATIONAL AIRPORT, OAHU (CHEVRON U.S.A. INC. TO HONOLULU FUELING FACILITIES CORP.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM D-2 HALEKULANI SEA WALL AGREEMENT, WAIKIKI, OAHU (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

Mr. Detor made the presentation for DOWALD.

Staff's recommendation was to authorize the chairman to enter into an agreement with Halekulani Corporation to accept a grant of easement over the seawall, which will be constructed adjacent to the Halekulani site where the new hotel is being constructed, so that pedestrian access can be continued across the waterfront there. Halekulani Corporation will build the wall. They are willing to give the state the easement to assure pedestrian access.

Mr. Morio Omori, counsel for Halekulani Corporation, and Mr. Glenn Fukuda, representing Halekulani Corporation, briefly addressed the board and pointed out on the map what was involved.

ACTION Mr. Ing moved for approval as presented, subject to the final language in the grant of easement document to be subject to approval of the Attorney General's Office and the chairman. Mr. Kealoha seconded and the motion was unanimously carried.

ITEM F-18 WINDTECH INTERNATIONAL, LTD. REQUEST TO DEVELOP AND OPERATE WINDFARM AT LALAMILO AND WAIKOLOA, WAIMEA, SOUTH KOHALA, HAWAII

This was a request from Windtech International, Ltd. for permission to install and operate some thirty windmills on a portion of Lot 20 of the Lalamilo Farm Lots. Although the submittal reads 35 wind turbines, Mr. Detor said he was informed that this has been changed to thirty wind turbines.

A copy of the applicant's letter was distributed to the board members which explained in detail what the proposed operation would be, as well as Mr. Detor's letter to them with respect to this application.

Mr. Detor said, as he understood it, the power generated by the turbines will be used on the lot itself, then throughout the Lalamilo Farm Lots subdivision, and the rest sold to the electric light company.

The deeds and patents under which the Lalamilo Farm Lots were conveyed back in the early sixties had, among others, two provisions which are pertinent in them. The first one says that the land shall be used for agricultural purposes only, and "agricultural" is defined as being limited to the growing of truck and orchard crops. The provision also has a clause in it that if the land can be put to some other use, other than agricultural, they can do so with the board's permission.

The second provision says that if the land is subdivided, or used for a purpose other than agriculture, then the board has the option to repurchase the land at the appraised price for agriculture use.

Mr. Detor said the applicant plans to put in thirty windmills and operate it for sale, so in a sense it alters the basic use for which the property was made available, that is for agricultural use.

The board, in the past, has approved the erection of a wind turbine on one of the Lalamilo lots. This has been confined, however, to one windmill and to be used to furnish power to the lot itself. But when you have thirty, Mr. Detor said, the use changes the basic use, even though, as the applicant pointed out, the growing of crops would continue in and around the wind turbines.

Staff recommended that the request be denied.

Mr. Ono asked Mr. Detor whether he has any idea what percent of the total income from that particular lot would come from the proposed wind turbines.

Mr. Detor didn't have any figures for that. However, as far as the present use of the lot is concerned, he said, the amount of produce being grown there has been cut back considerably since it was originally let.

Mr. Higashi asked whether the applicant has submitted any kind of a data on the cumulative effect of thirty machines running at maximum capacity at one time.

Mr. Detor didn't have the figures on that. However, he did have a statement by our people at Kamuela that it can be noisy.

Mr. Higashi suggested that the staff go out and visit the area and get the feel of how dense the area is. If there are people living next to the lot, you have to get some idea of the sound level of thirty windmills.

Mr. Detor said the basic question has to be settled first whether it is consistent with the uses for which these lots were made available, and if it isn't, then the board has that latitude of allowing this additional use.

Mr. Ono referred to Mr. Nevels' submission labeled "Staff Exhibit A" showing the layout of the thirty turbines. He said he was not clear on the three lots (Lots 20-A, 20-B and 20-C). He wanted to know what lots we were talking about.

Mr. Detor said he was not aware of this until this morning. He was under the impression, and the information that he got was that this was confined to approximately 13 acres. The submittal also reflected that. Lot 20 is actually very close to 20 acres and it was subdivided into Lots 20-A, B and C sometime back. He said the lots that the submittal mentions come to about 13 acres out of the 20 acres. He said in talking to Mr. Nevels this morning, we were actually talking about the whole of three lots.

Mr. Ing said this proposal didn't seem to him like an agricultural use.

Mr. Joel Nevels, President of the Windtech International, Ltd., said because hydroponics isn't an acceptable use they are basically going into this. He said the first thing that they are going to be putting in is the windfarm because that is going to be developing the cash flow to put in the hydroponics.

Mr. Ing said the problem with the proposal is that it does not address the agricultural use. As he looked at it, they are going to develop electricity, and he doesn't see anything in here about the use of hydroponics.

Mr. Nevels said the reason the proposal originally came in that way is because it's only the windfarm portion that needs permission.

Mr. Ing said but we can't look at the two separately because of the covenants of the deed.

Mr. Nevels said the actual amount of square footage that is going to be used by windfarm is less than 1% of the total area. They are going to be using underground wiring, so they can grow crops over those wires. They figure that they can get 15 acres of hydroponics in there. He said the actual agriculture is going to represent an extremely small proportion. He said without the windmills in, the hydroponics themselves will not work.

Mr. Ing said he still can't determine how or why 35 windmills is incidental to the hydroponics.

Mr. Higashi asked Mr. Nevels what commodity he is planning to grow and if he can come up with some yield product, the dollar amount, and what the the energy sale is going to be. He said this is the kind of information that the board is looking for.

Mr. Ing said he would like to see a more comprehensive agricultural proposal which describes in writing the type of hydroponics before he would consider putting in the windfarm alone. The reason for that, he said, is the Land Board sees a lot of proposals, even advanced technology development. The fear that he has is if we allow windfarm to go in and it doesn't generate the cash, the agriculture part may never begin. So we end up with twenty acres of windmills, and that's as far as it will go. That is what the board doesn't want, he said.

Mr. Nevels said he is not looking to put in just the windmills. He said the point of separation is he doesn't want to see 20 acres sitting idle.

Mr. Nevels said Act 24 of 1980 put in agricultural uses, and he quoted portion of that act.

Mr. Ing said that is the land use statutes. He said you can't just take the land use statutes and superimpose that on top of the deed restriction, which is more restrictive. He said the board is limited to the deed restriction.

In referring to the statutes that Mr. Nevels quoted, Mr. Ono said one of the biggest concerns, when the bill was being discussed, was the very thing that the board is discussing here today.

Mr. Ono asked Mr. Nevels whether this area (Lalamilo) is good for truck farming.

Mr. Nevels said it is. The soil is good for farming.

Mr. Ono wondered why they are going into hydroponics if it is such a good area for truck farming. If it is marginal land, they usually go into hydroponics rather than taking one of the better truck farm areas.

ACTION

Mr. Higashi moved to approve staff's recommendation to deny, with the understanding that the applicant can reapply, submitting all of the data requested by the board. Mr. Kealoha seconded the motion.

Mr. Higashi said the other question is why this site. Why not other alternate sites, such as Parker Ranch lands, etc.

Mr. Nevels said he had some negative feedback on Parker Ranch lands.

Mr. Ono explained to Mr. Nevels that the motion is to go with the staff's recommendation with the understanding that further work and discussion take place. If Mr. Nevels desire to pursue this matter further with the board, then he must come back with more specifics. He said the board is not saying that the concept is not good. The board just doesn't have enough data to go with the idea.

Mr. Higashi said we need data on by-products and products, rather than the broad scope of how good this wind energy is. The board would also need statement of commitment. If Mr. Nevels is going to cease the agricultural activity which the land was intended to be used for, Mr. Higashi asked whether he is willing to cease the activity of industrial use. He said we need some kind of a statement of commitment to the land or the intent of the use.

Mr. Ono said the other sensitive area is the connection between the hydroponics operation and the production of energy, other than the cash flow being better if you have energy being produced.

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

CDUA FOR A TEN-FOOT WATERLINE EASEMENT ACROSS STATE LANDS
AT KAWAIHAE, HAWAII

ITEM H-1

Mr. Evans said the last sentence on page 1 under Proposed Use should correctly read "ten-foot wide easement" instead of "ten-inch wide easement."

This was a request for a waterline easement within our resource subzone on state-owned land at Kawaihae. The purpose of this easement is to establish

waterline for fire fighting purposes. Mr. Evans said there has been a proposal for subdivision in the urban area. Before that subdivision can be approved, they need adequate fire fighting water. As a result they need to increase the existing easement to ten feet.

The Division of State Parks has indicated that although the area in question is not in conservation district, the surrounding area does have qualities that should seriously be considered for state park. So the State Parks Division included this in their budget for the purpose of condemning the surrounding area for a state park. This is expected to be done by 1985-1986 as part of their land acquisition program.

Staff recommended approval of the easement as requested with an additional condition that should the state be successful in the scheduled land acquisition by our Division of State Parks that the condemnation value be based upon the existing three-foot wide easement, which is presently covered by General Lease No. S-4483.

Mr. Higashi asked the staff whether they discussed that condition with the applicant.

Mr. Evans said he has discussed that concept with the applicant's counsel. The actual time figures were discussed. For example, he said there was a discussion of what the land value is for ten years. What is the land value for five years. They didn't really come to any kind of specific time frame.

Mr. Higashi said there are several uses of the water so the purpose should so reflect that. They need this easement for subdivision purposes and they want to use some of that water for the purpose of putting in a public bathroom facility. It is not only for fire fighting purposes.

Mr. Ono asked whether there was a public hearing on this application.

Mr. Evans said we did not.

Mr. Ono said he would have concern if we are going to change the use at this point. If the use as it originally came in was for waterline for fire fighting purposes only, and if you are going to broaden the scope for the use, he said, that is another matter.

Mr. Evans said the proposed use in the conservation district is the subject of the CDUA. The subdivision is outside the conservation district.

Mr. Ono said the submittal is very specific in the proposed use. The applicant requests use of state lands to establish a waterline for fire fighting purpose. It is very specific. He didn't know whether we can broaden the purpose.

Mr. Higashi asked Deputy Attorney General Johnson Wong whether he had any comments to make on this.

Mr. Wong recalled, as an example, the Tantalus property where the owner wanted to build hot houses. His plan was to sell the plants, but the sale was not to take place at the conservation area but somewhere else. Mr. Wong thought the board had concluded at that time that because the purpose was a commercial purpose, we were required to have a public hearing. He said in this particular case the applicant wants a roadway easement using a waterline to permit a subdivision. He thought there is a commercial aspect here, too.

Mr. Kealoha asked what is the present line used for.

Mr. Detor said the present line is used to supply water to the residence there. There is a waterline there now, but he is subdividing it into four lots and he cannot subdivide the lot without the six-inch waterline.

Mr. Ono said staff's recommendation does not say anything about the use being specific that it is for fire fighting purposes. He asked whether there was a reason for that. He said it's a major deviation from the original stated purpose. He said there is no limitation as to how they can use the water from the six-inch waterline. He didn't see anything in the recommendation which limits the use. He felt that if the staff is going to deviate such a major deviation it is only appropriate that the staff calls this to the board's attention. He said if we go according to the recommendation, they can use it for anything. It doesn't limit it to fire fighting purposes. He said that was a key omission. If that was unintentional, fine. But if it was intentional, he wanted to know why.

Mr. Evans said he hadn't thought of it.

Mr. Higashi asked Mr. Detor whether, in order to get a subdivision, they have sufficient water for potable use right for the residential use.

Mr. Detor said it was his understanding that they need a six-inch line to meet county standards. Whether they have enough water now with that present line to take care all of this, he didn't know.

Mr. Norito Kawakami, counsel for the applicant, said his conversation with Dr. Lowrey and Mrs. Lowrey has been that the line will be used for both drinking water and for fire fighting, and whatever other purpose. The reason for the ten-foot wide easement in perpetuity is that the whole system is to be turned over to the county after Dr. Lowrey has installed it at his own expense. It was his understanding from Dr. Lowrey that the old lines will actually be taken out.

Mr. Kawakami requested that this matter be discussed here as much as we can today on the basis of whatever information that is available, but that the hearing be continued for two weeks. Whatever information that he will not be able to give the board today, he would like to have Dr. Lowrey come in and present his case to the board. From their standpoint, Mr. Kawakami said, there is no change in use because at the present time the smaller diameter pipe over that narrow easement is being used for both household use and for fire protection, and the use of the water that will flow over the easement is the same as it is now. The problem basically is that a larger diameter pipe has to be installed because of the county requirement in accepting for dedication.

Mr. Kealoha asked Mr. Kawakami when the original pipe was put in.

Mr. Kawakami said he didn't know. He thought it was twenty years or more. He said this is the kind of question that he would like Dr. Lowrey to answer.

Mr. Ono said the problem is the application expires on the 11th of May, and the next board meeting is on May 13, which is beyond the 180-day expiration date.

Mr. Kawakami said whatever is actually done on those lots would have to receive county approval. So if the county does not approve whatever he wants to do on the basis of whatever type of approval they get from the Land Board, Mr. Kawakami said, then they'll have to come back again specifically for use which the county will require.

Mr. Ono said that was his concern. If the board approves this for fire fighting purposes, and knowing what the applicant's interests are, and one month later they can come back and say that they would like to expand the use for domestic purpose, you already got the approval to put the line in.

Mr. Kawakami said if the board denies this on the basis of these unanswered questions, they would like to be able to renew the application without waiting for one year.

Mr. Ing said he doesn't quite understand the problem. He asked whether there may be a commercial use and there has been no public hearing, or does the problem lie in the proposed use? If it is with regard to whether or not this is a commercial use, he said, the board is probably focusing on one link in the chain of events, and he didn't think it was proper for the board to attempt to focus on every link in chain of events. There is going to be a subdivision outside of the conservation area. However, if you look at the ultimate use of that property, it's going to be residential. He didn't see that as a commercial use because the ultimate use and that water is going to be residential. He felt that the board should look into what's going on in conservation land and decide whether or not there is a commercial activity. Otherwise, he said, the board would be faced with a problem. Almost everything that occurs in the conservation land is going to have another use even if it's just a temporary variance to conduct test, if the test is eventually going to need some type of development. With regard to the Tantalus property which was brought up by Mr. Wong as an example, Mr. Ing said there you had a wide line of an ongoing, continuous commercial venture (the growing of plants, etc., and transferred and sold elsewhere), occurring partly on conservation land. Whereas, here, you have a waterline which crosses conservation land. Granted, he said, for the purpose of a subdivision, but the ultimate result is that it's going to be residential.

ACTION

Mr. Higashi moved to approve the use for fire fighting purposes as submitted, subject to the Attorney General's review on whatever legal question that they may have. He said if it's going to be used for some other use, they have a choice of cancelling the old request and submitting a totally new application.

Mr. Ing seconded the motion.

Mr. Kealoha asked whether they are going to use that existing one-inch pipe for the same purpose as they are using it now.

Mr. Evans said yes.

On the call of the question, Mr. Ono casted a no vote so the motion did not pass.

Mr. Kealoha moved for reconsideration. Mr. Ing seconded and the motion was unanimously carried.

Mr. Kealoha moved that Item H-1 be denied.

Mr. Ing said assuming that the board denies staff's recommendation and the application is denied, and the applicant were to reapply, he asked whether we can expedite the application to some extent so the applicant would not have to wait for another five months.

Mr. Evans said he would have to check on the one question whether or not we would have to go through a public hearing. If we don't have to go through a public hearing, staff can expedite it and not take five months to go through the process, Mr. Evans said.

Mr. Ing seconded. On the call of the question, the motion was unanimously carried.

The board recessed at 11:30 A. M. and the meeting resumed again at 11:45 A. M.

ITEM H-2 CDUA FOR A MOORING FOR THE VESSEL TAMURE TAMURE AT KAILUA BAY, KAILUA-KONA, HAWAII

Mr. Ono said a question was raised whether we can proceed with this particular item because there is a question on who is the applicant, and whether we can act on it at this time without affecting the estate and some other legal questions.

Deputy Attorney General Johnson Wong said inasmuch as the applicant is now deceased, the application is moot, unless an application is resubmitted on behalf of the estate.

Mr. Evans said the original application was made by Beans Beans. Following the unfortunate happening, staff tried to contact someone at the company and found a general manager for the company by the name of Mr. Bob Blackbill, and it was under the name of Cruises, Inc. He said the actual vessel itself was owned by Beans Beans and it was leased to Cruises, Inc.

Mr. Wong said if the legal user thereof is Cruises, Inc. and unless there is a prohibition in the lease, the lessee is submitting the application to moor that particular boat at a particular site. He felt that the lessee would be the applicant, unless there is something in the lease that says the lessor must consent thereto.

Mr. Evans was not aware of the lease.

Mr. Ing suggested that we have this matter deferred and have them submit the lease showing the proper owner of the boat, and have them request an amendment in writing.

ACTION The board had no objection to deferring this matter to address some of the legal questions discussed above.

The chairman reminded the staff to have this item back on the agenda before June 25, 1983, the expiration date.

The chairman also asked the representative to keep in touch with Mr. Evans to work on the specific concerns and questions that were raised.

TEMPORARY VARIANCE FOR TEMPORARY LOCATION OF FOUR TOWERS
FOR A PERIOD OF TWELVE MONTHS FOR THE PURPOSE OF MEASURING
WIND SPEED AND DIRECTION AT MAALAEA, MAUI

ITEM H-3

This was a request for temporary variance at Maalaea on Maui. This is to put four towers up and the purpose of these towers is to measure wind speed and direction at Maalaea. The area is within our resource and general sub-zone. There is no foundation required and no permanent surface disturbance.

Staff recommended approval.

Mr. Ing asked how long is the temporary variance.

Mr. Evans said the temporary variance is for a maximum of one year and is not renewable.

ACTION Unanimously approved as submitted. (Ing/Higashi)

Mr. Ono asked what is the potential use of the data that is going to be collected and as it might affect this particular area.

Mr. Evans said as he understands it, the primary purpose is to determine whether there is commercial liability for wind turbine development at the site.

ITEM D-1 SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Higashi, unanimously voted to certify Mr. William Subica for the term ending June 30, 1984 to serve as director of the Puna Soil and Water Conservation District.

(See page 3 for Item D-2.)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

OAHU

Item F-1-a REVOCABLE PERMITS

UNIVERSITY OF HAWAII - Office of the State Director of Vocational Education, covering portion of the former OR&L Depot and Iwilei Produce Center Site, containing 4,016 square feet - for motor vehicle mechanic certification center

Mr. Detor said they already have two permits in that area. This would be additional space. Staff suggested that the existing two permits be cancelled and a new permit covering the whole area be issued.

Mr. Kealoha suggested that the staff inspect the site because the area seems more like 20,000 square feet than 4,000 square feet, and suggested that this permit be approved subject to this condition. He said they have cars parked all over the place.

Item F-1-b MICHAEL P. ROSSMAN, dba J & R EXPRESS, INC. - Lot 120A, Sand Island, Honolulu - for storage and maintenance of freight and related freight hauling equipment - \$834.00 per month

HAWAII

Item F-1-c PURCHASE MONEY MORTGAGE

MILES F. SULLIVAN, Trustee of the Sullivan Family Trust, 1982, as mortgagor, to MAHI ULUNI, a Hawaii partnership, as mortgagee - Grant of Easement bearing Land Office Deed No. S-26994 - Puako, Lalamilo, South Kohala

OAHU

Item F-1-d REVOCABLE PERMIT

JOHN G. MEYERS - State land located at Kawailoa, for farming purpose - \$15.00 per month

Item F-1-e

FRANK C. OBERLE - TMK 5-3-04:10 and 12; Waiono, Koolauloa - for diversified agriculture (excluding pig farming) - \$15.00 per month

HAWAII

Item F-1-f

SUBLEASE

UNIVERSITY OF HAWAII, as Sublessor, and THE SCIENCE AND ENGINEERING RESEARCH COUNCIL (SERC), as Sublessee - Kaohe, Hamakua - General Lease No. S-4191

KAUAI

Item F-1-g

REVOCABLE PERMIT

RICHARD CORR - Lot 9-A of the Hanapepe Rice and Kula Lots, Hanapepe, Waimea - for residence/general agriculture - \$190.00 per month

Mr. Ono said if the permit is issued, he would like to have Mr. Corr show evidence that he is going to actually start improving the land so he can get into farming, otherwise the land would stay idle. He asked that this be included as an added condition.

Item F-1-h

ASSIGNMENT OF LEASE

DANIEL Y. H. HONG, Assignor, to TIKI FARMS, INC., a Hawaii Corporation, Assignee - Lot 35, Keahole Agricultural Park, North Koha - G.L. No. S-4848

OAHU

Item F-1-i

REVOCABLE PERMIT

HARRY AZUMI MASONRY, INC. - Lot 510, Sand Island, Honolulu, for business and storage - \$306.00 per month

HAWAII

Added

Item F-1-j

COLLATERAL AGREEMENT

STATE OF HAWAII, FRANCIS D. OUYE, unmarried, and BANKCORP FINANCE OF HAWAII, INC. - Lot 60, University Heights Residential Subdivision, Third Increment, Waiakea, South Hilo - SSA No. S-5566

ACTION

The board, on Mr. Kealoha's motion and seconded by Mr. Higashi, unani-
mously approved Item F-1 as amended above.

CHRIST LUTHERAN CHURCH REQUEST FOR WAIVER OF PERFORMANCE
BOND REQUIREMENT, GENERAL LEASE NO. S-4004, WAIAKEA, SOUTH
HILO, HAWAII

ITEM F-2

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-3

STAFF RECOMMENDATION FOR REPURCHASE OF LOT 3 AND IMPROVEMENTS,
KURTISTOWN HOUSELOTS SUBDIVISION, OLAA, PUNA, HAWAII

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-4

U.S.A. (DEPARTMENT OF TRANSPORTATION, U. S. COAST GUARD) APPLI-
CATION FOR EASEMENT AT LAHAINA, MAUI

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-5 MAKENA SURF REQUEST FOR RIGHT OF ENTRY, HONUULA, MAKAWAO, MAUI

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-6 CITY & COUNTY OF HONOLULU REQUEST FOR RIGHT OF ENTRY AND EASEMENT AT KANEOHE, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-7 STAFF RECOMMENDATION FOR ACCEPTANCE OF LICENSE FROM U. S. NAVY COVERING TV TRANSLATOR STATION SITE FOR THE HAWAII PUBLIC BROADCASTING AUTHORITY, MCAS, KANEOHE, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-8 EASTER SEALS SOCIETY OF HAWAII REQUEST FOR PERMISSION TO HOLD FUND RAISER AT FT. DERUSSY BEACH, HONOLULU, OAHU

Mr. Detor said the applicant has requested that their application be withdrawn. They want to hold their Tug-of-Love Event at Ala Moana Beach Park instead of at Fort DeRussy Beach.

ACTION WITHDRAWN.

(See pages 2 and 3 for Item F-9.)

ITEM F-10 CITY & COUNTY OF HONOLULU APPLICATION FOR DRAINAGE EASEMENTS, KALIA, WAIKIKI, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM F-11 JOSEPH S. SINGLETON REQUEST FOR EXTENSION OF DEFAULT DEADLINE, G. L. NO. S-4778, KAPAA, KAUAI

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-12 JERRY LEWIS REQUEST FOR PERMISSION TO REMOVE IMPROVEMENTS FROM PROPERTY COVERED BY G.L. NO. S-3735, HANAPEPE, KAUAI

ACTION Unanimously approved as submitted. (Kealaha/Ing)

ITEM F-13 DAGS REQUEST FOR AMENDMENT OF LEASE COVERING SPACE IN THE OLD FEDERAL BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM F-14 B&F REQUEST FOR ACQUISITION OF LEASE COVERING ROOMS 102 AND 103 OF THE CENTURY BUILDING, HILO, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

Mr. Ono asked why this lease was coming in so late. This lease goes back to December. He asked Mr. Detor to check into this.

Mr. Detor explained that some of these leases were delayed because Warren Yue, who has been handling these matters, has been on sick leave. So it may not be the agency's fault. He said he'll check it out.

ITEM F-15 B&F REQUEST FOR ACQUISITION OF LEASE COVERING THE 2ND AND 4TH FLOORS, "A" BUILDING, COMMUNITY SERVICE CENTER, HONOLULU, OAHU

ITEM F-16 DIVISION OF STATE PARKS REQUEST FOR ACQUISITION OF LEASE COVERING STORAGE SPACE AT 66-460 HALEIWA ROAD, HALEIWA, OAHU

ITEM F-17 DOH REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 205 IN THE ONE KAPIOLANI BUILDING, HONOLULU, OAHU

ACTION Items F-15, F-16 and F-17 were unanimously approved as submitted. (Higashi/Kealoha)

(See pages 3 to 6 for Item F-18.)

ADDED
ITEM F-19 REQUEST FOR ACQUISITION OF OPERATING AND RIGHT-OF-ENTRY AGREEMENT FOR PUBLIC TV SYSTEMS, WAIKII, WAIMEA, HAWAII

This matter was deferred at the last meeting because the board was concerned with the rental rate of \$500 per year.

As instructed by the board, Mr. Detor said he talked to Parker Ranch people and they have agreed to the \$120 per annum rental rate.

Mr. Ono said the record should show that \$120 is arrived at because is is comparable to our minimum rate of \$10 per month, including administrative cost.

(See pages 6 to 11 for Items H-1, H-2 and H-3.)

ITEM H-4 WITHDRAWN

ITEM H-5 TEMPORARY VARIANCE FOR A FEASIBILITY STUDY FOR THE PROPOSED SECOND HYDROELECTRIC PLANT AT WAINIHA VALLEY, KAUAI

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ADDED
ITEM H-6 CDUA FOR SKI INSTRUCTION AND TOUR BUSINESS AT MAUNA KEA, HAMAKUA, HAWAII

This was a resubmittal. The Environmental Impact Statement, which was prepared by the University and accepted by the appropriate authority, addressed the question of skiing. Staff felt that the environmental question adequately addressed skiing. Staff, however, was concerned about enforcement and felt that by establishing a performance bond, which would be required of every successful applicant, this should take care the situation, in terms of enforcing the conditions that the board may place on the applicant.

With reference to the carrying capacity, staff felt that since the University has developed a carrying capacity for a number of telescopes on the mountain, they can equally develop a carrying capacity for skiing on the mountain.

Mr. Evans said staff disagreed with Condition No. 5 which the University has placed upon the applicant (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.), and recommended instead Condition 12 in the submittal. The University's position is that any official vehicle, those identified and being associated with one of the telescopes

by logo has the right of way. Staff felt that the general public should have the right of way over all the vehicles operated by commercial ski tour or the University with the exception of snow clearing vehicles.

Staff felt that the initial term of use should be for eighteen months from the date of approval, and during that time if the University sets the criteria by which the skiing carrying capacity can be measured, that they measure the use as it relates to the criteria over the winter season, and return to the board with an established carrying capacity for skiing with categorization made for commercial use and general public use.

Mr. Higashi asked how many people are we allowing this person to take up.

Mr. Evans said when he spoke with Mr. Harold Masumoto of the University, it was his understanding that they were talking about ten. Staff did not set any specific numbers, however, in the recommendation.

Mr. Ono asked whether they added that to the situation when we have another commercial operator.

Mr. Evans said they would direct them to the University to see what concerns, if any, the University may have. They want the University to come in as an applicant on any further commercial ski use.

Mr. Ono said then we should let them know as soon as possible.

Mr. Ono had a question on Condition 12 (The general public shall have the right of way over all vehicles operated by a commercial ski tour, including those vehicles staffed by the University.) He asked whether this would be a proper document to use to impose a condition on the University.

Mr. Evans said since this particular question was brought up at a meeting between the University and the applicant, in terms of who has the right of way, staff felt that it would be equally proper to address it within this document.

Mr. Ono said he didn't read this as being the same. He said the University's Condition 5 relates only to the priority between the University vehicles versus skiers' vehicles. Whereas, Condition 12 is a condition of the board. To him, he said, it adds as different dimension to it, talking about the general public having priority over the ski operators and the University.

Mr. Evans said if the people want to use the mountain for skiing, it was the staff's feeling that the general public should have priority. However, as to whether or not this is the proper vehicle for it, Mr. Evans said he didn't know.

Mr. Higashi said he would like to delete Condition 12. Since the University is charged with the management of the mountain, we should ask them to handle the responsibility of the traffic. He felt that it is inappropriate to use it as a condition. He said he would also like to include the number of people in the submittal and suggested that Condition 14 be amended to include 10 or 12 people, including the instructors, as the permitted number of people that will go along with this application, until such time as the University comes out with a carrying capacity and re-evaluation of the numbers at that point of time.

ACTION Mr. Higashi moved for approval as amended.

Mr. Ono said when you give the general public priority over the University scientists' vehicles, the general public is ahead of the line.

Mr. Evans said in terms of the snow play and skiing use, when the board in 1968 gave the lease to the University, it reserved certain aspects, in terms of the use of the mountain, and one of them was the recreational aspect. He said when he read their Condition 5, when they are talking about official vehicles with the University log, has priority, staff was concerned about the University closing it off to the general public.

Mr. Ono said, however, this applies not only during the snow period. It's all year around. He said it doesn't say it applies only during the winter months. That is why he said he had reservations about putting in a policy statement in here.

Mr. Ing seconded and the motion was unanimously carried.

Mr. Ono asked Mr. Evans that the traffic control problem is brought up when the Mauna Kea Plan is discussed. He wants to be sure that it gets back on the agenda for discussion when the Mauna Kea Plan is discussed.

ADDED
ITEM H-7 REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION DISTRICT FOR COMMERCIAL PURPOSES

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM J-1 CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (AIR MOLOKAI, INC.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-2 CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (COMMUNITY SYSTEMS CORP.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

(See page 3 for Item J-3.)

ITEM J-4 MODIFICATION NO. 10 TO LEASE NO. A-62-13, HONOLULU INTERNATIONAL AIRPORT, OAHU (CANADIAN PACIFIC AIR LINES, LTD.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (THOMAS AKANA, JR.)

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM J-7 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION

Mr. Garcia asked to make amendments to two permits listed on page 3 of the

board submittal. He asked to delete the recommended rentals on Permit H-81-899A to Castle & Cooke Terminals, Ltd., and Permit H-82-992 to Terminal Co., Inc. DOT would like to keep the same rental, Mr. Garcia said.

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

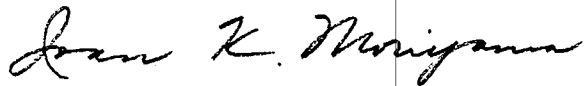
ISSUANCE OF REVOCABLE PERMIT NO. HY-82-692, HIGHWAYS DIVISION,
FORT WEAVER ROAD, EWA, OAHU (HOWARD K. KAM AND ELEANOR C.
ITEM J-8 KAM DBA KAMSCO DINER & DRIVE INN)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

Mr. Garcia said at the last board meeting the chairman asked him whether Kenai Air was expanding because there were lots of permits being issued to them. He reported that they have expanded and they have three additional helicopters so they needed more space.

ADJOURNMENT: There was no further business and the meeting was adjourned at 12:40 P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm