

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

DATE: June 9, 1983  
TIME: 9:00 A. M.  
PLACE: DLNR Board 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 9:15 A. M. The following were in attendance:

Members

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

(Mr. Takeo Yamamoto was absent  
and excused.)

Staff

Mr. Roger Evans  
Mr. James Detor  
Mr. Nobu Honda  
Mr. Roy Sue  
Mr. John Corbin  
Mr. Mel Young  
Mr. Maurice Matsuzaki  
Mrs. Joan K. Moriyama

Others

Dep. A. G. Johnson Wong  
Dep. A. G. Dona L. Hanaike  
Dep. A. G. William Tam  
Mr. Howard Green (Item H-3)  
Mayor Tony Kunimura (Item H-7)  
Rep. Alfred C. Lardizabal (Item H-7)  
Mr. Ivan Nakatsuka (Item H-4)  
Navy Representative (Item F-17)  
Mr. Bill Olsen (Item F-1-b)  
Mr. Richard Wada (Item F-1-a)  
Mr. Frank Perkins (Item F-21)  
Mr. Peter Garcia

Minutes

The minutes of April 22, 1983 were unanimously approved as circulated.  
(Higashi/Kealoha)

Added  
Items

The board, on Mr. Higashi's motion and seconded by Mr. Kealoha, unani-  
mously voted to add the following items to the board agenda:

Division of Land Management

Item F-23 -- Authorize Acquisition of Surplus Federal Land at Waiawa  
Military Reservation, Ewa, Oahu

Administration

Item H-9 -- Filling of Position No. 13120, Personnel Clerk IV, SR-11,  
Personnel Office, Oahu

Division of Conservation and Resources Enforcement

Item I-2 -- Appointment of License Agent

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

ITEM H-3

RESUBMITTAL OF A CDUA FOR A MOORING FOR THE VESSEL TAMURE  
TAMURE AT KAILUA BAY, KAILUA, HAWAII

This matter was deferred at the last Kauai meeting because of the death of the applicant. The board was concerned that some potential legal problem might arise. A Mr. Bob Brackbill, who indicated that he represented the applicant, was present at that meeting.

Mr. Evans said he discussed this matter with the Attorney General's staff and was informed that that factor alone did pose a problem, that the status of the estate will be decided through the courts. Consequently, the status of the ownership with respect to the vessel, Tamure Tamure, will also be decided by the court. Mr. Evans said Mrs. Elizabeth DeNegro was appointed by the court as a special administrator.

Staff recommended denial, which was basically the same recommendation as it was originally submitted to the board, for the following reasons:

1. The potential precedent which may be set by allowing a permanent mooring in Kailua Bay.
2. The concerns raised in 1980, which were deemed significant enough, to remove Kailua Bay from the list of possible state-wide mooring sites, have not been adequately addressed.
3. Since Kailua Bay was once considered as a site for a state-wide mooring area, Department of Transportation should initiate any future request for permanent moorings in Kailua Bay, either through amending Conservation District Use Application SH-1232, or by filing a new Conservation District Use Application.
4. The legal ownership of the vessel has yet to be resolved, and any action on this application may be inappropriate at this time.

Mr. Higashi asked Deputy Attorney General Johnson Wong whether the approval of the use runs with the ship. Mr. Wong thought that it does.

Mr. Higashi asked how that would cloud the title of the ownership.

Mr. Evans said at the Kauai meeting the question arose as to whether Mr. Brackbill could legally represent himself as the applicant when the applicant initially was Mr. Beans Beans, who has since passed away. This also raised the question of who owns the vessel itself. Mr. Evans said he was informed by Deputy Attorney General William Tam that it is a touchy question and that it should be resolved through the courts.

Mr. Wong said we are concerned here primarily with the use, and, the question of ownership should be immaterial.

Mr. Ing said the problem arose because of the applicant. The question was whether that person was a representative of the applicant, and whether the use ran with the person.

Mr. Ono asked whether the applicant has been officially changed.

Mr. Evans said staff changed it because the original applicant is deceased, and staff was subsequently informed that Mrs. Elizabeth DelNegro is now the administrator for the estate.

Mr. Ono said if the staff changed it, then the question of legal ownership is not a problem.

Mr. Evans said in the staff's opinion the legal ownership of the vessel is still a question because it can only be resolved through the courts.

Mr. Howard Green, the attorney for Elizabeth DelNegro and for Cruises, Inc., was present, and briefly addressed the board to clarify the issue of ownership. He said Mr. Bob Brackbill is the operations manager of Cruises, Inc. He said Mr. Beans Beans, the original applicant, died on April 8, 1983. Mr. Beans was the owner of the boat, and the boat had been leased to Cruises, Inc. Because of the situation that existed, Mr. Green said a special administrator was appointed by the Third Circuit Court in Hilo. The Special Administrator is Elizabeth DelNegro, Mr. Beans' mother. Under the law, the Special Administrator takes possession, control and ownership of the assets of the deceased, subject to a final determination. So the Special Administrator does, in fact, hold title and has the ability and the power to deal with those assets, subject to court approval. Mr. Green further stated that the Special Administrator is in a position to make the application and is the owner of the boat for all purposes at this time.

ACTION Mr. Ing moved to approve staff's recommendation as submitted, which was for denial, and Mr. Higashi seconded the motion. There was no further discussion and the motion was unanimously carried.

ITEM H-7 CLARIFICATION OF BOARD'S APPROVAL FOR CDUA AMENDMENT FOR A NINETY-FOOT WOODEN TRIPOD ANTENNA SUPPORT STRUCTURE AT MT. KAHILI, KALAHEO, KAUAI

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This submittal was to clarify the May 27, 1983 board action, which provided for an amendment for a 90-foot wooden tripod antenna support structure at Mt. Kahili. At that meeting, the board imposed Condition 15 which limited the use to noncommercial use; should a commercial use be desired, that a new Conservation District Use Application shall be submitted for consideration by the board.

Mr. Evans said following a CDUA approval, the applicant normally submits construction plans to our department for review and approval to insure consistency between the board's action and what is actually going on the ground. The construction plans that were submitted indicated provisions for commercial use.

In terms of the clarification, staff recommended as follows:

1. That the board sustain Condition 15, relating to noncommercial use imposed by the board on May 27, 1983.
2. To allow the applicant (the county) to have remaining any existing commercial users that may be there.
3. However, to require any other or future commercial user of the land to comply with Condition 15 imposed by the board at its May 27, 1983 meeting.

Mr. Evans said in his discussion with the county, they were in basic agreement with Recommendations 1 and 2 above. They did, however, have concern with Recommendation 3 on the future user.

Mr. Ono said Recommendations 1 and 2 seem to be contradictory.

Mr. Evans said this is because the set of plans that were approved on October 15, 1972 by the department made provisions for commercial use.

Mr. Ing asked whether we had the current Regulation 4 and the subzones at that time.

Mr. Evans said no.

Mr. Ing asked whether the staff knows now whether there was a requirement for a public hearing.

Mr. Evans said the regulation in effect at that time required that commercial use undergo a CDUA process and a public hearing.

Mr. Ing asked whether the approval of the CDUA was subject to the terms and conditions by the chairman and subject to approval of the construction plans.

Mr. Evans said that CDUA approval was subject to the county submitting plans to us for our approval, which they did.

Mr. Ing said as it stands now, there is commercial use of the existing tower.

Mr. Evans said that is correct. There are several towers in the area, and the plans show commercial use.

Mr. Higashi asked whether there is any major environmental or other kinds of concerns we have in the land use itself.

Mr. Evans said when the request for the amendment came in, staff felt that there were no serious environmental land use issues. As such, staff felt that the government use can be processed as a permitted use.

Mr. Higashi asked whether we find the commercial use conflicting or non-conflicting with the governmental use.

Mr. Evans said in terms of the substance, he would think not conflicting.

Mayor Tony Kunimura said this is the hub of their communication system. This whole thing was put together because the County of Kauai on its own

fiscal strength cannot put this consolidation effort because it's going to cost money. So they got the Kauai Cable TV, and they agreed to put the necessary improvements and consolidation of all of the radio antennas and television repeater station antennas up there. Mayor Kunimura said he doesn't know how long this company would be favorable in putting that antenna.

Mayor Kunimura further stated that because of the circular nature of the Island of Kauai, under the present mode of repeater system, it is almost impossible to get television to places such as Anahola, Kekaha, Waimea. The only way they could provide quality television to the outlying areas is to have a microwave antennas up there. He said this is an extension of the original effort by the people of Kauai. Mayor Kunimura said this project has been endorsed by the Outdoor Circle.

Mayor Kunimura said if they have to go through a CDUA process for this microwave dish to be placed on the antenna, then, because cable television is almost a utility under the present law, they would like to have a temporary permit to put up those microwave antennas.

Representative Alfred Lardizabal fully supported Mayor Kunimura's request and humbly asked the board to favorably act on this request.

Mr. Ing said in effect the board authorized the commercial use back in 1972 by virtue of the approved construction plans.

Mr. Evans said when the staff checked the CDUA file there was no representation made in that file that commercial use was approved. However, the plan, which was approved by the chairman, showed the commercial use. Staff felt that if they are going to expand the use, they would have to come back to the board.

Mr. Ing said in cases where people go up just to maintain the system we have not required them to file a CDUA. Where people have gone up just to replace one antenna with a new one, we have not required additional amendment to the CDUA.

Mr. Evans said no, not on the question of maintenance, and we have not required amendment to the CDUA if it is the same height.

Mr. Ing said in this case we are going to allow to put up a 90-foot tripod, and it's already been established as a commercial use, by prior action by the department. Here they want to add a dish, which will not extend the height. Mr. Ing said it doesn't seem to him that they are adding to the use, nor that it would be a new use or an expanded use of the nature that would create a greater impact to the environment. He said it's not what he consider material enlargement of the facilities. He said we have made that distinction in other CDUA cases where we've looked at the nature of the improvement to be made to see whether or not that is going to greatly expand the physical facilities or have a greater impact on the physical environment.

Mr. Evans didn't feel that it is going to impact on the environment. However, he said, Mr. Ing raised a very good point.

Mr. Ono said, in following up with Mr. Ing's question, the commercial use of the antenna has already been determined.

Mr. Evans said insofar as a set of plans was approved, and in those plans there is representation for commercial use, he would have to answer yes. However, under the CDUA process, commercial use had not been approved.

Mr. Higashi said since the plans were approved by the chairman, which clearly defines the use, he looked at this as an approved use. In his estimation there is no additional effect on the environment, he said.

ACTION Mr. Higashi moved that the board approve the commercial use of the existing facilities, and the additional use of the dish for the purpose of tv. Mr. Kealoha seconded the motion.

Mr. Ono said there is a possibility that the antenna may be used for other types of commercial use, such as FM station, which would require the antenna to go up another fifty feet. He said in such cases where you are going to alter the structure, it would most likely require a new CDUA. That clarification should be placed on the official action. Otherwise, he said, we may be misleading some party that they can do lots of things of commercial nature without coming back to the board in the future. He said that is not the intent of the board, nor is that the intent of the motion.

Mr. Higashi so amended his motion to include the above condition as recommended by Mr. Ono. Mr. Kealoha seconded the amended motion. On the call of the question, the amended motion was unanimously carried.

ITEM H-4 CDUA FOR AFTER-THE-FACT GRADING AND PROPOSED REVEGETATION AT KAHALUU, OAHU

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This was an after-the-fact application which entailed some grading and proposed revegetation at Kahaluu. The area is private land and it is within our general subzone. The applicant had graded an area of about 14,000 square feet to widen the footpath for easier access to higher scenic areas.

Staff recommended approval. However, because this is an after-the-fact application, staff recommended a \$500 fine for the violation.

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM F-17 DAGS ON BEHALF OF DOE REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (4/22/83, AGENDA ITEM F-9) AUTHORIZING EXCHANGE OF LAND WITH U.S.A. AT MAKALAPA, OAHU

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This was a request for amendment to a previous board action. At the April 22, 1983 board meeting, the board approved an exchange between the state and the Federal Government (Navy) under which land adjacent to the Pearl Harbor Kai Elementary School would be exchanged. There was imbalance as far as the value was concerned in favor of the state in the amount of \$135,100.00 which the Federal Government would pay to the state to equalize the exchange.

The State Department of Accounting and General Services, on behalf of the Department of Education, has requested that the previous action be modified so that another parcel of approximately 30,208 square feet owned by the Federal Government would be conveyed to the state and made a part of the exchange. This would reduce (depending on the value of this particular parcel that would be established by independent appraisal) the amount of

money that the Federal Government will be paying to the state to equalize the exchange.

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM F-22 RESUBMITTAL - DCCA REQUEST FOR APPROVAL OF EXTENSION OF LEASE COVERING SUITE 2121, DAVIES PACIFIC CENTER, HONOLULU, OAHU

This was a resubmittal. This was deferred at the last meeting. This was a request for approval by the Department of Commerce and Consumer Affairs (DCCA) for extension of a lease, covering office space in the Davies Pacific Center. The reason for the deferral was because the board was concerned with the \$1.81 per square foot per month rental rate.

Mr. Detor distributed to the board members copy of a letter from Mrs. Mary Bitterman, the Director of DCCA, explaining the circumstances attendant to the establishment of that rate. This is for a six-month lease. Mrs. Bitterman is saying that she wants to go with this high rate, although there are other spaces in the buildings in town at a lower rate, for two reasons: (1) because of the proximity of the available space to where the records are kept; and (2) they anticipate moving, and they can't get shorter term leases.

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM F-6 RESUBMITTAL - SOUTH PACIFIC CHRISTIAN CAMPS INC. REQUEST FOR APPROVAL OF CAMPSITE USE RATES AND CONSTRUCTION PLANS, MAKAPALA, NORTH KOHALA, HAWAII

This matter has been pending for sometime. The board, on October 9, 1981, authorized the issuance of a notice of default in connection with a general lease, held by South Pacific Christian Camps, Inc. covering a camp site in North Kohala, Hawaii. The default items were: First, failure to obtain prior approval of the board of plans for renovation of existing structures. Second, failure to obtain approval of the board for room rental rates advertised in promotional camp literature, as required by the terms of the lease.

Mr. Detor said the former people who held the lease are now out of the picture, and the new people who have come in have proceeded to remedy the defaults. They have also submitted proposed room rates, as listed on the second page of the board submittal.

Staff recommended that the board authorize the chairman to approve the after-the-fact construction and approve the room rental rates and food charges as proposed.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

Item F-1-b KOKEE VENTURES REQUEST FOR CONSENT TO ASSIGN GENERAL LEASE NO. S-4875, KOKEE STATE PARK, WAIMEA, KAUAI

This was a request for consent to an assignment of a lease covering the Kokee State Park concession. This was bid in by Kokee Ventures, a Hawaii partnership, who prefer to operate the Kokee concession in the corporate form, Kokee Ventures, Inc.

Mr. Ono asked Mr. Bill Olsen, Secretary of Kokee Ventures, Inc., how they are doing after the hurricane.

Mr. Olsen said they opened on April 1983. They have all of the concessions in operation at this time, except for the sale of alcoholic beverages. They nearly have 100% occupancy on the cabins. They've had excellent cooperation from everybody involved.

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

Item F-1-c KULA AUKAI SWIM SCHOOL APPLICATION FOR R. P., SANS SOUCI BEACH, WAIKIKI, HONOLULU, OAHU

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This was a follow-up action of a CDUA. Mr. Detor asked to make one correction in the remarks column on page 2 of the board submittal, where it lists the CDUA requirements. Condition No. 1 says that approval shall be for a period of six months from the date of this board meeting, December 17, 1982. He said that's an error. At that meeting that particular condition was amended to read, "One year from the time the first class begins." That first class has not begun yet. He said if it starts tomorrow, it will be one year from tomorrow. Mr. Detor said they mentioned July 7, 1983.

ACTION Following a brief discussion on the starting date, Mr. Kealoha moved, Mr. Ing seconded, and the board unanimously approved the application as amended, the effective date to be July 1, 1983 to June 30, 1984.

Item F-1-a AMERICAN CRANE & RIGGING, INC. APPLICATION FOR R. P., KALIHI-KAI, HONOLULU, OAHU

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This was a follow-up of a deferment by the board at a previous meeting. The reason for the deferral was because staff came in originally with a recommended rental rate of 3½¢ per square foot, which is less than the Sand Island rates. There was some imbalance between the two rates, Mr. Detor said.

The staff appraiser has reviewed this matter and recommended that 6¢ per square foot be imposed.

Mr. Ing asked why we are going on a revocable permit on such a large parcel.

Mr. Detor said as far as selling a lease is concerned, we cannot fully satisfy all of the City and County requirements as far as access and other considerations are concerned.

Mr. Richard Wada, representing the applicant, said basically they don't have any objection to the increase in rent. All they are asking is that it be uniformly applied to all of the adjacent permittees.

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM C-1 APPROVAL FOR AWARD OF CONTRACT - CLEARING OF DEBRIS FROM THE FOREST WITHIN PORTIONS OF THE NA PALI-KONA AND PUU KA PELE FOREST RESERVES AND OF THE WAIMEA CANYON AND KOKEE STATE PARKS, COUNTY OF KAUAI

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ACTION The board, on Mr. Ing's motion and seconded by Mr. Yagi, unanimously approved to award the subject contract for the subject project to Royal Contracting Company, Ltd. based on their low total bid of \$189,770.



REQUEST BY BOYS CLUB OF HILO FOR A FUND RAISING PERMIT FOR WAILOA RIVER STATE RECREATION AREA

This was a request by the Hilo Boys Club to use the Wailoa State Park for fund raising steak fry on July 29, 1983, Friday. They expect an attendance of about 400-500 people from 1 P. M. to midnight. The club also intends to sell beer and liquor at the event. Mr. Sue said State Parks Division has been denying requests for selling liquor in the state parks. He recommended that the board deny the granting of this permit.

Mr. Higashi recalled the board approving one previous request, at which time the board imposed a condition that they provide insurance and their own security because liquor was going to be sold. He said in this particular case they are going to have volunteer policemen. The insurance can take care the liability, he said. For this reason, he said he would like to have the use approved, as requested by the Boys Club for their annual steak fry, with the condition that they provide us with adequate insurance and that they also provide professional security.

Mr. Yagi said we should remind those people who consume liquor that there is a strict drunk driving law now on the books.

Mr. Ono said he feels uneasy about allowing sale of liquor in parks.

Mr. Ing suggested that we defer this to see whether or not they could proceed without the sale of liquor and how it will affect the fundraising aspect.

Mr. Higashi said if they need to change the place, they would need enough lead time to secure another place and promote the event by the sale of tickets.

ACTION

Mr. Higashi moved to approve the use of the activity as requested by the Boys Club, with the requirement that they provide adequate insurance and professional security, with additional security in the parking area, and that drinking be consumed only in the pavilion area.

Mr. Yagi asked whether the insurance would cover those people who get into accident after consuming liquor at the event.

Mr. Ing said the insurance would cover the sale of liquor so that should cover everything.

Mr. Yagi seconded the motion.

Mr. Kealoha asked how this ties in with State Parks Regulation No. 1.

Mr. Sue said no drinking or sale of liquor is allowed in state parks, except with the permission of the board.

On the call of the question, Mr. Ono and Mr. Kealoha voted no and the motion did not carry.

Mr. Yagi moved to defer this matter until the next board meeting. He said in the meantime Mr. Higashi can find out from the applicant whether these people could go only on the basis of a steak fry and soft drinks, rather than going into liquor and beer. Mr. Ing seconded the motion.

Mr. Higashi suggested that rather than deferring this that the board take action so they can choose some alternatives right away.

Mr. Yagi withdrew his motion.

Mr. Ing said if no liquor is to be sold, then they can go through the regular process and no action would be necessary by this board.

There was no action by the board on Item E-1.

ITEM E-2      MAKIKI ENVIRONMENTAL EDUCATION CENTER REQUEST FOR ASSURANCE OF THE STATE'S WILLINGNESS TO PROVIDE AN ADEQUATE TENURE ARRANGEMENT TO HOUSE THEIR PROGRAM

ACTION      Unanimously approved as submitted. (Ing/Yagi)

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Mr. Ono said we've had quite a bit of publicity within the last few days about the archaeological findings on the Big Island. Since the Historic Preservation Program is located within the State Parks Division of this department, he said, it would be appropriate for this board to have some kind of an understanding as to where we are, what needs to be done in the immediate future, not only for this department, but also for the entire community, to get a better handle where things stand and what direction we should go.

Mr. Sue said his staff has been following up with the events within the last three or four days and asked his assistant, Mr. Ralston Nagata, to give an overview of what had transpired.

Mr. Nagata said the owners of the property held a press conference on Sunday at which time they announced that they were dealing with a recently-formed Institute of Hawaiian Antiquities. At the press conference they informed the people that there was going to be some kind of a briefing at the University of Hawaii campus. One of his staff members attended that briefing to observe the situation.

Mr. Nagata said staff is concerned because it involves the historical preservation program. They were able to get hold of the person who was listed as the President of the Institute of Hawaiian Antiquities. He assured the staff that at least the property owners at this point decided to hold off any of their activities in these caves.

Mr. Nagata said they have also been in touch with the Office of Hawaiian Affairs, who apparently are looking along the same line to try to bring all of the parties together.

Mr. Nagata said this is the current status. The main thing is nothing is going to be done in the caves, at least for the time being.

Mr. Kealoha asked whether the staff knows how many landowners are involved in the entire scope of the caves.

Mr. Nagata said they are getting the information from the news media. He read in the newspaper yesterday that potentially there are hundreds of landowners. Staff doesn't know the exact location of the site. They have

an idea that it is near Pahoā. There was an observation made, he said, that the tubes are fourteen miles long. It was the staff's understanding that some of these tubes might possibly be under state jurisdiction.

Since this matter was not on the agenda, and since this is not a disposition requiring 72-hour notice to the public, Mr. Kealoha said, the board should add this matter on the agenda as Added Item E-3.

ADDED  
ITEM E-3

The board, on Mr. Kealoha's motion and seconded by Mr. Ing, unanimously voted to include the above matter to the agenda as Added Item E-3.

ACTION

Mr. Kealoha moved, seconded by Mr. Ing, to authorize the chairman to meet with the various governmental agencies, including OHA, and concerned individual parties for purposes of gathering more information or what direction to take.

Mr. Ing said the state should participate in the ongoing discussions and gather more information so that in the future the board would be able to make a determination, that whatever plans there are from the group that owns the land are in consonance with our Historic Preservation Act.

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

ITEM F-21

RESUBMITTAL - DLIR REQUEST FOR ACQUISITION OF LEASE COVERING  
SUITE 103, 1164 BISHOP STREET, HONOLULU, OAHU

This item was deferred at the last meeting because the board was concerned over the monthly rental rate. This was a request by the Department of Labor & Industrial Relations (DLIR) for approval of a lease covering floor space. The question was whether DLIR looked at other rental units that might be available in town.

Mr. Frank Perkins, representing DLIR, briefly addressed the board. He said he received some information from Wagner & Wagner, Leasing Brokers, regarding rental charges for A Class offices within the downtown district. The information is that \$1.46 per square foot is the rental rate that has been charged the Unemployment Referee's Office. At Pioneer Plaza, the rate is \$1.65 to \$1.74 per square foot. Grosvenor Center, \$1.78 to \$2.02 per square foot. The Hawaii Building \$1.75 to \$1.85 per square foot. Pacific Trade Center, \$1.77 to \$1.99 per square foot. Central Pacific Bank, \$1.25 plus 50¢ common area maintenance to \$1.75 plus 50¢ common area maintenance per square foot.

Mr. Ing said the problem with that is that we don't know the extent of the escalation price. For example, he said, whether other buildings include janitorial service or not.

Mr. Perkins said it was his understanding that escalation prices are included in these figures. The \$1.46 figure for the Referee's Office includes the escalation price.

Mr. Ing said the information given to the board indicates that the pro rata costs are on top of the \$1.46, so the total monthly rent comes out to \$2.07 per square foot.

Mr. Perkins said there must be some misunderstanding. Apparently, he said, the information has been misinterpreted somewhere along the line.

Mr. Ing said we should clarify that because the submittal might be in error.

Mr. Higashi asked whether they are re-negotiating a new lease.

Mr. Perkins said they have been in there. They are re-negotiating a new lease. He gave a brief background as to why they are in this building. In 1978, they were sued by Legal Aid for certain infractions. As part of the stipulated judgment this space at 1164 Bishop Street was granted. The stipulated judgment provided that this office must have similar space. Mr. Perkins said they don't want to be sued again. Additionally, he said, because of the cost of moving from there to other buildings, and the fact that there was no space available in any of the state buildings, as well as the Old Federal Building, they have no alternative but to remain there. He said the public has become accustomed to where they are located. To keep moving just for the sake of getting lower rental, he said, would not be an asset to their relation with the general public.

Mr. Ing said that's a valid factor, and he shared the concerns about having a place that the public is accustomed to, that there is an identity to a place and location where they can go to get the information. But if you're just moving from one downtown building to another downtown building, he said, it's not going to be that far apart. The people will get accustomed to it. However, he said, we have to first determine what the correct figure is for the rent. The problem here is they are going in for a three-year lease, and he didn't think it is wise to continue on, or to pay such a high rate for such a period. He said there are several new buildings that are opening up in town so there are going to be lots of competition, and the rental rates are going to come down within the next six months.

ACTION This matter was deferred for further review.

Mr. Ono asked Mr. Perkins to work with our staff and recheck the figures before the board can take action.

ITEM F-2 HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR TRANSMISSION LINE EASEMENTS, KAWAIHAE 1ST, SOUTH KOHALA, HAWAII

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ACTION Unanimously approved as submitted. (Higashi/Ing)

Mr. Ono wanted to note it for the record that the telephone company's alleged violation case on Kauai has not been resolved. Just because the board acted on this item, he didn't want anybody to think that the board is condoning what has taken place up at Mt. Kahili on Kauai.

ITEM F-3 HHA APPLICATION TO PURCHASE LAND IN WAIAKEA, S. HILO, HAWAII

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This was a request from HHA to acquire some 280 acres, mauka of the University Hilo Campus, for housing purposes. They are asking for permission to conduct planning studies, and if it works out, for the conveyance of the land itself at a price to be determined.

Mr. Higashi said he would like to defer this matter to some future meeting. He said we need to assess whether our own Land Management Division may in the future want to plan its own residential subdivision. He said our research indicates that in the last five years, HHA used only 81.39 acres for

residential purposes. He said the amount that they are asking for now is great. He said he would like to sit down with them and also see the plan of the area.

Mr. Detor said the next meeting is in Hilo. Perhaps the board may want to visit the site at that time, he said.

ACTION The board had no objection to deferring this item for further review by staff, and further discussion with HHA, also briefing of the board.

Mr. Ono said he would like to have the discussion with HHA and briefing of the board members take place as soon as possible.

ITEM F-4 KOHALA CORPORATION APPLICATION TO PURCHASE REMNANT PARCEL  
KAHEI, NORTH KOHALA, HAWAII

This was a recommendation for sale of a remnant parcel to Kohala Corporation. They initially asked for an easement, Mr. Detor said. They have a pending request to the county for approval of a zoning change. Right now it's 20-acre ag lots and they want to bring it down to 5-acre ag lots.

Mr. Ono asked what if we don't agree with Kohala Corporations' request to rezone.

Mr. Detor said if they are unable to acquire at least an easement from the state, it was his understanding that they will have problems in getting their subdivision approval.

Mr. Ono said if we want to keep the area in agriculture, and if we sell this remnant, we're actually helping them to get it out of agriculture. He suggested that we have a reverter clause in there. If they change the intended purpose then we should take it back.

Mr. Higashi asked whether this will cut off access to anybody.

Mr. Detor said they are the only abutting owners.

ACTION Mr. Detor suggested that this matter be deferred and ask the applicant to come in at the next board meeting.

The board had no objection to deferring this item.

ITEM F-5 DOA REQUEST FOR CANCELLATION OF EXECUTIVE ORDER NO. 93, WAIAKEA,  
SOUTH HILO, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

(See page 7 for Item F-6.)

ITEM F-7 GORDON KREKOW APPLICATION FOR EASEMENT AT MOOLOA, HONUULA,  
MAKAWAO, MAUI

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-8      JOHNNY CASTILLO REQUEST FOR EXTENSION OF LEASE TERM AND CONSENT TO MORTGAGE, GENERAL LEASE NO. S-3783, COVERING LOT 1, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU

ITEM F-9      HENRY MIYAMOTO REQUEST FOR EXTENSION OF LEASE TERM AND CONSENT TO MORTGAGE, GENERAL LEASE NO. S-3762, COVERING LOT 14, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU

Mr. Detor asked to withdraw Items F-8 and F-9. These are both requests for extensions of lease terms in Waimanalo. He said a question has come up on Item F-8 as to actual eligibility for an extension for this particular lease. On Item F-9, Mr. Miyamoto has asked that this be held up because staff will be coming in at the next meeting with a consent to put the lease in both his and his brother's name. Mr. Miyamoto would prefer to have that covered first and then come in for the extension.

ACTION      The board had no objection to the withdrawal of Items F-8 and F-9.

ITEM F-10      C&C OF HONOLULU REQUEST FOR RIGHT OF ENTRY TO INSTALL SURGE-BREAKER MODULES OFFSHORE AT KUALOA, KOOLAUPOKO, OAHU

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM F-11      JAMES HEARST, ET AL, APPLICATION TO PURCHASE HIGHWAY REMNANT PARCELS AT KANEOHE, OAHU

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM F-12      DOT REQUEST FOR RIGHT OF ENTRY TO CONDUCT SUBSTRATA INVESTIGATIONS, HALAWA INTERCHANGE PROJECT, EWA, OAHU

ACTION      Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-13      C&C OF HONOLULU REQUEST FOR RIGHT OF ENTRY FOR OUTFALL SEWER EXTENSION PROJECT, LUALUALEI, WAIANAE, OAHU

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM F-14      STAFF RECOMMENDATION FOR ADJUSTMENT OF RENTAL RATES AFFECTING THREE COVERED SPACE REVOCABLE PERMITS, SAND ISLAND, HONOLULU, OAHU

This item dealt with three permits at Sand Island. When the board acted on the Sand Island rental rate request back in March, staff was directed to study the conditions on these three permits. A question was raised during the course of that meeting that there were covered spaces in the permit area, but the contention was that some of the improvements were in such bad shape that the normal 12¢ for covered space should not be charged. Mr. Detor said they have gone over it and the submittal reflected their findings.

For the first two cases, staff recommended that the rate be reduced, and when the current tenant moves out that the improvements be knocked down. In the third instance, the building is in a better shape so staff asked that the building be left alone.

Mr. Detor said there is a complication here. The first two permittees are seriously in default, as far as their rentals are concerned, and staff is in the process of cancelling the permits. So he recommended that the action on the first two permits be held up and action taken on the third one.

ACTION On Mr. Kealoha's motion, seconded by Mr. Ing, the board unanimously voted to defer action on Lot 233 (R. P. S-5320) and Lot 414 (R. P. S-5733) and approved to retain the 12¢ per square foot rate for Lot 515A (R. P. S-5852).

ITEM F-15 PEARL CITY HIGHLANDS HOLINESS CHURCH APPLICATION TO LEASE SPACE UNDER THE PEARL CITY VIADUCT OF THE INTERSTATE HIGHWAY FAP I-HI-1(13), EWA, OAHU

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Item F-15 was an application by the Pearl City Highlands Holiness Church for space under the Pearl City viaduct. The terms and conditions listed in the submittal have been coordinated with the Department of Transportation.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

(See page 16 for Item F-16.)

(See pages 6 and 7 for Item F-17.)

ITEM F-18 DOH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOM 301 OF THE TANI BUILDING, HONOLULU, OAHU

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ITEM F-19 DSSH REQUEST FOR APPROVAL OF EXTENSION OF LEASE COVERING OFFICE SPACE ON THE 5TH FLOOR OF THE GASCO BUILDING, HONOLULU, OAHU

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ITEM F-20 DLIR REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE IN THE WAIPAHU SHOPPING VILLAGE, WAIPAHU, OAHU

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ACTION Items F-18, F-19 and F-20 were unanimously approved as submitted. (Kealoha/Higashi)

(See pages 11 and 12 for Item F-21 and page 7 for Item F-22.)

ADDED  
ITEM F-23 AUTHORIZE ACQUISITION OF SURPLUS FEDERAL LAND AT WAIAWA MILITARY RESERVATION, EWA, OAHU

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This was a recommendation that the board authorize the chairman to acquire the surplus Federal property at Waiawa Military Reservation, on behalf of the Department of Social Services and Housing. The idea is to acquire it on a public benefit discount basis and use it in connection with the prison program.

Staff recommended the following:

1. That the chairman be authorized to take whatever measures may be necessary to acquire the Waiawa Military Reservation land on Oahu.
2. Approve and recommend to the Governor the issuance of an executive order setting aside the area, when acquired, to the Department of Social Services and Housing for use as a correctional/educational facility site.

3. Adopt whatever resolution of the board that may be required to enable further processing and consummation of the acquisition.

Mr. Detor said when the submittal was put together they did not have the actual resolution. But they do have the resolution now.

Deputy Attorney General William Tam said he would like to bring one point to the board's attention. He said one of the conditions which GSA is now requiring in all of the resolutions is that the applicant agree to pay rent. The resolution that they prepared did not include that condition. But it included the sentence that the state is ready, willing and able to place the property in use within twelve months after the date of the deed or thirty-six months where construction or major renovation is contemplated. They also left out the penalty clause.

Mr. Ono asked whether the nonmention of that penalty provision in the resolution would be a reason to disqualify the State of Hawaii from getting the parcel.

Mr. Tam said to some extent it's an open question. He said we are not saying we are refusing to pay the penalty. They are leaving the question silent. He said we are not agreeing in writing to a provision that might bind us into another situation.

ACTION Mr. Ing moved, seconded by Mr. Yagi, and the board unanimously approved staff's recommendation with the amendment that should future research indicate that the resolution has to conform to the draft, that the chairman be authorized to change the draft in consultation with the Attorney General's Office.

ITEM F-16 SERVCO PACIFIC, INC. REQUEST FOR PERMISSION TO DEMOLISH DETERIORATED STRUCTURES, REVOCABLE PERMIT NO. S-5264, FORT ARMSTRONG, HONOLULU, OAHU

The record showed that Mr. Kealoha left the meeting room and did not participate in any action taken by the board on Item F-16.

Mr. Ing asked whether the rental rate is going to change if the structures are removed.

Mr. Detor said that question did not come up so the rental rate is going to be the same.

ACTION Approved as submitted. (Ing/Yagi)

ITEM H-1 CDUA FOR CONSTRUCTION OF ADDITIONS AND ALTERATIONS TO AN EXISTING HOUSE AT HONAUNAU-KAHAULOA, HAWAII

Mr. Higashi asked Mr. Evans whether there is any major effect in draining the pool directly into the water.

Mr. Evans said one of the comments from Division of Aquatic Resources is that it not be allowed to drain into the ocean. In connection with this, he specifically called the board's attention to Conditions 9, 12 and 13.

Mr. Higashi said if the applicant finds it impractical, he can come back to the board for an amendment.



ACTION Mr. Higashi moved for approval, with the understanding that the applicant can come back for an amendment if it becomes a hardship on him.

As a standard provision, Mr. Ing asked that we include the provision for recordation of board approval with regard to houses on conservation lands, similar to the ones we have on Tantalus. We may have problems with later owners coming in and making alterations and saying that they have no knowledge of the board's condition.

Mr. Higashi so amended his motion, Mr. Ing seconded, and the amended motion was unanimously carried.

ITEM H-2 CDUA FOR RECONSTRUCTION OF HONAUNAU BOAT RAMP AT KAPUWAI COVE, HONAUNAU, HAWAII

Staff recommended approval of this CDUA with Added Condition 13, that the applicant be given a right of entry to perform the work specified under the conditions listed in the submittal.

Mr. Ono said Added Condition 13 is a form of disposition and questioned whether this condition can be legally added.

Mr. Higashi didn't think there was a need to have this right of entry since they are already there. He said they can go in upon approval of this by the board.

ACTION Unanimously approved as submitted. (Higashi/Ing)

(See pages 2 and 3 for Item H-3 and page 6 for Item H-4.)

ITEM H-5 CDUA FOR A CORPORATION YARD AT WAIANAE, OAHU

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM H-6 REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION DISTRICT FOR COMMERCIAL/SUBDIVISION/PROTECTIVE SUBZONE USE

ACTION Unanimously approved as submitted. (Higashi/Ing)

(See page 3 to 6 for Item H-7.)

ITEM H-8 PERMISSION TO CONTRACT WITH THE OCEANIC INSTITUTE TO CARRY OUT A PROJECT ON THE TECHNICAL AND ECONOMIC FEASIBILITY OF MARINE SHRIMP FARMING IN HAWAII

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM H-9 ADDED FILLING OF POSITION NO. 13120, PERSONNEL CLERK IV, SR-11, PERSONNEL OFFICE, OAHU

ACTION The board, on Mr. Ing's motion, seconded by Mr. Yagi, unanimously approved the appointment of Mrs. Jonalyn Leong as Personnel Clerk IV.

ITEM I-1 APPOINTMENT OF VOLUNTEER HUNTER SAFETY TRAINING INSTRUCTORS, HAWAII

ACTION The board, on Mr. Higashi's motion, seconded by Mr. Yagi, unanimously

approved the appointment of Frank C. Lawrence, Stanley Y. Kubo, Jr. and George R. Ueda as Volunteer Hunter Safety Training Instructors.

ADDED  
ITEM I-2      APPOINTMENT OF LICENSE AGENT

ACTION      The board, on Mr. Ing's motion, seconded by Mr. Yagi, unanimously approved the appointment of Kokee Lodge as a license agent to sell hunting and fishing licenses.

ITEM J-1      COMMUTER AIRLINE LEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (ROYAL HAWAIIAN AIRWAYS, INC. DBA ROYAL HAWAIIAN AIR SERVICE)

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM J-2      MODIFICATION NO. 6 TO LEASE NO. DOT A-73-29, HONOLULU INTERNATIONAL AIRPORT, OAHU (AMERICAN AIRLINES, INC.)

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM J-3      RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Higashi/Kealoha)

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

ACTION      Unanimously approved as submitted. (Yagi/Kealoha)

ITEM J-5      USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (DEPARTMENT OF THE TREASURY, U. S. CUSTOMS SERVICE)

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM J-6      ISSUANCE OF R. P., HARBORS DIVISION, KEEHI LAGOON, HONOLULU, OAHU (LA MARIANA SAILING CLUB, INC.)

ACTION      Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-7      APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3748 AND 3751, AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-8      CONTINUANCE OF R.P.'S, HARBORS DIVISION

Mr. Ing said he had a conflict and did not participate in any action taken by the board on this item.

ACTION      Approved as submitted. (Higashi/Kealoha)

ITEM J-9      APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LEASE NO. 42, PIER 35, HONOLULU, OAHU (NATIONAL COMPANY, INC.)

ACTION      Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-10      REQUEST FOR APPROVAL OF ISSUANCE OF AGREEMENT, HARBORS DIVISION  
(HAWAIIAN TELEPHONE CO.)

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM J-11      ISSUANCE OF R. P., HARBORS DIVISION, PIER 18 SHED, HONOLULU  
HARBOR, OAHU (EDWARD JUNSIK HONG YOUNG WOOD, INC.)

ACTION      Unanimously approved as submitted. (Ing/Yagi)

ITEM J-12      ISSUANCE OF R.P., HARBORS DIVISION, KEEHI LAGOON SMALL BOAT  
HARBOR, HONOLULU, OAHU (NA ALII WATER SKI CLUB, HAWAII WATER  
SKI ASSOC., AND OAHU WATER SKI CLUB, INC.)

ACTION      Unanimously approved as submitted. (Kealoha/Yagi)

ITEM J-13      APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3751, 3754, 3755,  
AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Kealoha/Hagi)

ITEM J-14      REVISION OF RENTAL, RENEWAL OF REVOCABLE PERMIT NOS. 3188 AND  
3189, AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Kealoha/Yagi)

ITEM J-15      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KAWAIHAE HARBOR,  
HAWAII (HAWAIIAN FLOUR MILLS, INC.)

ACTION      Unanimously approved as submitted. (Higashi/Kealoha)

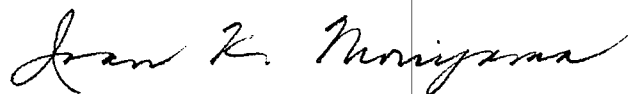
ITEM J-16      CONSENT TO ASSIGNMENT OF OPERATING AGREEMENT DATED JULY 13,  
1959, PIER 34, HONOLULU, OAHU (POWERLINE OIL CO. TO POWERINE ENTER-  
PRISES, INC.)

ACTION      Unanimously approved as submitted. (Ing/Yagi)

Mr. Ono reminded Mr. Garcia about revocable permits. The board has been criticized by the Legislative Auditor for issuing permits instead of leases. He said DOT should be reviewing this to see if something can be done.


ADJOURNMENT: There was no further business and the meeting was adjourned at 12:15 P. M.

Respectfully submitted,



JOAN K. MORIYAMA  
Secretary

APPROVED



SUSUMU ONO  
Chairman

jkm