

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

DATE: June 24, 1983

TIME: 9:00 A. M.

PLACE: County Council Chambers
25 Aupuni Street
Hilo, Hawaii

Roll
Call

Chairman Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:05 A. M. The following were present:

Members

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

Staff

Mr. Roger Evans
Mr. James Detor
Mr. Libert Landgraf
Mr. John Corbin
Mr. Glenn Taguchi
Mrs. Joan K. Moriyama

Others

Dep. A. G. Johnson Wong
Mr. Dan J. Lutkenhouse (Item H-1)
Mr. Lester E. Cingcade, Mr. Jim Luckey,
Mr. Chris Hart and Mr. Stanley Raymond
(Item F-4)
Mr. Kimo Steinwascher (Item F-2)
Mr. Peter Garcia

Minutes

The minutes of May 13 and May 27, 1983 were unanimously approved as submitted. (Higashi/Kealoha)

ADDED
ITEM H-9

Mr. Higashi moved to add Item H-9 (Election of a new vice chairman of the Board of Land and Natural Resources) to the board agenda. Mr. Yagi seconded and the motion was unanimously carried.

To accommodate the people in the audience, the board took up the items in the following order:

ITEM H-1

REQUEST FOR ACTION ON THE VIOLATION PORTION OF A CDUA FOR
ARBORETUM AND BOTANICAL GARDEN USE AT SOUTH HILO, HAWAII

This was a request for action on a violation portion of a previously approved CDUA for an arboretum and botanical garden at South Hilo, Hawaii. When this matter was brought to the board on July 9, 1982, the board approved the application and asked the staff to come back at a later time on the violation portion. Mr. Evans said they have not received any other input on the number of violations subsequent to the deferral of the violation portion, so staff's recommendations were basically the same as they were presented earlier.

Mr. Higashi said he had an opportunity to visit the place. He reported that the area is rather remote, and there are no homes in the immediate area. The numerous potted plants that were in the area would be compatible with the resource subzone. The installation of the above-ground water distribution was a reasonable way to provide care for the plants. The area in which the portable toilet was placed, he felt, is a reasonable use.

Mr. Higashi further stated that he met with Mr. Dan J. Lutkenhouse, who said he had a grading permit issued by the county.

Mr. Evans was not aware of any grading permit.

Mr. Kealoha said the applicant testified at the public hearing that he was planning on having the five items listed as violations in the submittal as part of the development program, and that these would have to occur. These were already on the premises. These are all in line with developing an arboretum. He could not see how one can develop an arboretum without going through this process. He said it was not clear from the board submittal that it is in fact a violation.

Mr. Evans said because these activities had already occurred, the proposed use became an after-the-fact use.

Mr. Ing recalled that there wasn't any dispute that these structures had been on the property for some time. The concern was what was the nature of the structures and what impact did these structures have on the environment. He said he would be inclined to discount Items 3 and 4 (the portable toilet and the numerous potted plants) because those are primarily of a temporary and portable nature.

Mr. Ono asked Mr. Evans whether the applicant has met all of the conditions that were attached to the CDUA approval.

Mr. Evans didn't know. He said staff did not actively pursue the compliance with each of the conditions.

Mr. Ono said yesterday he received a letter from Mr. Lutkenhouse. He asked Mr. Lutkenhouse to summarize his letter and to respond to some of the questions that have come up.

Mr. Lutkenhouse suggested that copy of his letter be made available to all board members. He said all of the questions that were asked this morning are answered in his letter.

Mr. Ono said the board members would need some time to review the letter. He said it is unfair to the board to read it now. The next board meeting is in Honolulu. So if that is going to be inconvenient, he said, this matter can be taken up at the next Hilo meeting, which is scheduled for August 26, 1983.

Mr. Higashi said because the project was approved, subject to certain conditions, the applicant should be able to continue to work on the project, and the board can settle the violations later on.

Mr. Kealoha asked Mr. Lutkenhouse when he started with the grading.

Mr. Lutkenhouse said the grading permit was issued in February of 1979. They purchased the property sometime between June and December of 1978.

Mr. Ono asked Mr. Lutkenhouse whether the twenty-nine conditions imposed by the board when the CDUA was approved have been complied with.

Mr. Lutkenhouse believed that they did.

ACTION Mr. Ono suggested that this matter be deferred for board's further review, and brought back to the board for final action at its August 26, 1983 meeting in Hilo. The board had no objection.

ITEM F-4 STAFF RECOMMENDATION FOR WITHDRAWAL OF LAHAINA COURTHOUSE FROM EXECUTIVE ORDER NO. 16 (LOT 2) AND RE-SET ASIDE TO THE STATE JUDICIARY, LAHAINA, MAUI

This was a recommendation to withdraw the Lahaina Courthouse property from the operation of Governor's Executive Order No. 16, and then recommend to the Governor that it be re-aside to the State Judiciary.

Executive Order No. 16 was issued on August 24, 1912, covering a number of parcels, including this subject property, on Maui and Molokai. The executive order set aside the parcels for the "uses and purposes of the county". It doesn't specifically refer to this parcel or stipulate that the parcel is to be used for courthouse purposes.

The Judiciary is in the process of undertaking major renovation work on the courthouse building and has requested that the control and management of the property be transferred from the county to themselves. A total of \$1,789,000.00 has been appropriated by the legislature for the renovation and restoration work.

The courthouse is on the State Register of Historic Sites and is located in the Lahaina National Historic Landmark District. It has been in use by the Hawaii courts for a number of years. It was Mr. Detor's understanding that it is the oldest government building in Hawaii.

The County of Maui is not agreeable to the transfer and would prefer that the property remain with the county.

The department has received letters from the Maui Historic Commission, the Mayor of Maui, the Lahaina Restoration Foundation, and from the Honokowai-Napili-Kapalua Taxpayers Association. All of these communications request that the property remain with the county.

Mr. Yagi said there is nothing mentioned in those letters about the legislative appropriation for the courthouse renovation. The area was set aside to the county in 1912 by the Governor, and there has been no renovation up to this date, except for the roof.

Mr. Detor thought there was some work done over the years, but he didn't know just when or to what extent. It was his understanding that the building is not in good shape and that it does need work on it.

Mr. Kealoha asked what is the present use and what kind of tenants are occupying the premises.

Mr. Detor didn't have that information. He knew that several activities take place there but he couldn't say how many different ones.

Mr. Ing asked whether the \$1.789 million appropriation was specifically for the Lahaina Courthouse Restoration. The reason he raised that question is because lots of comments in the letters go to the appropriateness of using that much money to restore the Lahaina Courthouse. He said that is not a decision for the Land Board to make. That decision has been made by the legislature. He didn't think it would be appropriate for the Land Board to go into that.

Mr. Detor believed it is for the renovation of the courthouse. Whether they could take that money and use it somewhere else, he didn't know.

Mr. Lester Cingcade, representing the State Judiciary, said the appropriation is specifically earmarked for the Lahaina Courthouse Building Restoration Project. The initial appropriation came in 1979. He said the state's intent has long been known because at the time that all government functions moved to the present civic center, the Judiciary elected at that time not to move, specifically indicating to the legislature that it was their intent to restore the building. The legislature has now responded with \$1.789 million for the restoration of the building under an adaptive-use concept. That building has been a courthouse since 1859, and to continue to use that under an adaptive-use concept, they think is the best use.

Mr. Cingcade said it is the intent of the project to restore the entire building as a Judiciary facility and certain areas to be used jointly by other state agencies.

Mr. Kealoha questioned why the Judiciary Department did not get federal funds with respect to historic sites restoration program.

Mr. Cingcade said most of the historic funds have dried up, as far as capital improvements are concerned. What funds that are available are not available to government agencies. They are only available to private agencies, he said.

Mr. Kealoha said in the event that the board approves staff's recommendation for the withdrawal of the executive order from the county, and recommends to the Governor the re-setting aside of the area to the Judiciary Department, he asked whether it is going to be for judiciary use only and no other uses.

Mr. Cingcade said that is basically the intent of the renovation. Because their operations have expanded in Lahaina, they can foresee the use of the entire building as a court facility. It is their intent to restore that holding facility to its original use so that when prisoners are brought down to the court, they would use the facility as originally designed. The basement was originally a holding facility.

The first floor the building will be for administrative use. The Judiciary Violations Bureau will occupy the area where the art gallery is using now. The second floor will be the courtroom and the judges' chambers and attorneys' conference area and witness holding area.

Mr. Cingcade said the concept under which the design has gone forth is to reflect the 1925 period. The reason for selecting that period was because even though the building was built in 1859, there was renovation in 1865.

There was further renovation in 1981, and one in 1898. He said the 1925 renovation attempted to restore the exterior back to what it originally was, with the exception of putting on gabled roof.

Mr. Higashi asked whether they find any great conflicts in the integrated use with other state agencies. He asked whether it is compatible.

Mr. Cingcade said their satellite operations all provide for conference space and office space for agencies that come into the area for one day, a week, or whatever. They also plan all of their courtrooms in all like areas so that they are under much more of an adapted use. For instance, in all of their new buildings, the bar is built on a hinge so it rolls away into the wall, so that the courthouse can be used as a meeting facility. Their major function in Lahaina is administrative. There are about 14,000 citations issued in the Lahaina area. But most of them are parking citations so it's an administrative disposition.

Mr. Yagi asked whether the Judiciary has any plans to have parking available for their staff and the public who come to pay their fines.

Mr. Cingcade said they are obviously aware that they do not have control over the traffic movement in that area. They will have to meet with the county on that. They recognize that there may well be a sacrifice on the part of the people using the building if the county elects not to allow traffic to circulate in that area. Their goal is that they would provide parking facilities on the fringes of the Historic District and they would have to walk in.

Mr. Yagi asked whether the Judiciary would be willing to take over the toilet facilities, and how soon they can open up the comfort station if this request is approved.

Mr. Cingcade said if the entire parcel is transferred to their agency, then the mandate is clear, that they would have to maintain it, and the Judiciary will accept that responsibility.

Mr. Ono said if there is a withdrawal of the executive order and the reissuance of a new executive order, we will need to go to the legislature next session for their review, and if they wish to disapprove of such an action, they can make that decision. So we will not be able to authorize any kind of construction activity based on the new executive order. They can, however, go ahead with their planning.

Mr. Ing asked Mr. Cingcade whether they have any plans for a circuit court in the Lahaina area.

Mr. Cingcade said their intent is to continue to consolidate it in Wailuku, as far as circuit court operations are concerned. At the present time they have out to bid a new courthouse in Wailuku which will provide eight courtrooms.

Mr. Jim Luckey, Manager of the Lahaina Restoration Foundation, appreciated the opportunity of coming before the board today, and said they are looking for solutions. Their Foundation has been active in the Lahaina area for twenty-two years. They have accomplished a number of private restorations in the area, and they have watched the courthouse with as great a

concern through the years. He emphasized the nature of the tenure of the building. Because of the revocable nature, it has been very difficult, he said, for any of them to take a firm movement to do anything. He said the community is strongly behind the retention of the building. They tried to build some bridges of understanding between various groups. To that end, he said, he wrote Chief Justice William Richardson two years ago and offered their kokua in assisting his department on this project. He said he never received a reply to that letter. He thought that the community itself, as evidenced by the communication that the board received from the community groups, is seriously concerned about the loss of control. They feel that (1) the traffic will be frightfully aggravated in the area; (2) that the facility would better serve the community; and (3) the building of a new modern, useful courthouse facility at the civic center would make a lot more sense as far as the budget is concerned.

They are willing as an organization to work with any group to get the restoration of the building accomplished. But they sincerely feel that the best route is to finalize and solidify the tenure on the building so that their organization, together with the other groups in Lahaina and the county, can get on with the job. He said their use of the building would be on a much broader community usage. Going back to 1859, he said, it was not the courthouse. It was the Government House. It had the post office and other government offices, besides the court.

Mr. Luckey said it is such a critical question that it would seem appropriate that this board would avail itself of the real feeling of the Lahaina community in the form of taking testimonies and having a public hearing in Lahaina on the question before a decision is reached.

Mr. Ing said if the facilities were to be served as a community center, he didn't see any difference in the traffic problems that they anticipate.

Mr. Luckey said if it serves as a Historical Interpretation Center for Lahaina, the traffic is already there. It is that the facility in itself would not attract more bodies.

Mr. Ing said if you are going to attract people to the central area, they are still not going to have a place to park.

Mr. Luckey said the reason parking is not available across the street is because over ten years ago the county designated that parking strip for the loading and unloading of buses. He said they now get upwards of 30 to 40 buses a day. The buses unload and then go over and park in the facility and come back and pick the people up at a later time. He said that system works out well, and it gets the people into the historic part of town. He said he would see no change in that pattern.

Mr. Luckey appreciated Mr. Yagi's comments about the toilet facilities. The Foundation as a historical society has never complained about the restroom facilities. But he assured the board that they have complained many, many times, and the solution finally has been the taking over the facility by the Department of Transportation, Harbors Division.

Mr. Higashi said Mr. Luckey represented that the Lahaina Restoration Foundation is willing to do whatever that needs to be done to restore the building. He asked whether they have the financial ability to do that.

Mr. Luckey believed they do. They do not think that the restoration of the courthouse with the in-house staff, similar to the ones that they used for the restoration of Hale Pa'i, would require any where near the budget as projected at this time.

Mr. Yagi was very critical about the courthouse building, particularly the toilet facilities. He said the county had the building since 1912, and that has been over seventy years.

Mr. Luckey agreed with Mr. Yagi. What has happened during the past seventy years is not what should have happened and hopefully not what's going to happen. He said the proper route to go is to let the community get behind it and do the job.

Mr. Ono questioned Mr. Luckey on the tenure question. He wanted to know what the Foundation or the commission has done to get more stable kind of tenure from the County of Maui. He asked what has been done to overcome that particular problem. Mr. Luckey seemed to be placing lots of emphasis on the tenure question, he said. If that is one of the key problems, he asked, what has been done so far to get more permanent kind of an arrangement?

Mr. Luckey thought perhaps Mr. Chris Hart from County of Maui might be able to answer that. He said the Foundation, as a private organization, has taken no stand on that at all because they have not attempted to get tenure on the building. They were never involved on any projects on government land, or any government-owned project, either the county or the state, until the Hale Pa'i Project. They are involved totally with private property projects. They are now getting into this field, and it is rather new to them, he said.

Mr. Chris Hart, Deputy Director of Planning Department, County of Maui, gave a brief clarification in the area of jurisdiction and tenure. In terms of jurisdiction and ability to use the facility, it has always been their understanding that it was to be used by the court, the Department of Health, the Art Society, and the intention was to just have it maintained as status quo.

Mr. Hart said it wasn't until July 7, 1982, that they were actually presented with a plan for the restoration of the whole building. The intention would be to take over the whole courthouse building for the function of the Judiciary to the Year 2000. He said that was the first time that they have seen that plan in a preliminary form. However, they have reviewed the plan and the Maui Historical Commission has granted approval on January 21, 1982 for the second floor.

Mr. Hart said it was also their understanding that at some point in time a state emergency facility would be constructed at the civic center for the purpose of housing the Department of Health.

Mr. Kealoha asked whether they feel it is unfair to transfer this property to the State Judiciary.

Mr. Hart said they are supporting the position that it is unfair; that it is wrong to change the executive order at this time. He said in terms of the plans that are already in place for the growth and development of the history of the land, the whole character of the area is going to become more pedestrian oriented and more museum oriented. He said the activities of the court, in terms of growth and development, are going to become more intensified.

Mr. Yagi asked Mr. Hart when the comfort station is going to be opened up again.

Mr. Hart said the comfort station was constructed by the County of Maui as a public facility. As the growth and development of Lahaina occurred, the comfort station was being used by visitors to Lahaina, and primarily was being used by people who were taking advantage of the small boat harbor. It was the administration's feeling that since the primary user was the people in the boat harbor, and with the problems of live-aboards and some of the other problems that existed in that particular area, that they were direct contributors to the vandalism that occurred in that particular building.

Mr. Hart further stated that he is aware that there is an agreement between the County of Maui and the State Department of Transportation to utilize the facility primarily for service of the boat harbor. There is also a proposal on the part of the county to provide another facility at another location, in the area where the bus parking currently exists to service the visitors. That actually hasn't been constructed yet.

Mr. Kealoha asked what is the county's planned use in the restoration program.

Mr. Hart said currently the administration is taking more active role in terms of involvement, in recognizing the value of historic restoration and preservation. The proposal would be to utilize portion of the building for the information center and another portion of the building for a museum that would incorporate artifacts.

He said they would work together with the Lahaina Restoration Foundation to bring about that restoration. It would be a situation of working together with them and having them go out and apply for federal money, or working together with the community in terms of soliciting funds from the community.

Mr. Kealoha asked what about the State Legislature.

Mr. Hart said they would be open but because they are taking a negative position, he wasn't sure whether they can get their help.

Mr. Kealoha said they are going to take the negative position because the legislature has already funded certain amount for the Judiciary Department.

Mr. Yagi said Mr. Hart mentioned the information center. He suggested that they ask the Judiciary for some space in the courthouse for the information center.

Mr. Hart said they haven't really discussed the plans in terms of any kind of options. The only real involvement with the Judiciary has been through correspondence.

Mr. Yagi was very critical about the building, and stated that he is all for it if the Judiciary is going to put in \$1.789 million for the restoration.

Mr. Hart said from their point of view, they are not against restoration. They are looking at this from the planning point of prospective, the actual development of the historical district.

Mr. Ono asked Mr. Hart what is the policy of the Maui County administration when it comes to competing demands for space in the same government facility-- private, nonprofit agency versus Maui County Government agency.

Mr. Hart said if the facility is a public facility and if there is a need, from the point of view of servicing the general public of the County of Maui, the county would need to take precedent.

Mr. Ono said since Mr. Luckey mentioned that it is difficult to raise funds because of the tenure question, he asked whether any of the nonprofit agency, including the art society, might have come to the Maui County for more permanent type arrangement.

Mr. Hart said the Art Society has contacted the county on several occasions with regard to a more permanent status and the Art Society was informed that their position here is tenuous, that there is a possibility at some point in time that they will have to leave. As an organization, they have been looking for another facility in Lahaina that could provide them with the same degree of opportunity to operate.

Mr. Hart said if the building was maintained in its present position with the jurisdiction on the County of Maui, and the Department of Health was able to have adequate facility in whatever location, and the Judiciary was able to have adequate facility at another location, the option would be to actually look at the restoration of the building by a nonprofit corporation for use by nonprofit organization.

Mr. Ono asked whether the government agency will get a chance at using the facility as the nonprofit organizations, after the place is restored, or would they lean towards the nonprofit organization.

Mr. Hart thought it would be based on the need.

Mr. Ing said if the board were inclined to approve staff's recommendation and give the building to the Judiciary, he asked whether the county would still be willing to work together with the state to discuss some type of mixed use, incorporating some of the county's proposals along with the state's proposal.

Mr. Hart said he couldn't answer that at this point.

Mr. Ing further asked Mr. Hart whether the county would be willing to work with the state and with private groups in Lahaina to raise funds, or to find alternate means of funding restoration so that the \$1.789 million would not be necessary, or at least some of it would not be necessary.

Mr. Hart said the county would be in a better position if it retains the executive order and the building maintained by the County of Maui.

Mr. Ing asked Mr. Detor whether there is anything prohibiting the Land Board from putting conditions in the executive order, requiring some type of mixed use.

Mr. Detor said the Land Board could stipulate conditions in the issuance of the executive order, assuming the Governor would approve it, subject to legislative disapproval.

Mr. Higashi asked whether the issuance of the lease would be less complicated with conditions attached to the lease.

Mr. Detor said that is possible. With the concurrence of the county and the approval of the Governor, we can issue a lease to the Judiciary, without disturbing the current executive order.

In discussing the suggestion made by Mr. Ing about attaching conditions to the executive order, Mr. Yagi said he would prefer not to have a condition in the executive order. He said he would rather have it flexible. The Governor may not accept the board's recommendation because of the conditions. He suggested that the executive order be issued as recommended by the staff, withdrawing the parcel from the executive order and setting it aside to the Judiciary. Then have a third request to the Governor, recommending multiple use of the building.

Mr. Detor said most executive orders have conditions in the sense that they say that the property is to be used for certain purpose or purposes.

Mr. Ono asked Deputy Attorney General Johnson Wong whether we can put the board's intent in a separate document or agreement or understanding, assuming a new executive order is issued, to have the county and the Judiciary continue to work together so that we may have multi-agency use of that facility. The basic use and other basic conditions would be incorporated in the executive order.

Mr. Wong said it could be done but it probably would not be as binding as it would serve in the executive order. If we are going to allow multiple use he said, we should reflect that in the executive order, so that you don't have to amend that executive order. He said it would provide the flexibility, but if the county cannot reach an agreement with the judiciary, then they are going to follow the terms of the executive order as to what's reflected in the executive order.

Mr. Wong added that the powers of the Governor in the executive order is pursuant to the recommendation of the Land Board, therefore, the Governor cannot set aside for purposes other than what was recommended by the board. If the board is recommending multiple use, then they should reflect that in the executive order, and give that discretion to the Governor as to whether he wants to allow a particular use or any multiple use.

Mr. Yagi said that would be better.

Mr. Ing said the problem is if we restrict this courthouse uses now, it prohibits any other type of use in the executive order, and it prevents the community working together with the state, or the Judiciary, to try to work out some solution to accommodate all the interests. He said everyone wants to see the building restored, and the county has no objection to the use of the second floor as the courthouse. The question is whether the state has entertained any alternative proposals for its administrative uses that would allow the first floor to be used for other purposes that would accommodate the interests of the county and of the private groups. He said we are trying to create a vehicle that would allow to explore some flexibility.

Mr. Detor said another thing that they would have to look at is how the appropriation itself reads, whether it is restricted to what the property is going to be used for.

Mr. Stanley Raymond from the Maui Historic Commission was also present at the meeting and thanked the board members for all the time and consideration.

ACTION Mr. Yagi moved to defer Item F-4, with the understanding that further discussions take place with the representatives of the various organizations in the Lahaina area that have already expressed their views, Maui county, Judiciary, and members of this board. Mr. Higashi seconded the motion.

Mr. Ono said the meeting should be focused on the area of how best we can resolve some of the questions that have already come up. He said he didn't want to open it up like a brand new ball game and start from scratch again. He said it would be good to have the organizations and individuals who have already expressed some views to get one more opportunity to sit down and iron it out.

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

ITEM F-2 RESUBMITTAL - KOHALA CORPORATION APPLICATION TO PURCHASE REMNANT PARCEL AT KAHEI, NORTH KOHALA, HAWAII

This item was deferred at the last meeting. This was an application by Kohala Corporation to purchase a remnant. Staff decided to sell it as a remnant instead of an easement because of the configuration of the land.

Mr. Higashi asked whether staff is absolutely sure that there is a present road other than the subject remnant parcel and that it doesn't impede anybody's access.

Mr. Kimo Steinwascher, Land Manager of Kohala Corporation, said they submitted the rezoning application in January of this year. In December of last year they first contacted the State DLNR with a request to an easement over this piece of property or to acquire it. He said the project is called Kahei Ag Lots. Since the closing of Kohala Sugar Company, they have been trying to provide agricultural lands on long-term lease basis with reasonable rents to most of the people of North Kohala. He said in order to do that you have to have subdivided lots. For numerous reasons they have not done this. This is the first actual application they have made to the County of Hawaii for subdivision for lots of long-term leases.

Mr. Higashi asked whether they have a system as to how they are going to select the people.

Mr. Steinwascher said they have been working with the committee of the Kohala Community Association agriculture group.

ACTION Mr. Higashi moved for approval. Mr. Ing seconded.

Mr. Ono suggested that approval be subject to the County of Hawaii and the State Department of Transportation indicating in writing that their long-range plans do not call for the need for the subject remnant. The motion was so amended and unanimously carried.

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

ACTION Unanimously approved as submitted. (Ing/Yagi)

Mr. Ono said the Governor has approved one board member to also attend this meeting.

REQUEST FOR APPROVAL TO AMEND FOUR AGREEMENTS WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) TO CONTINUE ADMINISTRATIVE SUPPORT SERVICES FOR FISHERIES DEVELOPMENT ACTIVITIES

ITEM B-2

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

PERMISSION TO NEGOTIATE AND EXECUTE A CONTRACT FOR CAPTIVE REARING CONSULTANT SERVICES FOR AN EVALUATION OF THE CAPTIVE REARING PROGRAM AT THE STATE OF HAWAII ENDANGERED SPECIES FACILITY AT POHAKULOA, HAWAII

ITEM C-1

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

REQUEST FOR APPROVAL OF MASTER COOPERATIVE AGREEMENT BETWEEN THE U. S. DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR COOPERATION IN TECHNICAL FORESTRY ASSISTANCE

ITEM C-2

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

LEASE AGREEMENT FOR DIVISIONS OF FORESTRY AND WILDLIFE AND CONSERVATION AND RESOURCES ENFORCEMENT OFFICE SPACE, LANAI CITY, LANAI

ITEM C-3

ACTION Unanimously approved as submitted. (Ing/Kealoha)

APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO MAKE A SEARCH OF SOUTH AMERICA FOR NATURAL ENEMIES OF HAWAII'S FOREST WEED, THE BANANA POKA

ITEM C-4

ACTION Unanimously approved as submitted. (Ing/Kealoha)

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

ITEM C-5

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

REQUEST TO USE HAPUNA BEACH STATE PARK, HAWAII, FOR PART OF A TRIATHLON SPORTING EVENT TO RAISE FUNDS FOR THE HAWAII SPECIAL OLYMPICS

ITEM E-1

Mr. Detor made the presentation for the Division of State Parks.

Mr. Higashi suggested that the recommendations be amended to the effect that the Division of State Parks be requested to observe the operation so they can fully analyze and appraise the event for the following year.

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

ITEM F-1 DOCUMENTS FOR CONSIDERATION

MAUI

Item F-1-a REVOCABLE PERMITS

ALEXANDER & BALDWIN, INC. - Portion of the Government land within the Koolau Forest Reserve (Keanae License Area) - 10,768 acs. - \$2,375 per month

Item F-1-b EAST MAUI IRRIGATION COMPANY, LTD. - Portion of the Government land within the easterly portion of the Koolau Forest Reserve (Nahiku License Area) - 10,111.220 acres (aggregate) - \$975 per month

Item F-1-c ALEXANDER & BALDWIN, INC. - Portion of the Government land within the Koolau Forest Reserve (Huelo License Area) - 8,752.690 acres (aggregate) - \$4,500.00 per month

Items F-1-a, b and c were taken up together because they were related. These three revocable permits covered three out of the four sections of the water transmission system and water that run from Nahiku on the Hana end of the East Maui range. It takes the water into Kahului where it is used in the sugar cane fields.

Mr. Detor pointed out that staff is suggesting an increase in rent of \$175.00 per month for Keanae. For Nahiku, an increase of \$75.00 per month was suggested. For Huelo, Mr. Detor said, it was increased last year so staff did not recommend a change there.

Mr. Detor further pointed out that the lease on the fourth license area (Honomanu) runs out on June 30, 1985, so that has couple of years more to go. He hoped at that time the situation will be such that we can incorporate all four of these into one license rather than splitting them up into four parts.

OAHU

Item F-1-d CONSENT TO ASSIGN AND MORTGAGE GENERAL LEASE NO. S-4411
HONOLULU COMMUNITY THEATRE, Mortgagor, and BANK OF HAWAII, as Mortgagee - Kaimuki Tract, portion of Block 56, Kapahulu, Honolulu - GL No. S-4411

HAWAII

Item F-1-e ASSIGNMENT OF SUBLEASE

JAMES S. ROMIG (unmarried), as assignor, to JAMES S. ROMIG (unmarried), Trustee under that certain unrecorded Revocable Living Trust Agreement dated August 15, 1980, made by James S. Romig as settlor, as assignee - Portion of Lot 1-A, Hilo Industrial Development, Pohaku Street Section, Waiakea, South Hilo - GL No. S-4300 to Pohaku Enterprises, Inc.

OAHU

Item F-1-f ASSIGNMENT OF LEASE

HENRY HIROSHI MIYAMOTO, unmarried, assignor, to HENRY HIROSHI MIYAMOTO, unmarried, and CLYDE HACHIRO MIYAMOTO, unmarried, assignees - Lot 14, Waimanalo Agricultural Subdivision, Waimanalo - GL No. S-3762

Item F-1-g CONSENT TO MORTGAGE

BASIN PROJECT, INC. to CITY BANK - General Lease Nos. S-4578 and S-4589 - Kaakaukui (Kewalo Basin), Honolulu

Mr. Kealoha thought there was a discrepancy with respect to the number of parking stalls. He asked whether they owe us money for not building the parking stalls.

Mr. Detor was little unclear on that. Mr. Roy Sue told him that Mr. Andy Anderson is willing to put these stalls in.

Mr. Kealoha said he would prefer to defer this matter until the next meeting.

Mr. Ono said there has been discussions with Mr. Anderson. There has been a tentative agreement, but the actual cash payment has not been received for the parking area. He said it would be prudent to defer this until everything is settled.

The board had no objection to deferring Item F-1-g.

Item F-1-h REVOCABLE PERMIT
COMMERCIAL ELECTRIC, INC. - Lot 516, Sand Island, Honolulu - for storage of electrical materials and shop work - \$1,704.00 per month

KAUAI

Item F-1-i ASSIGNMENT OF LEASE
CONWAY M. MARCALLINO, husband of Rosamond Marcallino, as Assignor, to MAILE JEAN MARCALLINO TAYLOR, wife of Robert Jeffers Taylor, as Assignee and as her separate property - Lot 41 of the Kokee Camp Site Lots at Waimea - GL No. S-4505

OAHU

Item F-1-j REVOCABLE PERMIT
WELSY YANAGI - Lot 219, Sand Island, Honolulu - for auto body repair and paint shop (dismantling of automobiles and salvage of automobile parts is prohibited) - \$306.00 per month

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Kealoha, unanimously approved Items F-1 as submitted, with the exception of Item F-1-g which was deferred.

(See page 11 for Item F-2.)

ITEM F-3 THE QUEEN'S MEN APPLICATION FOR AN EASEMENT AT WAILUKU, MAUI

Mr. Yagi did not participate on this item because of a possible conflict.

ACTION Approved as submitted. (Kealoha/Ing)

(See pages 3 to 11 for Item F-4.)

ITEM F-5 ENERCON, INC. REQUEST FOR RIGHT OF ENTRY FOR INSTALLATION OF TEMPORARY WIND MEASUREMENT TOWERS, UKUMEHAME, WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-6 STAFF RECOMMENDATION FOR ADOPTION OF POLICY ON ENCROACHMENT ON STATE LAND

This was a suggestion by the staff that the board establish a policy on

encroachment on state lands. Mr. Detor said Act 109 of the 1982 Legislative Session amended Section 171-6 of the Hawaii Revised Statutes, which lists the powers of the board, to enable the board to "bring such actions as may be necessary to remove or remedy encroachments upon public lands". The act provides for fine up to \$500 a day and payment of administrative costs and damages for violations.

Mr. Ing said he understands that this language has not been reviewed by the Attorney General's Office. Also, there is a pending regulation being developed by the Attorney General's Office that may cover this area. He, therefore, suggested that this matter be deferred to give the Attorney General's Office time to review it.

ACTION The board had no objection to deferring this item as suggested by Mr. Ing.

Mr. Ono said the Attorney General's staff and the Land Management staff can continue to work together in developing the necessary rules.

ITEM F-7 DOT REQUEST FOR ACCEPTANCE OF DEDICATION OF EASEMENT FOR KAHEKILI HIGHWAY PROJECT NO. BD66-320, HEEIA, KOOLAUPOKO, OAHU

Mr. Ing asked whether this is the area across the street from Keapuka where the landslide occurred. The reason he raised this question is because there was a landslide that buried a house there. The concern that he had was why that particular easement is being requested, and whether we are going to incur some potential liability for landslides.

Mr. Detor wasn't sure whether this is the same area.

ACTION Mr. Ing moved for approval, subject to review of the specific area. Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-8 DIVISION OF AQUATIC RESOURCES REQUEST FOR RIGHT OF ENTRY TO SUBMERGED LANDS (ARTIFICIAL REEFS STUDY) AT MAUNALUA, WAIANA, KUALOA AND KAAWA, OAHU, AND KEAWAKAPU, MAUI

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM F-9 STAFF RECOMMENDATION FOR ISSUANCE OF RIGHTS OF ENTRY TO STATE UNENCUMBERED LANDS

Mr. Detor said this was a recommendation for delegation of authority to the chairman for the issuance of rights of entry to unencumbered state lands. A permit that was issued to the Department of Education (DOE) covering the Camp Andrews parcel was cancelled on May 9, 1983. DOE had issued rights of entry to various organizations for huli-huli chicken events, etc. To accommodate these various organizations, staff recommended that the board delegate that authority to the chairman so that these things can go ahead.

Mr. Ono said he has asked the staff to look at the possibility of assessing a fee, or whether we can just let them use the land without any fee being charged. He said this is just so that we would have some kind of a policy understanding for future requests.

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM F-10 UNIVERSITY OF HAWAII'S REQUEST FOR EXTENSION OF GENERAL LEASE
NO. S-4240, WAILUA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-11 CITIZENS UTILITIES CO. APPLICATION FOR EASEMENT AT KAPAA, KAUAI

Mr. Detor asked to make one amendment. The submittal reads that the consideration is to be determined by independent appraisal. If we went this way the state would end up having to pay for the easement over its own land for the electric company. At the last session of the legislature, Act 179 was passed, which enables the board (in cases such as this, where the easement is going to lead to state property and it is going to be for the benefit of the state) to give a public utility an easement on a nominal consideration basis. Mr. Detor, therefore, asked that consideration be amended to read \$1.00.

ACTION Unanimously approved as amended. (Yamamoto/Yagi)

ITEM F-12 RESUBMITTAL - DLIR REQUEST FOR ACQUISITION OF LEASE COVERING
SUITE 302, 1164 BISHOP STREET, HONOLULU, OAHU

This was a resubmittal. This matter was deferred at the last meeting because there was some mixup on the figures.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-13 ATTORNEY GENERAL'S REQUEST FOR CONCURRENCE TO PROPOSED
SETTLEMENT OF ACQUISITION OF KAM ESTATE PROPERTY FOR MAKENA-
LA PEROUSE STATE PARK, MAUI (EXECUTIVE SESSION)

Mr. Ono announced that tentative settlement has been reached on this. The next step is to get Land Board concurrence before it can be finalized. However, because both parties have not agreed in writing, Mr. Ono said, it is appropriate that this item be discussed in an executive session. He asked Mr. Johnson Wong whether the board can go into executive session at this time.

Mr. Wong said yes.

Mr. Kealoha moved, seconded by Mr. Ing, and the board unanimously voted to go into executive session to discuss Item F-13.

The board went into executive session for a few minutes and reconvened at 11:45 A. M.

Mr. Ono said the board has received the information on the tentative settlement from the Attorney General's Office. With the concurrence of this board, the Attorney General's staff can now seek final settlement on this proposed acquisition.

ACTION Mr. Yagi moved to approve Attorney General's request for concurrence to the proposed settlement. Mr. Yamamoto seconded and the motion was unanimously carried.

As soon as the final settlement is reached, Mr. Ono said, the information will be made public.

DAGS REQUEST FOR RIGHT OF ENTRY TO PERFORM SURVEYING AND FIELD INVESTIGATIVE WORK, MAUNA KEA POWER LINE, HAWAII (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

ACTION Unanimously approved as submitted. (Higashi/Kealoha)
 (See pages 1 to 3 for Item H-1.)

ITEM H-2 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT PUNA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM H-3 REQUEST FOR ONE-YEAR EXTENSION FOR A PREVIOUSLY APPROVED CDUA FOR THE INSTALLATION OF A DEEP WELL PUMP AND CONSTRUCTION OF A CONTROL BUILDING FOR THE HAIKU WELL AT HAIKU, OAHU, TAX MAP KEY 4-6-15:01

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM H-4 PERMISSION TO CONTRACT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO CARRY OUT A PROJECT ON HAWAIIAN BACK-YARD AQUACULTURE SYSTEMS

ITEM H-5 REQUEST FOR APPROVAL TO CONTRACT WITH THE UNIVERSITY OF HAWAII TO CONTINUE RESEARCH ON LO-ENERGY WATER CIRCULATION DEVICES FOR HAWAIIAN PRAWN PONDS

ITEM H-6 PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII TO CARRY OUT AN INVESTIGATION OF CHEMICALLY-MEDIATED FEEDING BEHAVIOR IN MACROBRACHIUM ROSENBERGII

ITEM H-7 PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII, COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, TO CONDUCT A STUDY ON A BIO-ECONOMIC MODEL FOR FRESHWATER PRAWN PRODUCTION IN HAWAII

ITEM H-8 PERMISSION TO CONTRACT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO CARRY OUT RESEARCH ON THE SCREENING OF FOREIGN SOURCES OF PENAEID SHRIMP FOR SPECIFIC VIRUS-FREE STOCKS

ACTION Items H-4 to H-8 were unanimously approved as submitted. (Ing/Yagi)

ADDED
 ITEM H-9 ELECTION OF VICE CHAIRMAN OF THE BOARD

Mr. Kealoha nominated Mr. Ing as the vice chairman of the board.
 Mr. Higashi moved and Mr. Yagi seconded that the nomination be closed.

ACTION Since Mr. Ing was the only nominee, he was unanimously elected to serve as the vice chairman of the board.

ITEM J-1 ADDENDUM NO. 1 TO LEASE NO. DOT-A-82-8, HONOLULU INTERNATIONAL AIRPORT (CITICORP. (USA), INC.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-2 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIV.

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

APPROVAL OF CONSENT TO ASSIGNMENT OF SUBLEASE PORTION OF THE PREMISES OF LEASE NO. 42, HARBORS DIVISION, HONOLULU HARBOR, NATIONAL CO., INC. (LESSEE) AND OVERSEAS VENTURES, INC. (SUB-LESSEE)

ITEM J-3

ACTION Unanimously approved as submitted. (Ing/Kealoha)

PERMIT TO ENTRY AND USE, LAHAINA HARBOR COMFORT STATION, LAHAINA, MAUI (HARBORS DIVISION)

ITEM J-4

This was a request for a permit to enter and use the Lahaina Harbor Comfort Station. The premise contains an area of approximately 1,788 square feet and is a portion of the land placed under the jurisdiction of County of Maui for park purposes by Governor's Executive Order No. 80, dated October 27, 1920. The purpose of the right of entry is to give the state immediate right to enter and to take possession of the Lahaina Comfort Station and start renovation in the area.

Mr. Ing asked Mr. Garcia whether they know that they are taking a big step forward, in not only getting the place renovated or to serve the public, but also the complaints that are coming in all the time about the facility not being kept up.

Mr. Yagi asked whether DOT understands the responsibility that they are taking over.

Mr. Garcia said they understand what the situation is and what it has been.

Mr. Yagi suggested to avoid vandalism that they restrict the hours of the comfort station. He said if you leave it open all night, please will be camping in there.

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

SUPPLEMENTAL AGREEMENT OF UNNUMBERED LICENSE DATED JUNE 10, 1947 (FEDERAL MARITIME COMMISSION AGREEMENT NO. 9055-3), AND THE CONSENT TO RESTATED AGREEMENT RESTATING THE SUBLICENSE, HILO HARBOR (MATSON NAVIGATION CO., INC., LICENSEE, AND HILO TRANSPORTATION AND TERMINAL CO., INC., SUBLESSEE)

ITEM J-5

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

CONSTRUCTION RIGHT OF ENTRY, HARBORS DIVISION, MAALAEA BOAT HARBOR, MAUI (U. S. COAST GUARD)

ITEM J-6

ACTION Mr. Garcia asked to withdraw this item for further review by them.

The board had no objection to the withdrawal.

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2B SHED, HONOLULU HARBOR (HAWAIIAN MARINE LINER, INC.)

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-8 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL HONOLULU HARBOR (AMERICAN EXPRESS CO.)

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2B SHED, HONOLULU HARBOR (KEITH F. COBURN)

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 11, HALE AWA KU MOKU BUILDING, HONOLULU HARBOR, OAHU (MOTOR VEHICLE SAFETY OFFICE, DEPARTMENT OF TRANSPORTATION)

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM J-11 FAA'S REQUEST FOR RIGHT OF ENTRY TO INSTALL AND CONSTRUCT A NEW FACILITY AND ACCESS ROAD AT THE HONOLULU INTERNATIONAL AIRPORT, OAHU

This was FAA's request for a right of entry for the installation and maintenance of a new Very High Frequency Omnidirectional Range System and a Tactical Air Navigation System (VORTAC) and access road, at the Honolulu International Airport. The area is 20,330 square feet. The effective date is upon execution of the document.

Mr. Garcia said no consideration is involved. There will be a follow-up action for a lease for that property. It was Mr. Garcia's understanding that there won't be any rent on this because under their funding agreement they must provide space for the navigational systems.

Mr. Ono asked that the agreement document be attached to the submittal when DOT comes in for the disposition of the property.

ACTION Unanimously approved as submitted. (Ing/Higashi)

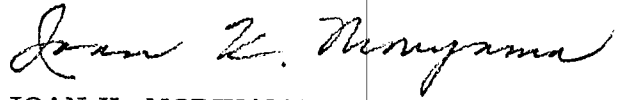
Mr. Yagi asked when DOT (Airports Division) is coming up with a plan for the Kahului Airport (NASKA). He said there are so many people who are interested in leasing the area.

Mr. Garcia said they have a plan, but they cannot expend Airport Special Fund to improve that area. He said DOT will be transferring this out of their jurisdiction to DLNR because of nonconforming uses.

Mr. Yagi said the plan should be given to the Land management Division. He said the state doesn't have to spend money on it. The people who want to lease it can improve it. He asked Mr. Detor to follow up with Mr. Garcia on this.

ADJOURNMENT: There was no further business, and the meeting was adjourned at
12:05 P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairman

jkm