

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

DATE: July 8, 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 9:05 A.M. The following were present:

MEMBERS Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Takeo Yamamoto
Mr. Susumu Ono

ABSENT & EXCUSED
Mr. Roland Higashi
Mr. Thomas Yagi

STAFF Mr. James Detor
Mr. Roger Evans
Mr. Robert Chuck
Mr. Roy Sue
Mr. John Corbin
Mr. Henry Sakuda
Mr. Mr. Libert Landgraf
Ms. Patricia Edwards
Mrs. LaVerne Tirrell

OTHERS Dep. A. G. Dona Hanaike
Mr. Tom Matsuda (Item F-1-b)
Mr. Robert Sarae (Item H-3)
Mr. Peter Garcia, Dept. of Transportation

ADDED
ITEMS

Mr. Ing moved, Mr. Yamamoto seconded and the board approved unanimously to have the following items added to the agenda:

Water & Land Development

Item D-2 -- Ground Water Control Program

Land Management

Item F-1-f -- Hawaiian Fruit Flavors, Incorporated request for Consent to Mortgage, General Lease No. S-4333, Waiakea House Lots, Waiakea, So. Hilo, Hawaii

Item F-14 -- Request for Out-of-State Travel for James J. Detor to Attend WSLCA Annual Conference in Reno, Nevada.

Administration

Item H-5 -- Request for Approval of Out-of-State Travel for Dr. James Brock.

CDUA FOR REHABILITATION AND UPGRADING OF THE EXISTING HYDROELECTRIC SYSTEM FOR LIHUE PLANTATION COMPANY, LTD., AT LIHUE-KOLOA FOREST RESERVE, KAUAI.

ITEM H-2

Mr. Ing disqualified himself from taking any action on this item.

ACTION

Lack of quorum. Deferred to July 22, 1983 meeting.

<u>ITEM H-4</u>	CDUA FOR CONSTRUCTION AND USE OF A RESEARCH GREENHOUSE AT LYON ARBORETUM, MANOA, OAHU (UNIVERSITY OF HAWAII)
ACTION	Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Kealoha/Yamamoto)
<u>ITEM H-3</u>	CDUA FOR PUBLIC PARK DEVELOPMENT AND WATER TRANSMISSION SYSTEM EASEMENTS AND IMPROVEMENTS FOR THE ROYAL SUMMIT RESIDENTIAL SUBDIVISION AT WAIMALU, OAHU (OCEANVIEW VENTURES)
ACTION	<p>Mr. Evans explained that this is being resubmitted inasmuch as the applicant was not able to start work on the project within one year as required by the original application. According to the applicant, he had difficulty in obtaining 1) the proper permits from the various government agencies and 2) financial support due to the general economic conditions.</p> <p>Robert Sarae of Community Planning, Inc. said that the only approval they have yet to get before construction on the project can commence is approval of the construction plan from the Department of Land Utilization. DLU is requiring, however, that the applicant first get CDUA approval.</p>
<u>ITEM H-1</u>	CDUA FOR TEST BORINGS IN THE VICINITY OF THE BOAT LAUNCHING RAMP AND DOCK AT LAUPAHOEHOE POINT, HAWAII (U. S. ARMY ENGINEER DIVISION).
ACTION	<p>The results of the borings will be used to develop the Plans and Specifications for the Navigation Improvements, which staff feels is a reasonable use.</p> <p>Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Kealoha/Yamamoto)</p>
<u>ITEM F-1-d</u>	TOYOMI IWATA APPLICATION FOR REVOCABLE PERMIT COVERING THE BREWER WAREHOUSE LOT AND BUILDING, HONOLULU, OAHU.
ACTION	<p>This is the old Tasty Broiler facility between Smith and Maunakea Streets. The permit area is 5,793 sq. ft. and will be used for business purposes commencing September 1, 1982. Rental will be determined by appraisal, same subject to review and approval by the Chairman (appraisal to incorporate percentage rent provision).</p> <p>Mr. Hideo Naito, the permittee, is 78 years old and would like to retire from the business. The applicants presently operate the Restaurant/Bar in the building.</p> <p>Mr. Kealoha moved to authorize the cancellation of Revocable Permit No. S-5837 to Mr. Hideo Naito as of August 31, 1982 and approve the issuance of a new revocable permit covering the subject area to Toyomi Iwata and Jeanne L. Iwata for business use purposes as of September 1, 1982 subject to all the terms and conditions sets forth in Revocable Permit No. S-5837 and such terms and conditions as may be prescribed by the Chairman. Mr. Yamamoto seconded and motion carried unanimously.</p>

ITEM F-1-b

FRANK UEHARA, SR. APPLICATION FOR REVOCABLE PERMIT, MAUNALAHA, HONOLULU, OAHU.

Mr. Detor explained that the permit is presently held by Mr. and Mrs. Frank Akana who have asked that their permit be cancelled and a new one issued to their granddaughter and her husband, Mr. and Mrs. Frank Uehara.

Mr. Detor stated also that staff is presently working on the issuance of leases for the residents of Maunaloa and the Uehara's do qualify.

How, asked Mr. Kealoha, do the Uehara's qualify for the lease?

Mr. Detor explained that the original document names the present permittees and their successors. It does not limit it to just the present permittees.

Tom Matsuda, attorney for the Maunaloa residents, explained to Mr. Kealoha that there are three criteria for qualification: First, they have to presently be living on the land and holding permits. Secondly, they had to have had homes built on the land before 1940; and third, the various governments have had to express some kind of intent to allow them to stay there. The Uehara's qualify on all three criteria.

The original document that granted this permit was issued on September 8, 1938 and it was a transfer of a tenure originally granted by Mr. Whitehouse, the then Commissioner of Public Lands to someone who is not related to this family. It was then transferred to the Akana family with the permission of Mr. Whitehouse in 1938 and all it says is that the tenure herein authorizes the transfer to the Akana's. So that qualifies the Akanas.

ACTION

Mr. Kealoha moved for the cancellation of Revocable Permit No. S-5452 to Frank W. Akana, Jr. and Kathy Shin Akana and the issuance of a revocable permit to Mr. and Mrs. Frank Uehara, covering Maunaloa Homesites, Makiki Valley, TMK: 2-5-19, subject to terms and conditions as may be prescribed by the Chairman. Mr. Ing seconded and motion carried unanimously.

ITEM B-1

REQUEST FOR APPROVAL TO CONDUCT PUBLIC MEETING(S) AND HEARING ON DEPARTMENT OF LAND AND NATURAL RESOURCES RULE TO DELINEATE THE PORTION OF KAILUA BAY (KONA), HAWAII FOR YEAR ROUND POLE-AND-LINE FOR FISHING.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM B-2

REQUEST FOR APPROVAL TO CONDUCT PUBLIC HEARING ON AMENDMENT TO CHAPTER 46 (NORTHWESTERN HAWAIIAN ISLANDS) AND CHAPTER 72 (LICENSE REQUIREMENTS FOR CERTAIN BAITFISHES), DEPARTMENT OF LAND AND NATURAL RESOURCES ADMINISTRATIVE RULES.

ACTION

Unanimously approved as submitted, subject to approval from the Department of the Attorney General and the Governor. (Ing/Kealoha)

For Example, said Mr. Chuck, the board has adopted a water management plan with policies in particular wells due to emergencies such as water main breaks, reservoir failures and contaminations. In order to give an ok for a temporary excess of pumpage out of a particular well this board needs to take action. Staff is therefore requesting that the chairman be given powers to immediately act when necessary.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

At Mr. Kealoha's request, Mr. Ono asked that staff update the list of Delegations of Authority from the Board to the Chairman and submit same to the board for review. It will be decided, after such review, whether or not any action by the board will be necessary.

ITEM F-1

DOCUMENTS FOR CONSIDERATION

Item F-1-a

KENNETH K. M. YEE request to SUBLEASE GENERAL LEASE NO. S-4114, covering LOT 7, SHAFTER FLATS, HONOLULU, OAHU to DRUG ADDICTION SERVICES OF HAWAII, INC.

Item F-1-b

FRANK K. and KATHERINE K. A. UEHARA, SR. request for REVOCABLE PERMIT, MAUNALAHA, HONOLULU, OAHU.

(See Page 3 for Action)

Item F-1-c

RESUBMITTAL--BASIN PROJECT, INC. request for CONSENT TO MORTGAGE, GENERAL LEASE NOS. S-4578 (27,070 sq. ft.) and S-4589 (10,171 sq. ft.) KAAKAUKUKUI, HONOLULU, OAHU.

Mr. Detor explained that the applicants are refinancing to consolidate their loans. The question that came up at the last meeting was whether the State was required to surface the parking area, which is outside of the lease area. Staff has checked this out and found that it would cost approximately \$10,300 to do the work. Because the State would need to go through a lengthy bidding procedure to get the job done, Mr. Anderson said that he is willing to contract the work out himself and have it done according to State specification.

The second question that arose was in connection with the valet parking. Mr. Anderson said that he had instructed his people not to use the facility across the street any more. They were to park in their own area or out on the street.

Mr. Ing moved to authorize consent but hold off the signing of the document until construction is commenced.

Mr. Detor said that this could be done administratively.

Item F-1-d

TOYOMI IWATA application for REVOCABLE PERMIT covering the BREWER WAREHOUSE LOT AND BUILDING, HONOLULU, OAHU.

(See page 2 for Action)

Item F-1-e

DEPARTMENT OF TRANSPORTATION REQUEST for REVOCABLE PERMIT covering land at FORT ARMSTRONG, KAAKAUKUKUI, HONOLULU, OAHU commencing July 15, 1983 for container facility use and maintenance yard for container cargo operation.

Added
Item F-1-f

HAWAIIAN FRUIT FLAVORS, INCORPORATED request for CONSENT TO MORTGAGE, GENERAL LEASE NO. S-4333, COVERING LOT 2, BLOCK 39, WAIAKEA HOUSE LOTS, WAIAKEA, SO. HILO, HAWAII.

ACTION

Mr. Ing moved for approval of Items F-1-a, F-1-e and F-1-f, as submitted and Item F-1-c, as amended. The amendment being that the documents not be executed until construction on the parking lot improvements has commenced. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-2

HAWAII ELECTRIC LIGHT COMPANY, INC. AND HAWAIIAN TELEPHONE COMPANY APPLICATION FOR TRANSMISSION LINE EASEMENT, PONAHAHAWI, SO. HILO, HAWAII.

ACTION

Upon motion by Mr. Ing and a second by Mr. Kealoha, the board voted unanimously to approve the direct grant of a perpetual, non-exclusive easement to the applicants for the area described in the submittal, subject also to those terms and conditions listed in said submittal and also granted immediate construction right of entry, subject to the standard indemnity and hold-harmless clause and other terms and conditions as may be imposed by the Chairman.

ITEM F-3

JAMES K. SCHULER & ASSOCIATES, INC. REQUEST FOR EXTENSION OF TIME TO CONSTRUCT PUBLIC IMPROVEMENTS ON THE GOVERNMENT BEACH RESERVE, KIHEI, MAUI.

ACTION

The board voted unanimously to grant the applicant an extension until September 15, 1984 to clear, grade, landscape and construct two (2) public tennis courts as required under the right-of-entry approved by the Board at its April 12, 1979 meeting under Item F-11, all other terms and conditions of said right-of-entry including the posting of a \$10,000.00 surety bond to remain unchanged. (Yamamoto/Ing)

ITEM F-4

FLORENCIO MANZANO, ET AL, APPLICATION TO PURCHASE HIGHWAY REMNANT PARCEL H-175-A OF THE LUNALILO FREEWAY, FAP NO. I-H1-1 (93), HONOLULU, OAHU.

ACTION

Finding the subject parcel as unsuitable for development as a separate lot because of its size and shape and is a remnant by definition, the board, upon motion by Mr. Ing and a second by Mr. Yamamoto, unanimously voted to approve the direct sale of the subject remnant under the terms and conditions listed in the submittal.

ITEM F-5

STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4321, WAIMANALO, OAHU (THE VALIANTS).

ACTION

The board voted unanimously to authorize the cancellation of General Lease No. S-4321 to The Valiants, as of June 30, 1983 subject to the retention of all sums heretofore paid and such other terms and conditions as may be prescribed by the Chairman. (Ing/Kealoha)

ITEM F-6

STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (4/8/83, AGENDA ITEM F-7) AUTHORIZING SALE OF A LEASE COVERING LAND AT HALAWA, EWA, OAHU.

The board authorized selling a lease for parking and storage purposes covering the old Dynamite storage facility at Halawa -- this is a concrete bunker which is completely surrounded by private land. One of the things was that part of that particular proposal was that as far as the rent was concerned we had incorporated a percentage basis.

The applicants have advised us that they are not going to charge for parking on a monthly basis. Their leases of the private land will tie in to this but there is no direct charge as far as the parking facility is concerned. Staff is therefore suggesting that in lieu of that we substitute a rental reopening every five years. This is a 25-year lease. The original lease had reopening every 10 years.

Detor did not feel it feasible to incorporate a percentage feature.

What if the lessor decides to use the area for commercial purposes, asked Mr. Ono?

Mr. Detor said that the lease is for storage purposes. However, what staff could do is to work out a provision that could go either way.

ACTION

Deferred, in order that staff can work out a proposal for the board to act on.

ITEM F-7

DEPARTMENT OF TRANSPORTATION REQUEST FOR CONVEYANCE OF HIGHWAY PARCEL TO CITY & COUNTY OF HONOLULU, KANEOHE, OAHU.

Since the City will be responsible for maintaining the subject parcel, DOT is requesting that said parcel be transferred to the City's jurisdiction.

ACTION

The board unanimously approved the conveyance of highway designated parcel P to the City and County of Honolulu. (Ing/Kealoha)

ITEM F-8

CITY & COUNTY OF HONOLULU REQUEST FOR SANITARY SEWER EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY, PORTION OF BLANCHE POPE ELEMENTARY SCHOOL, WAIMANALO, KOOLAUPOKO, OAHU.

ACTION

The board, upon motion by Mr. Ing and a second by Mr. Yamamoto, voted unanimously to:

- A. Approve to grant the City and County of Honolulu perpetual non-exclusive easement over the subject area for sanitary sewer purposes, subject to the terms and conditions listed in the submittal.
- B. Approve to grant the City and County of Honolulu a construction right of entry to the easement area and being construction Parcel 6 (5,264 sq. ft.), subject to the terms and conditions listed in the submittal.

ITEM F-9

COUNTY OF KAUAI REQUEST FOR CONSTRUCTION BASEYARD, WAIMEA, KAUAI.

The board, in April 1983, approved use of 60,250 sq. ft. to Douglas Kakuda Contractor, Inc., who has held up signing the contract because the County has requested to utilize 44,870 sq. ft. of his proposed 60,250 sq. ft. permit area. He is willing to take a lesser area and let the County have the balance for their project.

This is a \$3 million project and, according to the contract, the county is responsible to look for a site for this project which is expected to take approximately two years. Mr. Yamamoto felt that the county should be assessed for use of this property.

Mr. Detor said that he could check to see if there is a provision for that in the contract and, if there is, then staff could add an alternative condition wherein we charge whoever gets the job for use of the balance of Kakuda's area if, in fact, he is responsible under the contract to go out and get a space.

The applicants have advised us that they are not going to charge for parking on a monthly basis. Their leases of the private land will tie in to this but there is no direct charge as far as the parking facility is concerned. Staff is therefore suggesting that in lieu of that we substitute a rental reopening every five years. This is a 25-year lease. The original lease had reopening every 10 years.

Detor did not feel it feasible to incorporate a percentage feature.

What if the lessor decides to use the area for commercial purposes, asked Mr. Ono?

Mr. Detor said that the lease is for storage purposes. However, what staff could do is to work out a provision that could go either way.

ACTION

Deferred, in order that staff can work out a proposal for the board to act on.

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Since the City will be responsible for maintaining the subject parcel, DOT is requesting that said parcel be transferred to the City's jurisdiction.

ACTION

The board unanimously approved the conveyance of highway designated parcel P to the City and County of Honolulu. (Ing/Kealoha)

ITEM F-8

CITY & COUNTY OF HONOLULU REQUEST FOR SANITARY SEWER EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY, PORTION OF BLANCHE POPE ELEMENTARY SCHOOL, WAIMANALO, KOOLAUPOKO, OAHU.

ACTION

The board, upon motion by Mr. Ing and a second by Mr. Yamamoto, voted unanimously to:

- A. Approve to grant the City and County of Honolulu perpetual non-exclusive easement over the subject area for sanitary sewer purposes, subject to the terms and conditions listed in the submittal.
- B. Approve to grant the City and County of Honolulu a construction right of entry to the easement area and being construction Parcel 6 (5,264 sq. ft.), subject to the terms and conditions listed in the submittal.

ITEM F-9

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This is a \$3 million project and, according to the contract, the county is responsible to look for a site for this project which is expected to take approximately two years. Mr. Yamamoto felt that the county should be assessed for use of this property.

Mr. Detor said that he could check to see if there is a provision for that in the contract and, if there is, then staff could add an alternative condition wherein we charge whoever gets the job for use of the balance of Kakuda's area if, in fact, he is responsible under the contract to go out and get a space.

Mr. Yamamoto felt that this proposal could be added with no trouble since the bid proposal was not yet out.

- ACTION The board, upon motion by Mr. Yamamoto and a second by Mr. Ing, voted unanimously to amend its action of April 8, 1983 under agenda Item F-1-a by 1) changing the permit area from 60,250 sq. ft. to 15,380 sq. ft.; 2) reducing the monthly rental from \$575.00 to \$147.00; and 3) changing the commencement date to July 15, 1983. The board also granted the County of Kauai a right of entry to portion of TMK: 1-6-04:2 and permission to utilize said areas for construction baseyard purposes, subject to the conditions listed in the submittal together with the added alternative condition that rental be paid for the balance of area under permit to Kakuda Construction by whichever contractor gets the job if, in fact, they are responsible to go out and get a space.
- ITEM F-10 ELVIN KAIKAPU REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 12, BRODIE LOTS, HANAPEPE, KAUAI.
- ACTION The board unanimously approved an extension from July 23, 1983 to January 24, 1984, of the construction deadline contained in Special Sale Agreement No. S-5559, subject to the vendees furnishing an updated building compliance bond in an amount of not less than \$500.00, guaranteeing completion of the residence by January 24, 1984; such bond to be posted within thirty (30) days from notification of receipt of the extension. (Yamamoto/Ing)
- ITEM F-11 DEPARTMENT OF SOCIAL SERVICES & HOUSING REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING THE 2ND FLOOR OF THE SEABORD BUILDING, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Yamamoto)
- ITEM F-12 DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING APT. A OF BUILDING 8 OF STAFF HOUSING, PRINCEVILLE, HANAIEI, KAUAI.
- ACTION Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Yamamoto/Ing)
- ITEM F-13 DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 210 IN THE POLYNESIAN BUILDING, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Yamamoto)
- ADDED ITEM F-14 OUT-OF-STATE REQUEST FOR JAMES J. DETOR TO ATTEND WESTERN STATES LAND COMMISSIONERS ASSOCIATION ANNUAL CONFERENCE.
- ACTION The board unanimously approved Mr. Detor's request to attend the WSLCA Annual Conference to be held in Reno, Nevada during the period July 24-29, 1983. (Yamamoto/Ing)
- ADDED ITEM H-5 REQUEST FOR APPROVAL OF OUT-OF-STATE TRAVEL.
- ACTION The board unanimously approved Dr. James Brock's request to attend the Pacific Marine Fisheries Commission Shellfish Subcommittee on Shellfish Transfer meeting scheduled for July 14 and 15, 1983 in Portland, Oregon. (Ing/Yamamoto)
- ITEM J-1 LEASE, KEAHOLE AIRPORT, HAWAII (KONA AIRPORT TAXI CO., INC.)
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)

- ITEM J-2 ADDENDUM NO. 1 TO LEASE NO. DOT-A-78-30, KEAHOLE AIRPORT, HAWAII (ALOHA AIRLINES, INC.)
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yamamoto/Ing)
- ITEM J-4 RENEWAL OF REVOCABLE PERMITS, CONFORMING USE, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-5 REVISION OF RENTAL, RENEWAL OF REVOCABLE PERMITS, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yamamoto/Ing)
- ITEM J-6 APPROVAL OF CONSENT TO MORTGAGE, HARBORS DIVISION, PIER 31, HONOLULU, OAHU (PAULEY PETROLEUM, INC. - CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO).
- ACTION Unanimously approved as submitted, subject to the terms and conditions of the Indenture of Lease as set forth in said submittal. (Ing/Kealoha)
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT NO. HY-83-699, HIGHWAYS DIVISION, HONOLULU, OAHU (GRACE BROTHERS).
- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)
- ITEM J-8 SALE OF A LEASE BY PUBLIC AUCTION, HARBORS DIVISION, PIER 42, HONOLULU, OAHU (VARIOUS).
- ACTION Mr. Garcia asked that the third line from the bottom where it reads "it may not negotiate the sale..." that the word "not" be deleted. Unanimously approved with the above amendment. (Kealoha/Yamamoto)
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, HONOLULU HARBOR, OAHU (CASTLE & COOKE TERMINALS, LIMITED).
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ADJOURNMENT There being no further business, the meeting adjourned at 10:30 A.M.

Respectfully submitted,

LaVerne Tirrell
 LaVerne Tirrell
 Secretary

APPROVED:

 SUSUMU ONO
 Chairman

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