

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

DATE: September 9, 1983

TIME: 9:00 A. M.

PLACE: DLNR Board Room
Room 132, Kalanimoku Building
1151 Punchbowl Street
Honolulu, Oahu

Roll
Call

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources at 9:05 A. M. with the following in attendance:

Members

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

Staff

Mr. Roger Evans
Mr. James Detor
Mr. Roy Sue
Mr. Robert T. Chuck
Mr. Libert Landgraf
Mr. Maurice Matsuzaki
Mrs. Joan K. Moriyama

Others

Dep. A. G. Dona L. Hanaike
Mr. Peter Garcia
Mr. Reuben S. F. Wong (Items J-1, J-2
and J-3)
Mr. Robert Rau (Item H-7)
Mr. David Parsons (Added Item H-9)
Mr. Stanley Boc (Added Item H-9)
Mr. Thomas Matsuda (Item F-7)
Mr. Ivar J. Kaipo (Item H-8)
Mr. Doug Mersberg (Item E-3)
DAGS Rep. (Item H-6)

Added
Item

Mr. Ing moved, seconded by Mr. Higashi, and the board unanimously approved to add Item H-9 (Conservation District Use Application for Kaulana Boat Launching Project, Kau, Hawaii) to the board agenda.

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

ITEM J-1

LEASE - ASSIGNMENT OF LEASE BY ROYAL RAINBOW RENT-A-CAR TO
ALAMO RENT-A-CAR, INC. AT GENERAL LYMAN FIELD AND KEAHOLE
AIRPORT, HAWAII

ITEM J-2

LEASE - ASSIGNMENT OF LEASE BY ROYAL RAINBOW RENT-A-CAR TO ALAMO RENT-A-CAR, INC. AT KAHULUI AIRPORT, MAUI

ITEM J-3

LEASE - ASSIGNMENT OF LEASE BY ROYAL RAINBOW RENT-A-CAR TO ALAMO RENT-A-CAR, INC. AT LIHUE AIRPORT, KAUAI

Royal Rainbow Rent-A-Car acquired the subject leases from Islander U-Drive effective November 19, 1982. Royal Rainbow Rent-A-Car has been financially unreliable in its rental payments, according to Mr. Garcia, and they presently owe the state approximately \$28,000.

The condition of the consent is that all arrearages be satisfied upon the granting of the consent to the assignments. Mr. Garcia said he was informed that there is \$30,000 in escrow that would be used to pay for all delinquent charges to the state. It would be paid by Alamo Rent-A-Car, Inc.

Mr. Kealoha noted that Items J-1, J-2 and J-3 each states that Rainbow Rent-A-Car owes us \$24,000. The way the submittal reads, they owe us \$24,000 for each case. He asked whether they owe the state a total of \$72,000. He said the submittal is not clear.

Mr. Garcia said no. It is not a separate charge of \$24,000 each. It's a total of \$24,000.

Mr. Ono asked what is going to happen to Royal Rainbow Rent-A-Car.

Mr. Reuben S. F. Wong, attorney, said they would be giving up only the neighbor island operations. They would still be doing business on Oahu.

ACTION

The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved Items J-1, J-2 and J-3 as submitted.

ITEM H-7

RESUBMITTAL - CDUA FOR TWO PRIVATE BOAT MOORING USES IN KANEOHE BAY, OAHU

This was a resubmittal. It was deferred at an earlier meeting to allow the applicant to be present today.

This was a request for mooring buoys at Kaneohe Bay. The area is within our resource subzone.

Staff recommended denial based on the three criteria listed below:

1. That there are other established mooring areas and docks where the applicant may moor boats.
2. The potential precedent which may be set by allowing a permanent mooring in Kaneohe Bay, following the removal of a site within Kaneohe Bay for consideration as a state-wide mooring areas.
3. That since an area in Kaneohe Bay was once considered as a site for a state-wide mooring area, the Department of Transportation should initiate any further requests for permanent moorings in Kaneohe Bay, either through amending Conservation District Use Application SH-1232, or by filing a new Conservation District Use Application.

Mr. Evans said staff's recommendation is consistent with other applications that have come before the board for single mooring outside of the state-wide approved mooring areas.

He further stated that DOT is recommending approval provided that no one be allowed to live aboard on the vessel.

Mr. Ono said we have a state-wide mooring plan. He asked why DOT is recommending approval.

Mr. Peter Garcia said Mr. David Parsons of the Harbors Division can answer that question and he is expected to be here very shortly.

Mr. Robert Rau, attorney for the applicant, said Mrs. Sim is currently detained in Florida. He said all of the agencies that have reviewed the situation have either approved or not objected to the proposal and all of the marinas in the state are overloaded. There is a waiting list in every marina. There are virtually very few alternatives for vessels, he said. The applicant in this situation came to Hawaii and specifically purchased the property in order that she can park her boats opposite the property.

Mr. Rau said he understands that the department has no objection to anchoring vessels. He said permanent mooring (the type requested here) is safer and less disruptive to marine life than would be anchoring and re-anchoring. He said the applicant would agree with DOT's conditional approval, that there be no live aboards on either vessel. They would further agree that at the time when either vessel is sold, or the property itself is sold or transferred in any way, the moorings would be removed at the applicant's expense. To assure the department that that would occur, they are prepared to post a bond, Mr. Rau said.

Mr. Ono asked Mr. Rau whether his client was led to believe that when she purchased the house that getting a mooring facility would not be a problem.

Mr. Rau could not answer that.

The board continued this item until Mr. Parson arrived. (See page 8 for further action on Item H-7.)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

HAWAII

Item F-1-a REVOCABLE PERMITS
DEPARTMENT OF SOCIAL SERVICES AND HOUSING - PUBLIC WELFARE
DIVISION, HAWAII BRANCH - Old dwelling (former sheriff's residence)
situated on the former Waimea Court House Lot, Waimea, South Kohala -
gratis

Item F-1-b KONA QUEEN COMPANY - two sites in the resource subzone of the Mauna
Kea Forest and Game Reserve on TMK 3-8-01:01 - for drone bee production -
\$30.00 per month

MAUI

Item F-1-c TRAV DURO - strip of government land, seaward of applicant's property,
TMK 4-5-13:02 and 26, at Lahaina - for maintenance of existing seawall
and landscaped area - \$10.00 per month

HAWAII

Item F-1-d MORTGAGES

YOUNG DAI KIM and SOOK JA KIM, husband and wife, Mortgagors; to STATE OF HAWAII, by its Department of Agriculture, Mortgagee - Lot 17, Panaewa Agricultural Park, Waiakea, South Hilo - GL No. S-4764

Item F-1-e HENRY M. TERADA and LORAIN Y. TERADA, Mortgagor, to FEDERAL LAND BANK OF SACRAMENTO, Mortgagee - Lot 28, Panaewa Agricultural Park, Waiakea, South Hilo - GL No. S-4775

Item F-1-f REVOCABLE PERMIT

DIAMOND HEAD PAPAYA COMPANY, LTD. - Keauohana-Keekee, Puna - for papaya cultivation - rental to be determined by appraisal, same subject to review and acceptance by the chairperson.

The acreage involved is some 2,653 acres. However, of that total, only about 1,000 acres is suitable for papaya production. Mr. Detor said the reason all of the parcels are covered under this permit is because it is not feasible to subdivide the parcels at this point. The balance of the property is unusable and is covered by lava flow.

Mr. Ing asked what is the ultimate use to be made of this parcel.

Mr. Detor said to put it up for lease.

Mr. Ing said if you put it up for lease, it would have to be by public auction. He asked whether the permittee is aware of that and willing to take the risk of going on revocable permit.

Mr. Detor said yes.

Mr. Higashi noted that staff did not come up with specific recommendations. He said environmental assessment may need to be done, also archaeological reconnaissance. He said historical caves were discovered in the area. He said those two specific things should be addressed as other terms and conditions by the chairman.

Mr. Detor apologized for not including the recommendations in the submittal. He said the recommendation is to go ahead and issue the revocable permit with the standard conditions.

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Kealoha, unanimously approved Item F-1 as submitted.

ITEM F-12 STAFF REQUEST FOR AUTHORIZATION TO ACQUIRE (BY PURCHASE AND/OR EXCHANGE) LAND REQUIRED FOR WAIMANALO AGRICULTURAL PARK, WAIMANALO, OAHU

This was a recommendation that the board agree in principal and authorize the staff to proceed with effectuating an exchange, or acquisition of land, that's required in connection with the Waimanalo Agricultural Park that's under construction at the present time.

Mr. Detor said two owners are involved, but we would probably work the exchange only with the Laus. For the other owner, he said, we have to have an appraisal first to see what the values are. We may have to purchase rather than exchange.

Mr. Kealoha asked whether there is any possibility of realigning the road at this point.

Mr. Robert Chuck said it would be too late at this time because the whole subdivision is about 80% complete, and they will be paving the area soon.

Mr. Chuck said subdivision approval was received for the lot areas, but not for the road. He said unless the road is widened to their standards, the city will not accept it.

Mr. Ono asked what happens if the legislature disapproves the exchange.

Mr. Detor said we would have to go back and purchase it.

Mr. Ono said with all that time that's required, it's going to hold off the entire project.

Mr. Chuck said the subdivision is not going to be completed until the first of the year so the timing is not that critical. He said 1984 is the earliest that this whole thing could be completed. They would still have to construct in the subject area, and they can't construct until this land problem is settled.

ACTION. Unanimously approved as submitted. (Ing/Yamamoto)

ITEM H-8 REQUEST FOR TIME CONTINUANCE ON CDUA FOR PRIVATE COMMERCIAL RECREATIONAL USE AT MAHAIULA, NORTH KONA, HAWAII (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

Approximately five years ago, the board approved a commercial recreational land use at Mahaiula in North Kona, Hawaii, with a condition that the land use would be reviewed by the board after five years. The five-year time period has expired and the applicant has applied for a time continuance.

Staff recommended approval of this request for time continuance. Mr. Evans called the board's attention particularly to Condition 16, "That if no lease agreement is reached between the applicant and the landowner, or upon termination of any agreed lease, that the area be restored to its natural condition at no expense to the state."

Mr. Kealoha asked whether the use ceases, or whether it continues and is available to the next guy.

Mr. Evans said if the landowner does not continue with the lease, what the staff is suggesting by this condition is that the lessee be required to stop the operation, remove everything from the property, and the use at that time effectively is abandoned. Anyone that would want to have such use in the future would have to make a separate application.

Mr. Kealoha said Condition 16 should be more clearly defined. As written, he said, it is not clearly articulated that the use is abandoned if there is no lease agreement and no longer exists.

Mr. Evans said that was not the intent. The intent is to require the lessee to remove everything he has on the land. He suggested that upon termination of the lease the use also be terminated and the area restored.

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved staff's recommendation with amended Condition 16, "That if no lease agreement is reached between the applicant and landowner, or upon termination of the lease, the use is terminated and the area restored to its natural condition at no expense to the state."

ITEM F-7

STAFF RECOMMENDATION ON TERMS AND CONDITIONS TO BE INCORPORATED IN LEASES COVERING LAND AT MAUNALAHA VALLEY, HONOLULU, OAHU

This was a follow-up of the action that the board took couple of meetings ago with respect to the Maunalaha leases. At that time the board approved a list of people to whom these leases are to be awarded under the legislation that was passed in the 1981 Session.

Staff recommended that the board authorize the issuance of these leases. Some of the terms and conditions were:

1. Assignment of leases is prohibited, except with the prior approval of the board; and then in any case, the assignment can be approved to only those people who qualify under the legislative acts.
2. Subletting of the premises prohibited.
3. Other terms and conditions that would be included would be those that we normally put in leases, and those which are mandated by the act itself.

Mr. Detor said time runs out on this at the end of this year so staff would like to have these leases issued by the end of this year.

Mr. Ono asked whether there are any problems with the city.

Mr. Detor said what staff is planning to do is to go ahead with the issuance of these leases. They have talked to the city people and they are working on that.

Mr. Ono had one concern about Recommendation 1. In the case of any assignment approved by the board, the assignee shall be limited to those persons who qualify under the legislative acts. He asked whether there is any way of determining who these eligible people are, or will be, at this point in time. He said we should identify everybody that's eligible so that there won't be any misunderstanding.

Mr. Detor said they discussed this a little bit the other day with Legal Aid Society Staff Attorney, Mr. Thomas Matsuda, but they haven't been able to get together.

Mr. Matsuda didn't think he could come up with a list like that. He said if he has to give a comprehensive list it would have to be almost a genealogy because the bill calls for descendants being eligible, along with other conditions.

Mr. Kealoha said as far as genealogy, they discussed this at the offset. He said Mr. Matsuda should be able to come up with a list. The board's

primary concern is how many generations you are going to extend this lease to. He said he would like to include the establishing of the genealogy list a part of the board submittal.

Mr. Matsuda said if the board would require that, he will work on it and see what he can come up with.

ACTION Mr. Ing moved, Mr. Yamamoto seconded, and the board unanimously approved Item F-7 as amended above.

ITEM E-3 ONE-YEAR LEASE RENEWAL FOR THE FRIENDS OF HEEIA STATE PARK, INC. TO OPERATE AN EDUCATION/CULTURAL CENTER IN THE PARK

Last year the board approved a one-year lease with the Friends of Heeia State Park, Inc. to operate and maintain cultural, educational and recreational programs, also rental for private functions at Heeia State Park. The Friends have begun operating last September. Staff has monitored their programs and felt that they have met most of the objectives and recommended approval to extend the lease for another year as required by the board's action.

Mr. Ing asked what objectives they have not met.

Mr. Sue said they met the objectives but they have been slow in getting started with some of the program areas. The start off time was little slow because of the new programs and new personnel.

Mr. Ing asked what the present condition of the park is, the section of the park that is leased to them.

Mr. Sue said the appearance of the park around the structures are much improved since they did some extra work and landscaping around the building itself.

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM H-1 CDUA FOR INSTALLATION OF A MOORING BUOY AT FRENCH FRIGATE SHOALS, NORTHWEST HAWAIIAN ISLANDS, HAWAII

This was a request for installation of a mooring buoy within our conservation district in our protective subzone at French Frigate Shoals, south of Tern Island. The board held a public hearing on this application because it is in a protective subzone and commercial in nature.

Staff recommended approval of this application subject to a number of terms and conditions. Mr. Evans specifically pointed out Conditions 6 and 9 as follows:

6. That the use of the mooring be nonexclusive and that other vessels be allowed to use the mooring system when not in use by the applicant.
9. That this approval for the mooring buoy use is temporary and must be reassessed and/or reaffirmed by the board one year after installation of the buoy.

Mr. Ono asked how the nonexclusive arrangement is going to be policed.

Mr. Evans said they will have to depend largely through public complaints. Through public complaints, the board will get a chance to act on it again after a year's period of time.

Mr. Ing said the burden of the one-year review after installation should be placed upon the applicant. It should be the applicant's responsibility to submit a report of the use.

Mr. Evans said he can add Condition 9 requiring the applicant to submit a report of the use.

Mr. Ono asked whether staff is recommending that we go through the entire process of holding a hearing, reissuing another CDUA, etc., under Condition 9.

Mr. Evans said that is not the intent. If this thing works out, fine. If it doesn't work out, then let the board take another look at it. It wasn't meant to go through the entire process.

Mr. Ono said it should be noted some place just so there will be no misunderstanding.

ACTION Mr. Ing moved for approval with added Condition 10, "That the applicant submit a report at the end of one year of use addressing mooring activities at the site, including but not limited to frequency of vessel moorings, duration of time vessels are moored and other associated uses."

Mr. Higashi seconded and the motion was unanimously carried.

ITEM F-10 MARCH OF DIMES CHAPTER OF THE PACIFIC REQUEST FOR USE OF OLD DISTRICT COURT BUILDING FOR HAUNTED HOUSE PROJECT, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM H-7 Continuation from page 3.

The board continued with Item H-7 since Mr. David Parsons arrived.

Mr. Ono informed Mr. Parsons that a question was raised earlier about the state-wide mooring plan that was worked out jointly by the Department of Transportation and this department. We receive individual requests for private mooring use such as Item H-7. In this case, DOT is recommending approval. He asked Mr. Parsons how this request ties in with the already approved mooring plan.

Mr. Parsons said the state-wide mooring plan was established to provide offshore mooring areas that are safe and available for persons who cannot get berthing for their boats. In their original recommendation for offshore mooring areas, there had been couple of areas proposed for Kaneohe Bay. However, in the original hearings on the state-wide plan there were some objections from some residents in the Heeia areas. As a result of these objections, the proposal for the mooring areas in Kaneohe Bay was withdrawn.

Mr. Parsons further stated that one of the primary additional reasons for establishing state-wide mooring areas was to reduce the administrative burden on the individual by simplifying the permit process. However, it was not their intent to exclude mooring from other places. It was just to insure that mooring outside of the designated areas would require individual applications so that these particular moorings could be given closer scrutiny.

Mr. Parsons said they did review the application for the mooring areas at Kaneohe Bay, and noted that there were two previously approved moorings in the vicinity. From their analysis, the additional moorings would not appear to affect the safety and welfare of persons in the area, or otherwise provide hazard to navigation.

Mr. Ono asked whether the two that were approved were subsequent to the mooring plan being adopted.

Mr. Parsons couldn't recall.

Mr. Ono said it is crucial to know because when you take an issue to the public, hold hearings and develop a plan, and for the same type of activity you have another process where you can go on an individual basis, the plan loses its integrity. He said the same kind of use was addressed when the state-wide mooring plan was being considered.

Mr. Ing asked whether the plans set forth any guidelines as to how DOT is going to consider and review mooring applications outside of the designated areas.

Mr. Parsons said that is not contained in the plan. It was expected that anybody who wish to moor outside of the plan would have to apply individually for each permit that was required.

Mr. Ing asked whether DOT has any rules and regulations governing how they are going to review these applications for mooring outside of the plan.

Mr. Parsons said they would be reviewed on case-by-case basis. They have an agreement with DLNR to review the CDUA, and their review and comments on the CDUA would satisfy the requirements of the shorewaters construction permit.

Mr. Higashi asked what DOT's prospective is with Kaneohe Bay, come in one by one?

Mr. Parsons said in the absence of the state-wide mooring area placed in Kaneohe Bay, that would be their intent.

Mr. Higashi said if it were under their jurisdiction, they withdrew it because they had some "heat." When it comes before this board, they say it's all right to approve it.

Mr. Parsons said no. The mooring areas that had been proposed for Kaneohe Bay was not in this location. It was in another area.

Mr. Ing said if you don't have guidelines it makes it very difficult for the board to review it. He said he would not like to see spot approved mooring

within the bay as beautiful as Kaneohe, especially when that bay is just beginning to come back, in terms of marine and coral life.

Mr. Parsons said they do look at the basic criteria--the type of bottom that would be located, the proximity to an existing navigational channels, etc. He said even for the moorings that are located outside of the designated mooring areas, they still follow the basic guidelines.

Mr. Ing asked what happens to the mooring buoy if someone installs it and then sells his residence. Can they assign the permit?

Mr. Parsons said under the law no one can establish or put anything in the shore waters without a permit. He said if it is abandoned, we have recourse under the law to remove it and charge the owner for the expense of removing it. As far as assigning it, he said that hasn't been specifically addressed. They don't have anything in the rules right now which specifically prohibits the reassignment by the original person who installed it. Under normal circumstances, whoever does use it next would have to come in and get a permit.

Mr. Ing felt at this point that the board should go along with staff's recommendation to deny. He would hate to penalize Mr. Rau's client and the others whom the board had previously denied, but he said he would like to re-evaluate board's policy with regard to individual moorings outside of the state-wide mooring plan.

He further stated that he is not satisfied with the criteria that DOT is using when it makes its recommendations to approve such a use outside of the designated mooring areas. He said there are lots of loose ends, like transfer of ownership and other things that should be addressed before the board begins to approve these things on an individual basis. However, he would like to leave the door open for Mr. Rau's client and others to come back after the board has reviewed this policy.

For the consideration of the board, Mr. Rau suggested that the board consider conditional approval of this application, subject to further review upon the same representations that he made with regard to posting of the bond for the removal of this item should the board determine for whatever reason.

Mr. Ing said it would be difficult for the board to give conditional approval without developing a set of conditions to go along with any conditional approval. He said the bond would cover certain aspects but there are other aspects that he thought the board would want to look at.

ACTION Mr. Ing moved that the board approve staff's recommendation, which is for denial of this CDUA, with the understanding that the board and staff would review this in connection with DOT, Harbors Division, and leave the door open for Mr. Rau to resubmit the application on behalf of his client. Mr. Kealoha seconded the motion.

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

ITEM H-6 CDUA FOR INSTALLING TWO 15,000 VOLT SUBMARINE CABLES ON SUBMERGED LANDS AT COCONUT ISLAND, KANEOHE BAY, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE NATIONAL PARK SERVICE, FOREST SERVICE, THE UNIVERSITY OF HAWAII, AND THE HAWAII DEPARTMENTS OF AGRICULTURE AND LAND AND NATURAL RESOURCES FOR COOPERATION IN THE BIOLOGICAL CONTROL OF FOREST PESTS IN HAWAII

ITEM C-1

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ANNUAL COOPERATIVE AGREEMENT WITH U. S. GEOLOGICAL SURVEY FOR WATER RESOURCES INVESTIGATION

ITEM D-1

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 41-OL-32, DRILLING EFFLUENT DISPOSAL WELL, WAIMANALO SEWAGE TREATMENT PLANT, WAIMANALO, OAHU

ITEM D-2

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM D-3

SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Ing, unanimously approved the appointment of Mr. Robert Punihaole for the term ending June 30, 1986 to serve as Director of the Kona Soil and Water Conservation District.

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 2-HW-18, REHABILITATION OF PUU PULEHU RESERVOIR AND PIPELINE, WAIMEA IRRIGATION SYSTEM, HAWAII (SUBMITTAL DISTRIBUTED AT THE BOARD MEETING)

ITEM D-4

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Ing, unanimously approved to award the subject contract for the basic bid plus additive alternate to Jas. W. Glover, Ltd. for their low bid of \$875,443.00, subject to release of funds by the Governor, and authorized the chairperson to negotiate and enter into a contract with a consultant for construction surveying services.

REQUEST FOR OFFICIAL DUTY STATUS WHILE ATTENDING THE 1983 NATIONAL RECREATION AND PARK ASSOCIATION CONFERENCE IN KANSAS CITY, MISSOURI

ITEM E-1

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 46-OP-21, COMFORT STATION PHASE III, INCREMENT 2A, SAND ISLAND STATE PARK, HONOLULU, OAHU

ITEM E-2

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

(See page 7 for Item E-3.)

(See pages 3 and 4 for Item F-1.)

COUNTY OF HAWAII REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND AT WAIAKEA, SOUTH HILO, HAWAII

ITEM F-2

ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

- ITEM F-3 COUNTY OF HAWAII REQUEST FOR RIGHT OF ENTRY TO CONDUCT LAND SURVEY AND SOILS INVESTIGATION, HOLUALOA 1ST AND 2ND, NORTH KONA, HAWAII
- ACTION Unanimously approved as submitted. (Higashi/Ing)
- ITEM F-4 MAUNA KEA BERRY CO. APPLICATION TO LEASE PORTION OF THE GOVERNMENT LAND OF LALAMILO, SOUTH KOHALA, HAWAII
- ACTION Unanimously approved as submitted. (Higashi/Yagi)
- ITEM F-5 U. S. ARMY RESERVE REQUEST FOR RIGHT OF ENTRY FOR DEMOLITION AND REMOVAL OF ABANDONED BUNKER, LOWER PAIA, MAUI
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM F-6 HAWAIIAN ELECTRIC CO. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR TRANSMISSION LINE EASEMENT, WAHIAWA, OAHU
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- (See pages 6 and 7 for Item F-7.)
- ITEM H-8 HHA APPLICATION TO PURCHASE HIGHWAY REMNANT PARCEL K-9 OF THE INTERSTATE HIGHWAY, FAP NO. I-H1-1(23), HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Yagi/Ing)
- ITEM F-9 RESUBMITTAL - U. S. NAVY REQUEST FOR CONVEYANCE OF HIGHWAY PARCELS 1 & 1-A OF THE PEARL HARBOR SPUR, FAP NO. SN-FAP 9-E(3), PEARL HARBOR, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Higashi)
- (See page 8 for Item F-10.)
- ITEM F-11 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF LOT 146 AND IMPROVEMENTS, KEKAHA GARDENS SUBDIVISION, INCREMENT IV, KEKAHA, WAIMEA, KAUAI
- ACTION Unanimously approved as submitted. (Yamamoto/Kealoha)
- (See pages 4 and 5 for Item F-12.)
- ITEM F-13 SAFARIS & TOURS REQUEST FOR RIGHT OF ENTRY FOR SPORTS DAY ACTIVITIES, FT. DERUSSY BEACH, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- (See pages 7 and 8 for Item H-1.)
- ITEM H-2 RESUBMITTAL - REQUEST FOR ACTION ON THE VIOLATION PORTION OF CDUA FOR ARBORETUM AND BOTANICAL GARDEN USE AT SOUTH HILO, HAWAII

This matter was deferred at the last meeting to give some of the board members time to inspect the site.

Mr. Higashi said he visited the site twice and he was convinced that there was one violation.

ACTION Mr. Higashi moved that the recommendation be amended and that the board fine Hilo Hawaiian Gardens \$500 for improperly starting the project without a CDUA permit. Mr. Yagi seconded the motion.

Mr. Ono said he also had a chance to visit the site. He said the most obvious violation was the shed. The others, as Mr. Higashi observed, were related. These things did occur, but they are all related and should be combined as one violation.

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

ITEM H-3 CDUA FOR THE "MAUNA KEA 200" RECREATIONAL MOTORCYCLE RIDE ON THE ISLAND OF HAWAII

Mr. Evans said there was a typo on Condition 21 on page 8. He asked that the two figures be amended to 200 rather than 500. He asked the board to add Condition 22, "That the use be reviewed by the board after a five-year period."

Mr. Ing suggested three years. He said five years seem like a long time.

Mr. Ono asked what happens, assuming the board approves it, if this particular organization disbands. Can somebody else ride motorcycle up there?

Mr. Evans said this is an organized activity. They have gone through the process. If this particular entity goes out of business, and another entity would pick it up, the new entity would not have to come in for a CDUA, provided they adhere to the conditions that have been laid out.

Mr. Ono said the reason he was raising this question is because at the public hearing one of the things that was stressed about this organization was that they are responsible people. If this organization disbands, he felt that the land use approval should also be terminated. You don't know what the next group is going to do, or what kind of leadership the next group is going to have.

Mr. Higashi agreed. There should be an added condition to terminate the use if the organization disbands. If someone else wants to come in, let them come in on their own, he said.

ACTION Mr. Higashi moved for approval with the following amendments: That Condition 21 be amended to read 200; that the use shall be reviewed by the board after three years to determine the suitability for continuation; and that the use shall terminate with the termination of the present applicant.

ITEM H-4 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA HUI, HAENA, KAUAI

ITEM H-5 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA HUI, HAENA, KAUAI

ACTION Items H-4 and H-5 were unanimously approved as submitted. (Yamamoto/Yagi)

(See page 10 for Item H-6, pages 2 and 3 and also pages 8 to 10 for Item H-7, and pages 5 and 6 for Item H-8.)

ADDED
ITEM H-9

CDUA FOR KAULANA BOAT LAUNCHING RAMP PROJECT, KAU, HAWAII

At the last board meeting in Hilo, the board approved DOT's request for the Kaulana Boat Launching Ramp facilities, and also the adjacent submerged lands, subject to a number of conditions as recommended by the staff, including an added condition as follows:

"That no blasting shall be permitted unless a supplemental EIS is prepared and accepted and a request for blasting is approved by the board."

The Department of Transportation has subsequently informed us that the EIS (which has been accepted) specifically states that the construction of the proposed harbor improvements would require blasting of the turning basin and part of the entrance channel. They have requested reconsideration of the above condition.

Staff recommended that the board approve the use of blasting, such blasting is to be limited to the turning basin and part of the entrance channel, and also that it be prohibited during the period from December to May when the humpback whales are present in the Hawaiian waters.

During the discussion, the board asked several questions. How much blasting is involved? Is staff proposing any restrictions on the hours of the day that blasting be conducted, in addition to the time of the year? What safety precautions are going to be taken? How much blasting is to be done, and what areas are we dealing with?

Mr. Parsons said the condition requesting the supplemental EIS was based on the statement that he made before the board at its last meeting. He apologized that he completely overlooked the statement in the EIS about blasting. As far as more specific answers to questions on blasting, he said, Mr. Stanley Boc, who is the project officer from the Corps of Engineers, may be able to provide the answers.

Mr. Boc said an estimated total of 5,000 cubic yards is to be excavated from the channel and the mooring area, and is basically shallow water blasting. They are also requiring that it be drilling blast, and not surface charging.

Mr. Ing asked whether the project is going to be done with the Corps' money. He asked what the Corps' provisions are for liability insurance and things of that nature regarding blasting.

Mr. Boc said he knows there is coverage but he didn't know the details.

As far as hours of blasting, Mr. Boc said it will be from Mondays through Fridays, during normal working hours, daylight hours.

Mr. Ing asked whether there are any notice provisions to the general public that blasting will be done in the area.

Mr. Boc didn't think it is necessary because it is so far from any residence, and it is going to be drilling blast, and also that they are limiting the size of the charge by the extent of the shatter, that probably it wouldn't even be noticed.

Mr. Higashi asked whether notices will be placed around the access to the property for people going to the beach and other areas.

Mr. Boc thought that they do, but he will check that out just to be sure.

ACTION Mr. Higashi moved to approve staff's recommendation as amended above. Mr. Ing seconded. On the call of the question, the motion was unanimously carried.

ITEM I-1 APPOINTMENT OF LICENSE AGENT (J & S SPORTING WORLD)

ACTION Unanimously approved as submitted. (Yamamoto/Ing)

ITEM I-2 APPOINTMENT OF LICENSE AGENT (LANAI CITY SERVICE, INC.)

ACTION Unanimously approved as submitted. (Yagi/Ing)

(See pages 1 and 2 for Items J-1, J-2 and J-3.)

ITEM J-4 LEASE - CONCESSION, INSTALLATION AND OPERATION OF PASSENGER BAGGAGE CAR DISPENSING MACHINES, TERMINAL FACILITIES AND PARKING STRUCTURES AT HONOLULU INTERNATIONAL AIRPORT, OAHU

There were concerns expressed by the board about these machines. Is it going to increase traffic? Are we going to create more problems for passengers at the bottom thoroughfare? Do they have to wait longer more often?

Mr. Garcia said since this is a new operation, DOT will be monitoring it closely.

Mr. Kealoha asked whether these machines will be taking work away from the porters. He asked whether they are aware of these machines. Will these machines put the porters out of work?

Mr. Garcia didn't know.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

Mr. Ono said even though this submittal was approved, it would be of interest to the board members to find out how this is going to affect the porters. If they are not aware that this is coming, you may have a confrontation. He asked Mr. Garcia to get a feedback to the board. He said it need not be a formal report.

ITEM J-5 RENEWAL OF REVOCABLE PERMITS, CONFORMING USES

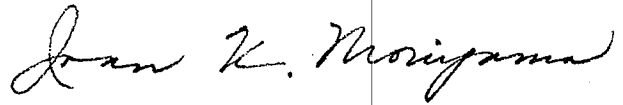
ACTION Approved as submitted. (Yagi/Yamamoto)

Mr. Ing disqualified himself from voting on this item.

- ITEM J-6 REVISION OF RENTAL RENEWAL OF REVOCABLE PERMITS
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ITEM J-7 APPLICATION FOR USE OF HARBORS DIVISION FACILITIES, PIER 9, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Kealoha/Yagi)
- ITEM J-8 APPLICATION FOR USE OF HARBORS DIVISION FACILITIES, PIER 9, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Kealoha/Yagi)
- ITEM J-9 LEASE, INSTALLATION OPERATION OF A MEDIUM INTENSITY APPROACH LIGHTING SYSTEM WITH RUNWAY ALIGNMENT INDICATOR LIGHTS AND A MIDDLE MARKER (MALSR & MM) FACILITIES, HONOLULU INTERNATIONAL AIRPORT
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-10 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT, AIRPORTS DIVISION KAHULUI AIRPORT (FIRST HAWAIIAN SHIRTS, INC.)
- ACTION Unanimously approved as submitted. (Yagi/Ing)
- ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (ISLAND ADVENTURE, INC.)
- ACTION Unanimously approved as submitted. (Yamamoto/Ing)
- ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, OAHU (VARIOUS)
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-13 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, OAHU (KAWAILI'ULA HULA HALAU AND KAI-ONE CANOE CLUB)
- ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-14 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION
- ACTION Approved as submitted. (Yagi/Higashi)
- Mr. Ing disqualified himself from voting on this item.
- ITEM J-15 LEASE, INSTALLATION, OPERATION AND MAINTENANCE OF AN OMNIDIRECTIONAL APPROACH LIGHTING SYSTEM (ODALS) FACILITY, GENERAL LYMAN FIELD (FAA)
- ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

ADJOURNMENT: There was no further business and the meeting was adjourned at
11:45 A. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairperson

jkm