

MINUTES OF THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES
DATE: October 21, 1983
TIME: 9:00 A. M.
PLACE: DLNR Board Room, Rm. 130
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii

Roll
Call

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

MEMBERS

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

Absent & Excused

Mr. Thomas Yagi
Mr. Takeo Yamamoto

Staff

Mr. Mike Shimabukuro
Mr. Ralston Nagata
Mr. Ron Walker
Mr. Takeo Fujii
Mr. Archie Viela
Mr. Maurice Matsuzaki
Mr. Roger Evans
Mr. Jimmy Lam
Mr. Herbert Yanamura
Ms. Patricia Edwards
Mrs. LaVerne Tirrell

Others

Dep. A. G. Ed Watson
Messrs. Bill Saxon and
Ray Hasegawa (Item E-2)
Mr. Paul Schwind (Items F-13 & 14)
Mr. Danny Padeken, Mr. Skyles Runser
and Gardner Brown (Item F-15)
Mr. Bernard Punekaia and Joseph and
Mary Nielsen (Item F-16)
Mr. Randy Spangler (Item H-1)
Mr. Richard Jitchaku (Items J-22 & 23)
Mr. Peter Garcia, DOT

Added
Items

Mr. Ing moved for the following items to be added to the agenda.
Mr. Kealoha seconded and motion carried unanimously:

Division of Land Management

- F-1-j Craig H. Hayashi request for consent to collateral agreement, SSA No. S-5571, Lot 27, Hanapepe Heights House Lots, Unit 2, Hanapepe, Kauai.
- F-27 Renewal of lease of office space for DSSH, Child Protective Services, 1319 Punahou Street, Kapiolani Children's Medical Center, Honolulu.

- F-28 Lease of Office Space for DSSH, Departmental Administration Fiscal Accounting Staff, 233 S. Vineyard Blvd., Oahu Teachers No. 2, Federal Credit Union, Honolulu, Oahu.
- F-29 Renewal of Lease of Office Space for DSSH, Investigative and Recovery Unit, 770 Kapiolani Blvd., with Waterhouse Properties, Incorporated, Rooms 506 and 604, Honolulu, Oahu.
- F-30 Resubmittal - Lease of Office Space for DSSH, Senior Companion Program, 715 S. King St., Room 316, with Kazuo Totoki, Ltd., Honolulu, Oahu.
- F-31 Resubmittal - Lease of Office Space for DSSH, Nursing Home Without Walls Program, 1149 Bethel St., Rooms 411, 413, 415 and 417, with International Management Corporation, Honolulu, Oahu.
- F-32 Resubmittal - Renewal of Lease of Office Space for DSSH, Pawa and Makiki Units, Public Welfare Division, 1712 S. King St., Entire 2nd Floor, with Watumull Brothers, Ltd., Honolulu, Oahu.
- F-33 Renewal of Lease of Office Space for DOH, Family Health Services Division, 1149 Bethel St., Room 300, with International Management Corporation, Honolulu, Oahu.
- F-34 Lease of Office Space for the Dept. of Budget & Finance, Public Utilities Commission, 1164 Bishop St., Suite 909, with 1164 Partners, Honolulu, Oahu.
- F-35 Lease of Office Space for the Dept. of Budget & Finance, Public Utilities Commission, 1164 Bishop St., Suite 911, with 1164 Partners, Honolulu, Oahu.

Other State Departments

- J-22 Consent to Assignment of Lease & Consent to Approval of Short Form Lease, Harbor Lease No. H-72-1, Harbors Division, N. Kona, Hawaii (AMFAC Property Development Corp. to Richard M. Jitchaku and George Y. Tamashiro)
- J-23 Approval of Consent to Mortgage of Harbor Lease No. H-72-1 (Richard M. Jitchaku and George Y. Tamashiro, Mortgagor, and American Savings and Loan, Mortgagee)

With concurrence from the board, items on the Agenda were taken up by the Chairman in the following order:

Added
Item F-27

Renewal of Lease of Office Space for Department of Social Services & Housing, Child Protective Services, 1319 Punahou Street, Kapiolani Children's Medical Center, Honolulu.

ACTION

Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Kealoha)

Added
Item F-28

Lease of Office Space for Department of Social Services & Housing, Departmental Administration Fiscal Accounting Staff, 233 S. Vineyard Blvd., Oahu Teachers No. 2 Federal Credit Union, 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/Kealoha)

Added
Item F-29

Renewal of Lease of Office Space for Department of Social Services & Housing, Investigative and Recovery Unit, 770 Kapiolani Blvd., with Waterhouse Properties, Incorporated, Rooms 506 and 604, 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/Kealoha)

Added
Item F-30

Resubmittal - Lease of Office Space for Department of Social Services & Housing, Senior Companion Program, 715 S. King St., Room 316, with Kazuo Totoki, Ltd., 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/Kealoha)

Added
Item F-31

Resubmittal - Lease of Office Space for Department of Social Services & Housing, Nursing Home Without Walls Program, 1149 Bethel St., Rooms 411, 413, 415 and 417, with International Management Corporation, 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/Kealoha)

Added
Item F-32

Resubmittal - Renewal of Lease of Office Space for Department of Social Services and Housing, Pawa and Makiki Units, Public Welfare Division, 1712 S. King St., Entire 2nd Floor, with Watumull Brothers, Ltd., 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/Kealoha)

Item F-24

Lease of Office Space for the Department of Social Services and Housing, Maui Intake Service Center, Wailuku, Maui.

The board felt that the monthly rental rate of \$1,449.00 for 905 sq. ft. of space, on the surface, seemed rather excessive and asked that staff get more background information and report said information to the board at the next meeting.

ACTION

Deferred.

Added
Item F-33

Renewal of Lease of Office Space for Department of Health, Family Health Services Division, 1149 Bethel St., Room 300, with International Management Corporation, Honolulu, Oahu.

Added
Item F-34

Lease of Office Space for the Department of Budget & Finance, Public Utilities Commission, 1164 Bishop St., Suite 909, with 1164 Partners, Honolulu, Oahu.

Added
Item F-35

Lease of Office Space for the Department of Budget & Finance, Public Utilities Commission, 1164 Bishop St., Suite 911, with 1164 Partners, Honolulu, Oahu.

ACTION

Mr. Ing moved for approval of Added Item Nos. F-33, F-34 and F-35, as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. Mr. Kealoha seconded and motion carried unanimously.

ITEM E-2

SPECIAL USE PERMIT REQUEST FOR AINA MOANA (MAGIC ISLAND) STATE RECREATION AREA, HONOLULU, OAHU.

The 11th Annual Carole Kai Bed Race Festival, an event normally held on Kalakaua Avenue fronting the Kapiolani Park, is being proposed for the Ala Moana Beach Park/Magic Island vicinity on March 24, 1984. Planned construction activities along Kalakaua Avenue has necessitated an alternate site to be selected this year.

The City has approved use of the Diamond Head half of the park for this race to which Magic Island abuts. The parade (10:00-12:00 A.M.) will limit vehicular access to Magic Island, and the race (12:00-5:00 p.m.) will cut off vehicular traffic to and from Magic Island if the 1/4 mile straight away is allowed. Mr. Nagata said that staff is recommending that the race course be shortened so that at least one of the two vehicular accesses to Magic Island be kept open to park users.

The coordinators, said Mr. Nagata, are also requesting permission to erect four 10'x10' booths on the grassy area on the Mauka-Ewa corner of Magic Island. They propose to: 1) distribute free chili and rice lunches to their volunteer workers from their hospitality booth; 2) sell specially stenciled tee-shirts, hotdogs, corn chips and cold drinks from the remaining three booths.

Staff, however, is recommending that the board authorize a Special Use Permit for the 11th Annual Carole Kai Bed Festival to: 1) reserve 4 aisles (or 200 stalls) of parking; 2) erect and utilize one (1) booth only at Magic Island to distribute free chili and rice lunches; and 3) restrict vehicular traffic to and from Magic Island only through the Ewa entrance into Magic Island.

What's the difference in allowing only one booth to be erected instead of the four booths requested, asked Mr. Ing?

Mr. Nagata explained that the one booth is to be used to distribute food to their volunteer workers, whereas the other three are to be used to sell items to raise funds and it has been staff's policy not to allow fund raising activities to take place on park lands. The City, however, is less restrictive in allowing booths for fund raising activities.

Mr. Kealoha asked how staff planned to accommodate those people who exercise daily in the area being requested -- such as the senior citizens.

If we find that that they are in fact using the area daily, said Mr. Nagata, then we would probably ask that the food booth be set back away from the grassy area used by these senior citizens.

Mr. Kealoha thought it to be a good idea that staff, as well as the coordinators, touch bases with these people in advance to see what kind of accommodations can be made.

Mr. Bill Saxon, President of the Carole Kai Bed Race Association, thought that they were set at Kapiolani Park and down Kalakaua Avenue but were informed by the City that they would have to change their location because of construction on Kuhio Avenue. Because we were just informed of this change, there was an urgency to find another location, thus the request for use of Ala Moana Park. As far as being concerned about the Senior Citizens, if we can find out who to contact we will meet with them and make whatever arrangements are necessary.

ACTION

Mr. Ing moved for approval of a Special Use Permit for the 11th Annual Carole Kai Bed Festival to: 1) reserve 4 aisles of Parking; 2) erect and utilize one (1) booth only at Magic Island to distribute free chili and rice lunches; 3) restrict vehicular traffic to and from Magic Island only through the Ewa entrance into Magic Island; and, 4) that the coordinators of the race meet with the regular park users, such as the senior citizens, to make whatever arrangements are necessary so as not to interfere with their use of the park and also as to where the booth to be erected should be placed. Mr. Kealoha seconded and motion carried unanimously.

STAFF RECOMMENDATION FOR CANCELLATION AND FORFEITURE OF SSA NO. S-5418,
TO EDWARD A. AND PRISCILLA M. BANASIHAN, LOT 29, HANAPEPE HEIGHTS HOUSELOTS
SUBDIVISION, HANAPEPE, KAUAI.

On June 12, 1981 the board authorized the repurchase of Lot 29 from Edward and Priscilla Banasihan. As of the date of the board action, the vendees had paid the land purchase price of \$8,590 in full but no construction had commenced on the property.

After accomplishing all of the mechanical steps involved with implementing the repurchase, staff wrote to Mr. and Mrs. Banasihan on February 10, 1983 informing them that the lot would be repurchased for \$8,590 and listed the requirements necessary to implement such repurchase. The Banasihans replied, through their attorney, by asking that the State pay them interest on the land purchase price money.

Several letters of reminder were sent to the Banasihans or to their attorney requesting that they fulfill their obligations so staff could complete the repurchase. A final notification dated July 17, 1983, gave the Banahisans up to August 1, 1983 to comply.

Since no action was taken by the deadline, Mr. Shimabukuro stated that staff is bringing the cancellation and forfeiture proposal to the board for action.

Mr. James Wada, attorney for Mr. and Mrs. Banasihan, explained that the reason the Banasihan's do not want to go through the repurchase at this time is that they have the ability now, after trying for many years, to construct the dwelling that complies with the lease requirement. Secondly, on June 12, 1981, the board agreed to repurchase the lot. However, thereafter nothing was done until this year. During this two year period Mr. Banahisan tried to get a building permit but was denied for the reason that there was a question of ownership because of the Board's action. Mr. Banahisan feels that he is now able to build on the original house plans which were approved by the department in 1978 and would like to request a reconsideration of the original decision made in 1981 to allow him some reasonable time to start construction. Mr. Banahisan was not able to comply with the building requirement only because he could not get financing at the time. Now that Mr. Banasihan is able to build, Mr. Wada requested the board to 1) reconsider it's original decision and defer action until such time that it can be determined that Mr. Banasihan is meleangering in that sense; and 2) if in case there must be a forfeiture or repurchase, that this is something that should be taken up by a contested case decision.

Assuming that the board wanted to rescind the June 12, 1981 decision, can we legally do this inasmuch as the five year building requirement has already been used up, asked Mr. Ono?

Mr. Watson was not sure whether the document or the statute allowed the board to grant an extension beyond the five year period. Mr. Watson said that he would need to take a look at the provisions in order to make a determination. There may be some means.

In answer to Mr. Kealoha's question, Mr. Shimabukuro did not know whether or not a request was made by the Banasihan's for an extension of the building requirement. He would need to review the files.

The contested case, said Mr. Wada is for the forfeiture, but in the mean time if there is a way to allow Mr. Banasihan to build, that should be pursued also.

ACTION

No Action. Mr. Ono said that Mr. Wada's two requests would be taken under advisement.

ADDED
ITEM J-22

CONSENT TO ASSIGNMENT OF LEASE AND CONSENT TO APPROVAL OF SHORT FORM LEASE, HARBOR LEASE NO. H-72-1, HARBORS DIVISION, N. KONA, HAWAII (AMFAC PROPERTY DEVELOPMENT CORP. TO RICHARD M. JITCHAKU AND GEORGE Y. TAMASHIRO.)

ADDED
ITEM J-23

APPROVAL OF CONSENT TO MORTGAGE OF HARBOR LEASE NO. H-72-1 (RICHARD M. JITCHAKU AND GEORGE Y. TAMASHIRO, MORTGAGOR, AND AMERICAN SAVINGS AND LOAN, MORTGAGEE).

ACTION

Mr. Ing disqualified himself from taking any action on both Items J-22 and J-23. This item was therefore deferred for a lack of quorum.

(See Page 18 for further action on Items J-22 and J-23)

ITEM F-15

STAFF REQUEST TO EXTEND VOLLEYBALL PLAYING ON PORTION OF BEACH AREA FRONTING FT. DERUSSY, WAIKIKI, HONOLULU, OAHU.

Have there been any complaints over the past nine months since we have allowed them to use the area, asked Mr. Ing?.

Mr. Shimabukuro said that staff did have some complaints--both written and verbal.

In answer to Mr. Ing's question, Mr. Lam said that the nature of complaints were mostly in the form of telephone complaints, e.g. sand being kicked in their faces, the ball rolling to the area they were lying in, etc. and also that they were being asked to move in order to accommodate the volleyball players. Mr. Lam said also that he has in the files a record of the number of complaints which is approximately 10 to 15.

Mr. Ono said that, should the board adopt staff's recommendation, he would like to be sure that the monitoring for the next six months will be run in a more organized, coordinated basis than the previous nine months. If necessary, Mr. Ono said that the the Land Management staff could call on the Enforcement Office for assistance.

Mr. Danny Padeken of the Armed Forces Recreation Center at Fort DeRussy stated that they have had enough complaints to support their position that the permit for the sand volleyball court should not be continued.

Specifically, there have been reported incidents of rudeness on the part of the Permittees towards other individuals desiring to use the courts. Besides volleyballs striking persons on the beach, on October 10, 1983, the Permittees set up two courts, yet only one court is authorized under the permit. Trash generated by the permittees has also been a problem.

Mr. Padeken explained that Fort DeRussy has two sand volleyball courts and suggested that the Permittees coordinate with the Director of the Recreation Center at Fort DeRussy for limited coordinated use of those courts.

Mr. Ing said that according to a criticism by the volleyball players, the sand in your courts are of a different type.

Since Hurricane Iwa struck, said Mr. Padeken, the sand that is on the beach is the same sand in the courts. The storm washed the sand clear up to the hotel.

With regard to any complaints for waiting, Mr. Runser stated that an application was submitted to DLNR requesting use of an additional court, side by side to take care of the wait problem and someday have it put into a permanent situation to eliminate the difficulties of assembling and dismantling the court on a daily basis. Mr. Runser said that they have a sign-up sheet for those wishing to play, so no favorites are played at all. It is just unfortunate that a lot of people may want to play and only one net is allowed.

As far as rudeness goes, that is tough to address. Some individuals playing may have been brusque or even arrogant to other people. But the same may be said of one sun bather to another bather.

As far as sand being kicked into other people's faces, the only people that are close enough to make it physically possible to kick sand are those watching the game and, as far as the ball hitting anyone, this happens very rarely because of the location of the court.

As far as using the Fort DeRussy courts, first of all, their courts are not sand courts. It is very much a hard court with sand just sprinkled on the top.

As far as rubbish goes, I had wanted to ask why trash cans which were previously near our courts are suddenly not in evidence.

Mr. Runser presented Representative Blair's testimony which in essence supported beach volleyball at Ft. DeRussy.

Should the board approve the extension, asked Mr. Ono, would your group, Mr. Runser, work closely with the Ft. DeRussy staff to try and resolve some of the problems?

Certainly, said Mr. Runser.

Mr. Ing recommended that the submittal be approved as recommended which would be: 1) for an additional six months extension of the permit issued to Mr. Runser and the Hawaii Volleyball Beach Association and during that six month period consider the application as submitted by Mr. Runser and the comments made by other people and at the same time monitor the use being made of the present court and try to reach some conclusion as to what we will do with regards to the permanent future of beach volleyball.

Mr. Kealoha said that he would like to see something in writing stating that, during the monitoring system, if it becomes conclusive that the area is being used for exclusive use that the Chairman be authorized to cancel the permit within that period.

Mr. Ing said that he would kinda like to hear what the other people have to say before the permit is cancelled since there is always two sides to a situation.

ACTION

Upon motion by Mr. Ing and a second by Mr. Kealoha, the board unanimously authorized an additional six months' extension (to April 13, 1984) of the volleyball playing activity for monitoring purposes, subject to the terms and conditions set forth in the Board's action of January 14, 1983 under Item F-11, and taking into consideration the application submitted by Representative Russell Blair as well as comments made by other people. The monitoring shall be conducted in such a way that it becomes conclusive as to what will be done with regards to the permanent future of beach volleyball and, should it be found that the area is being used for exclusive purposes, that said permit be cancelled within that period.

STAFF RECOMMENDATION FOR CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2641 TO DEPARTMENT OF HEALTH COVERING "HALE MOHALU" SITE, MANANA, WAIMANO, EWA, OAHU.

ITEM F-16

Mr. Bernard Punekaia, Chairman of the Kalaupapa Patient's Advisory Council, said that they are against the Department of Health's request for cancellation and read a petition signed by eighty-three (83) Kalaupapa Patients asking for help to save Hale Mohalu.

Mr. Punekaia presented a brief history of the lands of Hale Mohalu in order to help the board understand the feelings of the patients.

Mr. Punekaia said that the U. S. Government had acquired the subject premises by condemnation sometime in the 1940's. The navy had built civilian barracks for the Pearl Harbor workers and the monies for these buildings was authorized by the Congress in a 1943 appropriation. The original buildings were awarded to the Territory with the land of Hale Mohalu.

The Department of Health did not maintain the facility anytime from first use until termination. The DOH filed an application for purchase from the Division of Surplus Property on June 24, 1955. Under the terms of that application our long-range plan after acquiring title of this property was to seek an appropriation from the Legislature to put up a permanent hospital site for hansen disease patients.

On March 23, 1956, the U. S. Department of Education and Welfare deeded the property to the Territory, provided that the property be utilized continuously for public health purposes in accordance with the proposed program set forth in the application dated June 24, 1955. The deed required these conditions for 21 years or the property could revert to the United States. The grantee could secure the land as a condition of that contract, if they were willing to pay the estimated value of the property which was \$839,829.00 or use the land at a 5% discount. They did not care to do that so what they did was utilize the 5% discount for over a 20-year period. That 5% discount was me and all the other patients. We were the payment that acquired title to this land and that is why I say that there is vested interest in the patients in use of this land.

In 1978 when the term of the conditions had run its course and the State acquired the land, the hansen disease patients were moved against their will to Leahi. Some of the patients sued and the case went up to the 9th circuit. What becomes apparent is that the DOH has used the hansen disease patients as means of acquiring valuable land. In 1979 the Legislature passed a bill funding a residential care facility at Hale Mohalu. The amount was in excess of \$600,000 for operation and construction.

Mr. Punekaia asked that the board deny the Department of Health's request to cancel Governor's Executive Order No. 2641 and that a recommendation be made to the Governor that a residential care facility be built on a portion of the premises and the rest of the area to be used for community or other health programs. Mr. Punekaia felt that the Hansen's disease patients had a special need for this kind of facility because of the sacrifices they have made. A residential care facility would help professionals in the State, including patients who were participants in planning out their future. Mr. Punekaia felt that this was denied the patients historically because they were not deemed to be of sound minds and abilities.

Mr. Kealoha explained to Mr. Punekaia that in order for his request to even be considered the first step the board would have to take is to cancel the present executive order.

In answer to Mr. Kealoha's question, Mr. Punekaia said that, counting outpatients, Oahu has a patient population in excess of 400.

One possibility, should the board want to act on this in one form or another, said Mr. Ono, is to put in a condition whether the consent from 1972 (the existing executive order having been done in 1972) satisfied the federal requirements or not. This can be checked out with the Attorney General's office and the federal government just so that the point which Mr. Punekaia raised can be answered.

What effect would cancellation of the executive order have on Mr. Punekaia getting his home back, asked Mrs. Mary Wilson. In other words, what will happen to the land once the executive order is cancelled.

Mr. Ono said that he did not know at this point. He explained that as the process goes further, people from the community and different organizations will be given the opportunity to react to any kind of proposal. However, the board was not in a position to say this morning that they are considering any particular use.

ACTION:

The board, upon motion by Mr. Kealoha and a second by Mr. Higashi voted unanimously to approve of and recommend to the Governor issuance of an executive order cancelling Governor's Executive Order No. 2641 issued to the Department of Health for the Hale Mohalu site, subject to disapproval by the Legislature in any regular or special session next following the date of this executive order.

Mr. Ono suggested that a condition be added to explore the question raised by Mr. Punekaia that if the clock started to tick from 1972 whether we had fully satisfied the federal requirements. Mr. Watson said that the federal government's requirements have been fully satisfied and in checking with the federal government they had no objections and that is why the structures on the premises were razed.

Mr. Ono withdrew his suggestion.

ITEM F-13

STAFF RECOMMENDATION REGARDING DESIGNATION OF WAIANAE AGRICULTURAL PARK, WAIANAE, OAHU.

ITEM F-14

RIGHT OF ENTRY REQUEST FOR SITE SURVEY, SOIL TEST, AND OTHER RELATED ACTIVITIES IN CONNECTION WITH THE PROPOSED WAIANAE AGRICULTURAL PARK PROJECT, WAIANAE, OAHU.

Mr. Shimabukuro stated that Item F-13 and related Item F-14 relates to the proposed Waianae Ag Park in Waianae Valley. The area we are talking about is presently under lease to Waianae Valley Ranch for pasture purposes.

Mr. Kealoha asked what kinds of agricultural uses would be had in Area 1.

Janie -
was in
minutes ↓

Mr. Schwind

Mr. Yamamoto of DOA said that some of the proposed uses would be swine, horticultural activities such as nursery, ~~orchard~~ and also poultry. The original intent of the Waianae Ag Park was to provide for some livestock operations such as swine and poultry. The question of swine operations is still undecided. In fact, there is a strong indication that it may have to be cancelled.

If the swine operation is to be allowed, said Mr. Shimabukuro, a zoning change would have to be made. It is presently zoned Ag 1 and has to be changed to Ag 2.

The DOA original recommendation for designation for Ag park was for the whole area.

Mr. Ono said that the general understanding is that the area that is required for agricultural activities, acreage, commodities, the type of crops, livestock to be raised here is really the expertise coming from DOA. For us to intervene and say that we disagree -- not that we shouldn't ask questions -- but we would have to have a really compelling reason for changing what DOA has recommended.

Mr. Shimabukuro asked to amend the submittals to read: "change zoning for the area from Ag 1 to Ag 2 only if swine enterprises are to be permitted." If it is to be permitted then they have to do it anyway.

ACTION

Mr. Ing moved for approval of Item Nos. F-13 and F-14 as amended. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-1

VIOLATION OF LAND USE IN THE STATE CONSERVATION DISTRICT FRONTING THE KUALOA OLD SUGAR MILL, OAHU.

On August 20, 1982, an officer from our DOCARE observed a group of approximately twenty individuals with cameras, microphones and scaffolds conducting commercial filming on beach about 10 feet from the shoreline adjacent to Kam Highway at the Kualoa Old Sugar Mill. A scaffold was being used to hold a model from which filming was occurring.

Location Scout Randy Spangler, in an interview with the DOCARE officer indicated that he did not need a permit to conduct the activities at said location for the reason that the activities were occurring in the water, and, the State Department of Transportation, Harbors Division had indicated that he did not need a permit. After further discussion, however, the location scout was told to stop further filming until a permit was obtained from our department. Although the location scout left the scene, filming continued until it was completed.

Basically, remarked Mr. Spangler, I did not realize that land under the water was conservation. I thought conservation was that area from the highwater mark to the vegetation line.

Although the filming activity did enter the water, staff is of the opinion that authorization from the DLNR is required, based on the fact that 1) beach lands within our Conservation District were used as a staging area; and, 2) the activity even in the water made use of State submerged Conservation District Lands.

ACTION

Finding that a violation of land use has occurred at the location indicated, Mr. Ing moved that the board impose a fine in the amount of Five Hundred (\$500.00) dollars upon Location Hawaii for the filming activity. Failure on the part of Locations Hawaii to comply within sixty (60) days, after receipt of notice, the matter be turned over to the Department of Attorney General for disposition to include all administrative costs. Motion carried unanimously with a second by Mr. Kealoha.

ITEM H-2

VIOLATION OF LAND USE IN THE STATE CONSERVATION DISTRICT AT HEEIA HARBOR, OAHU.

Pursuant to Film Permit CD-83-119 approved by DLNR On May 25, 1983, Pacific Motion Pictures, Inc. placed three full grown coconut trees on the Sand bar outside Heeia Harbor. Their purpose was to provide for a film set in which the trees, in buried pots, would be growing on an island.

Upon completion of the filming however, the trees were not removed, as was required as a condition of the film permit.

The film company was notified by DOCARE to remove the trees upon completion of the filming, and, that if they were not removed the film company would be in violation of the film permit conditions. The company refused to remove the trees.

ACTION

Finding that a violation of condition 18, relating to land use within the State Conservation District for commercial filming has occurred at the location indicated, the board, upon motion by Mr. Ing and a second by Mr. Kealoha voted unanimously to impose a \$500.00 fine upon Pacific Motion Pictures, Inc. for the violation and, that upon failure on the part of Pacific Motion Pictures, Inc. to comply within sixty (60) days after receipt of notice, the matter be turned over to the Department of Attorney General for disposition to include all administrative costs.

ITEM F-1-f

HAWAIIAN TUNA PACKERS REQUEST FOR REVOCABLE PERMIT FOR COLD STORAGE FACILITY USE, KAAKAUKUKUI, HONOLULU, OAHU.

ACTION

The board, upon, motion by Mr. Ing and a second by Mr. Higashi, voted unanimously to authorize issuance of a revocable permit to the applicant under the terms and conditions listed in the submittal and, pending formal documentation, grant Hawaiian Tuna Packers a right of entry to the area involved for the installation of cold storage facility, subject to the concurrence of DAGS and the Governor and to those terms and conditions listed in the submittal.

ITEM C-1

REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE U. S. FISH AND WILDLIFE SERVICE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH STATE ELIGIBILITY FOR ENDANGERED SPECIES FUNDING PURSUANT TO SECTION 6(C) OF THE ENDANGERED SPECIES ACT OF 1973.

ACTION

Upon motion by Mr. Ing and a second by Mr. Kealoha, the board unanimously approved the Endangered Species Cooperative Agreement between the U. S. Fish and Wildlife Service and the Department of Land and Natural Resources, and authorized the Chairman and a member of the Board, and in the absence of the Chairman, two Board members, to sign it and any future revisions thereafter, as well as long-range and annual contracts written pursuant to the cooperative agreement, subject to approval as to form by the Office of the Attorney General.

ITEM D-1

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 41-OL-32, DRILLING EFFLUENT DISPOSAL WELL, WAIMANALO SEWAGE TREATMENT PLANT, WAIMANALO, OAHU.

ACTION

The board voted unanimously to award the contract for the subject project to Roscoe Moss Company for their low bid of \$142,215.00 subject to receiving approval from the Governor. (Kealoha/Ing)

ITEM D-2

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 33-MW-37, DRILLING KEANAE WELL (5108-01), KEANAE, MAUI.

ACTION

The board voted unanimously to award the contract for the above project to Roscoe Moss Company for their low bid of \$246,470.00 subject to receiving approval from the Governor. (Ing/Kealoha)

ITEM D-3 SOIL AND WATER CONSERVATION DISTRICT DIRECTORS.

ACTION Upon motion by Mr. Kealoha and a second by Mr. Higashi, the board voted unanimously to certify the appointment and election of the following persons for the terms shown below to serve as Directors of the respective Soil and Water Conservation Districts:

<u>District</u>	<u>Name</u>	<u>Elected/Appointed</u>	<u>Term to End</u>
Central Maui	Michael J. Banfield Vice President Haleakala Ranch	Appointed	6/30/86
	L. D. MacCluer Manager, Maui Pineapple & Land Co.	Elected	6/30/86
Windward Oahu	Paul Lau Retired	Elected	6/30/86
	Ernest Koreyasu Farm Manager	Elected	6/30/86
West Oahu	Michael Furukawa Agriculturist	Elected	6/30/86

ITEM D-4 FLOOD PLAIN MANAGEMENT CONFERENCE

ACTION Mr. Higashi moved for approval of Mr. Manabu Tagomori's request to attend the Flood Plain Management Conference for State Coordinators and to meet with FEMA officials in Washington, D. C. November 6-12, 1983. Mr. Kealoha seconded and motion carried unanimously.

ITEM E-1 ALLOCATION OF HISTORIC PRESERVATION GRANTS-IN-AID

ACTION Mr. Ing moved for the board to authorize the Chairman and another member of the Board to negotiate and execute contract agreements with the proposed sub-grantees listed in the submittal, subject to the Attorney General's approval as to form. Mr. Higashi seconded and motion carried unanimously.

ITEM E-2 SPECIAL USE PERMIT REQUEST FOR AINA MOANA (MAGIC ISLAND) STATE RECREATION AREA, OAHU.

ACTION (See Page 4 for Action)

ITEM F-1 TRANSMITTAL OF DOCUMENTS FOR BOARD CONSIDERATION

- Item F-1-a U. H. request for REVOCABLE PERMIT at General Lyman Field, Waiakea, So. Hilo, Hawaii - Portion of Bldg. 301 101, being TMK 2-1-12:por. 39, containing 2,800 s.f. for office and storage purposes, commencing October 16, 1983. Rental: Gratis.
- Item F-1-b ASSIGNMENT OF GENERAL LEASE NO. S-3956, LEROY B. SHEPPARD and the ESTATE OF KEITH H. WILLIAMS, Assignors, to DEBRA ANN WILLIAMS, unmarried - Lots 36-A, 49 and 50, Kapaa Homesteads, First Series, Kapaa, Kauai, being TMK: 4-6-05: 2 and 3, containing 4.41 acres. Annual Rental: \$150.00
- Item F-1-c ERINIO AND BONIFACIO BALANAY request for REVOCABLE PERMIT at Kawailoa, Waialua, Oahu, being TMK: 6-2-12:6 & 8, containing .891± acre for farming purposes, commencing October 31, 1983. Monthly Rental: \$15.00.

Item F-1-d ASSIGNMENT OF GENERAL LEASE NO. S-4396, JAMES GEORGE JUNG, JR., RALPH E. DAEHLER, JEAN GREGG, DERWYN LACKEY, and the ESTATE OF CHESTER HOLTWICK, Assignors, to JAMES GEORGE JUNG, JR., RALPH E. DAEHLER, JEAN GREGG, DERWYN LACKEY and WILLIAM K. SONNY WAIALEALE, III, and LINDA ANN WAIALEALE, Assignees - Lot 153, Kapaa Homesteads, 2nd Series, So. Oloheua, Kauai, being TMK: 4-4-02:31, containing 19.15 acres for pasture purposes. Annual Rental: \$1,305.00

Item F-1-e REBECCA KEKONA request for REVOCABLE PERMIT, portion of government land at Kahakuloa Valley, Wailuku, Maui.

Item F-1-e was withdrawn at the request of the applicant.

Item F-1-f HAWAIIAN TUNA PACKERS request for REVOCABLE PERMIT for cold storage facility use, Kaakaukukui, Honolulu, Oahu.

(See Page 11 for Action)

Item F-1-g KATSUMI MASHITA request for CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-3774 to MASHITA, INC., - Lot 35, Waimanalo Agricultural Subdivision, Waimanalo, Oahu. Annual Rental: \$1,380.00

Item F-1-h POWERLINE OIL CO. request for CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4216 to PROMANA, INC., - Fuel pipeline easement, Kapalama, Honolulu, Oahu, being TMK: 1-5-34:14. Rental: \$915.00 per annum for the first fifteen (15) years, with rental re-openings at the end of the 15th year and at ten-year intervals thereafter.

Item F-1-i CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4078 from KEITH MERRILL SMITH to KENNETH PAGE RICHARDS - Lot 90, Kokee Camp Site Lots, Waimea, Kauai, being TMK: 1-4-04:47, containing 0.44 acre. Annual Rent: \$133.00

Added
Item F-1-j CONSENT TO COLLATERAL AGREEMENT by and between STATE OF HAWAII, CRAIG HARUO HAYASHI, AMERICAN SAVINGS & LOAN ASSOCIATION AND RT & MK ASSOCIATES, INC. - Lot 27, Hanapepe Heights House Lots, Unit 2, Hanapepe, Kauai, containing 10,414 sq. ft. - Special Sale Agreement No. S-5148.

Mr. Ing moved for approval of Items F-1-a, b, c, d, g, h, i and added F-1-j as submitted. Mr. Higashi seconded and motion carried unanimously.

ITEM F-2 ACQUISITION OF LAND FOR THE HAINA EXPLORATORY WELL, DOWALD JOB NO. 22-HW-26, HAMAKUA WATER SYSTEM, HAWAII.

ACTION The board, upon motion by Mr. Higashi and a second by Mr. Ing, voted unanimously to authorize the acquisition of the subject Haina Well site by negotiation, or if necessary, through condemnation proceedings and, upon completion of the acquisition, authorize the transmittal of a request to the Governor for issuance of an executive order setting aside the acquired well site under the control and management of the County of Hawaii, Department of Water Supply for its Hamakua Water System.

ITEM F-3 KA MAKANI IKAIKA, INC. REQUEST FOR ELECTRICAL TRANSMISSION LINE EASEMENT ACROSS "OLD GOVERNMENT ROAD" AT PAKINI IKI, KAU, HAWAII.

ACTION The board unanimously authorized the sale of an easement to the applicant subject to the terms and conditions listed in the submittal and subject also to the applicable terms and conditions of the standard grant of easement form including, but not limited, to those conditions also listed in the submittal.

ITEM F-4

HAWAII ELECTRIC LIGHT CO., INC. AND HAWAIIAN TELEPHONE CO. REQUEST FOR GRANT OF EASEMENT AT KIPAOEHOE, SO. KONA, HAWAII.

Mr. Shimabukuro explained that this is an "After the Fact" Grant of Easement for electrical and telephone facilities at Kapahoehoe, So. Kona, Hawaii. The HECO and Hawaiian Telephone Company installed their transmission line and communication line some years ago but they never did get a grant of easement. In the meantime, this particular parcel was set aside for the Kipahoehoe Natural Area Reserve by executive order, so the Division of Land Management is asking at this time that the easement be finalized.

Mr. Shimabukuro asked also that the the third to the last line under REMARKS which reads "Kipahulu Section" be corrected to read "Kipahoehoe".

A letter from the Natural Area Reserves Commission stated in part that: "...At it's meeting of October 18, 1983, the NARS Commission approved the issuance of a Special Use Permit pursuant to Administrative Rules 209, and HRS Chapter 195." In order to take care of the natural area reserve, Mr. Shimabukuro asked that the following conditions, which were a part of the NARS permit, be added to this submittal:

1. Maintenance activity within the easement area will be conducted only as necessary and in consultation with the Natural Area Reserves System Office.
2. Repair work and the method and location of entry for such work will be done following consultation with the Natural Area Reserves System Office.
3. No chemicals will be used to control vegetation.

The board asked that Condition No. 8 be amended where consideration will be retroactive as of date of approval of this Grant of Easement instead of the date of completion of the transmission facilities.

Inasmuch as the system is already in, Mr. Shimabukuro asked that Condition No. 6, which required that construction drawings be submitted for review by the Chairperson, be deleted.

ACTION

Finding that the applicants, in this instance, lack suitable lands of their own for the purposes described in the submittal, the board, upon motion by Mr. Ing and a second by Mr. Higashi, voted unanimously to authorize the sale of easement to Hawaii Electric Light Co. and Hawaiian Telephone Company as co-tenants, subject to the terms and conditions listed in the submittal and as amended above.

ITEM F-5

HIRAKO FARMS, INC. ET AL APPLICATION TO PURCHASE REMNANT AT PUUKAPU HOMESTEADS, WAIMEA, SO. KOHALA, HAWAII.

ACTION

Finding the subject area to be physically unsuitable for development as a separate unit because of its size and shape and by definition is a remnant, the board, upon motion by Mr. Higashi and a second by Mr. Kealoha, unanimously approved the direct sale of the remnant to the applicants subject to the terms and conditions listed in the submittal.

ITEM F-6

MICHAEL AND DEBERA CROSSON APPLICATION TO PURCHASE REMNANT AT KALOPA, HAMAKUA, HAWAII.

ACTION

Finding the subject area to be physically unsuitable for development as a separate unit because of its size and shape and by definition is a remnant, it was moved by Mr. Higashi, seconded by Mr. Kealoha and unanimously approved by the board that there be a direct sale of the remnant to the applicants subject to the terms and conditions listed in the submittal.

ITEM F-7 ACCEPTANCE OF LAND FOR PORTION OF THE KANEKAUULA HEIAU, AT HANA, MAUI.

- ACTION Upon motion by Mr. Kealoha and a second by Mr. Higashi, the board voted unanimously to:
1. Accept the conveyance of Lot 2 from Laurance Spelman Rockefeller for the consideration of \$10.00; and
 2. Upon acceptance of Lot 2, authorize the transmittal of a request to the Governor for the issuance of an Executive Order setting aside the acquired Lot under the control and management of the Department of Land and Natural Resources, Division of State Parks.

ITEM F-8 ACQUISITION OF LAND FOR ADDITION TO WAILUKU ELEMENTARY SCHOOL, WAILUKU, MAUI.

- ACTION Mr. Ing moved, Mr. Kealoha seconded and the board voted unanimously to:
1. Authorize the Chairperson to acquire the property described in the submittal by negotiation, or through condemnation proceedings, if necessary.
 2. Authorize the Chairperson to engage for any consultant services, including but not limited to appraisal services and title search as may be necessary in conjunction with this acquisition, through contract or agreement.
 3. Upon completion of the acquisition, authorize transmittal of a request to the Governor for issuance of an executive order setting aside the acquired property under the control and management of the Department of Education for use as an addition to Wailuku Elementary School.

ITEM F-9 RESUBMITTAL - STAFF RECOMMENDATION FOR DIRECT SALE OF HIGHWAY REMNANT, KEEAUMOKU, HONOLULU, OAHU.

ACTION Finding the subject highway parcel to be physically unsuitable for development as a separate unit because of its size and shape and is a remnant by definition, the board, upon motion by Mr. Ing and a second by Mr. Kealoha unanimously approved the sale of the subject remnant under the terms and conditions listed in the submittal.

ITEM F-10 AMENDMENT TO PREVIOUS ACTION RELATION TO DIRECT LEASE OF HIGHWAY AIRSPACE TO PEARL CITY HIGHLANDS HOLINESS CHURCH, UNDER INTERSTATE HIGHWAY VIADUCT AT PEARL CITY, OAHU.

The board had authorized a direct lease to Pearl City Highlands Holiness Church for a 55-year lease of airspace under the Pearl City Viaduct of the Interstate Highway to the Pearl City Holiness Church for religious and related activities. However, said submittal inadvertently omitted mentioning the renegotiation period for the lease rent.

ACTION The board voted unanimously to amend its action of June 9, 1983 under agenda Item F-15 by approving the renegotiation of rent after the first fifteen years and at the expiration of each succeeding ten (10) year period in the manner specified by law. All other terms and conditions of the subject June 9, 1983 board action under Item F-15 shall remain unchanged.

- ITEM F-11 CONFIRMATION OF RIGHT OF ENTRY GRANTED TO JORDAN LEISURE, INC.,
FT. DERUSSY,
- Because of constricted time factors, Jordan Leisure, Inc., was granted a right of entry to portions of Ft. DeRussy Beach for a "Kraft Superstar" Day on October 21, 1983 subject to certain terms and conditions. Staff is now requesting that the board confirm the right of entry.
- ACTION Unanimously approved as submitted. (Ing/Higashi)
- ITEM F-12 DIRECT SALE OF LAND TO HAWAII HOUSING AUTHORITY, HIGHWAY SURPLUS LAND AT
KAILUA, OAHU.
- ACTION The board unanimously approved the sale of approximately 21 acres of land at Kailua, Oahu, being TMK: 4-5-35:2 to the Hawaii Housing Authority at the consideration of \$36,026.00. (Ing/Kealoha)
- ITEM F-13 STAFF RECOMMENDATION REGARDING DESIGNATION OF WAIANAE AGRICULTURAL PARK,
WAIANAE, OAHU.
- ACTION (See Page 10 for Action)
- ITEM F-14 RIGHT OF ENTRY REQUEST FOR SITE SURVEY, SOIL TEST, AND OTHER RELATED
ACTIVITIES IN CONNECTION WITH THE PROPOSED WAIANAE AGRICULTURAL PARK
PROJECT, WAIANAE, OAHU.
- ACTION (See Page 10 for Action)
- ITEM F-15 STAFF REQUEST TO EXTEND VOLLEYBALL PLAYING ON PORTION OF BEACH AREA
FRONTING FT. DE RUSSY, WAIKIKI, HONOLULU, OAHU.
- ACTION (See Page 8 for Action)
- ITEM F-16 STAFF RECOMMENDATION FOR CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO.
2641 TO DEPARTMENT OF HEALTH COVERING "HALE MOHALU" SITE, MANANA,
WAIMANO, EWA, OAHU.
- ACTION (See Page 9 for Action)
- ITEM F-17 CRAIG HAYASHI REQUEST FOR EXTENSION OF CONSTRUCTION DEADLINE, LOT 27,
HANAPEPE HEIGHTS HOUSELOTS, UNIT 2, HANAPEPE, WAIMEA, KAUAI.
- ACTION The board unanimously approved an extension from November 19, 1983 up to May 18, 1984 of the construction deadline contained in Special Sale Agreement No. S-5571, subject to the vendee furnishing an updated building compliance bond in an amount of not less than \$500.00 guaranteeing completion of the residence by May 18, 1984; such bond to be posted within thirty (30) days from notification of receipt of the extension.
- ITEM F-18 STAFF RECOMMENDATION FOR CANCELLATION AND FORFEITURE OF SSA NO. S-5418 to
EDWARD A. AND PRISCILLA M. BANASIHAN, LOT 29, HANAPEPE HEIGHTS HOUSELOTS
SUBDIVISION, HANAPEPE, KAUAI.
- ACTION (See Page 6 for Action)
- ITEM F-19 STAFF REQUEST FOR AUTHORIZATION TO SELL HOUSELOTS IN FEE SIMPLE AT PUBLIC
AUCTION, HANAPEPE, WAILUA, AND KAPAA, KAUAI.
- ACTION Finding that there is sufficient demand for residence lots in the above areas to warrant sale of these lots and finding also that the lots are of minimum size relative to the intended use and that each of the lots can be classified as an economic unit, the board, upon motion by Mr. Kealoha and a second by Mr. Higashi, unanimously approved the public auction sale of the lots listed in the submittal, subject to the terms and conditions listed in said submittal.

ITEM F-20	<u>DEPARTMENT OF TRANSPORTATION REQUEST FOR TEMPORARY USE OF STATE LANDS FOR HIGHWAY RECONSTRUCTION WORK, KEKAHA, WAIMEA, KAUAI.</u>
ACTION	The board unanimously authorized the granting of a right of entry to the Department of Transportation covering Construction Parcels C-1 and C-2 for the purpose of repairing damages to Kaunualii Highway caused by Hurricane Iwa, subject to the terms and conditions listed in the submittal.
ITEM F-21	<u>STAFF RECOMMENDATION FOR SALE OF LEASE AT PUBLIC AUCTION, PARCEL A, KAINAHOLA PASTURE LAND, KAPAA HOMESTEADS, WAIPOULI, KAUAI.</u>
ACTION	Present use is for pasture purposes. Staff is to explore the possibility of a higher use and report back to the board. Deferred.
ITEM F-22	<u>STAFF RECOMMENDATION FOR AUTHORIZATION TO SELL LEASE AT PUBLIC AUCTION, LOTS D AND #, WAILUA RESORT LOTS, WAILUA, LIHUE, KAUAI.</u>
ACTION	This area was once on sale for resort purposes but there were no bidders. Present use is for pasture purposes. The board asked, however, that staff explore the possibility of a higher use. Deferred.
ITEM F-23	<u>EXTENSION OF LEASE OF OFFICE SPACE FOR DEPARTMENT OF SOCIAL SERVICES AND HOUSING, LIHUE, KAUAI.</u>
ACTION	Mr. Shimabukuro said that the term reads from January 15, 1983 through October 14, 1983, which has expired. The agency, however, is still there. They thought that their new area would be ready by October 14 but it is not, so they have requested staying in their present location for a few more weeks. Mr. Ing moved for approval of DSSH request to lease, said lease not to extend beyond December 15, 1983, subject to the review and approval of the lease agreement by the Office of the Attorney General. Mr. Kealoha seconded and motion carried unanimously.
ITEM F-24	<u>LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING, WAILUKU, MAUI.</u>
ACTION	(See Page 3 for Action)
ITEM F-25	<u>RENEWAL OF LEASE FOR OFFICE FOR THE DEPARTMENT OF EDUCATION, KANEOHE, OAHU.</u>
ACTION	Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Kealoha/Higashi)
ITEM F-26	<u>RENEWAL OF OFFICE SPACE LEASE FOR DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, KEALAKEKUA, HAWAII.</u>
ACTION	Mr. Higashi felt that the electricity and janitorial services cost was extremely high and asked that this be looked into, especially the janitorial charges. Deferred.
ITEM G-1	<u>FILLING OF LAND COURT DOCUMENT RECEIVING CLERK II, POSITION NO. 144, OAHU.</u>
ACTION	The board unanimously approved the appointment of Jean Kaneshiro to fill Position No. 144 effective November 1, 1983. (Kealoha/Higashi)

ITEM H-1 VIOLATION OF LAND USE IN THE STATE CONSERVATION DISTRICT FRONTING THE KUALOA OLD SUGAR MILL, OAHU.

ACTION (See Page 10 for Action)

ITEM H-2 VIOLATION OF LAND USE IN THE STATE CONSERVATION DISTRICT AT HEEIA HARBOR, OAHU.

ACTION (See Page 10 for Action)

ITEM H-3 CDUA FOR A 40-FOOT RADIO REPEATER TOWER AND ANTENNA WITH EQUIPMENT BUILDING AND TRANSMISSION LINE AND ACCESS EASEMENT AT KAPOHO CRATER, PUNA, HAWAII.

ACTION Unanimously approved as submitted, subject to the terms and conditions listed in the submittal. (Higashi/Kealoha)

ITEM H-4 REQUEST FOR PUBLIC HEARINGS FOR USE OF LAND WITHIN CONSERVATION DISTRICT COMMERCIAL/SUBDIVISION PROTECTIVE SUBZONE USE.

Mr. Evans asked that the following applications be added to the submittal:

<u>CDUA</u>	<u>APPLICANT</u>	<u>LOCATION</u>	<u>RATIONALE</u>	<u>180-DAY EXP. DATE</u>
OA-1611	Cassidy	Niu Valley, Oahu	Commercial Use	
OA-1615	Chevron	Ewa, Oahu	Commercial Use	

ACTION Pursuant to Section 183-41, HRS as amended, Title 13, Chapter 2, Administrative Rules, as amended, Mr. Ing moved to add the above two applications to the submittal and for the Board to:

1. Authorize and schedule public hearings for the proposed use; and
2. Authorize the Chairman to prepare and forward the hearing notice to applicant and other affected persons.

Mr. Kealoha seconded and motion carried unanimously.

ITEM I-1 APPOINTMENT OF LICENSE AGENT (HAWAII)

ACTION The board voted unanimously to appoint A. Arakaki Store, Inc. as a license agent to sell hunting and fishing licenses. (Ing/Kealoha)

ITEM I-2 APPOINTMENT OF LICENSE AGENT (MAUI)

ACTION The board voted unanimously to appoint Kula County Store and/or True Value Hardware Store as a license agent to sell hunting and fishing licenses. (Ing/Kealoha)

ADDED
ITEM J-22 CONSENT TO ASSIGNMENT OF LEASE AND CONSENT TO APPROVAL OF SHORT FORM OF LEASE, HARBOR LEASE NO. H-72-1, HARBORS DIVISION.

ADDED
ITEM J-23 APPROVAL OF CONSENT TO MORTGAGE, HARBORS DIVISION.

Mr. Ing explained to Mr. Jitchaku that his law firm represents AMFAC properties and that is why when Items J-22 and J-23 came up earlier in the meeting he had disqualified himself from voting. Because there were not enough members to vote, these items were deferred. However, said Mr. Ing, I understand that you are under time constraints and, knowing that I represent AMFAC, if you are willing to waive any potential conflict and it's o.k. with you that I take a vote, then we can proceed.

Mr. Jitchaku said that it was ok with him.

Mr. Garcia, in answer to Mr. Higashi's question, said that the premises can be used only for industrial, commercial and transportation purposes and uses and AMFAC Properties Development Corp. is in the process of assigning the subject Harbor Lease to Messrs. Jitchaku and Tamashiro, who presently occupy the subject area.

Both Messrs. Jitchaku and Tamashiro wish to obtain a mortgage from American Savings and Loan Association in the amount of \$500.00 to finance the acquisition of the subject lease and its improvements. The lender will not make the mortgage without a consent from the board.

Mr. Jitchaku, in answer to Mr. Ing's question, said that the \$500,000 will be used to buy the warehouse from AMFAC.

ACTION	Mr. Higashi moved for approval as submitted. Mr. Kealoha seconded and motion carried unanimously.
<u>ITEM J-1</u>	<u>LEASE - INSTALLATION, OPERATION, AND MAINTENANCE OF AN INSTRUMENT LANDING SYSTEM (ILS) FACILITY FOR RUNWAY 4R, HONOLULU INTERNATIONAL AIRPORT, OAHU (FAA)</u>
ACTION	Unanimously approved as submitted. (Kealoha/Ing)
<u>ITEM J-2</u>	<u>LEASE - OPERATION AND MAINTENANCE OF AN AIRPORT SURVEILLANCE RADAR (ASR) KAHULUI AIRPORT, MAUI (FAA).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-3</u>	<u>CONSENT TO SUBLEASE, LEASE NO. DOT-A-79-18, OAHU (PARADISE HELICOPTERS, LTD. TO BUTLER AVIATION HAWAII, OAHU.</u>
ACTION	Unanimously approved as submitted. (Higashi/Kealoha)
<u>ITEM J-4</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3803, HONOLULU INTERNATIONAL AIRPORT, OAHU (NORTH PAK HAWAII, INC.)</u>
ACTION	Unanimously approved as submitted. (Kealoha/Higashi)
<u>ITEM J-5</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3796, HONOLULU INTERNATIONAL AIRPORT,, OAHU (DHL CARGO).</u>
ACTION	Unanimously approved as submitted. (Ing/Higashi)
<u>ITEM J-6</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3790, 3799, 3798, AND 3802, AIRPORTS DIVISION.</u>
ACTION	The board asked that action be deferred on Request by Kenai Air of Hawaii for further check (Revocable Permit No. 3790). Unanimously approved as submitted, with the exception of Revocable Permit No. 3790 to Kenai Air of Hawaii. (Kealoha/Ing)
<u>ITEM J-7</u>	<u>RENEWAL OF REVOCABLE PERMIT'S CONFORMING USE, AIRPORTS DIVISION.</u>
ACTION	The board asked that action be deferred on Request by Kenai Air of Hawaii for further check (Revocable Permit No. 3653). Unanimously approved as submitted, with the exception of Revocable Permit No. 3653 to Kenai Air of Hawaii. (Kealoha/Ing)

- ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (THE WEBE CORPORATION).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT,, HARBORS DIVISION, KEWALO BASIN, HONOLULU OAHU (SAMUEL P. KAAUA, JR.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU OAHU (ZANETA, INC.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU OAHU ((1) MARY I, INC. AND (2) JAY L. HERBERT, C/O LUSTY VOYAGES, INC.))
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (HAWAIIAN SHRIMP CO.)
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-13 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (DEPT. OF THE TREASURY, U. S. CUSTOMS SERVICE).
- ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- ITEM J-14 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.
- ACTION Mr. Ing disqualified himself from voting on Permit No. H-79-797 to Young Brothers, Ltd. and Permit No. H-79-777 to The Lihue Plantation.
Unanimously approved as submitted with the exception of Permit Nos. H-79-797 and H-79-777. (Kealoha/Ing)
- ITEM J-15 ISSUANCE OF REVOCABLE PERMIT NO. HY-83-702, HIGHWAYS DIVISION, OAHU (KANINAU'S DIESEL & EQUIPMENT REPAIR SHOP).
- ACTION Mr. Garcia asked that the effective date of permit be amended from October 1, 1983 to "after the parcel has been cleaned."
Mr. Ing moved for approval as amended. Mr. Kealoha seconded and motion carried unanimously.
- ITEM J-16 CONTINUANCE OF REVOCABLE PERMITS, HIGHWAYS DIVISION.
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-17 CONSENT TO MORTGAGE - LEASE NO. DOT-A-81-87, HONOLULU INTERNATIONAL AIRPORT, OAHU (AIRCRAFT SHEET METAL SPECIALIST, INC. - PEYTON CARROLL)
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-18 ASSIGNMENT OF LEASE NO. DOT-A-81-37, HONOLULU INTERNATIONAL AIRPORT, OAHU (PEYTON CARROLL, DBA CARROLL INVESTMENT FUND - AIRCRAFT SHEET METAL SPECIALISTS, INC.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-19

AMENDMENT OF HARBOR LEASE NO. H-83-2, HARBORS DIVISION, HONOKOHAU BOAT KEALAKEHE, KONA, HAWAII (KONA-U-CART, INC.).

ACTION

Unanimously approved as submitted. (Higashi/Ing)

ITEM J-21

HARBOR LEASE NO. H-71-7, PIER 6, HONOLULU HARBOR, OAHU (EMPOUC, INC.)

Due to financial problems, Empouc filed for bankruptcy under Chapter 11 on December 29, 1982. Empouc proposed a Settlement Agreement as part of its reorganization plan for the bankrupt proceeding. The Agreement was presented and approved by the Court on September 27, 1983 with the understanding that the proposed reorganization plan once implemented would result in aiding Empouc to generate sufficient business in order to survive.

Mr. Garcia said that they owe the State \$318,432.40. As of November 1, they will owe an additional \$6,000 for the parking lot unless it is changed and there is a new schedule. On November 16, they will owe an additional \$22,500.00. Garcia understood that, and the documents are with the Courts, Hadley Pryun will be putting \$1 million into their operation and the money will be used to pay off their debts to the State.

Where does it say that in the agreement, asked Mr. Ing? It does not say that in the agreement said Mr. Garcia. It is stated in the documents that have been filed with the court.

ITEM J-20

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 5, HONOLULU HARBOR, OAHU (EMPOUC, INC.)

Under Settlement Agreement agreed upon by Empouc, Inc. and the State, provision is set forth where the issuance of this permit is addressed.

Empouc, Inc. shall be allowed to and be required to erect chains and to engage in relevant necessary construction thereto, at no cost to the State, to demarcate the premises covered by this revocable permit.

Empouc will be allowed to sell daily, including "early bird" parking, but no weekly or monthly parking. The monies received in excess of the monthly tariff for each individual stall so used shall be first credited for Empouc's reasonable overhead expenses for operating the parking lot and any excess remaining after such overhead expenses are credited shall be tendered to the State on or before the last day of the month following the month for which the accounting refers to. Reasonable overhead expenses shall be established based on the accounting sheets to be provided as described in the submittal.

The agreement says that all back rents are to be paid one month after the board's and the court's approval, said Mr. Ing.

Referring to the payment schedule, Mr. Garcia explained that there are several conditions for payment of the back rental.

Under (a), Empouc shall pay to the State all lease rents due under the lease subsequent to June 23, 1983, no later than one month after both the Land Board and the Bankruptcy Courts approval of this application. They already have the bankruptcy courts approval of this agreement and if this is approved today then this amount will have to be paid by November 21st, which is everything that they owe us from June 23rd.

Under (b), all rentals due between the period December 29 through June 23 shall be paid in installments of \$10,000 per month and that has to start by December 19, 1983. Everything else that they owe will have to be paid no later than four months from the land board approval. The reason for staggering these dates is because the million dollar infusion that they have coming from Hadley Pryun needs time to get that money out so that they can pay off these obligations as they become due.

Mr. Ing said that he wished there was a way that this could have been put into the settlement agreement -- that if the money is not paid then the agreement and the lease is void and of no effect. Otherwise we end up in the same situation. This drags out for a couple of years, then they go bankrupt -- say the second year -- and we're stuck.

Mr. Garcia said that if the payments are not made on time then their attorney will go back to the court and move for contempt.

ACTION
REPORT
FROM DOT

Mr. Ing moved for approval of Items J-20 and J-21 as submitted.
Mr. Kealoha seconded and motion carried unanimously.

SELF-SERVICE CART SYSTEM AT THE AIRPORT

Mr. Garcia reported that DOT did have a meeting with the porters and representatives of the different porter groups, including Allied Aviation, United Air Lines, Freeman Guards and Western Porter Service. All the groups that were in attendance voiced no objection to the proposed plan of having the baggage carts outside. In fact, the Allied representative said that in similar situations on the mainland there appeared to be no detrimental effects.

ADJOURNMENT: There being no further business, the meeting adjourned at 1:20 p.m.

Respectfully submitted,



LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

It