

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

DATE: December 2, 1983
TIME: 9:00 A. M.
PLACE: State Office Building
Conference Room
3060 Eiwa Street
Lihue, Kauai

Roll
Call

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:10 A. M., with the following in attendance:

MEMBERS

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

(Mr. Takeo Yamamoto and Mr. Roland Higashi were absent and excused.)

STAFF

Mr. Roger Evans
Mr. James Detor
Mr. Sam Lee
Mr. Libert Landgraf
Mrs. Joan K. Moriyama

OTHERS

Dep. A. G. Edwin P. Watson
Mr. Jerry E. Merrill (Item H-3)
Mr. Norito Kawakami (Item H-2)
Various People (Items F-21 and F-22)
Mr. Jack Schweigert (Item H-6)
Mr. Peter Garcia

Minutes

The minutes of October 7, 1983 were unanimously approved as circulated, on Mr. Kealoha's motion and seconded by Mr. Yagi.

Mr. Ono said the Department of Agriculture has requested corrections to the minutes of October 21, 1983 meeting, on page 10, as follows:

1. First line, where it reads, "Mr. Yamamoto of DOA" It should read "Mr. Schwind of DOA."
2. Second line, same paragraph, delete the word "orchard".
3. Second paragraph, first line, there was a typo. It should correctly read "operation".

Mr. Ing moved, Mr. Kealoha seconded, and the board unanimously approved the minutes of October 21, 1983 as amended above.

Added
Items

On Mr. Ing's motion, seconded by Mr. Yagi, the board unanimously approved to add the following items to the board agenda:

D. Division of Water & Land Development

1. Filling of Planner V Position, Position No. 35233

E. Division of State Parks

2. Special Use Permit for Fireworks Display at Aina Moana (Magic Island) State Recreation Area

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

ITEM H-3

CDUA FOR SINGLE-FAMILY DWELLING AT KEONEPOKO IKI, PAHOA, PUNA, HAWAII

Staff recommended approval subject to the conditions listed on pages 5 and 6 of the board submittal.

Mr. Jerry E. Merrill, the applicant, was present at the meeting and stated that they are well aware of the conditions and are satisfied. They see no problem in meeting the conditions.

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM H-2

CDUA FOR A TEN-FOOT WIDE WATERLINE EASEMENT AT WAILEA BAY, PUAKO, HAWAII

This was a resubmittal of a previous application that was processed. The scope of the application was broadened to include not only for fire purposes but also for domestic purposes, and it would involve potential subdivision of lands outside the conservation district.

The Division of State Parks has expressed interest in acquiring this area in the future for a park. They are concerned that approval of the application would resolve in an increased value to those lots in the urban district because of potential building that would occur there. However, since it could not be determined when money would be available, staff recommended approval, subject to the conditions listed on pages 5 and 6 of the board submittal.

Mr. Ono said he had just learned that a telephone request was received this morning from the Hawaii Land Office stating that the Big Island Board Member would like to see this item deferred.

Mr. Kealoha said he had no objection to the deferral since the expiration date does not occur until January 2, 1984.

Mr. Norito Kawakami, the attorney representing the applicant, was present at the meeting and said they go along with the conditions, and are agreeable to the deferral of this matter until the next board meeting.

ACTION Mr. Kealoha moved to defer Item H-2 until the next board meeting scheduled for December 16. Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-21

STAFF RECOMMENDATION FOR DIRECT ISSUANCE OF LEASE TO NA PALI COAST BOAT CHARTER, KAUAI

ITEM F-22

STAFF RECOMMENDATION FOR DIRECT ISSUANCE OF LEASE TO NA PALI ZODIAC, KAUAI

Items F-21 and F-22 were basically the same with two different parties

making the applications. These are applications for the direct issuance of leases covering zodiac boat operations on the Na Pali coast.

A CDUA was processed and approved by the board in 1978 covering this particular operation. Since that time Na Pali Zodiac (Item F-22) has been operating on the basis of a permit issued by the Division of State Parks. The purpose of the submittal was to convert that permit to a 5-year lease, and also to bring in one more operator. The terms and conditions that were listed in the submittals were recommended by the Division of State Parks and which were in the approved CDUA.

Since these submittals were written, Mr. Detor said, a number of comments have come in on the advisability of going ahead with this. Some changes have also been suggested by our operating divisions. For this reason, Mr. Detor said he would like to take a closer look at this before reaching a decision on it. He further stated that Na Pali Coast Boat Charter (Item F-21) has informed us that they don't need to operate from the Haena Point but rather from the public boat ramp area at Hanalei. So these would have to be deleted from the submittal (page 1 under "Specific use" and also on page 4 under Condition No. 9 where it refers specifically to Haena).

Deputy Attorney General Edwin Watson questioned the boat ramp area. He asked whether any permit is required since they would be operating a commercial activity.

Mr. Detor didn't know. He said that's one of the things that he would like to check.

Mr. Kealoha asked whether they need to cross over private property to get to the beach.

Mr. Detor said one of the concerns is that while there is public access, people have been known to cross private properties to get there.

Mr. Kealoha asked whether we have had any complaints from any of the private landowners.

Mr. Sam Lee said previously there were. He said complaints came pretty much all together. Several years ago some of the residents there organized themselves, hired an attorney, and corresponded with the department through their attorney. Mr. Lee said as best as he could remember the matter was amicably resolved.

Mr. Detor added that in the last two weeks we have received a number of communications from people who live in that area objecting to the proposals.

Mr. Ono believed that the communications we received fell into two categories: (1) a request to defer the final decision making on these requests; and (2) opposition to any granting of issuance of permits or leases.

He asked Mr. Detor how long it will take to complete the staff review if these requests were deferred for further study.

Mr. Detor said he would like to have it deferred to at least the third meeting from today. The activities are during May, June, July, August and September of each year so there is time before the next season comes around, he said.

Mr. Kealoha said that will also give the board members some time to go on the site if the specific areas are designated. He said right now it is very vague.

There were people in the audience who wanted to offer some comments. Mr. Ono said the board members are willing to spend some time to listen to them, but he reminded them that this is not a public hearing.

Mr. Lee R. Bellefontaine said he wrote a letter to the department with some observations and didn't have much to add to those observations, except to say that these operations are supposed to go on from May through September. But they have been going on continuously ever since September, whenever the weather permits. As a matter of fact, he said, there are two boats out there at Haena. He said he mentioned in his letter about a piece of rusty iron that has been stuck in the sand for some time. He didn't know who put it there, or whether it's a debris from the hurricane. One of the boats' anchors was tied to that rusty iron to hold the boat on the beach.

Mr. Richard Rice, landowner and a part-time resident of the Haena Point area, said his family and the people there are opposed to the continued use of Haena Point. There are no public facilities in the general area. There are no toilet facilities or waste disposal. Additionally, they moore their boats all summer out there, he said. They also live on the yacht in the bay, 50 feet offshore, all summer long.

He further pointed out that besides using the deep water channel from the dry cave side, they take a short cut from a very narrow channel between two large reefs and about 20 feet offshore. He said the channel runs from 10 to 20 feet wide, or 1 to 4 feet deep, depending on the seasonal sand condition. This is a swimming area and it's a net setting area for the fishermen. It has become a very popular place for the windsurfers. He said the joint use of high-powered boats, swimming, diving and netting is totally incompatible. He foresees an accident to happen. If they are to continue at Haena Point, he strongly advised that they be excluded from going through this short-cut channel.

Mr. Bill Hamilton, a resident in Hanalei for the last twelve years, thought there have been enough pros and cons to warrant a public hearing. Any decision should rest until that point, he said.

Margaret Silva, owner of a beach property in Haena, said the zodiacs pass through the county road, and from there they have to pass through her property down to the beach with trucks.

Mr. Leonard Alcantara, representing Clancy Greff (Item F-22, Na pali Zodiac), said Mr. Greff has been operating along this coast for about ten years. He said the Na Pali Coast Management Plan addresses a number of concerns for the park, such as trash removal, the possibility of radio service, emergency medical care for people who are trapped on the coast, etc. He said Mr. Greff has been doing this, and he has proved himself to be a sensible and caring operator under his permit that has been issued in the past. He urged the board to take all of these into consideration.

He also urged the board not to make the lease so restrictive as to put Mr. Greff out of business because he believed that if the state did not have his operation, they would have to create this operation.

On the question of trespassing, Mr. Alcantara said he can only said that his client would take every pain to avoid anyone trespassing over private property.

Mr. Ono said there was a request for a public hearing. Since we've gone through a formal hearing process, he suggested that instead of having a formal public hearing that all interested and affected individuals and organizations accompany the board members, appropriate staff from the department and a representative from the Attorney General's Office to go on the site, the next time the board comes back to Kauai (hopefully before the summer season starts). The board can then make some kind of a decision after that.

Mr. Yagi asked what will happen in the meantime. Will they be permitted to run the zodiac operations?

Mr. Ono said yes. He said we haven't had any request, nor is the staff recommending, that the existing permit be rescinded. So it stays in effect, provided that the operator meets all of the conditions attached to that particular permit. If they are in violation of the conditions that have been prescribed, the board will have to take corrective measures, he said.

Mr. Yagi asked the staff to specify some of the conditions of the permit for the benefit of the people.

Mr. Lee said the permit now in force allows the landing of boats and commercial passengers at locations along Na Pali Coast, Kalalau being one. He said the landing permit was designed to be restricted from May through September, primarily because of the advent of the winter surf. He said the permit does not cover the activities that occur offshore where the boats pass, down to the turnaround at some point out at sea and come back.

Mr. Ing warned the public that if there are operators that are operating without a permit, or operating in violation of the permit, the board would not look very lightly on those violations and will impose sanctions.

ACTION

Mr. Yagi moved to defer Items F-21 and F-22 until such time as the staff has an opportunity to clear up some of its concerns, and until the board members have an opportunity, along with the appropriate staff, representative from the Attorney General's Office and other interested parties, to go on the site before making a final decision.

Mr. Ing seconded the motion.

Mr. Ing suggested to those people who are interested in this matter to leave their names with the Kauai Land Office, and where they can be contacted, so that we can contact them in advance of the board's next visit to Kauai.

Mr. Ono said we can also inform the public of the board's next visit to Kauai through the Kauai media.

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

ITEM H-6 RESUBMITTAL - CDUA FOR SUBZONE BOUNDARY AMENDMENT AND A SINGLE FAMILY RESIDENCE AT LANIKAI, OAHU

Mr. Ing informed the board that his law firm, through Mr. John Komeiji, represents Mr. Engelstad in a separate matter. For that reason he disqualified himself from participating in this matter.

ACTION For lack of quorum this item was deferred.

Mr. Kealoha said he would like to visit the site before the next meeting and asked the staff to make the necessary arrangements.

ITEM C-1 RESUMPTION OF ALEXANDER & BALDWIN (A&B) TIMBER HARVESTING ON MAUI

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM C-2 TERMINATION OF TIMBER (LAND) LICENSE NO. S-49 WITH HAWAIIAN TIMBER PRODUCTS, INC.

Mr. Landgraf asked for deferment of Item C-2. The affected party, through their attorney, who has also been in contact with our Hawaii Board Member, has asked that this item be deferred to the next meeting, either in Honolulu or on Hawaii.

ACTION Mr. Ing moved, Mr. Kealoha seconded, and the board unanimously approved to defer this matter as recommended above by Mr. Landgraf.

ADDED
ITEM D-1 FILLING OF PLANNER V POSITION, DIVISION OF WATER & LAND DEVELOPMENT, OAHU

ACTION Mr. Kealoha moved for approval of the appointment of Ms. Sherrie Samuels to Planner V Position No. 35233, effective December 16, 1983, Mr. Ing seconded and the motion was unanimously carried.

ITEM E-1 AWARD OF CONSTRUCTION CONTRACT, JOB NO. 46-OP-21, COMFORT STATION, PHASE III, INCREMENT 2A, SAND ISLAND STATE PARK, HONOLULU, OAHU (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

ACTION Mr. Kealoha moved for approval to award the subject contract to the lowest bidder, Prime Construction, Inc. Mr. Ing seconded and the motion was unanimously carried.

ADDED
ITEM E-2 SPECIAL USE PERMIT FOR FIREWORKS DISPLAY AT AINA MOANA (MAGIC ISLAND) STATE RECREATION AREA

Subsequent to this application, the applicant has informed us that they are looking into using barges to have the fireworks displayed out at sea. However, they would like the board to act on this application (to use Magic Island) as a backup because the barge arrangement has not been firmed up yet.

As far as the barges are concerned, Mr. Evans said, two barges are going to be involved. One barge is to hold the fireworks itself. The barge tied right next to it holds all the electronics to set off the fireworks. The barge will be held in place by a tug.

If the barge is to be used, the only requirement at this time would be DOT's Shore Waters Construction Permit, Mr. Evans said. He said the principals of the firm, Pyro Spectaculars of Hawaii, are meeting this morning with DOT and the Coast Guard over this permit.

As far as liability is concerned, DOT is going to require a liability insurance from them.

Mr. Evans said there was a typo on the first page, 2nd paragraph. It should read 1,600 square feet for the display area. They would like to use the area from December 29, starting during normal business hours up to January 3 for cleanup and to restore the area to its original condition.

Mr. Ing moved for approval and Mr. Yagi seconded the motion.

Mr. Evans said he would like to go over some of the conditions because there were some additions that he would like the board to consider.

He asked that Condition 1 read, "That the permit shall not be issued without first being granted any required county permits."

On Condition 3, he would like to include City and county of Honolulu.

Mr. Ono said the City Council has been pushing this application, and they have been corresponding with us. He asked whether the City and County of Honolulu is also the applicant.

Mr. Evans said he was informed by Mr. Nagata of the Division of State Parks that the applicant is Pyro Spectaculars of Hawaii and not the city.

On Condition No. 4, Mr. Evans said he would again like to add City and County of Honolulu.

On Condition 6, the second sentence should read, "Parking within that area set aside for the event"

On Condition 7, "That the permittee shall pay for an assessment to be determined by the chairman (and delete Division of Conservation and Resource's Enforcement (DOCARE) for their monitoring of the activity."

Mr. Kealoha said before he votes on this issue he would like to know what portion of the area can the public use during December 29 up to January 3. According to the map, he said, they have the whole parking lot. He suggested the last two rows, closest to Magic Island.

Mr. Ono was disturbed that the applicant, or its representative, was not present at the meeting. They knew what time and where the board was meeting, he said. He asked why they were meeting with DOT or the Coast Guard at the same time the board meeting is being held.

Mr. Evans said they felt their priority was there because of the time between today and when they have to have the scripts done, and all the possible permits that they were going through. They felt that the staff can handle it for them. Mr. Evans said it was suggested to them that they be here, although staff did tell them that we will try to help them.

Mr. Kealoha said there is a motion on the floor. He said he would not like to go against the motion. At the same time, he would rather go against the motion only because the applicant is not present at the meeting.

Mr. Ing withdrew his motion and Mr. Yagi withdrew his second.

Mr. Kealoha said his concern is the public. If the suggested designated two rows of parking closest to the mauka end is not enough and they need three rows, that is all right with him. Just as long as it is made very clear what the public can use.

Mr. Evans thought perhaps if we say the public shall have free access to the parking lot during normal park hours, that should alleviate Mr. Kealoha's concern.

Mr. Ono asked how many days in advance would we know whether they are going with this plan or the other plan, assuming the board acts favorably on this request.

Mr. Evans suggested December 16 as the deadline.

ACTION Mr. Ing moved for approval of this request, as amended by Mr. Evans and Mr. Kealoha. Mr. Yagi seconded.

Mr. Ono asked Mr. Evans to convey the board's displeasure to the applicant not having a representative present to answer some of the basic questions pertaining to this request.

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

ITEM F-1 DOCUMENTS FOR CONSIDERATION

HAWAII

Item F-1-a ASSIGNMENTS OF LEASES

HONOLULU ROOFING CO., LTD., (Hilo Branch), assignor, to JOHN BUTLER and PATRICIA BUTLER, husband and wife, assignee - Lot 17, Kanoelehua Industrial Lots, Waiakea, South Hilo - GL No. S-3598

Item F-1-b RICHARD M. C. KIM and AYAME KIM, husband and wife, Assignors, to RICHARD M. C. KIM, INC., a Hawaii corporation, Assignee - Lot 3, Pana-ewa Agricultural Park, Waiakea, South Hilo - G.L. No. S-4750

OAHU

Item F-1-c REVOCABLE PERMITS

RICHARD H. S. LEE, INC. - Portion of Government land, being also a portion of Parcel 8, TMK 2-1-60, portion of 8, at Kaakaukukui, Honolulu, for storage of soil, coral, asphalt and other aggregate material purposes - monthly rental to be determined by appraisal, same subject to approval by the chairperson

Mr. Kealoha asked for deferment of this item. The board had no objection and deferred Item F-1-c.

Item F-1-d HAWAII CUSTOM PAINT SHOP - Lot 532, Sand Island, Honolulu - for automotive repair and body fender shop (dismantling of automobiles and the salvage of automobile parts is prohibited) - \$342.00 per month

Item F-1-e JAMES TODD TACHERA - Lots 1 and 2 of Waiahole homesteads, Koolaupoko - for agriculture purposes - \$21.00 per month

The board questioned why this was under a revocable permit and why not a long-term lease.

Mr. Detor wasn't sure. He said he will check it out.

Item F-1-f JAMES TAGAMI - Lot 120A, Sand Island, Honolulu - for automotive repair and body fender shop (dismantling of automobiles and the salvage of automobile parts is prohibited) - \$834.00 per month

HAWAII

Item F-1-g MORTGAGE
FUJIYAMA DEVELOPMENT CORP., a Hawaii corporation, Mortgagor, to CITY BANK, a Hawaii corporation, Mortgagee - Portion of the Government (Crown) land of Waiakea, South Hilo - Grant of Easement No. S-4553

MAUI

Item F-1-h REVOCABLE PERMIT
ISAAC A. KANOA - portion of government land situate at Keanae, Hana - for general agriculture (cultivation of taro together with use of ditch water) and maintenance of jeep trail and surrounding trees and vegetation - \$13.00 per month

Item F-1-i PIONEER MILL COMPANY, LIMITED - Government land situate at Olowalu, Lahaina - for sugar cane cultivation and pasture purposes - \$297 per month

Item F-1-j ERNEST NUNES - Government land situate at Olowalu, Lahaina - for pasture purpose - \$21.00 per month

Mr. Detor asked to take up Items F-1-i and F-1-j together because they were related. Currently the subject area is under a permit to Pioneer Mill. The proposal is to take 100 acres out of that permit, which is not presently being used for sugar, and issue a permit to Ernest Nunes. The plantation is agreeable to this.

There is a talk about a shooting range within this permit area, Mr. Detor said, but the exact area has not yet been determined.

Mr. Ing asked why these two items were under a permit.

Mr. Detor said as soon as the question of the shooting range is cleared up, staff will process it for leasing.

Mr. Ono said Mr. Nunes should be made aware of this situation.

Mr. Detor said Maui Land Agent Eddie Ansai has discussed this matter with Mr. Nunes of the possibility of a fire range going in that area.

ACTION Mr. Ing moved to approve Item F-1 as submitted, except Item F-1-c which was deferred. Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-2 MAGOON ESTATE, LTD. APPLICATION TO PURCHASE ABANDONED ROAD REMNANT AT ALAE 1ST, SOUTH KONA, HAWAII

ACTION Unanimously approved as submitted. (Ing/Yagi)

STAFF RECOMMENDATION FOR AMENDMENT TO PREVIOUS BOARD ACTION
TO SET ASIDE LAND FOR CEMETERY PURPOSES, PONAHAHAWAI, SOUTH
HILO, HAWAII

ITEM F-3

The board, on March 22, 1974, approved setting aside approximately seven acres of land to the County of Hawaii for veterans' cemetery site. The action which was taken at that time was based on a 20-year projection of what they would need for additional cemetery site.

Mr. Detor said while they have had the area, the formal set aside was not completed. Staff, therefore, recommended the set aside of the 7.21-acre area to the county (that is identified as Parcel B), together with Parcel C, which is the extension of the road leading into it, and further, approval in principle of reserving Parcel A for future set aside if needed.

ACTION Unanimously approved as submitted. (Ing/Yagi)

Mr. Ono asked Mr. Detor whether there is any Federal participation in this kind of a program. He said there seems to be some inconsistency on the Federal Government's part. The Veterans Administration manages and upkeep the cemetery on Oahu, and on the neighbor islands the county and the state get involved.

Mr. Detor said the story that he got from DSSH was that Punchbowl Cemetery is going to be full very shortly. So they are looking for state land and state participation. He said he brought that up why the state should come up with any land, as far as Oahu is concerned. He said he didn't get an answer on that.

ITEM F-4

KOHALA CORP. REQUEST FOR RIGHT OF ENTRY TO REPAIR PIPELINE,
KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM F-5

STAFF RECOMMENDATION FOR AMENDMENT TO PREVIOUS BOARD ACTION
FOR LAVA DIVERSION BARRIER EASEMENT AT KAOHE 5, HAMAKUA,
HAWAII

ACTION Mr. Kealoha asked for deferral of this item. The board had no objection.

Mr. Ono said they were supposed to submit plans for the barrier. He didn't recall receiving the plans from the Federal agency.

ITEM F-6

DOT REQUEST FOR E. O. SETTING ASIDE LAND FOR HIGHWAY PURPOSES,
WAIAKOA, WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-7

DANIEL H. AWAI, JR. APPLICATION TO LEASE LAND AT KEALAHOU 3 & 4,
KULA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-8

COUNTY OF MAUI APPLICATION FOR SEWER EASEMENT AND RIGHT OF
ENTRY, KAHULUI, MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-9 FRANK SANTOS, JR. APPLICATION TO PURCHASE ABANDONED ROAD
REMNANT, HAMAKUALOA, MAKAWAO, MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-10 PRODUCE CENTER DEVELOPMENT, LTD. REQUEST FOR WAIVER OF PER-
FORMANCE BOND REQUIREMENT, G. L. NO. S-4405, KAAKAUKUKUI,
HONOLULU, OAHU

Mr. Ono said he would like to make sure that everything is in order before we grant them this request.

Mr. Detor said they are in full compliance now.

ACTION Mr. Ing moved for approval, subject to confirmation that the lessee is in full compliance with the terms of the lease. Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-11 DOT & DPED REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION
ON ALLOCATION OF SPACE AT FORT ARMSTRONG, KAAKAUKUKUI,
HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-12 STAFF RECOMMENDATION FOR SALE OF 14 LEASES IN THE WAIMANALO
AGRICULTURAL PARK, PHASE I, WAIMANALO, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-13 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION
SETTING ASIDE LAND FOR PARK PURPOSES, LAIE, KOOLAULOA, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM F-14 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTIONS
AUTHORIZING AWARD OF LEASES AT MAUNALAHA VALLEY, HONOLULU,
OAHU

The board approved the awarding of the leases on September 9, 1983 to certain named individuals who were eligible for these leases. The purpose of this submittal was to clarify some of the names. For Lots 12, 16 and 28, different names were in the previous submittal. There have been several eligible descendants involved. Working through Mr. Thomas Matsuda, they have reached an agreement, insofar as who is going to get these leases, and they were listed in the submittal.

For Lots 11 and 25, the names were misspelled. For Lot 12, he said he would like to add Hennessey M. Brown, at Mr. Matsuda's recommendation.

Mr. Kealoha thought the name for Lot 11 was still misspelled. He thought it should be Minerva.

Staff was authorized to change it if it is misspelled.

ACTION Mr. Ing moved to approve Item F-14 as amended above. Mr. Kealoha seconded and the motion was unanimously carried.

ITEM F-15 HILTON HAWAIIAN VILLAGE HOTEL REQUEST FOR PERMIT TO HOLD ATHLETIC EVENTS AT FORT DERUSSY BEACH, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Yagi)

Mr. Kealoha cautioned, however, that it will be nearing summer months and the peak summer visitors will be using the beach. He asked the staff to come up with some kind of a ruling so we don't entertain this kind of a request.

Mr. Ono said because the event is being held during the week days, (Wednesday and Thursday) that should help a little bit.

ITEM F-16 DOT REQUEST FOR TERMINATION OF EASEMENT AT HANAMAULU, LIHUE, KAUAI

ACTION Unanimously approved as submitted. (Kealoha/Yagi)

ITEM F-17 NICKI MEDEIROS REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO POST LEASE BOND, GL NO. S-4862, KAPAA, KAUAI

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM F-18 ROY MACMILLAN REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 8, WAIMEA HEIGHTS, 1ST INCREMENT, WAIMEA, KAUAI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-19 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4778, KAPAA, KAUAI

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-20 NOBORU MUNECHIKA REQUEST FOR CONSENT TO ASSIGNMENT OF G.L. NO. S-3800 AND EXTENSION OF LEASE TERM, HANAPEPE, KAUAI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

(See pages 2 to 5 for Items F-21 and F-22.)

ITEM F-23 RESUBMITTAL - USA (U. S. MARINE CORPS) REQUEST FOR EXTENSION OF LICENSE AGREEMENT FOR MILITARY TRAINING AT KEKAHA, KAUAI

This matter was deferred at the last meeting. The question of rent had come up at that meeting. Staff recommended incorporating a condition that they pay \$250 a year for a three-year period as a rent. The Marine Corps is agreeable to this.

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-24 DLIR REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE AT 94-230 LEOKANE STREET, WAIPAHAU, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-25 DOH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING STORES NOS. 216 & 217 OF THE AIEA SHOPPING CENTER, AIEA, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-1 CDUA FOR NUUANU BOOSTER PUMP NO. 2 AT NUUANU, HON., OAHU

ACTION Unanimously approved as submitted. (Kealoha/Yagi)

(See page 2 for Items H-2 and H-3.)

ITEM H-4 CDUA FOR A SMALL FLOATING BOAT PIER AT COCONUT ISLAND, KANEOHE, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM H-5 REQUEST TO RESCIND PREVIOUS BOARD ACTION RELATING TO THE ESTABLISHMENT OF A PERMIT SYSTEM FOR COMMERCIAL FILMING ON STATE LANDS

Mr. Evans said he had a request from the Department of Planning and Economic Development (DPED), whom we are working closely with, to implement one-stop film permitting process within our state government, for deferral of this item until the next board meeting. DPED would like to review it further.

ACTION The board had no objection to the deferral of this item until the next board meeting.

ITEM J-1 RENEWAL OF R.P.'S NOS. 3272, 3571 AND 3610, CONFORMING USE, AIRPORTS DIVISION

Mr. Ing disqualified himself from participating on Host International Permit No. 3571.

ACTION Mr. Yagi moved, seconded by Mr. Kealoha, and the board unanimously approved R. P. Nos. 3272 and 3610.

For lack of quorum, Permit No. 3571 to Host International was deferred.

ITEM J-2 MODIFICATION NO. 1 TO LEASE NO. DOT-A-79-19, INTER-ISLAND TERMINAL AREA, HONOLULU INTERNATIONAL AIRPORT, OAHU (SIDA OF HAWAII, INC.)

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM J-3 ISSUANCE OF R. P., HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (BREWER CHEMICAL CORP.)

ACTION Unanimously approved as submitted. (Ing/Yagi)

Mr. Ono asked Mr. Garcia what kind of investment DOT would require them to put up the storage tank. His concern was that anytime a permittee puts up substantial structure, we have problems down the road.

Mr. Garcia said the storage tank is already there.

ITEM J-4 ISSUANCE OF R. P., HARBORS DIVISION, HEEIA-KEA SMALL BOAT HARBOR, OAHU (WILLIAM ANDREWS AND STEVE PANFIGLIO)

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM J-5 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION

Mr. Garcia asked for deferral of Permit H-258 to Young Brothers.

Mr. Ing said he has a conflict on Permit H-392 to Windjammer Cruises, Inc. and Permit Nos. H-315 and H-80-892 to The Lihue Plantation Co., Ltd. So the board could not act on these permits for lack of quorum.

There was a brief discussion on the recommended rental rates. Mr. Ono asked Mr. Garcia whether they have gone through each of the permits to determine whether increase in rental was warranted or not.

Mr. Garcia didn't think they had gone through each particular one. They have a back log in the Harbors Division, and until such time as they can get rid of the back log, they are recommending the same rental. He explained that most of their revocable permits are up to date, as far as rentals are concerned.

The board expressed concern that if it should go along with the reason that Mr. Garcia gave for not recommending any rental increase because of staff shortage, that it may influence the Land Management permits when they come up for annual review.

Mr. Ono suggested that the board take action on the renewal portion and leave the rental portion open.

ACTION Mr. Ing moved for approval of the continuance of the permits (except those dealing with Young Brothers, Windjammer Cruises and The Lihue Plantation permits, which were deferred), with the understanding that the permittees are to be informed that the rentals are subject to review.

Mr. Garcia informed the board that if rental is to be increased that it will be increased in the future after sufficient notice is given, and not to be retroactive.

Mr. Ono said the board may have to discuss the retroactive portion when the board discusses the Land Management package. He told Mr. Garcia it is with the understanding that there may be some adjustment for this twelve-month increment.

ITEM J-6 RIGHT OF ENTRY AND USE, NAWILIWILI HARBOR, KAUAI (U. S. COAST GUARD)

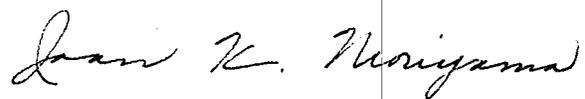
ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI

ACTION Mr. Garcia asked for withdrawal of Item J-7 because DOT would need to work out further on this matter. The board had no objection to the withdrawal.

ADJOURNMENT: There was no further business and the meeting was adjourned at
11:30 A. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairperson

jkm