

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

DATE: January 27, 1984  
TIME: 8:30 A. M.  
PLACE: Kona Surf Hotel  
Mauna Loa Conference Room  
Keauhou, Hawaii

ROLL  
CALL

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 8:40 A. M., with the following in attendance:

Members

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

Staff

Mr. James Detor  
Mr. Roger Evans  
Mr. Ralston Nagata  
Mr. Libert Landgraf  
Mr. Glenn Taguchi  
Mrs. Joan K. Moriyama

Others

Dep. A. G. Johnson Wong  
Dep. A. G. William Tam  
Mr. John Lockwood (Items F-3 and F-4)  
Mr. Alvin Nakamura and Mr. Dennis  
Tanigawa (Item H-2)  
Community Planning Rep. (Item H-4)  
Mr. Russell Fukumoto (Item F-10)  
Mr. Peter Garcia

Minutes

The minutes of Decembbber 2, 1983 were unanimously approved as distributed. (Ing/Higashi)

Mr. Ing asked for deferral of the minutes of December 16, 1983, because pages 3 and 4 appear to be exactly the same and parts of the minutes were missing. The board had no objection, and the minutes of December 16, 1983, were deferred.

Added  
Items

Mr. Ing moved, Mr. Higashi seconded, and the board unanimously approved to add the following items to the board agenda:

Division of Forestry & Wildlife

Item C-1 -- Filling of Permanent Clerk-Typist II, Position No. 4671, Administration, Oahu

Division of Land Management

Item F-20 -- Hawaii Community Development Authority request for acquisition of lease covering office space in the Gold Bond Building, Honolulu, Oahu

Administration

Item H-7 -- Filling of Fiscal Management Officer, Position No. 02721, Oahu

The board deviated from the printed agenda and took up the items in the following order to accommodate the people who were present at the meeting:

ITEM F-3

NATURAL ENERGY LABORATORY OF HAWAII (NELH) REQUEST FOR AMENDMENT OF G. L. NO. S-4717 AND CONSENT TO SUBLEASE PORTION OF LEASEHOLD, KEAHOLE, NORTH KONA, HAWAII (SUBMITTAL WAS DISTRIBUTED AT THE BOARD MEETING)

ITEM F-4

NATURAL ENERGY LABORATORY OF HAWAII (NELH) APPLICATION FOR OFFSHORE PIPELINE EASEMENT, KEAHOLE, NORTH KONA, HAWAII

Items F-3 and F-4 were taken up together because they were related.

At the December 16, 1983 meeting, under agenda Item F-1-j, the board consented to a sublease between the Natural Energy Laboratory of Hawaii (NELH), as sublessor, and Hawaiian Abalone Farms, as sublessee, covering approximately 21-acre portion of the NELH's lease. Item F-3 listed the specifics for the sublease arrangement. The exact language of the amendment to the master lease was spelled out on page 1 of that submittal.

The board also approved amending the character of use provision in that lease in order to accommodate the abalone operation.

Item F-4 formalized what was approved in the CDDA that preceded the NELH lease.

Mr. Detor said the sublessee and NELH have requested that there be one change in the submittal. On page 2, under Section B of Item F-3, the sublease term is noted as "commencing January 27, 1984." They would like to change that to read, "commencing July 1, 1984."

There is a two-year waiver of rent. Then progressively through the first ten years of the sublease terms, there are percentages relating to gross sales that would be applicable. There is also a feature which allows the expenditures to be credited against rent. There is reopening every ten years.

Mr. Ing wanted to know what percentage of the gross aspect was the rental rate based upon.

Mr. Detor said it is based upon the anticipated amount of the investment, plus the anticipated gross volume that they would be doing.

Mr. Ing asked whether the staff reviewed the anticipated gross volume figures.

Mr. Detor said he has looked at them but couldn't say that he had an extensive review of them. Other people, however, have looked at them--the Attorney General's Office, the NELH people, plus our own appraiser.

Mr. Ing asked Mr. Detor whether the gross volume percentage figure is the same figure that the partnership presented to its potential investors.

Mr. Detor deferred that question to the prospective sublessee and the NELH people.

Mr. John Lockwood, spoke on behalf of Hawaiian Abalone Farms. He said yes, the figures that would come to the investors and to NELH and DLNR are the same. He said the amount of rent in the years 3 and 4 and then 5 through 10 is really a question of whether \$105,000 and \$150,000 would be a minimum rent. He said it is not technically a minimum. There is a minimum that stays in effect during the entire 10-year period.

Mr. Ono asked Mr. Detor whether the sublessee intends to do any work on the premises before July 1, 1984.

It was Mr. Detor's understanding that the work that would take place would be in the nature of setting up of the operation.

Mr. Ono asked how that would be possible if they don't have any means to get on the premise legally.

Mr. Detor thought perhaps the submittal (Item F-3) could be amended to include a consent to a right of entry, which would come from NELH.

Mr. Ono didn't feel that a right of entry would be sufficient.

Mr. Higashi said the right of entry would allow them to do construction planning only, not the actual construction work.

Mr. Detor said construction work would be included in the right of entry.

Mr. Ono suggested that the lease run from April 1, 1984.

As a point of clarification, Mr. Lockwood said the right of entry would permit only surveying and construction planning, without permission to do any improvement, unless there is grading or grubbing.

Mr. Ing said the board traditionally has allowed the use of right of entry for preliminary engineering work, such as surveying, but once they commence actual construction, they would need something that is greater than a right of entry.

Mr. Lockwood said he would be satisfied if they could have the lease commence April 1, 1984, and have a right of entry until that date.

Mr. Ing said that should be with the understanding that they don't start actual construction.

Mr. Ing said the submittal defines gross sales as revenues received by Hawaii Abalone Farm (HAF). He asked whether HAF has the power, under the sublease, to lease a part of its own 21 acres that they are going to lease.

Mr. Detor said this does not include the right to sub-sublease. If there is going to be a sub-sublease, he said, they would have to come to the board for consent.

Mr. Ing said the purpose of the lease are pretty broad in nature and do not encompass abalone farming. They could go into other ventures. If they develop other financial vehicles to handle it, that may not fall under income

received by HAF. It was his understanding that if they do develop other industries, and they set up separate entities to manage those on the same property, they would have to come back to the board for approval, and the board would have the option at that time to revise the lease rent.

Mr. Detor said yes, it would have to come back to the board approval. At that time the board could consider the revision of the lease rent.

Mr. Lockwood said that is their understanding.

Mr. Ono said that should be included as one of the conditions.

Mr. Lockwood said they would like to make one further modification on the commencement date of the lease term to March 1, 1984.

Mr. Ono said the first reopening comes up at the end of the 10th year. He said the first reopening is more than just the usual review of the rental structure. In addition to that, you have to look at whether research and development aspect has diminished to the extent that we can consider it commercial. He said at that point the board would have to decide whether the revenues go to NELH or to the Department of Land and Natural Resources. This doesn't affect the sublessee, he said, but it does affect the relationship between this board and NELH. He asked that the record reflect that.

Mr. Detor said as far as the offshore easement is concerned, the CDUA did include this easement. However, when they entered into the lease agreement with NELH, the offshore easement was inadvertently left out. That was the reason staff was coming before the board on the easement, Mr. Detor said.

**ACTION** Mr. Higashi moved for approval of Item F-3 as discussed above, and as amended, the effective date of the sublease changed to March 1, 1984; and Item F-4 as submitted.

Mr. Kealoha seconded and the motion was unanimously carried.

**ITEM H-2** CDUA FOR KAUMANA-KEAMUKU 138 KV TRANSMISSION LINE, WITH RIGHT OF ENTRY AT SOUTH HILO, NORTH HILO, HAMAKUA, SOUTH KOHALA, HAWAII

A public hearing was held on this application. This was a follow-up to the board's previous action on the Mauna Kea Plan. This matter came before the board, and the Mauna Kea Plan was amended to provide for the board's consideration on a case-by-case basis of the proposed use. In this case it is an overhead telephone line within the area covered by the Mauna Kea Plan.

After the public hearing, the applicant was required to do an Environmental Impact Statement (EIS). This was done and accepted.

Mr. Evans said there are approximately 8,500 feet, in terms of the line, which would go through the conservation district and would parallel the boundary of the protective subzone, and this area is immediately adjacent to an existing 69 KV line at the boundary.

Mr. Evans further stated that there is an existing line so there already has been damage to the environment. He said they were informed, by way of

an EIS, that if we were to require it to go underground, we could actually be doing more damage to the environment. Staff, therefore, felt that it would be reasonable to go overhead and recommended approval as submitted, subject to the conditions listed in the submittal.

Mr. Higashi noted that staff is asking that they use helicopter to help them provide less damage during the construction period.

Mr. Evans said at the public hearing, HELCO testified that they propose to utilize a heavy lift helicopter to install the poles. HELCO stated that the use of this helicopter will minimize the amount of disturbance caused by the construction of access roads to each pole site.

Mr. Dennis Tanigawa, representing HELCO, said the conditions listed in the submittal are acceptable to them, except for Condition 11 which they would like to have modified. They would like construction to be initiated within two years of the approval of such use, instead of one year, and completion within four years instead of three. He said they are looking at their planning and engineering studies, which will take at least a year, before the actual design of the line. To mobilize construction, it will take at least four years according to their schedule.

Mr. Higashi said it was theorized that this 138 KV was to bring more power subject to their development of geothermal energy.

Mr. Tanigawa said it was not necessarily to bring more power to West Hawaii, but it was more for reliability.

Mr. Higashi referred to page 11 of the submittal. There were questions that were asked at the public hearing. He said some have been answered and some haven't been answered. At the public hearing the board wanted to know what would be the anticipated cost of the construction and what would be the cost to the consumer.

Mr. Alvin Nakamura, Manager of Engineering, said they don't have the exact number, and they won't know until they do the actual design, exactly what they are going to install, the size of the poles, etc.

Mr. Ing thought they should at least have a "ballpark figure" as to what the cost is going to be.

Mr. Nakamura said the construction of the line itself is estimated to be nearer to twelve - thirteen million, somewhere in that range.

Mr. Ing said if their estimate is twelve to thirteen million dollars, then that becomes part of their fixed asset, so that in turn becomes part of their base rate. If you're getting 10% of your rate base, then you know that the increase in the revenues is going to be \$1.2 million, and that is going to have to be borne by the customers. So, he said, they have some idea as to what the increase is going to be in terms of revenue requirement.

Mr. Nakamura said he would not like to give an off-the-cuff figure.

**ACTION** Mr. Higashi moved for deferral of Item H-2 until such time as the questions asked by the board and discussed above have been answered.

Mr. Kealoha seconded and the motion was unanimously carried.

Mr. Ono said there were several questions that the board asked at the public hearing for either the applicant or the staff to follow up. He wanted to make sure that the board's request has been satisfied.

ITEM H-4      CDUA FOR ROYAL SUMMIT, PHASE II, SEWER LINE AT WAIMALU, EWA, OAHU

Mr. Ing asked a representative from Community Planning, Inc., whether the conditions are acceptable to them.

The representative said they are acceptable.

ACTION      Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-10      HAWAII HOUSING AUTHORITY REQUEST FOR FEE CONVEYANCE OF LAND AT WAIMANALO, OAHU, PRESENTLY ENCUMBERED BY GENERAL LEASE NO. S-4342 TO HHA

This was a request from HHA for the fee simple conveyance of the 3½-acre leasehold which they hold at Waimanalo. Staff recommended conveyance of that property to them in fee simple. They would be paying for it based on the appraisal of the fair market value. Under this arrangement, Mr. Detor said, the Authority would assume Land & Natural Resources' position as lessor. The purpose of the conveyance is to enable them to adjust the rental figures insofar as the project is concerned, which is not possible under the terms of the current lease, as well as to make other changes and arrangements.

ACTION      Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-16      DLIR REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE IN THE ASHIKAWA BUILDING II, KEALAKEKUA, HAWAII

This item was deferred at the last board meeting at Mr. Higashi's request. Mr. Detor didn't recall the reason for the deferral.

Mr. Ono reminded the staff that when items are deferred and brought back on the agenda, staff should refresh the board's memory as to why it was deferred and answer that specific question.

Mr. Higashi said the question that he had was whether the building is architecturally barrier free. He said we need to be made aware of the needs of the handicapped people. He suggested that DLNR and DAGS staff visit the building, together with the advocates of the handicapped to review the building deficiencies, and hopefully the landlord will take some corrective measures. If he doesn't, then an attempt should be made to look at other alternatives.

ACTION      Mr. Higashi moved to approve Item F-16 with a provision that the Land Management and the DAGS staff visit the building and check to see what needs to be done, as discussed above. Mr. Ing seconded and the motion was unanimously approved.

Mr. Ono said before any future requests of this kind come before the board, the Land management staff should work with DAGS and make sure that the architectural barrier question is addressed. He said he wasn't too concerned

about the regular office buildings. He was concerned in the public service area where the public has to come to a particular facility.

Item F-1-j SEA LIFE, INC. REQUEST FOR CONSENT TO ASSIGNMENT OF CONSTRUCTION AND OPERATION AGREEMENT, GENERAL LEASE NO. S-3709, WAIMANALO, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

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At the January 13, 1984 meeting, the Attorney General's Office and those who were involved in the matter of Kenai and Papillon Helicopters were asked to get together and have the concise language on the settlement agreement for the board's review. Mr. Eddie Tangen, representing Papillon, said there was a little mixup in getting the copies to the board members.

With the limited time that he had to read what was just distributed, Mr. Higashi said on page 4 of the proposed settlement agreement, Item 3(d) on the performance bond says, "Kenai and Papillon shall each file with the Board by February 15, 1984, a performance bond in the amount of Five Thousand Dollars (\$5,000.00) to be applied to any violations subsequent to January 13, 1984." It was his understanding that the performance bond was to be forfeited in case of any violation. It is not to be applied to any violation.

Mr. Ono said he also looked at that particular item and it doesn't carry the intent of the board.

There was no further discussion on this item.

Since this matter was not on the board agenda, Mr. Ono asked that this matter be put on the board agenda for the next meeting.

ITEM E-1 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 5-OP-47X TREE TRIMMING, KAIKA STATE PARK, WAIALUA, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM E-2 PERMISSION TO NEGOTIATE WITH HOONANI MAUNA-ALA MAI NA MAMAKA-KAUA AND TO EXECUTE CONTRACT DOCUMENT FOR PHASE V RESTORATION OF THE ROYAL MAUSOLEUM CHAPEL, NUUANU, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM E-3 IOLANI PALACE COMPLEX RESTORATION PHASE XI, HONOLULU, OAHU

Mr. Nagata said there is a balance of \$470,000 and they would like to expend a portion of it with a contract with the Friends of Iolani Palace. This is basically for landscape items, such as installing another set of pedestrian and roadway gates at the King Street entrance.

Mr. Ing asked for the status of the development plans for the landscaping. He said there was a meeting a few months ago where there was a discussion on the royal palms and other types of palms; whether there is going to be cinders on the paved portion, or leave it paved; the number of gates,

etc. He said it seems like the board is being asked to approve the actual construction of these other items, and the board still hasn't seen the overall development plan.

Mr. Nagata said they did present us with an overall landscaping plan but they also had to go to the City Department of Land Utilization (DLU), which asked them to come back and provide a more detailed plan.

Mr. Ing said when the board had the discussion, they were talking concepts, but they didn't have any construction plans with regard to specifics. They went back to a certain period of time, and they had photographs to show that there was a rose garden here, and they had all these plans to move certain palms. But there weren't any specifics.

Mr. Nagata said the final construction plans will be included as part of the work scope for this. He said out of these funds, the Friends in turn will contract with professional consultants to provide the detailed documentation. He said the previous one was not done with state funds. They had some donated money which they conceptualized with the board. So they wanted to get the board's general consensus that they were moving in the right direction.

Mr. Ono said this is where he can see some pitfalls. The board has expressed some reservations about certain aspects of the conceptual plan. DLU has expressed some concern. He said when we go into the detailed plans and present it to the board, the board is going to say that is not the way we want it to go, and you already spent the money. He said it would be safer and better for everybody to change the conceptual plan that was presented to the board, based on what the board members had indicated, what DLU had indicated, and then present it to the board.

Mr. Ing said when the board saw the document the last time, it was at the schematic design stage, and the board raised a lot of concerns at that time. He didn't know whether that was incorporated in the schematic designs.

Mr. Nagata said if the board would authorize this particular submittal, what they could do is to get them to state how they intend to address the concerns that the board had expressed, either in the contract document or prior to actual delivery of the contract document.

Mr. Ing asked whether this has been submitted to OHA. Did we get OHA's input?

Mr. Nagata said OHA did respond and we did receive written comments from them.

ACTION Mr. Ing moved for approval of Item E-3, with the following amendments: That prior to the consultant commencing work on the development plans the Friends and the consultant meet with the board and address the concerns of the board and DLU.

Mr. Kealoha seconded and the motion was unanimously approved.

ITEM E-4 REQUEST FROM THE CHARLES R. BISHOP TRUST TO RESTORE WROUGHT IRON FENCE AND GATES AT THE ROYAL MAUSOLEUM STATE MONUMENT

ACTION Unanimously approved as submitted. (Ing/Kealoha)



Mr. Ono asked Mr. Nagata to draft a letter of appreciation to the Trust and and prepare appropriate press release.

ITEM F-1    DOCUMENTS FOR CONSIDERATION

Mr. Detor asked to take up Items F-1-a, b and c together because they were related.

HAWAII

Item F-1-a    MORTGAGES

PUNA FLOWERS AND FOLIAGE, INC. (formerly named Cadwallader, Inc.), a Hawaii corporation, as mortgagor; and GARY N. CADWALLADER, SHEILA R. CADWALLADER, DAVID RIETOW, RENE RIETOW, as mortgagees, Lot 11 (GL Nos. S-4425) and Lot 25 (GL No. S-4628), Keonepoko Iki Farm Lot Subdivision (Pahoa Agriculture Park)

Item F-1-b    CADWALLADER, INC., mortgagor, to the UNITED STATES OF AMERICA, acting through the Farmers Home Administration, United States Department of Agriculture, mortgagee - Lot 11, Keonepoko Iki Farm Lot Subdivision (GL No. S-4425)

Item F-1-c    CADWALLADER, INC., mortgagor, to the UNITED STATES OF AMERICA, acting through the Farmers Home Administration, United States Department of Agriculture, mortgagee - Lot 25, Keonepoko Iki Farm Lot Subdivision (GL No. S-4628)

Mr. Detor said actually Item F-1-a should be the last of the three transactions.

Two leases were involved. These leases were formerly held by Akeshi Hashimoto. On May 27, 1983, the board approved an assignment of these leases from Hashimoto to Cadwallader, Inc. Cadwallader, Inc. is composed of the four individuals who were listed under Item F-1-a. Cadwallader, Inc., would be mortgaging the two leases to the Farmers Home Administration, which cover Items F-1-b and c. Under Item F-1-a, Puna Flowers & Foliage, Inc. (which is now the name that has been taken by Cadwallader, Inc.) would be mortgaging to the four individuals who own Puna Flowers and Foliage, Inc.

Mr. Higashi asked what equity is there left for the state. The first mortgage is to Farmers Home Administration two times, and then it seems like a second mortgage or a promissory note. He said they are afraid that it might go bankrupt. So the state should be concerned about that, too, he said.

Mr. Ing had the same concern. Why is Puna Flowers securing the mortgage? They are mortgaging to themselves.

Mr. Detor suggested that we defer this. He said he talked to the attorney who is handling this. The question that he had is similar to the ones that the board was asking. There seems to be some confusion.

Mr. Ono asked Mr. Detor to have the attorney representing the parties be present at the meeting when this matter is brought back on the agenda.

ACTION The board unanimously agreed to defer Items F-1-a, b and c until the next board meeting, with the understanding that the parties involved be present at the meeting.

HAWAII

Item F-1-d REVOCABLE PERMIT

ABRAHAM TAKUSHI and ROSSLYNE TAKUSHI, husband and wife, portion of the teacher's cottage located on the former Kukuihaele School Lot, Kana-honua, Hamakua - for residence purpose - \$90 per month

Mr. Ono asked Mr. Detor whether the permittees have signed off, in case the state needs the facility or decides to demolish the building, that they would be entitled to relocation benefits.

Mr. Detor said no. He said he got a legal reading from the Attorney General's office that under state permits they are not entitled to any relocation benefits.

Mr. Ono suggested that we include that condition in the permit just to let them know that they are not entitled to such benefits.

Mr. Kealoha agreed and said it should be included in all of our permits.

Item F-1-e ASSIGNMENTS OF LEASES

J. CONRAD LEWIS and EVELYN M. LEWIS, assignors, to PAHOA FARMS, LTD., a Hawaii corporation, assignee - Lot 18, Paho Agricultural Park, Phase II, Keonepoko Iki, Puna - GL No. S-4809

Item F-1-f EDWARD L. KANAHELE and PUALANI O. M. KANAHELE, husband and wife, assignors, to KAOHU MARK COOPER, unmarried, assignee - Lot 9, Panaewa Agricultural Park, Waiakea, South Hilo - GL No. S-4756

Mr. Higashi asked whether Mr. Kanahale's rental is current. Mr. Detor said they're okay with us, but they owe money to Hawaiian Homes.

Mr. Ono said just so that there is no misunderstanding in the future, Mr. Kaohu Mark Cooper is Alika Cooper's son, and Alika has two ag park lots.

Mr. Detor said Mark is an individual in his own right. He is of age and qualifies for a lot so it's legal for him to hold a lot in his name.

MAUI

Item F-1-g REVOCABLE PERMIT

THOMAS SWENTON - Government land at Huelo Hui Partition Lots, Waipio-Huelo, Hamakualoa, Makawao - for pasture use of agricultural-zoned portions and maintenance of conservation lands as scenic reserve and wildlife area - at \$10 per month

OAHU

Item F-1-h SUBLEASE

CITY AND COUNTY OF HONOLULU, lessor, to BIDDER TO BE DETERMINED - GL No. S-4341 - Sand Island Sewage Treatment Plant Site and easement for access and utility purposes at Mokauea and Koholaloa, Sand Island, Honolulu

The subject lease covers approximately 50 acres. Within the city leasehold there are lots of vehicles just dumped there. The city wants

to get rid of these. They want to sublease out some 3½ acres. Mr. Detor said this is an effort which we have been engaged in with the cooperation of the city and other people to control the junk car problem and illegal occupancy of lands on Sand Island.

This arrangement will be on an interim basis, and is inconsistent with the character of use for which the lease was issued. However, we have a written opinion from the Attorney General's Office which indicates that the requested use amendment is permissible as long as it is on an interim basis, and the consent contains a reference to a change in the initial use of the lease. Mr. Detor said the reason they can do that is because this was a direct lease, and not an auction situation.

Mr. Kealoha asked why the Land Management Division doesn't want to take it back.

Mr. Detor preferred to have the city do it. It is within the city area. They can get the police down there to get rid of these cars.

Mr. Ono asked who is going to keep the revenues.

Mr. Detor said we're going to work out an arrangement where they would keep just so much to clear their own expenses. The rest would come to the state.

#### HAWAII

- Item F-1-i    MORTGAGE  
CANDICE A. PENOVAROFF, formerly known as Candice A. Johnson, mortgagor, to FIRST HAWAIIAN BANK, mortgagee - Lot 3, Lalamilo Farm Lots, Lalamilo, Waimea, South Kohala - GL No. S-4548
- (See page 7 for Item F-1-j.)
- ACTION    Items F-1-d, e, f, g, h and i were unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-2    KOHALA CORP. REQUEST FOR AMENDMENT TO PREVIOUS BOARD ACTION (12/2/83/ AGENDA ITEM F-4) AUTHORIZING RIGHT OF ENTRY FOR PIPE-LINE REPAIR PURPOSES, KOHALA, HAWAII
- ACTION    Unanimously approved as submitted. (Higashi/Kealoha)
- (See pages 2 to 4 for Items F-3 and F-4.)
- ITEM F-5    DON MCINTOSH REQUEST FOR RIGHT OF ENTRY TO IMPROVE ROAD SEGMENT AT KEALAKEHE HOMESTEADS, NORTH KONA, HAWAII
- ACTION    Unanimously approved as submitted. (Higashi/Yagi)
- ITEM F-6    STAFF RECOMMENDATION FOR FORFEITURE OF G. L. NO. S-3870, COVERING LOTS 2, 3 AND 5 OF THE PAPA HOMESTEADS, PAPA 1, SOUTH KONA, HAWAII
- ACTION    Unanimously approved as submitted. (Higashi/Yagi)

ITEM F-7 SOUZA'S RANCH APPLICATION TO LEASE PORTION OF THE GOVERNMENT LAND AT KOOLAU (HANA), MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-8 CITY AND COUNTY OF HONOLULU APPLICATION FOR DRAINAGE EASEMENT, WAHIAWA, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-9 DOT REQUEST FOR APPROVAL OF ACQUISITION OF LAND FOR LIGHTED WINDCONE ADJACENT TO RUNWAY 8L, HONOLULU INTERNATIONAL AIRPORT, HONOLULU, OAHU

This was a recommendation for approval of Supplemental Agreement No. 3. This is a lease from the Air Force to the State of Hawaii, covering parcels of federal land that are within the Honolulu Airport. They are going to add some areas to it.

Mr. Detor asked to further amend this. Since this submittal was written up, they have requested another parcel. They call that Supplemental Agreement No. 4, which covers a concrete encasement duct system, which is parallel to the taxiway at Honolulu International Airport.

ACTION The board, on Mr. Ing's motion and seconded by Mr. Yamamoto, unanimously approved Item F-9 as amended above by including Supplemental Agreement No. 4.

(See page 6 for Item F-10.)

ITEM F-11 AMERICAN CANCER SOCIETY REQUEST FOR USE OF BUILDING 18, FORT RUGER, HONOLULU, OAHU

Mr. Detor suggested that this submittal be amended to include the administrative overhead charges. Even though this is a charitable operation, staff would at least like to collect some of the expenses that the department incurs in processing this type of request.

Mr. Ono said that is a policy question--to set some kind of an administrative fee schedule to a nonprofit organization--which the board should address.

Mr. Ono asked whether we can tack it on to the utility.

Mr. Detor said we have utility covered so we can tack it on to that.

Mr. Ono said we can let this go and cover only the utility part, but staff should set up some policy guidelines so the board can react to it.

Mr. Ing asked why this is a right of entry and not a permit.

Mr. Detor said this is only for couple of months.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-12 COUNTY OF KAUAI REQUEST FOR CONVEYANCE OF LAND REQUIRED FOR ROAD WIDENING, KAPAHI, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-13 U. H. REQUEST FOR RIGHT OF ENTRY TO UTILIZE PORTION OF THE HANAPEPE SALT POND, HANAPEPE, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-14 U. S. NAVY REQUEST FOR APPROVAL OF EXTENSION OF LICENSE AGREEMENT COVERING PORTION OF G.L. NO. S-4222, KEKAHA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-15 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOTS 2-B, 3, A PORTION OF 5 AND 6 OF THE WAILUA RICE & KULA LOTS, WAILUA, KAUAI

Mr. Detor said there was an error on the tax map keys on the first page. It should correctly read 4-1-03-48 and 4-1-02:23.

ACTION Unanimously approved as amended. (Yamamoto/Higashi)

(See pages 6 and 7 for Item F-16.)

ITEM F-17 DCCA REQUEST FOR APPROVAL OF EXTENSION OF LEASE COVERING SUITE 2121, DAVIES PACIFIC CENTER, HONOLULU, OAHU

This was a request for consent of the board for extension of a lease covering office space for the Department of Commerce and Consumer Affairs in the Davies Pacific Center.

Mr. Detor said he discussed this with Mr. Russell Nagata, the Acting Director of the Department of Commerce and Consumer Affairs, who said they are going into the old Federal Building as soon as space is available. It is anticipated to be this summer. This particular extension runs until January 14, 1985.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-18 DOH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING A PORTION OF THE VETERAN'S ANNEX BUILDING, LIHUE, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM F-19 RESUBMITTAL - DPED REQUEST FOR ACQUISITION OF LEASE COVERING SUITE NO. 252 OF THE CENTRAL PACIFIC PLAZA, HONOLULU, OAHU

This was a resubmittal. At the last meeting staff did not have the total rent calculated in the submittal.

Mr. Ing asked whether other spaces, such as the old Federal building and the new Federal building, are going to be available. Are there any suitable spaces that they can use?

Mr. Detor said the old Federal building is full.

Mr. Ono asked why an operation like this can't go into the new Federal building. He said we should let the Federal people know. It's been seven months since we had indicated interest, and it's not fair to keep them waiting.

Mr. Detor said DAGS has indicated that they are not interested.

Mr. Ing said he would like to know why they don't want the federal space because this is twice the price.

ACTION Mr. Ing asked for deferral until we have someone from DPED present at the meeting to answer some of the questions which the board had.

The board had no objection to the deferral.

ADDED  
ITEM F-20

HAWAII COMMUNITY DEVELOPMENT AUTHORITY REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE IN THE GOLD BOND BUILDING, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM G-1

FILLING OF LAND DOCUMENT RECEIVING CLERK I, POSITION NO. 140, OAHU

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Kealoha, unanimously approved the appointment of Mrs. Lillian H. Miki to Position No. 140.

ADDED  
ITEM C-1

FILLING OF PERMANENT CLERK-TYPIST II, POSITION NO. 4671, ADMINISTRATION, OAHU

ACTION Leila Gregory-Brown was unanimously appointed to fill Position No. 4671, on a motion by Mr. Kealoha and seconded by Mr. Yagi.

ITEM H-1

CDUA FOR A NONCONFORMING SINGLE-FAMILY RESIDENCE AT HONAUNAU, BAY, SOUTH KONA, HAWAII

Mr. Higashi suggested that Condition 4 on page 5 of the submittal be amended using the same language that we used for the Wilcox CDUA, as follows:  
"In the event any unanticipated sites or remains such as shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408."

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

(See pages 4 to 6 for Item H-2.)

ITEM H-3

RESUBMITTAL - CDUA FOR THE ESTABLISHMENT OF THE WEST MAUI AND THE HANAWI NATURAL AREA RESERVES AT VARIOUS LOCATIONS ON MAUI

Mr. Evans recommended approval of this application as recommended by the staff.

Mr. Kealoha recalled at the Maui public hearing there were certain concerns expressed about the Hanawi area, about the ability of the residents going up to the river at a certain level. He said we have to be sure that the boundary is adjusted to go upwards, as opposed to the map which the board had at the public hearing. He said there was a question on the proposal by the Natural Area Reserves people. He suggested that we move the boundary further upwards so that the residents can use that stream.

Mr. Evans said there were two concerns on the Hanawi boundary. First, our Division of Water & Land Development wanted to insure that the potential water development in the future be allowed to remain. Secondly, as indicated by Mr. Kealoha, the area below the 2,000-foot elevation, there were local people who did catch oopu and opae in the area for domestic use. Mr. Evans felt that the concerns of the people have been addressed and satisfactorily handled under Recommendation C.

Mr. Kealoha asked whether the Portuguese family who are using the water on the flat portion of Kahakuloa side are affected.

Mr. Evans said the Mendez family actually draws their water from an auwai which fronts off Makamakaole Stream. He believed this proposal would be on the mauka side of that area.

Mr. Kealoha asked the staff to be certain because once you have it under the Natural Area Reserves System, nobody can touch it.

Mr. Evans suggested approving this with a condition under Recommendation C on the boundary that it be insured that it does not interfere with existing water users.

ACTION Mr. Yagi moved, seconded by Mr. Yamamoto, and the board unanimously approved the request with an amendment that it does not interfere with the existing legal water users.

Mr. Ono asked Mr. Evans whether the applicant had a chance to review the conditions. Mr. Evans said yes, a copy of the submittal was submitted to the applicant.

(See page 6 for Item H-4.)

ITEM H-5 RESUBMITTAL - CDUA FOR CONSTRUCTION OF A GROUTED RIPRAP GULLY LINING ADJACENT TO HAWAII LOA RIDGE SUBDIVISION AT NIU, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-6 REQUEST FOR PUBLIC HEARING FOR USE OF LAND WITHIN CONSERVATION DISTRICT FOR COMMERCIAL USE

ACTION Unanimously approved as submitted. (Higashi/Yagi)

ADDED  
ITEM H-7 FILLING OF FISCAL MANAGEMENT OFFICER, POSITION NO. 02721, OAHU

ACTION Mr. Kealoha moved, seconded by Mr. Yagi, and the board unanimously approved the appointment of Mrs. Anne Furuuchi as Fiscal Management Officer.

Mr. Ono said this is a significant appointment because she does help the department fulfill the equal employment opportunity objectives as an administrator at this level.

ITEM J-1 APPLICATION FOR ISSUANCE OF R. P.'S NOS. 3811, 3812, 3813, 3822 AND 3827, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM J-2      APPLICATION FOR ISSUANCE OF R.P.'S NO. 3834, ETC., NONCONFORMING USE, AIRPORTS DIVISION

Mr. Yagi said the Maui Land Agent raised some questions on these permits. He asked Mr. Garcia to get in touch with the Maui Land Agent and have this clarified. He said there are companies that need to be relocated. He asked whether these people have been considered, and will they have a place in this area.

ACTION      Mr. Yagi moved to defer Item J-2 until the next board meeting and directed the Land Management staff and DOT staff to get together. The board had no objection.

ITEM J-3      ISSUANCE OF A DIRECT LEASE, HARBORS DIVISION, MAALAE AND LAHAINA SMALL BOAT HARBORS, MAUI (U. S. DEPARTMENT OF TRANSPORTATION (U. S. COAST GUARD))

ACTION      Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-4      ISSUANCE OF R. P., HARBORS DIVISION, MAALAEA SMALL BOAT HARBOR, MAUI (ROBERT BEDARD)

ACTION      Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-5      ISSUANCE OF R. P., HARBORS DIVISION, KEEHI LAGOON SUBDIVISION, HONOLULU, OAHU (AQUELINO PAGALA)

ACTION      Unanimously approved as submitted. (Ing/Higashi)

ITEM J-6      CONTINUANCE OF R.P.'S H-73-400, ETC., HARBORS DIVISION

Mr. Ing disqualified himself from participating on this item.

There was a brief discussion on the recommended rental. Mr. Garcia explained that their staff has reviewed them and those that they felt should be increased were increased. For those that they felt were inappropriate to increase at this time, the rental rate remained the same.

Mr. Ono asked how DOT arrived at that conclusion.

Mr. Garcia said by looking at the appraisal reports that are done for the Harbors Division and reviewing the rentals that are prevalent in the vicinity and seeing whatever rentals are fair. If the existing rental is fair, they remained the same.

Mr. Garcia reported that on the permits that were taken up by the board at an earlier meeting, for which rentals remained the same, they are in the process of reviewing them. He said he received a partial listing of those that they have been recommended for increase. As soon as all of them have been reviewed, he said, he will be prepared to resubmit them to the board for approval.

ACTION      Approved as submitted. (Higashi/Yagi)

The record showed that Mr. Ing did not participate in any action taken by the board on this item.



ITEM J-7 ISSUANCE OF R. P. HY-83-705, HIGHWAYS DIVISION, AIRSPACE UNDER H-1 FREEWAY, MAUKA OF SALT LAKE BOULEVARD, OAHU (STADIUM PARTNERS) (SUPERSEDES HWY-82-691)

ITEM J-8 ISSUANCE OF R.P. HY-82-691, HIGHWAYS DIVISION, AIRSPACE UNDER H-1 FREEWAY, MAUKA OF SALT LAKE BLVD., OAHU (STADIUM PARTNERS)

Items J-7 and J-8 were taken up together. They were requests for permits for parking. Item J-8 is for the period October 1, 1982 to September 30, 1983. Mr. Garcia apologized that they had inadvertently processed it without board approval. He asked that this item be approved so that a new permit, HY-83-705, under Item J-7 can be issued, effective October 1, 1983.

Mr. Ono said there is an element of competition with the existing facility. He said we have a stadium parking lot already and the Stadium Authority cannot fill the parking lot at \$1.50, and we go around and create some more parking. He asked why the state would want to create this kind of competition.

Mr. Ing said if they fill it up during the University football games, it is a lot of money, so he said the \$450.00 rent may not be appropriate.

ACTION Mr. Ing asked for deferral of Items J-7 and J-8. The board had no objection.

The board wanted to know how many parking spaces there are; whether they are going to be used during the football games; how much they take in during the football games, etc.

Mr. Ono said he would also like to have the Stadium Authority's reaction to this kind of a proposal.

ITEM J-9 ISSUANCE OF R. P. HY-83-704, HIGHWAYS DIVISION, PORTION OF RIGHT OF WAY, MOANALUA ROAD, OAHU (KAISER FOUNDATION HOSPITALS)

The board was informed that the rental should correctly read \$150.00 per month.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-10 RENEWAL OF REVOCABLE PERMIT NO. 2088, ETC., CONFORMING USE, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-11 CORRECTION OF CONCESSIONAIRE RENT-A-CAR CONTRACT, LIHUE AIRPORT, KAUAI (TRAVELER'S RENT A CAR OF HAWAII, INC.)

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM J-12 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3843, ETC., AIRPORTS DIVISION

Mr. Ono suggested that the permits to Papillon Helicopters, Ltd., and Kenai Helicopters be deferred until the pending matter with them is settled. The board had no objection.

ACTION With the exception of the above two permits which were deferred, Item J-12 was unanimously approved as submitted. (Yagi/Ing)

ITEM J-13      APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NO. 3842, AIRPORTS  
DIVISION, DILLINGHAM AIRFIELD, OAHU (SEAHI CORP.)

ACTION      Unanimously approved as submitted. (Higashi/Yagi)

ITEM J-14      RIGHT OF ENTRY, PORT ALLEN AIRPORT, KAUAI (CITIZENS UTILITIES  
CO.)

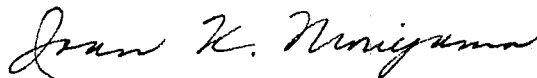
ACTION      Unanimously approved as submitted. (Higashi/Yagi)

ITEM Z-1      RESULT OF AUCTION SALE HELD DECEMBER 29, 1983 ON THE ISLAND OF  
KAUAI

This was a report to the board on the public auction sale of portion of the Government (Crown) land of Waimea, on Kauai, to Pioneer Hi-Bred International, Inc. on an ag lease at the upset rental of \$900 per annum. There was only one bidder.

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