

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

DATE: February 10, 1984

TIME: 9:00 A. M.

PLACE: DLNR Board Room

1151 Punchbowl Street

Honolulu, Hawaii

Roll
Call

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

Members

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

Staff

Mr. Henry Sakuda
Mr. Noah K. Pekelo, Jr.
Mr. James Detor
Mr. Ralston Nagata
Mr. Roger Evans
Mr. Libert Landgraf
Mr. Takeo Fujii
Mr. Maurice Matsuzaki
Mrs. Joan K. Moriyama

Others

Dep. A. G. Edwin Watson
Mr. Watson Yoshimoto (Item B-1)
Senator Charles Toguchi, Rep. Robert
Nakata and Kahana Valley Residents
(Items F-8 and E-4)
Representatives of HELCO (Items H-1 and H-3)
Mr. Terry Lee (Items F-1-m, n and o)
DPED Representative (Item F-20)
Mr. Eddie Tangen (Item H-5)
Mr. Boyd Saderup (Item F-16)
Mr. Harold Masumoto (Item H-4)
Mr. Peter Garcia

The Shikar-Safari award presentation was taken up first.

ITEM B-1

PRESENTATION OF THE SHIKAR-SAFARI CLUB INTERNATIONAL WILDLIFE
OFFICER OF THE YEAR AWARD FOR 1983

The Shikar-Safari Club International was founded in 1952 by a group of big game hunters dedicated to the preservation of wildlife around the world. This club honors conservation officer of the fish and wildlife agencies in each of the fifty states, and Canada and Mexico, to show its appreciation and offer encouragement to those who have given outstanding service in the fields of conservation and wildlife management.

Mr. Noah K. Pekelo, Jr., staff officer of the Division of Conservation and Resources Enforcement (DOCARE), was Hawaii's recipient of the Shikar-Safari Club International Wildlife Officer of the Year Award for 1983. Since the establishment of DOCARE in 1979, Mr. Pekelo maintained a high level of work efficiency and unselfish devotion of time and effort in all phases of the enforcement program. He was instrumental in coordinating the successful volunteer officer program of the department and also coordinated the state hunter safety program. He currently serves as the chairman of the committee for evaluation of hunter and safety instructions in the North American Association of Hunter Safety Education.

Mr. Ono assisted Mr. Watson Yoshimoto, the Hawaii representative of Shikar-Safari Club, in presenting to Mr. Pekelo the award, which consisted of a personalized certificate, a pewter with the club logo and a congratulatory letter from the Shikar-Safari Club that a significant contribution has been made in his name to the National Foundation of conservation and Environmental Officers.

As Wildlife Officer of the Year, Mr. Pekelo received a long-overdue recognition for his accomplishments in fish and wildlife enforcement. This award complemented his nomination to the 1983 Governor's Award for Distinguished State Service.

Minutes

A corrected page 3 of the December 16, 1983 minutes was distributed to the board members.

Mr. Ing moved to approve the minutes of December 16, 1983, as corrected. Mr. Kealoha seconded, and the motion was unanimously carried.

Added
Items

The board, on Mr. Ing's motion and seconded by Mr. Higashi, unanimously voted to add the following items to the board agenda:

Division of Aquatic Resources

Item B-2 -- Filling of Position Nos. 10902 and 27075, Aquatic Biologists III, in the Division of Aquatic Resources (Oahu)

Item B-3 -- Filling of Position No. 07436, Fishery Technician III, in the Division of Aquatic Resources (Oahu)

Administration

Item H-8 -- Request for Public Hearing for use of land within conservation district for commercial use

The board took up Items F-8 and E-4 (dealing with Kahana Valley) first, and the rest in the following order in order to accommodate the people in the audience.

Mr. Ono reminded the audience that this was a formal board meeting, not a public hearing. Only one person will be allowed to be the spokesperson for the group to express their position.

ITEM F-8

STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMITS AND ISSUANCE OF NEW ONES, KAHANA VALLEY, KOOLAULOA, OAHU

This was a request for authorization to issue new permits to current

holders of permits covering Kahana Valley land. At the May 23, 1982 meeting (agenda Item F-7), the board deferred a similar request for authority to complete the issuance of permits to residents at Kahana Valley. At that time staff was instructed to make an on-the-ground inspection and clarify other matters pertaining to these permits, including the matter of residency applicable to that area, and then bring it back to the board.

Based on a field inspection of the area, staff recommended that all existing permits be cancelled and new ones be issued, defining the approximate areas currently being occupied by the permittees.

Twenty requests were listed in the submittal, backed by individual pages on each particular permit. Mr. Detor asked to defer two permits from the list, R. P. No. S-4003 to Francis Beirne and R. P. No. S-4325 to John Mainaupo, because they were delinquent in their rent.

Mr. Kealoha was not clear what R. P. No. S-3994 involved. According to the submittal, there are two permittees. The Gaceta family lives on the premises, and there is also a third party who resides outside of the state. So there are four people on one permit.

Mr. Nagata said the Gaceta family is living on the premises as a caretaker for the permittees.

Mr. Kealoha asked to withdraw this permit until we get more clarification.

Mr. Ono asked the staff whether we can assume for all the others, that they are actual people residing or occupying the premises, and no third party is involved.

Mr. Nagata thought there is a third party involved. He believed for R. P. No. S-4175 to Walter Kim, there is a similar situation to Lambert and Leary. There is someone who is living on the premises who is helping Mr. Kim. Also, under R. P. No. S-3998 to Tranquilino Alonzo, there is a nonfamily living in a dwelling unit on the premises. Mr. Nagata recommended that this nonfamily be directed to vacate the premises.

Mr. Ono said if the board approved these permits and the third parties who are not approved are residing in the area, it's going to create a problem. He said these matters should have been cleared and all parties informed before coming to the board.

ACTION Mr. Ing moved for approval of Item F-8, except Revocable Permit Nos. S-3994, 4325, 4175, 3998 and 4003 which were deferred for further study. Mr. Kealoha seconded and the motion was unanimously carried.

(See page 5 for further action on Item F-8.)

ITEM E-4 CLARIFICATION OF THE RESPONSIBILITIES AND MEMBERSHIP OF THE KAHANA VALLEY ADVISORY BOARD

Mr. Nagata said when the staff compared the board's action of December 18, 1981, with the revised Environmental Impact Statement (EIS), the board's authorization of the advisory board's responsibilities are broadened somewhat to include cultural and creation program development. He said there

is also a significant difference between the revised EIS and the December 18, 1981 board authorization in the recommended membership. The revised EIS stipulates that the advisory board would be composed of one member from each household who resides in the valley. The Land Board essentially limited membership to a total of twenty members.

By today's action on Item F-8, Mr. Nagata said, we have at least fifteen permittees being acted and they anticipate others, so it would be in excess of twenty. Additionally, they would like to see broader representation of nonresident-type interest on this advisory board, including governmental agencies that may now or in the future have some relationship to our activities, as well as recreation-type interest that they hope to have covered in this advisory board.

Staff recommended that the December 18, 1981 board action be amended and the chairperson be authorized to appoint an advisory board as recommended in the submittal.

Mr. Ing asked about the people from the community--the nonpermittees and nongovernmental representatives. What about them?

Mr. Nagata said staff will probably be including those kinds of interests, as well as a part of the broad range of park interest.

Mr. Kealoha asked whether they are referring to the people of the community when they refer to permittee/residents.

Mr. Nagata said that was intended to be specifically for those who have permits and are selected to serve as members of the community.

Mr. Kealoha further asked whether general park interest group would come under community.

Mr. Nagata said the community interest would also be included under this broad category of general park interest.

Mr. Ono asked whether the general park interest appointees would be voting members.

Mr. Nagata said that is their intent.

Mr. Ing asked how many members will be on the advisory board.

Mr. Nagata said there is no specific number. A good guess is between thirty-five and fifty.

Mr. Ing asked whether they will have an executive board within this advisory board and establish sub-committees. The sub-committee will then submit proposals to be voted on by the voting members of the advisory board.

Mr. Nagata said that would be correct.

Mr. Yagi asked how many that would be.

Mr. Nagata thought perhaps thirty-five to fifty, less the government representatives.

Mr. Yagi didn't think that it would be a workable board with that many people. He felt it should be a limited board.

Mr. Higashi said on the other hand it insures that every person has a right to be represented at the meeting.

Mr. Nagata said that was the intent of the revised EIS, but they try to take into account Mr. Yagi's concerns also. They are hopeful that the real working committee would actually be formed within it, and this would be the executive board that they would like to see established--nine to fifteen members.

Mr. Ono asked whether there is some kind of a ratio in the full advisory board--the valley residents and the other park interest groups.

Mr. Nagata thought it would predominantly be residents. He said under Recommendation 3, staff is recommending that no one interest group would have the majority in the executive board. As far as voting is concerned, staff didn't intend government representatives to have to vote. If they didn't like what had occurred, it could be so reported to the Land Board when recommendations are made.

Mr. Ing asked what happens if this system doesn't work.

Mr. Nagata said it has to come back to the board. However, they are willing to give it a try.

At this time, the board heard from the audience. Mr. Ono again reminded the audience that the board was allowing only one person to be the spokesperson.

Mrs. Ululani von Hiram said she would be speaking on behalf of the Ad Hoc Committee for the Kahana Advisory Board. She read from a prepared 3-page written statement. The list of twenty persons listed under Item F-8 is acceptable to them, she said, but she asked that Permit No. S-4003 to F. Beirne, her dad, not be deferred, as recommended by Mr. Detor, since his rent is now current. She showed a receipt as proof of payment.

She asked that "any official correspondence to the residents, pending the formation of the formal Advisory Committee be sent to them.

Mr. Bob Stauffer also submitted a written testimony. Mr. Ono said the board will accept that as part of the record.

Mr. Detor asked the board to reconsider Item F-8 since Mr. Beirne is now current with his rent. He asked the board to add R. P. No. S-4003 to that list, making it to sixteen.

Action
(Item F-8)

Mr. Ing moved to reconsider the action on Item F-8 made earlier (see page 3) and further moved to add Revocable Permit No. S-4003 to the list. Mr. Kealoha seconded and the motion was unanimously carried.

Mr. Ing had a question on the second recommendation with regard to Item E-4. He asked whether we are referring to those permittees recognized by the board, or any household in the valley.

Mr. Nagata said they are only talking about those who are recognized by this board. As more permittees are recognized by the board, it would be added to the number.

ACTION Mr. Ing moved for approval of Item E-4 as submitted. Mr. Kealoha seconded.

Mr. Ono said Mrs. Hiram requested that all official correspondence be sent to the Ad Hoc Kahana Advisory Board. If we do that, he said, we may be indicating to everybody that this Ad Hoc Committee has been officially recognized. He said this is one of the problems that we had in the past. He said the intent is good but he had some concerns about the ramification of doing this. He said he would prefer to start with a clean slate without any pre-conceived ideas as to who is going to be the official advisory board members.

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

Mr. Ing asked what happens next now that the board has approved this. How are we going to get the names and list of members approved? Who is going to decide who is going to be on the list?

Mr. Nagata said the intent is to draft such a list. The reason for this list is they are trying to have a broader base of interest represented, not merely those that the residents would like that would basically support one of their major objectives, which is to have permanent residency on the premises.

Mr. Ing said it's going to be a big job. He would like to see this moved along at a rapid pace.

ITEM H-1 CDUA FOR INSTALLING TWO ADDITIONAL 2.75 MEGAWATT DIESEL GENERATORS AT KEAHOLE GENERATING STATION, KEAHOLE, HAWAII

Staff recommended approval of the application, with amended Condition 8, that the applicant, upon a periodic review on an annual basis, be required to use the best available control technology to insure minimum damage to the environment as it relates to exhaust emissions and noise.

Mr. Ono said assuming that technology is improving every year, he asked whether we are recommending that the applicant install the newest mechanisms every year.

Mr. Evans said not necessarily on a yearly basis, but perhaps on a five-year basis.

Mr. Ono said staff would have to make it clear, otherwise the applicant may be expected to install new pieces of equipment every year, and that may be too cumbersome for anybody.

Mr. Higashi asked about the monitoring station. How long is the period of monitoring?

Mr. Evans said at the public hearing, there was representation made that there would be monitoring. It would be basically monitoring to establish a baseline. Once that baseline is established, monitoring would be removed. If something should happen in the future, you would have that baseline data. It was staff's understanding that it was not intended to be an on-going continuous thing.

Mr. Higashi asked Mr. Alvin Nakamura of HELCO what was the intent of the monitoring program.

Mr. Nakamura referred that question to the manager of environmental affairs, Mr. Tim O'Connor. Mr. O'Connor said they will have monitoring installed and operated for one year to get the full meteorological cycle throughout the year. With that information, knowing what took place that year, it won't be necessary to continue that.

Mr. Higashi asked whether it is difficult to have the monitoring station set up.

Mr. O'Connor said the cost to install and operate a monitor like that for a year would be about \$100,000, including installation and removal.

Mr. Higashi said if the monitoring finds that there is no significant adverse effect after one year, there is no problem. However, as time goes on, and the machine wears down, how or where do we check whether there is any adverse effect on the people living mauka of the area?

Mr. O'Connor said they will be tested periodically to determine how they are performing, and they would have established a relationship between emissions and air quality. As far as the residents are concerned, he said, the real test is if they have no complaints, then there is no problem.

Mr. Higashi said that may hold true for the current residents there, but that whole area is projected for residential use, and it already has been approved as far as land use is concerned. So he would like to have some means of checking it periodically to insure that there is no negative effect on the residents. He asked whether three or five years would be a reasonable period, taking into consideration the life of the generator. He said the reason he was saying this is that we don't know for a fact whether it would get any worse.

Mr. O'Connor thought with the four years that they would be getting, there shouldn't be any requirement and resume monitoring, unless there was some particular reason to do so.

Mr. Ono asked Mr. Nakamura whether he has looked at the conditions recommended by the staff.

Mr. Nakamura said they have looked at the conditions and they have no objections to the conditions recommended by the staff.

ACTION

Mr. Higashi moved for approval of the application, including Condition 8, requiring the applicant to use the best available control technology to insure minimum damage in the environment relating to exhaust emissions and noise when necessary. He said the board may ask that a monitoring station be put up if they feel that the need is there. The monitoring station would then dictate whether you need to upgrade the generator, as far as the best available technology is concerned. He didn't want to say that they should do it. If it becomes a problem, and we receive complaints from the people living there, that should trigger off whether this department goes in and reviews it.

Mr. Ing seconded and the motion was unanimously carried.

ITEM H-3

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

This matter was deferred at an earlier meeting because the board had several questions that they wanted to have clearly answered by the applicant.

Staff discussed with Hawaii Electric Light the board's concerns. Hawaii Electric responded in writing and a copy of the electric company's response was distributed to the board members.

Mr. Higashi said they are establishing that the cost to be ten to twelve million dollars so the increase to the consumer would be one half of 1% on its rate base price.

Mr. Nakamura said this would be an approximate value. To clarify this issue, he asked one of the staff who handles rates for the company to address this issue.

The representative wasn't sure how that percentage was developed. He said he would prefer not to talk about percentage but in terms of dollars per bill. What he did was he looked at the 1982 cost of the transmission line and took an average over the life of the plant. He estimated that a typical residential customer consuming 500 kilowatt-hours per month will see about \$1.00 increase in his bill over the life of the plant. He said that \$1.00 is an average over the thirty-year period and is a simple average increase over the life of the plant. If you look at the way rates are actually implemented, he said, the revenue requirements are going to be higher during the first few years, and they go down with time as depreciation comes into effect. So actually it starts off a little higher, \$2 or \$3, and then it goes down to zero. So the average over thirty years would be about \$1.00

ACTION Mr. Higashi moved for approval of Item H-3 as submitted. Mr. Yamamoto seconded and the motion was unanimously carried.

ITEM H-2 AMENDMENT TO CDUA TO ALLOW FOR REPLACEMENT OF A 10-FOOT
DIAMETER ANTENNA WITH A 15-FOOT DIAMETER ANTENNA AT KUKUIO-
LONO RADIO STATION ADJACENT TO KUKUIOLONO GOLF COURSE AT
KOLOA, KAUAI, TMK 2-3-05:11

Staff recommended approval with conditions as listed in the submittal. The board's attention was called to Condition 9, which was suggested by the Kauai Planning Department, "That should adverse visual impacts be generated due to the 70-foot tower and 15-foot antennas, the applicant implement whatever mitigative measures that are recommended to soften its impact, provided it does not reduce the acceptable level of service necessary for the system to function efficiently."

Mr. Ono said he didn't understand Condition 9.

Mr. Evans said Condition 9 emanates from the feeling that there are antennas already in the area. However, it's really uncertain as to the absolute potential visual impact. If there is some impact, then we could consult with our Division of Forestry on Kauai to have landscaping or planting done to soften the impact.

Mr. Ono said generally we know what the impact might be, having a 7-foot tower.

Mr. Evans said in this case staff didn't feel that there is going to have visual impact. This condition is one of caution, he said, based upon previous experience that we had on Kauai in terms of towers and antennas.

Mr. Ono said it's difficult for the board to act if we start to put in all of these kinds of conditions in anticipation of something might be happening.

Mr. Evans said their rationale was due to one of degree of uncertainty in the matter.

Mr. Ing said the way it was handled in the past is that at the time we review the construction plans, a determination is made at that time as to what the impact of the actual construction would be.

Mr. Ono said we seem to be changing the method of mode of operation. He asked the staff to keep that concern in mind for future recommendations.

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

ITEM H-5 VIOLATION OF LAND USE WITHIN THE STATE CONSERVATION DISTRICT ON THE ISLANDS OF MAUI AND LANAI (PROPOSED SETTLEMENT)

On January of this year, the board considered a violation of land use in our conservation district on Maui and Lanai by Papillon Helicopters and Kenai Helicopters. The board, after hearing arguments by representatives of both firms, requested that they get together with the Attorney General's Office to develop a proposed settlement. The proposed settlement was attached to the board submittal.

Staff had some concerns with the settlement agreement and pointed out those concerns, as follows:

Page 3, First Paragraph

The payment dates are listed as February, April and June of 1984. Mr. Evans said the payment dates would be more appropriate to be March, May and July.

Same page, Section 1.(b), Services.

The proposed settlement calls for a statement which reads, "The cost of the services for credit purposes shall be at the prevailing government rates as shown by the schedule, which is approved by the chairman of the board." Mr. Evans said there was no schedule attached to the proposed settlement. At the Maui meeting, the suggested rate for providing the services in the area was \$750.00 an hour. Mr. Evans said when a Bell Jet Ranger is used on a charter basis, the rate is about \$400 an hour. When the 6-passenger stretchout is used, the charter rate is \$600.00 an hour. Staff proposed that if the department does use the helicopter on a charter basis (meaning that we use all four seats on a 4-seater helicopter) that we would be going at the \$400 rate. However, if we only use two of the four seats, that it would be pro rated--\$200 in this case, and the other two seats occupied by someone else.

Same page, Section 2(a) Cash Payment.

Again, change the payment dates from February, April and June to March, May and July.

Page 4, Section 3(c) Application for Permit.

It reads, "Kenai and Papillon shall cease all landings in the conservation district in violation of the rules of the department and the board, and shall immediately apply and file a conservation district use application."

Mr. Evans said it is totally up to them whether or not they apply in the future, or what time in the future they want to apply for a CDUA. So that portion should be deleted.

Same page, Section 3(d) Performance Bond.

Staff recommended that this paragraph read, "In recognition of the reduction of fines, and in lieu of the suspended fines, Kenai and Papillon shall each file with the board by February 15, a performance bond in the amount of \$5,000 to be forfeited in the event of any proven violation subsequent to January 13, 1984, for three years or until all terms of this agreement are fulfilled, whichever is later."

Mr. Evans said he has discussed staff's position with representatives from Papillon, and there was disagreement on the performance bond.

Mr. Ing suggested that we change the February 15 date to some other date since this matter has been delayed.

Mr. Evans suggested March 15.

Page 5, Paragraph 1 - Forwarding of Complaints.

Mr. Evans said there is a degree of confidentiality here, so rather than using the term "to forward any complaints to them" staff would prefer to see the term, "to inform these parties of any complaints received."

Mr. Ono asked whether anybody contacted Kenai on this matter.

It was Mr. Evans' understanding that Papillon would be handling this for both firms.

Mr. Eddie Tangen, representing Papillon, said he has been in discussion with Deputy Attorney General Johnson Wong and Mr. Evans, and it was solely on behalf of Papillon. He thought perhaps Kenai sort of just followed.

Mr. Tangen said they have no problem with the confidentiality clause about forwarding the actual complaints from somebody. They just want to be advised that somebody is complaining so that they can immediately find out whether the complaint is justified or not.

Mr. Tangen further stated that they are not in disagreement about the cost in terms of service to be given to DLNR on the basis of \$400 for the four-seat helicopter.

On the performance bond, Mr. Tangen said, in reviewing the notes of the Maui and Kona meetings, it was very clear, and they are not going to fight this one.

Mr. Higashi said Mr. Tangen was very specific that he doesn't represent Kenai Helicopters. He wanted to know whether we are going to forward the board's decision to Kenai Helicopters.

Mr. Ono said yes.

Mr. Ono asked Deputy Attorney General Watson in case one of the companies sells to another firm, or transfers or assigns, can we somehow assure ourselves that these penalties would still carry forward to the next party that owns the company.

Mr. Tangen said Papillon would agree to the clause of successors and assigns in the event the company should be sold. That would be a part of the sale and the new owner would be obligated.

Mr. Evans said "successors and assigns" is covered on page 5.

As a point of clarification, Mr. Watson asked Mr. Evans, whether he would like to include that section about the 48 allegations against Kenai and 74 allegations against Papillon noted on the first page, the first WHEREAS, under a certain item so there is no doubt that we are talking about the Land Board items that were brought up at the January 13, 1984 meeting. Just so there is no misunderstanding. This is a settlement of that board action.

ACTION Mr. Yagi moved to approve Item H-5 as recommended by the staff with the modifications as discussed above. Mr. Higashi seconded and the motion was unanimously carried.

ITEM F-16 STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4140, WAILUA, KAUAI

This item was staff's recommendation for cancellation of G. L. No. S-4140, covering the floral garden at Wailua, Kauai. In June of last year, the chairman served Destinations Development Corporation, who holds the lease, a Notice of Default for failure to pay the water charges, delinquent additional lease rental and the Federal social security withholding. They were given a 60-day cure period in which to remedy the breach, commencing from the date of receipt of the notice, which was June 19, 1983. They paid the water charges, following the service of the notice, and worked out a payment arrangement with the Federal Government to pay the delinquent social security withholding.

As far as the lease rental delinquency of \$21,543.00 was concerned, they proposed a schedule of payment to the department, which was \$1,000 payment on September 10 and another \$1,000 on October 10, and then \$3,000 payments payable the 10th of each subsequent month until the balance is paid in full, with 12% interest from the beginning of the schedule.

On September 22, 1983, the chairman notified the firm of the acceptance of the installment proposal, subject to a number of conditions which were listed in the submittal.

Mr. Detor said staff subsequently found that the June 1984 installment payment of \$3,000 was not paid. The insurance policies have been cancelled because of nonpayment of premiums. The Unemployment Insurance Division of the Department of Labor and Industrial Relations said they were in arrears in the payment of the unemployment insurance contributions. In addition to that real property taxes have not been paid.

As of yesterday, Mr. Detor said, they did bring everything up to date since this submittal was written. So at the moment these things are up to date, but not pursuant to the schedule that was originally imposed.

Mr. Detor said the liability and fire insurance policies have been taken care of. They are also in receipt of a letter from the Kauai County, Department of Finance, acknowledging payment of \$1,700 and advising that they are now current in their installment payments towards their real property taxes. There is also a letter from the Department of Labor and Industrial Relations acknowledging payment of \$2,280.24, advising that they are current in installment payment of their unemployment insurance. We have also received \$6,000 as part of the installment payment of \$3,000 per month. There will be another amount due on February 14, 1984.

Mr. Higashi asked what is the staff's recommendation on Recommendation 4 on the surety bond.

Mr. Detor said the surety bond is secured by two personal sureties. When this submittal was written up staff recommended cancelling the lease and "jumping" the bond.

Mr. Yamamoto asked whether the department has any plans for that area. What are the future plans for the use of this area?

If the lease is cancelled, Mr. Detor said, the department is in a position to take the situation temporarily until we can get a permanent lessee. He said arrangements have been made with two nursery outfits who can do temporary maintenance. Also, there is a third party who is interested in taking over this area. This would all be on a temporary basis until we can get a new lease out.

Mr. Detor said future plans would be to recommend, depending on what arrangements we can make with people who are interested, as quickly as possible to offer a sale of a new lease along the same general line as the current one.

Mr. Higashi said staff has spent an awful lot of time, and we don't even recoup the administrative cost. He asked whether we can assess that in any way.

Mr. Detor said we have been collecting interest but only on the overdue amount.

Mr. Ing asked whether the notice of default went out to the two sureties, too. Mr. Detor said yes.

Mr. Yamamoto said that area is quite run down. We can't let that go, he said, and we should cancel that lease and get somebody to maintain that right away.

Mr. Detor said they can arrange for temporary maintenance there until they can make permanent arrangements, hopefully in couple of months.

Mr. Ono asked whether this could be done in couple of months.

Mr. Detor said the area is in conservation zone, and he is assuming that if they come in with exactly the same conditions that are in the current lease, that you have a grandfathered situation. If you are going to change the terms and conditions of that lease to incorporate a restaurant (which we don't have now), we may have to go through a CDUA process, which will take several months. If it is grandfathered, he thought he'll be able to make it in two months.

Mr. Ono asked the board whether they would like to hear from the lessee.

The board said no.

ACTION Mr. Yamamoto said the board has been very lenient to the lessee, Destinations Development Corporation, and he didn't feel we should go any further, and moved for the cancellation of the lease as recommended by the staff. Mr. Ing seconded. On the call of the question, motion was unanimously carried.

ADDED FILLING OF POSITION NO. 10902 AND 27075, AQUATIC BIOLOGISTS III,
ITEM B-2 IN THE DIVISION OF AQUATIC RESOURCES (OAHU)

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved the appointments of Mr. Walter N. Ikehara to Position No. 27075 and Mr. Richard L. Sixberry to Position No. 10902, Aquatic Biologists III.

ADDED FILLING OF POSITION NO. 07436, FISHERY TECHNICIAN III, IN THE DIVI-
ITEM B-3 SION OF AQUATIC RESOURCES (OAHU)

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved the appointment of Mr. Ernest J. Oliveira to Position No. 07436, Fishery Technician III.

ITEM C-1 FILLING OF EQUIPMENT OPERATOR I, POSITION NO. 14871, WB-10-A, KAMUELA TREE NURSERY, HAWAII

ACTION Mr. Charles A. Labrador, Jr. was unanimously appointed to fill Position No. 14871, on Mr. Higashi's motion, seconded by Mr. Yagi.

ITEM D-1 PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 4-OW-27, WAIMANALO WATERSHED PROJECT, PHASE I - WAIMANALO, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM E-1 FILLING OF PARK CARETAKER II, POSITION NO. 26471, OAHU

ACTION The board unanimously approved the appointment of Mr. Gary Choo to fill Position No. 26471, Park Caretaker II, on Mr. Yagi's motion and seconded by Mr. Yamamoto.

ITEM E-2 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 5-OP-46, PARK IMPROVEMENT DIAMOND HEAD STATE MONUMENT, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)

ITEM E-3 PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 54-KP-13, RECONSTRUCTION OF WAIMEA PIER, WAIMEA, KAUAI

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

(See pages 3 to 6 for Item E-4.)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

KAUAI

Item F-1-a REVOCABLE PERMIT

DON MOSES, dba Lady Ann Charters - portion of the Nawiliwili Harbor Disposal Area - Nawiliwili - for boat and trailer storage - \$63.00 per month

Item F-1-b LAND LICENSE

THE LIHUE PLANTATION CO., LTD. - various locations on state land covered by G. L. Nos. S-4412, S-4655 and S-4576 to the applicant

The Lihue Plantation would like to remove rocks from the cultivated fields on lands leased from the state. If the rocks were to be crushed and used on the premises, there wouldn't be any change. However, since they are going to be taken out by contractors, staff was suggesting that a rate of 25¢ per ton be charged.

Mr. Yamamoto thought we charged the contractor who did the Kekaha seawall more than that. He thought we charged them 50¢ or 75¢. He said we should be consistent.

Mr. Kealoha said we charged the contractor 50¢ per ton.

Mr. Detor said he'll check it out, and suggested that the submittal be amended and have the royalty rate determined by the chairman.

Item F-1-c ASSIGNMENT

JAMES F. HACKETT, unmarried, and SHARON LEE ROBBINS, unmarried, as joint tenants, to JAMES F. HACKETT - Lot 91, Kokee Camp Site Lots, Waimea - GL No. S-4735

HAWAII

Item F-1-d MORTGAGE

JULES J. GERVAIS, JR., and SOONTAREE GERVAIS, husband and wife, as mortgagors, and KUAOLA FARMS, LTD., as borrower, and THE HAWAII PRODUCTION CREDIT ASSOCIATION, a federally-chartered corporation, as mortgagee - GL Nos. S-4456, S-4632, S-4633 and S-4634 - Panaewa Farm Lots, Second Series, Waiakea, South Hilo

OAHU

Item F-1-e REVOCABLE PERMIT

DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE - Makakilo, Ewa - being a portion of the former Hawaii Defense Area Nike Site 5

This area was formerly permitted out to Teen Challenge under R. P. No. S-5565. Mr. Detor said the Teen Challenge left the site in a deplorable condition. They did little cleaning up but it's still in a bad shape.

HAWAII

Item F-1-f ASSIGNMENT OF LEASE
M & ASSOCIATES, INC., Assignor, to RICHARD M. JITCHAKU, assignee -
Lot 10, Ocean View Lots, Waiakea, South Hilo - GL No. 3269

Item F-1-g MORTGAGE
RICHARD M. JITCHAKU, mortgagor, to AMERICAN SAVINGS AND LOAN
ASSOCIATION, mortgagee - Lot 10, Ocean View Lots, Waiakea, South
Hilo - GL No. 3269

Item F-1-h SECOND MORTGAGE
RICHARD M. JITCHAKU, mortgagor, to TRAVELODGE INTERNATIONAL,
INC., mortgagee - GL No. 3269, for the original term of 21 years from
June 10, 1949 to May 31, 1970, but extended to March 14, 2015, pursuant
to Section 103A-87, RLH 1955

KAUAI

Item F-1-i REVOCABLE PERMITS
DEAN A. MARUYAMA - Lot 24, Hanapepe Rice & Kula Lots, Hanapepe - for
general agriculture/residence - \$180 per month

Item F-1-j ERIC JOHN NAEA - Lot 6 and portion of Lot 7, Block S, Kapaa Town Lots,
Kapaa - for single-family residential - \$114.00

Item F-1-k COLLATERAL AGREEMENT
STATE OF HAWAII, JAMES MALCOLM BULLOCH, FIRST INTERSTATE BANK
OF HAWAII and AVANT GARDE BUILDERS, INCORPORATED - Lot A-64,
Weliweli House Lots Subdivision (Kona) - SSA No. S-5552

HAWAII

Item F-1-l ASSIGNMENT
ALLAN D. STARR (married) aka ALLAN DALE STARR, assignor, to WILLIAM
T. WHITE, III (married), assignee - Lot 33, Kanoelehua Industrial Lots
(GL No. S-3601) and Lot 3, Hilo Industrial Development, Leilani Street
Section, Waiakea (GL No. S-4359)

Item F-1-m MORTGAGES
CADWALLADER, INC., mortgagor, to the UNITED STATES OF AMERICA,
acting through the Farmers Home Administration, United States Depart-
ment of Agriculture, Mortgagee - Lot 11, Keonepoko Iki Farm Lot Subdivi-
sion (Pahoa Agricultural Park), Puna - GL No. S-4425

Item F-1-n 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
(Pahoa Agriculture Park)

Item F-1-o 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 No. S-4425) and Lot 25 (GL No. S-4628), Keonepoko Iki Farm Lot Sub-
division (Pahoa Agriculture Park)

Items F-1-m, n and o were deferred at the last meeting. The board
had some concern on the three transactions where the mortgagees
were individuals who owned the corporation.

Mr. Terry Lee, the attorney for the parties, was present at the meeting.

Mr. Lee said Farmers Home Administration previously had numerous mortgages on the former lessees on various properties, including one of the state leases and some other collateral properties that the former lessee (Akeshi Hashimoto) owned. When Mr. Hashimoto sold his assets to Mr. Lee's client (which is now known as Puna Flowers and Foliage, Inc., formerly named as Cadwallader, Inc.), Farmers Home Administration agreed to release its mortgage lien on certain properties that Mr. Hashimoto was not selling to Mr. Lee's client in consideration of transferring its lien position to other properties, one of which includes one of the state leases.

Mr. Lee said the \$150,000 mortgage under Item F-1-m is actually an existing lien on this particular lease so it's just an extraneous request for consent.

He further explained that Cadwallader, Inc. is the same corporate entity as Puna Flowers and Foliage, Inc. He said it is only a name change. The corporate entity stays the same. As soon as they completed closing under Cadwallader, Inc., then Cadwallader, Inc. filed a name change with the Department of Commerce and Consumer Affairs and changed the name to Puna Flowers and Foliage, Inc.

Mr. Detor said when it was transferred from Akeshi Hashimoto to Cadwallader, Inc. they assumed the mortgage that Hashimoto had, and that had been issued by Farmers Home Administration to Mr. Hashimoto. Cadwallader took it over, then subsequently changed its name.

Mr. Higashi asked whether they need to come to the board for approval to change the assignment from Cadwallader to Puna Flowers.

Mr. Detor said no, but Farmers Home Administration had asked that this be confirmed.

Mr. Lee said G. L. No. S-4628 is not encumbered by \$276,820 mortgage amount (Item F-1-n). This particular lease was free and clear of this mortgage amount. He said this mortgage amount represents two disaster loans that the Farmers Home Administration granted to Mr. Hashimoto, and is the additional collateral that the Farmers Home Administration is requesting consideration of releasing its lien on other properties that Akeshi Hashimoto currently owns.

Mr. Lee said when they prepared a supplemental mortgage, they attached to the property description all of the properties that his client was acquiring from Mr. Hashimoto. It included G. L. No. S-4425 in the description, which wasn't necessary because they already had a lien position on it.

Mr. Higashi said he had expressed some concern because Mr. Hashimoto was having a hard time and we have another person taking over. He couldn't understand why you have two corporations.

Mr. Watson suggested that these be approved subject to Attorney General's review.

ACTION Mr. Higashi moved for approval of Item F-1, with amendments to Item F-1-b (rate to be determined by the chairman); and Items F-1-m, n and o (subject to Attorney General's review). Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-2 NOBORU NAKAGAWA, ET AL, REQUEST FOR EXTENSION OF LEASE TERM, GENERAL LEASE NO. 2908 COVERING THE LOKOAKA FISH POND, KEAUKAHA, WAIAKEA, SOUTH HILO, HAWAII

This was a request for approval of extension of General Lease No. 2908 which covers a fishpond in Hilo. This lease was originally issued in 1942, and subsequently extended several times.

Mr. Ing asked whether there is a limit to the number of extensions to be given.

Mr. Detor said yes. This is the final one and this will bring it up to fifty-five years, counting the original term. They are asking for a seven-year extension, which would make the lease run a total of 55 years.

Mr. Ing said they are going to borrow \$25,000 to improve the fish pond. He asked whether that money is going to be used for the pond.

Mr. Detor said what they are going to be used for is listed in the submittal.

Mr. Ing asked whether the lessee is aware that this is the last extension that they are going to get, and they are going to put \$25,000 into it.

Mr. Detor said yes.

Mr. Higashi said he was in receipt of a copy of a letter from Mr. Alika Cooper to Mr. Ono expressing concern that care be given to the pond. Mr. Cooper's point was the same which was raised by Mr. Ing to insure that money be used within the pond itself. He said our department should make every effort to monitor the operation.

Mr. Detor said he checked with Mr. Henry Sakuda of the Division of Aquatic Resources in connection with that, as well as the Hilo Land Office, and their records show that during the fiscal year 1983, they caught 7,214 pounds of mullet and tilapia. Mr. Sakuda said that is average.

Mr. Ono asked whether the lessee is using the whole pond area. He said he would like the staff to monitor this operation closely.

Mr. Detor said apparently not. He said in checking with his Hilo staff yesterday, it was reported to him that the situation apparently is not as bad as Mr. Cooper says in his letter, but it could stand some improvement.

Mr. Detor said since the loan has been approved by the Board of Agriculture, he assumed that their staff has inspected the premises, and has some terms and conditions attached to the lending of the money that would insure that it would generate enough money to pay back the loan.

Mr. Ono said in such cases where another state agency is involved, he asked the staff to check it out with them before it comes to the board.

ACTION Mr. Higashi moved for approval as amended, with instructions to the staff to monitor this project to make sure that the improvements that are listed under Item 3 are done. Mr. Yagi seconded and the motion was unanimously carried.

ITEM F-3 HAWAII HOUSING AUTHORITY APPLICATION TO PURCHASE LAND AT WAIA-KEA, SOUTH HILO, HAWAII

Mr. Higashi said the board had granted HHA two rights of entry without disposing of any one of those two. He said rights of entry were given for the purpose of doing engineering, survey, topo work, and several of the lots that he has seen are already graded.

Mr. Detor said actually the other two are listed on the agenda for the next board meeting, so we have three areas in Hilo. He said what HHA is doing is they are dealing with three different developers.

ACTION Mr. Higashi asked for deferral of Item F-3 to give HHA an opportunity to choose where they want to build. He said if they want to come back for the other two that are on the books, that's fine.

The board had no objection to deferring this item.

Mr. Higashi said the question that he would like to ask HHA is which project has been approved.

Mr. Ono suggested that we put all three on the agenda and get status report on each one. He asked the staff to alert HHA and have them come to the board meeting with the whole package.

ITEM F-4 HAWAIIAN TELEPHONE CO. AND MAUI ELECTRIC CO., LTD. APPLICATION FOR UTILITY EASEMENT, MOOLOA, HONUOLA, MAKAWAO, MAUI

ACTION Unanimously approved as submitted. (Yagi/Ing)

ITEM F-5 DOE REQUEST FOR ACQUISITION OF SEWER EASEMENT FOR LAHAINA INTERMEDIATE SCHOOL, LAHAINA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-6 DIVISION OF STATE PARKS REQUEST FOR ACCEPTANCE OF CONVEYANCE OF KANEKAULA HEIAU SITE, HANA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-7 FRANK CUELHO APPLICATION TO LEASE LAND AT PUKOO, MOLOKAI

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

(See pages 2, 3 and 5 for Item F-8.)

ITEM F-9 RONALD H. DEISSEROTH REQUEST FOR HOLDOVER TENANCY, G. L. NO. S-3755, COVERING LOT 4 OF THE WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM F-10 NATIONAL OUTDOOR VOLLEYBALL ASSOCIATION (NOVA) REQUEST FOR
RIGHT OF ENTRY TO STAGE VOLLEYBALL TOURNAMENT, FORT DERUSSY
BEACH, HONOLULU, OAHU

Mr. Kealoha asked whether they are going to televise this activity.

Mr. Detor said he talked to the representative about that. He was informed that he didn't think they could get any television for this particular tournament.

Mr. Ono asked whether the staff discussed the rental with the applicant, plus monitoring fee.

Mr. Detor said yes.

Mr. Ing said he was showing a huge plastic air-filled ball of about thirty feet in the air. He said he doesn't want to see that put up on the beach. They have to move that back somewhere else. He said he talked to the representative about that when he made the presentation, and he indicated that if that was the case, then he would move it back to the private property to one of the hotels. He wants to be sure this is his understanding.

ACTION Mr. Ing moved, Mr. Yagi seconded, and the board unanimously approved Item F-10 with the understanding as discussed above.

ITEM F-11 DOT REQUEST FOR RIGHT OF ENTRY TO CONDUCT SUBSTRATA INVESTI-
GATION, HALAWA, AIEA, OAHU

Mr. Ing disqualified himself and did not vote on this item.

ACTION Approved as submitted. (Kealoha/Yagi)

ITEM F-12 HORACE KAMAKEEAINA & STELLA KAAI REQUESTS FOR CONSENT TO
QUITCLAIM THEIR INTERESTS IN HOMESTEAD LEASE NO. 53, COVERING
LOT 18, HAULA HOMESTEADS, KOOLAULO, OAHU

Mr. Detor said he would like the Attorney General's Office to review this and so amended the submittal.

Mr. Cno said the board generally has not been approving or taking action on requests where there is delinquency. In this case, they are delinquent in real property taxes.

Mr. Detor suggested approving this, subject to them paying the real property taxes.

ACTION Unanimously approved as amended above. (Ing/Yagi)

ITEM F-13 LRS, INC. REQUEST FOR RIGHT OF ENTRY TO FORT DERUSSY BEACH,
HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-14 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE
COVERING LOT 6-A OF THE HANAPEPE RICE & KULA LOTS, HANAPEPE,
KAUAI

STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOT 36 OF THE KAPAA HOMESTEADS, 1ST SERIES, KAPAA, KAWAIHAU, KAUAI

ITEM F-15

ACTION Items F-14 and F-15 were unanimously approved as submitted, upon Mr. Yamamoto's motion, seconded by Mr. Yagi.

(See pages 11 to 13 for Item F-16.)

STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING PARCEL A, KAINAHOLA PASTURE LAND, KAPAA HOMESTEADS, 2ND SERIES, WAIPOULI, KAWAIHAU (PUNA), KAUAI

ITEM F-17

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

USAF REQUEST FOR CONSENT TO EXTENSION OF SUBLEASE AGREEMENT, G.L.NO. S-4259, KUKUI & POHAKUWAAWAA, KAUAI

ITEM F-18

ACTION Unanimously approved as submitted. (Yamamoto/Higashi)

CAROL AKI REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY CLEARING AND UTILIZATION REQUIREMENT, GENERAL LEASE NO. S-4785, KAPAA, KAUAI

ITEM F-19

ACTION Unanimously approved as submitted. (Yamamoto/Yagi)

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

ITEM F-20

This was DPED's request for approval of renting office space in the Central Pacific Plaza. This matter was deferred twice. The reason for the deferment was the concern of the board on the rental--\$1.87 per square foot.

The Director of Department of Planning & Economic Development, Mr. Kent Keith, has informed us by letter that this is a temporary occupancy. The question was why don't they go into the new Federal Building where there is space available and the rates are lower. As far as the Federal Building is concerned, they have a new appraisal, which has come in at \$1.82. So the rate that would be applicable would be pretty close to what they would be paying at Central Pacific Plaza.

A representative of DPED said they have couple of other concerns about the Federal Building. For one thing, they want a five-year lease which, either party could break after three years. He said Central Pacific Plaza is willing to break the lease in the event they don't receive funding. They are also willing to have a private contractor renovate it without additional cost to them. Right now it's bare space. They'll put in partitions, power, etc., and building to suit according to DAGS' specifications. Another problem, he said, is finding an office of that size. DAGS is only allowing them 490 square feet. At the Federal Building, the smallest one there is 570 square feet, and most of them were in the 700 square-foot range.

ACTION Unanimously approved as submitted. (Ing/Higashi)

(See pages 6 and 7 for Item H-1, pages 8 and 9 for Item H-2 and page 8 for Item H-3.)

CDUA FOR PERMANENT POWERLINE CONNECTION, ROAD IMPROVEMENTS
AND IMPLEMENTATION OF A MANAGEMENT PLAN FOR THE MAUNA KEA
SCIENCE RESERVE

This was a request of the University of Hawaii for construction of a permanent powerline to Hale Pohaku and also to the summit; construction of improvements to the road between Hale Pohaku and the summit; and the implementation of a Management Plan for the science reserve, including the access road and facilities at Hale Pohaku.

Staff recommended that the board approve the construction of a permanent powerline, subject to a number of conditions. Staff recommended that a portion of it be overhead and a portion, particularly that portion from the forest reserve boundary to the summit, be placed underground.

In terms of the management plan, staff recommended that the board approve the management plan as a conceptual plan. The reason for this is that the plan as presented is conceptual in nature, and that the board approve a recommendation that the University develop a final management plan in consultation with this board to incorporate a number of unresolved issues as noted in Section C.

Mr. Higashi said if they resolve Section C, then the plan is no more conceptual in nature, and Section B would not be necessary.

Mr. Evans said under Section D, staff is asking that the board approve staff's request to have the division administrators, or their representatives, work with the University to develop this final plan. Staff would like to see it done in about six months.

Staff further recommended that the board deny the access road improvement. The reason for this is that the management plan for the science reserve, Hale Pohaku, and the access road corridor as presented in the application is conceptual. It needs to be refined.

Mr. Evans said the term conceptual was first used in the proposal which the University sent us. They said the plan was conceptual at this time and they are going to work out the details later.

Mr. Higashi asked what was the overriding factor in deciding that we follow Corridor C.

Mr. Evans said the Division of Forestry's comment was the overriding factor.

Mr. Higashi asked whether they considered the cost.

Staff felt that the value to the aesthetic environment would be retained, even though there would be an increased cost. Because it is in conservation district, they had to plug in those values where they do the minimum amount of damage. If it were not in the conservation district, then they would take the least cost, Mr. Evans said.

Mr. Ono asked whether aesthetic value was the primary factor. He asked what was the planning office staff's assessment. He wanted to make a distinction what planning office analysis shows wherein you made this recommendation, not so much what they got from the divisions.

Mr. Evans said it would be the total aesthetic value of the area versus the \$3.5 million additional cost.

Mr. Higashi said the comments by the Division of Forestry & Wildlife are listed on page 18 and they don't really substantiate their position and their rationale. The only thing it says is they recommend Corridor C. It doesn't say because of the birds or trees, or whatever. He said that should be in the document some place. He said one of the major considerations is also the cost.

Mr. Harold Masumoto said they do have some concern with the staff's recommendation on the powerline issue. Their preference, as indicated in their application, is Corridor A. They have looked at the submittal and they differ on several points. No. 1, the cost of Corridor C, as pointed out by Mr. Higashi, is substantially more than Corridor A. One of the concerns that was expressed in all of the public hearings and meetings that they've had regarding powerline in Hilo was the question of visibility. From their point of view, Corridor A would be much less visible than Corridor C because it would be behind the mountain from the Hilo side and Saddle Road. He said their understanding of what the U. S. Fish and Wildlife people are saying is that the impact following Corridor C would be greater if you follow Forestry's recommendation because you would be going underground through the palila habitat.

Mr. Higashi said one of the concerns, both by our enforcement people and the hunters, was the illegal use of any service road. He asked Mr. Masumoto whether they propose some kind of a mitigating measures.

Mr. Masumoto said some of the concerns that they have expressed is, using Corridor A would require high grade and good road to maintain the powerline. He said they have talked to the HELCO people and they feel that the jeep-foot trails would be adequate. This, of course, still opens up the areas to additional people and possibility of vehicles. They would not be opposed or adverse to working out some sort of mitigating measures--whatever the department feels would be appropriate.

Mr. Masumoto said the underground portion will run through Natural Area Reserves so they would have to get permission from the commission.

Mr. Ono asked what happens if the commission doesn't approve.

Mr. Masumoto said they have some alternate routes.

Mr. Higashi asked Mr. Masumoto whether they studied Recommendation C.

Mr. Masumoto said yes. They are concerned with the way Recommendations B and C are presented. He said the way B and C are worded, it seems to imply that there is a conceptual plan which needs to be coming back as part of another application or something. They would prefer that the CDUA process be completed, subject to board approval of working with the department as a way of resolving any outstanding issues.

Mr. Ono asked Mr. Evans whether his recommendation was to call for another CDUA for more detailed plan for the development.

Mr. Evans said that was not the intent. Their intent was to have them develop a final management plan. Staff felt that there were legitimate concerns and there were questions that had to be addressed. And if they didn't do something in this application there would be lots of questions unanswered.

ACTION Mr. Higashi moved to approve Item H-4 with the following amendments:

Recommendation A.1 - The powerline alignment shall follow the proposed Corridor A as proposed in the University's proposal.

Recommendation A.2. - That the University develop mitigating measures to discourage the illegal use of the powerline service roads, with the understanding that we are to approve the construction plans, together with the service road, and to see what kind of plan we have to mitigate the illegal use.

Recommendation A.3. - That the applicant obtain permission from NARS for those of the powerline alignment passing through the Mauna Kea Natural Area Reserve.

Recommendation B. - That the board approve the University of Hawaii Management Plan as presented in this application, subject to Item C, that the University, in consultation with the Board of Land and Natural Resources resolve the issues listed 1 to 5 under Item C in the submittal, including the gates as part of the management activities.

Recommendation D. - That the board delegate to the chairman to work with the University to resolve the issues noted under Item C within 180 days of the date of this approval. Extension may be granted if there is disturbance in the work status.

Recommendation F. - The board approve the summit access road improvements upon resolution of Item C.

Approval is also subject to the applicable CDUA standard conditions that were passed out last night by the staff.

Mr. Masumoto said they have a problem. They have held up the design on this project pending approval, and they may not be able to get the road underway.

Mr. Higashi said they can have their time schedule within that section.

Mr. Ing asked whether Section E still applies.

Mr. Higashi said it is not necessary. He said the meeting should be held with the Board of Regents because there may be other things which the board may want to discuss, but he didn't want to put that as a condition. So Recommendation E should be deleted.

Mr. Yagi seconded, and on the call of the question the motion was unanimously carried.

(See pages 9 to 11 for Item H-5.)

(Mr. Higashi was excused and left the meeting at 12:10 P. M.)

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

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM I-1 FILLING OF POSITION NO. 17486, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER IV, OAHU

ACTION The board, on Mr. Yagi's motion, seconded by Mr. Yamamoto, unanimously approved the appointment of William P. Palmerton to fill the Conservation and Resources Enforcement Officer IV position, effective February 16, 1984.

ITEM I-2 TERMINATION OF APPOINTMENT AS LICENSE AGENT

ACTION The board, on Mr. Yagi's motion, seconded by Mr. Yamamoto, unanimously approved to terminate Nishimura Chevron Services as a license agent effective immediately.

ITEM J-1 LEASE, OPERATION AND MAINTENANCE OF VISUAL APPROACH SLOPE INDICATOR (VASI) SYSTEMS, KEAHOLE AIRPORT, HAWAII (FAA)

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-2 EASEMENT FOR APPROACH LIGHTING SYSTEM SERVING RUNWAY 8L, HONOLULU INTERNATIONAL AIRPORT, OAHU (FAA)

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-3 CONSENT TO MORTGAGE, LEASE NO. DOT-A-84-17, KAHULUI AIRPORT, MAUI (TRANS-MAUI, LTD.)

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3825, ETC., AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3834, ETC., NON-CONFORMING USE, AIRPORTS DIVISION

This item was deferred at the last meeting. Mr. Garcia asked to withdraw Permit No. 3839 to Valley Isle Inc., and Permit No. 3841 to M. Funes Concrete, Inc., since he did not get the answers that he needed for these two. He said Taylor construction, Hawaiian Reinforcing and Pacific Sandblasting are tenants of DLNR. Smiles Auto Specialists, Inc., Hardestry Associates, Ltd. and Japo I. Yokoyama are tenants of DOT at the present time. He asked for approval of Item J-5 as amended.

Mr. Ono asked whether this matter was coordinated with the DLNR staff.

Mr. Garcia said yes.

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Yamamoto, unanimously approved Item J-5 as amended above.

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8, HONOLULU HARBOR, OAHU (VIP CRUISES, INC.)

ACTION Unanimously approved as submitted. (Ing/Yamamoto)

ITEM J-7 ISSUANCE OF R. P., HARBORS DIVISION, PIER 8, HONOLULU HARBOR, OAHU (FRANK B. HALL & CO. OF HAWAII, INC.)

ACTION Unanimously approved as submitted. (Ing/Yagi)

ITEM J-8 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3845, 3847 AND 3790, AIRPORTS DIVISION

ACTION Mr. Yamamoto moved for approval. Mr. Yagi seconded the motion.

Mr. Ono was in favor of the motion, however, he wanted the record to show that the favorable vote for Item J-8, particularly on R. P. 3790 to Kenai Air of Hawaii, Inc. for a permit at Lihue Airport should not relieve Kenai of any responsibility should they be proven in violation on Maui.

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

ITEM J-9 ISSUANCE OF R. P., HARBORS DIVISION, HONOKOHAU BOAT HARBOR, KEALAKEHE, NORTH KONA, HAWAII (GENTRY PACIFIC, LTD.)

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

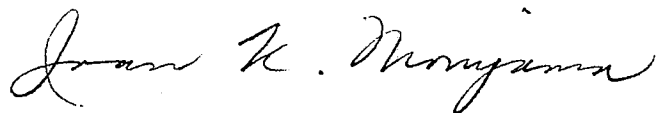
ITEM J-10 ISSUANCE OF REQUEST, HARBORS DIVISION, PORTION OF IRWIN PARK AND PORTION OF ALA MOANA BOULEVARD ADJACENT TO PIERS 8 AND 9, HONOLULU, OAHU (BIG BROTHERS/BIG SISTERS OF HONOLULU, INC.)

ACTION Unanimously approved as submitted. (Yagi/Yamamoto)

Mr. Garcia said at one of the earlier meetings he informed the board that he will obtain information on the rental rates on the various permits that were being reviewed. He distributed a list of these permits. After these permits were reviewed, they increased the rentals where they felt were justified. Couple of the permits are still the same because there wasn't enough evidence to require a change, he said. All of the tenants have been informed.

ADJOURNMENT: There was no further business and the meeting was adjourned at 12:15 P. M.

Respectfully submitted,



JOAN K. MORIYAMA
Secretary

APPROVED



SUSUMU ONO
Chairperson

jkm