

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

DATE: February 24, 1984
TIME: 9:00 A.M.
PLACE: Second Circuit Court
Kaunakakai District Court House
Kaunakakai, Molokai

Roll
Call

Chairman Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:00 A.M. The following were present:

MEMBERS: Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Thomas Yagi
Mr. Takeo Yamamoto
Mr. Susumu Ono

Absent & Excused:
Mr. Roland Higashi

STAFF: Mr. James Detor
Mr. Roger Evans
Mrs. LaVerne Tirrell

OTHERS: Deputy A.G. Johnson Wong
Mr. Glen Hara (Items F-1-g & F-1-h)
Mr. Stephen Mechler (Item H-5)
Mr. Michael Salling (Item H-2)
Mr. Peter Garcia, DOT

MINUTES:

Mr. Kealoha moved for approval of the January 13, 1984 minutes as submitted. Motion carried unanimously with a second by Mr. Yagi.

Items were taken up as follows in order to accommodate those applicants present at the meeting:

ITEM F-1-d

JOHN T. BUTLER REQUEST FOR CONSENT TO MORTGAGE, G. L. NO. S-3598 COVERING LOT 17, KANOELEHUA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII.

ACTION

The board unanimously approved the Butler's request to mortgage to First Hawaiian Bank, subject to review and approval by the Office of the Attorney General. Amount of the loan is \$70,000. (Yagi/Kealoha)

ITEM F-1-g

WILLIAM JENKINS REQUEST FOR CONSENT TO ASSIGN G. L. NOS. S-4331 & S-4332 COVERING LOTS 6 & 7, RESPECTIVELY, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO. HILO, HAWAII.

ACTION

The board unanimously approved the assignment of General Lease Nos. S-4331 and S-4332 from William Prichard Jenkins to Pacific Consolidated Investments, subject to review and approval by the Office of the Attorney General. (Yagi/Yamamoto)

ITEM F-1-h

PACIFIC CONSOLIDATED INVESTMENTS REQUEST FOR CONSENT TO MORTGAGE G. L. NOS. S-4331 & S-4332 COVERING LOTS 6 & 7, RESPECTIVELY, OF THE HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO. HILO, HAWAII.

ACTION

The board unanimously approved Pacific Consolidated Investment's request to mortgage to GECC Financial Corporation, subject to review and approval by the Office of the Attorney General. Amount of the loan is \$655,000. (Yagi/Yamamoto)

CDUA FOR A SINGLE FAMILY RESIDENCE AND DRIVEWAY AT KANEOHE,
KOOLAUPOKO, OAHU (STEPHEN MECHLER).

Mr. Evans said that he received a letter from the Board of Water Supply indicating that as of February 10, 1984 they had no objection to the proposed improvements and are willing to sign an elevation agreement thereby obtaining water from their system.

When two land classifications are involved, asked Mr. Ono, will there be a problem inasmuch as there are certain ground rules for the conservation district and another for the urban area?

Mr. Evans said that should staff have to deal with a split zone property wherein part of the property is in the conservation district and that part in the conservation district lies within the general subzone, staff would follow the board's past guidance and recommend approval for one house on that conservation district property regardless of lot size. However, should the applicant decide that he would like to build a second house on the conservation property in the future, in all likelihood staff's recommendation would be in the negative. There is no problem with this application per se, but it does point out the problem with split zoning.

What if approval was granted by the county for a house on the edge of the urban boundary which abuts the conservation lot and the land board comes in to say, independent of what the City's action might have been, o.k., you can build one house in the general subzone. You would then have two houses right next to each other. Was that taken into consideration when you made your statement, asked Mr. Ono?

It is conceivable that because we have two acres in the urban district we could find more than one house on the property if the board's action were to grant them a house on the conservation portion and the county granted them permission to build on the urban side, said Mr. Evans.

How would the one house per lot affect the urban side, asked Mr. Kealoha?

In terms of our application of the one house per lot, said Mr. Evans, we have really only applied that to conservation property in the past. There have been some incidences where there was a 50-50 split in zoning of the property where we had recommended, let's say in the limited subzone, that the applicant be denied in the conservation district but would pursue getting permission from whomever governs the other portion of the property to build a house on said portion.

Assuming that the applicant has obtained approval to build one or several houses on the urban portion, would it affect your recommendation inasmuch as there is more than one house on that parcel that has conservation land, asked Mr. Ono?

It may matter, said Mr. Evans. Our general feeling is that we have taken an approach in the past that if an individual has a lot, depending upon our subzoning, the staff would like to see him build a house. However, if it comes to our attention that it actually increases the density area, then that could very well affect staff's recommendation.

Mr. Ing did not feel that the board could control what happens on the urban side of the property, especially if the potential is there.

The potential is there, said Mr. Evans. But from staff's perspective are we looking at something that would contribute to a residential subdivision or a townhouse, or an increase in the density through the use of the conservation district and would we want to contribute to that? I don't know the answer inasmuch as I do not know the layout of the urban land.

At least, said Mr. Ono, can you start to think about the possibility of developing some kind of a guide for future consideration.

In answer to Mr. Ono's question, Mr. Mechler stated that he did have a chance to review staff's conditions and had no objections.

Mr. Mechler explained that the subject parcel is one of the last undeveloped parcels in the Kaneohe Bay area and has been in the family for over thirty years.

He explained that, on the urban side, he plans to build a family compound for himself, his brother and his sister.

ACTION

Mr. Ing moved for approval of the use subject to further analysis and review of the construction plans in light of the board's past decisions with regard to residences in the conservation area and subject also to those terms and conditions listed in the submittal. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-2

CDUA FOR A 15-FOOT PATHWAY EASEMENT FROM THE WAILUA RIVER TO KAMOKILA VILLAGE AT WAILUA, KAUAI (LEHUA FERNANDES SALLING).

Mr. Evans called to the board's attention that there is a lease encumbered by Hawaiian Gardens which will expire in 1985. This 1985 is before the three year construction deadline. Mr. Evans asked, therefore, that the following Condition No. 10, should the board approve this submittal, be added:

10. This approval is not to imply any future land rights on the presently leased State land.

Staff's intent here is to not find themselves placed in a position whereby, through some condition of the approval, an argument could be made that the lease would have to be automatically extended in order to meet the three-year construction deadline.

Mr. Detor informed the board that they do have a request for extension of the subject lease under the natural disaster provision which permits extensions for leases hit by hurricanes. Mr. Detor explained that the extension should be commensurate with the amount of damage and staff has not yet arrived at a recommendation for the length of the extension.

ACTION

Mr. Yamamoto moved for approval of a 15 foot wide easement of a length of 150 feet, the right to spread gravel over the easement, to trim grass in the crosshatched area on Exhibit II and boat docking at the Wailua River bank adjacent to the easement, subject to the terms and conditions listed in the submittal. Mr. Yagi seconded and motion carried unanimously.

ITEM B-1

FILLING OF EXEMPT TEMPORARY CLERK III, POSITION NO. 19878E IN THE AQUATIC RESOURCES DIVISION (OAHU).

ACTION

The board unanimously approved the appointment of Ms. Miriam Fergensterm to Position No. 19878E, Clerk III. (Kealoha/Ing)

Item D-1

SOIL AND WATER CONSERVATION DISTRICT DIRECTORS.

ACTION

Upon motion by Mr. Yagi and a second by Mr. Yamamoto, the board unanimously voted to certify the following appointed persons for the terms shown below to serve as Directors of the respective Soil and Water Conservation Districts:

<u>District</u>	<u>Name</u>	<u>Elected/Appointed</u>	<u>Term to End</u>
Hana	Parley Kanakaole, Teacher	Appointed	6/30/85
Molokai-Lanai	Joseph Kennedy, Farmer	Appointed	6/30/86
	Michael O'Keefe, Retiree	Appointed	6/30/86

ITEM D-2

PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 51-KW-27, DRILLING KALAHEO WELL NO. 2 (5631-02), KALAHEO, KAUAI.

ACTION

Unanimously approved as submitted. (Yamamoto/Kealoha)

ITEM D-3

PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 41-OL-33, CLEARING INOAOLE AND KAHAWAI STREAMS, WAIMANALO, OAHU.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM D-4

PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 22-HW-33, PUMP, CONTROLS, AND APPURTENANCES, LAUPAHOEHOE WELL NO. 2 (5814-02), LAUPAHOEHOE WATER SYSTEM, NORTH KONA, HAWAII.

ACTION

Unanimously approved as submitted. (Kealoha/Yamamoto)

ITEM D-5

PERMISSION TO ENTER INTO RIGHT OF ENTRY AND OPTION TO PURCHASE AGREEMENT FOR THE MILILANI-MAUKA EXPLORATORY WELLS.

ACTION

Mr. Yamamoto moved to authorize the Chairperson to enter into an agreement with Castle & Cooke, Inc. to acquire a right of entry and option to purchase a well site at Waipio, Oahu. Mr. Ing seconded and motion carried unanimously.

ITEM E-1

PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 23-HP-25, ENTRY ROADWAY, KALOPO STATE RECREATION AREA, HAMAKUA, HAWAII.

ACTION

Unanimously approved as submitted. (Yagi/Yamamoto)

ITEM F-1

DOCUMENTS FOR CONSIDERATION

Item F-1-a

REVOCABLE PERMIT: WILLIAM JACINTHO application for R.P., Haneoo, Hana, Maui being TMK: 1-4-07:por. 9 containing approximately 15.951 acres for pasture use. Rental: \$23.00 per mo. commencing March 1, 1984.

Item F-1-b

CONSENT TO MORTGAGE: OLOMANA GOLF LINKS, INC., Mortgagor to FIRST HAWAIIAN BANK, Mortgagee, por. of govt. land at Waimanalo, Oahu, being TMK: 4-1-13:10, containing 129.859 acres. G.L. NO. S-4095. Mortgage Amount: \$1,100,000.

Item F-1-c

REVOCABLE PERMIT: LINDBERGH M. AKITA request for R.P. for govt. land at Hanapepe, Kauai, being TMK: 1-8-08:por. 32 containing .230 acre for bus storage purposes. Rental: \$126.00 per mo. commencing March 1, 1984.

- Item F-1-d (See Page 1 for Action)
- Item F-1-e REVOCABLE PERMIT: DEPT. OF HEALTH request to issue R.P. to SERENITY HOUSE, INC. for por. of the Samuel Mahelona Memorial Hospital grounds at Kapaa, Kauai, being TMK: 4-6-14:por. 30, containing 10,500 sq. ft. for the treatment, education and rehabilitation of recovering alcoholics. Rental: \$1.00 per year plus pro rata share of cost for utilities commencing March 1, 1984.
- Item F-1-f REVOCABLE PERMIT: FLOYD N. LAPINID and CHARLENE HEATHER LAPINID request for R.P. covering land at Ookala, No. Hilo, Hawaii, being TMK: 3-9-01:por. 6 for residential use of former school cottage. Rental: \$100.00 per mo. commencing March 1, 1984.
- Item F-1-g (See Page 1 for Action)
- Item F-1-h (See Page 1 for Action)
- Item F-1-i CONSENT TO MORTGAGE: RICHARD W. WHITING and SANDRA L. WHITING, Mortgagor to FEDERAL LAND BANK OF SACRAMENTO, Mortgagee. Lot 26, Pahoia Agricultural Park, Phase II, Keonepoko Iki, Puna, Hawaii, being TMK: 1-5-116:53, containing 6.132 acres. G. L. No. S-4816. Mortgage Amount: \$16,000.00.
- Item F-1-j REVOCABLE PERMIT: JAMES R. JONES request for R.P. covering land at Waianae, Oahu, being TMK: 8-5-04:12, containing 11.5 acres for diversified agriculture purposes. Rental: To be determined by the Chairperson.
- Item F-1-k REVOCABLE PERMIT: SMITH'S MOTOR BOAT SERVICE, INC. request for R.P. covering Lot 21 and improvements thereon, Wailua Rice and Kula Lots, Kauai, being TMK: 3-9-04:02 containing 22.16 acres for operation of a floral garden and allied facilities. Rental: To be determined by the Chairperson.

ACTION

Mr. Ing moved for approval of Items F-1-a, b,c, e, f, i, j and k as submitted. Mr. Yagi seconded and motion carried unanimously.

ITEM F-2

HAWAII HOUSING AUTHORITY APPLICATION TO PURCHASE PORTION OF LOT 622, WAIAKEA HOMESTEADS, SO. HILO, HAWAII.

ITEM F-3

HAWAII HOUSING AUTHORITY APPLICATION TO PURCHASE LAND AT PIIHONUA, SO. HILO, HAWAII.

ITEM F-4

RESUBMITTAL - HAWAII HOUSING AUTHORITY APPLICATION TO PURCHASE LAND (TMK 2-4-01:158) AT WAIAKEA, SO. HILO, HAWAII.

ACTION

Action on Items F-2, F-3 and F-4 was deferred to the March 9, 1984 Land Board meeting.

ITEM F-5

STAFF RECOMMENDATION TO DESIGNATE LAND AS HAWAIIAN HOME LANDS, WAIOHULI & KEOKEA, MAKAWAO, MAUI.

ACTION

Upon motion by Mr. Yagi and a second by Mr. Kealoha, the board unanimously voted to:

- A. Approve the designation of the subject lands to Hawaiian Home lands status and authorize the return of said lands to the Department of Hawaiian Home Lands; and
- B. Authorize cancellation of Revocable Permit No. S-5975 and Revocable Permit No. S-6015 with the date of cancellation to be coordinated with the Department of Hawaiian Home Lands.

ITEM F-6

STAFF RECOMMENDATION FOR RECISSION OF PREVIOUS BOARD ACTIONS AND APPROVAL OF SALE OF AN EASEMENT AT KAONOULU, KULA, MAUI.

ACTION

The board, upon motion by Mr. Yagi and a second by Mr. Yamamoto, voted unanimously to rescind its actions taken at its July 13, 1973 meeting, agenda Item F-14 and its meeting of March 11, 1983, agenda Item F-5 and to approve the direct sale of the subject easement to the applicants subject to the terms and conditions listed in the submittal.

ITEM F-7

COUNTY OF MAUI REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND AT NAPILI 4-5, NAPILI, LAHAINA, MAUI.

ACTION

Upon motion by Mr. Yagi and a second by Mr. Yamamoto, the board voted unanimously to:

- A. Authorize withdrawal of the sediment basin area (approximately 6 acres) from Revocable Permit No. S-5978 issued to Maui Land and Pineapple Co., Inc. with no reduction in the existing monthly rent.
- B. Approve of and recommend to the Governor issuance of an executive order setting aside the subject area to the County of Maui Department of Public Works for the Napili 4 and 5 Sediment Basin purposes, subject to the disapproval by the State Legislature in any regular or special session next following the date of the executive order.
- C. Authorize the County of Maui Department of Public Works and/or its agent, a right of entry to the subject area for construction purposes, subject to the terms and conditions listed in the submittal.

ITEM F-8

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUEST FOR RIGHT OF ENTRY TO INSTALL CHAIN LINK FENCE FOR FOREIGN TRADE ZONE, PIER 2, HONOLULU, OAHU.

ACTION

Unanimously approved as submitted, subject to the terms and conditions listed in the submittal.

ITEM F-9

DEPARTMENT OF TRANSPORTATION REQUEST FOR RIGHT OF ENTRY FOR TOPOGRAPHIC SURVEY AND SUBSTRATA INVESTIGATION, KANEOHE, OAHU.

ACTION

Mr. Yagi moved for approval as submitted. Motion carried with a second by Mr. Kealoha.

Mr. Ing voted no.

ITEM F-10

STAFF RECOMMENDATION FOR EXTINGUISHMENT OF FLOWAGE EASEMENT, PORTION OF MAKIKI STREAM, HONOLULU, OAHU.

ACTION

The board unanimously voted to authorize a petition to the Land Court to expunge the easement in question from Land Court Applications 138, 150 and 46 and to approve the issuance of quitclaim deeds covering the State's interest in those portions of the easement traversing parcels recorded under the Regular System. (Ing/Yagi)

ITEM F-11

SHIZUE SAKAHASHI REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 8, BRODIE LOTS, HANAPEPE, KAUAI.

ACTION

The board unanimously approved an extension from January 24, 1984 up to July 23, 1984 of the construction deadline contained in Special Sale Agreement No. S-5558, subject to the vendee furnishing an updated building compliance bond in an amount of not less than \$500.00 guaranteeing completion of the residence by July 23, 1984; such bond to be posted within thirty (30) days from notification of receipt of the extension. (Yamamoto/Yagi)

ITEM F-12

CITIZENS UTILITIES CO. APPLICATION FOR EASEMENT, HANAPEPE, KAUAI.

ACTION

The board unanimously authorized the granting of a perpetual, non-exclusive easement for overhead electrical line purposes to the applicant, subject to the terms and conditions listed in the submittal. (Yamamoto/Yagi)

ITEM F-13

CITIZENS UTILITIES CO. REQUEST FOR AMENDMENT OF G. L. NO. S-3641 & LOD NOS. 17356 & 17440, LAWAI, KOLOA, KAUAI.

While preparing for the rebuilding of the Lawai Substation at Lawai, Koloa, Kauai, a new survey conducted by the Kauai Electric Company determined that the line was erroneous. Staff would like to now correct these discrepancies by way of amendments to the lease and to the two Land Office Deeds.

ACTION

Upon motion by Mr. Yamamoto and a second by Mr. Yagi, the board voted unanimously to:

- A. Authorize the amendment of General Lease No. S-3649 to Mrs. Betty M. Ching to reflect the actual and correct survey descriptions for Lot 28 of the Lawai Homesteads, Koloa, Kauai, subject to verification by the State Land Surveyor and the review and approval of the Office of the Attorney General.
- B. Authorize the issuance of a quitclaim deed to Kauai Electric Co., a Division of Citizens Utilities Company, which would amend Land Office Deed No. S-17440 to reflect the actual and correct boundary descriptions for the Lawai Substation, subject to verification by the State Land Surveyor and the review and approval of the Office of the Attorney General.
- C. Authorize the issuance of a quitclaim deed to McBryde Sugar Co., Ltd. which would amend Land Office Deed S-17356 to reflect the actual and correct boundary descriptions for the electric transmission line easement as shown and described on Land Board Exhibit "A" subject to verification by the State Land Surveyor and the review and approval of the Office of the Attorney General.
- D. Grant Kauai Electric Company a right of entry to the above-described Lot 28 of the Lawai Homesteads and electrical transmission line easement and permission to survey the properties in question, remove and replace Mrs. Betty M. Ching's storage shed, place a layer of crushed rock approximately eight (8) feet wide on the first thirty (30) feet of Mrs. Ching's driveway and relocate and rebuild the Lawai Substation subject to the terms and conditions listed in the submittal.

ITEM F-14

MONTE BARRY SEMLER REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT A-65, WELIWELI HOUSE LOTS, WELIWELI, KAUAI.

Mr. Ing noted that the applicant had not yet started construction of his residence so it seemed unlikely that he would be able to complete the building by the July 26, 1984 deadline.

Technically, said Mr. Detor, if he does not comply with the building requirement by the deadline the Special Sale Agreement could be cancelled and the lot taken back but he didn't think any court would uphold that decision.

Maybe we should increase the bond, said Mr. Ing.

We were going to up the bond to \$5,000 at one time, said Mr. Detor, but the board itself brought it down to \$500.00 so staff has been going along at the \$500.00 rate.

However, said Mr. Ing, it does not look like the applicant will be able to complete the building on time so we probably could up the bond.

Mr. Detor said fine, the bond amount in this case could be set at \$5,000 instead of \$500.

Mr. Ono felt that the bond amount should be considered on a case-by-case basis.

ACTION

Mr. Yamamoto moved for approval of a final extension from January 25, 1984 up to July 24, 1984 of the construction deadline contained in Special Sale Agreement No. S-5553, subject to the vendee furnishing an updated building compliance bond in an amount of not less than \$5,000.00 guaranteeing completion of the residence by July 24, 1984; such bond to be posted within thirty (30) days from notification of receipt of the execution. Mr. Yagi seconded and motion carried unanimously.

ITEM F-15

DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR APPROVAL OF MODIFICATION OF LEASE COVERING ROOMS 411, 413,, 415 & 417 OF THE BETHEL-PAUHI BUILDING, HONOLULU, OAHU.

DSSH has requested modification of the lease by including Room 416, thereby increasing the floor area to 2,700 square feet (originally 2,322 sq. ft.) and increasing the rent to \$2,050.00 per month (originally \$1,764.72).

All other conditions of the lease remain the same.

ACTION

Unanimously approved as submitted. (Ing/Yamamoto)

ITEM F-16

BUDGET & FINANCE REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING SUITE 16J OF THE MDG OFFICE BUILDING, WAILUKU, MAUI.

ACTION

Unanimously approved as submitted, subject to review and approval of the lease document by the Office of the Attorney General.

ITEM F-17

OFFICE OF THE GOVERNOR REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE IN THE TANI BUILDING, HONOLULU, OAHU.

ACTION

Unanimously approved as submitted, subject to review and approval of the lease document by the Office of the Attorney General.

ITEM F-18 DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF A LEASE COVERING ROOMS 800, 801 & 803 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU.

ACTION Unanimously approved as submitted, subject to review and approval of the lease by the Department of the Attorney General. (Ing/Yagi)

ITEM F-19 DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR APPROVAL OF LEASE COVERING ROOMS 511, 513, 515 & 517 OF THE BETHEL-PAUAAHI BUILDING, HONOLULU, OAHU.

ACTION Unanimously approved as submitted, subject to review and approval of the lease by the department of the Attorney General. (Ing/Yagi)

ITEM F-20 STAFF RECOMMENDATION ON ENCROACHMENT POLICY.

This submittal goes back to the June 24, 1983 meeting where the board deferred action on staff's recommendation to establish a policy in treating encroachments upon public lands. Staff was asked at that time to check with the Attorney General's office to see if it was legally necessary that a policy such as this be adopted pursuant to the administrative procedures act or not.

The Attorney General's office questioned the necessity and feasibility of the Board adopting such a policy, pointing out that the Board presently has greater flexibility in handling and resolving encroachment matters without such a policy.

The Attorney General's office notes that Section 171-6(11), HRS, is clear in that the Board may:

"Bring such actions as may be necessary to remove or remedy encroachments upon public lands. Any person causing an encroachment upon public land shall be subject to a fine of not more than \$500 per day and shall be liable for administrative costs incurred by the department and for payment of damages."

ACTION Mr. Ing moved that the present internal management practices in respect to encroachments be continued rather than formulating and adopting rules pursuant to Chapter 171, HRS. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-1 AFTER-THE-FACT CDUA FOR A COMFORT STATION FOR USE BY EMPLOYEES OF RAINBOW FRUIT AND FLOWER CO. AT HAIKU, MAUI (TIM SHANK).

ACTION The board unanimously approved the after-the-fact application for construction of a comfort station for use by employees of Rainbow Fruit and Flower Company on TMK: 2-9-14:16 at Haiku, Maui, subject to the terms and conditions listed in the submittal. Finding that the installation of a cesspool and pipes on the property, within the Conservation District, without the Land Board's approval is a violation of Title 13, Chapter 2, Administrative Rules, as amended, the board voted also that the applicant be assessed a fine of \$500.00 for the violation; and this \$500.00 fine be paid within sixty (60) days of this meeting date (February 24, 1984). Failure on the part of the landowner/applicant to comply within sixty (60) days after receipt of notice, the matter be turned over to the Department of Attorney General for disposition to include all administrative costs.

ITEM H-2

CDUA FOR A 15-FOOT PATHWAY EASEMENT FROM THE WAILUA RIVER TO KAMOKILA VILLAGE AT WAILUA, KAUAI.

(See Page 3 for Action.)

ITEM H-3

ALLEGED VIOLATION OF LAND USE WITHIN THE CONSERVATION DISTRICT AT KALUAKOI, WEST MOLOKAI, COUNTY OF MAUI.

The department, in 1981, received a complaint relating to sand mining at Kaluakoi, West Molokai.

After notifying the complainant that the department would initiate a review, our department did send representatives of our Division of Land Management and Conservation and Enforcement on site to obtain evidence of the allegation.

Additionally, with the services of the Department of Accounting and General Services, a land survey was done to determine the boundaries of the Conservation/Agriculture Land Use District.

Staff reviewed all departmental documents as well as private landowner lease agreements dating to 1961 on the parcel in question which related to the allegation and also interviewed counsel for the landowner.

Mr. Evans said that while sand mining has occurred in the area since 1961 and continues to occur, staff's review indicates that there is not sufficient evidence to conclude that a violation of land use within the Conservation District has occurred.

Mr. Evans said that this is being presented to the board inasmuch as there has been some county media interest in this and, in terms of staff, the amount of time and effort put in on this was equivalent just about in nature to about one-half of what staff did with the helicopters.

Mr. Evans went on to say that this was not something staff looked at lightly. Staff spent a lot of time on this and tried to look at every conceivable contingency or possibility that a violation did occur. Nevertheless, in considering the time and effort and what we had to work with from staff's perspective, staff is recommending, based on lack of sufficient evidence, that this case be closed and the complainant so notified.

What was found in the area, asked Mr. Ing?

Mr. Evans said that staff is able to establish that: 1) the parcel of land incorporates both agriculture lands and conservation lands and that the conservation land area lies a certain number of feet back from the highwater mark; 2) that sand lies in both the conservation district and the agricultural district; 3) that sand has been taken from this area; 4) that sand was authorized to be taken from the area as early as 1961 which created our 1964 Regulation No. 4; and, 5) that subsequent to the initial leased area in 1961, the acreage has been cut down.

In answer to Mr. Kealoha's question, Mr. Evans said that he did not know what time of the year inspection of the area was made. However, he would find out and get that answer to Mr. Kealoha.

Mr. Ono asked that this case be left open and maybe by the next meeting staff could have an updated report with maps showing specific locations, together with details as to the time of day, etc. and also come up with answers to the various questions that have come up at today's meeting and, if necessary, ask the investigator to continue following up on some of these questions.

ACTION Deferred until the next meeting or whenever staff has completed a full up-to-date report.

ITEM H-4 CDUA FOR CONSTRUCTION OF A RETAINING WALL AND FENCE AT KOOLAUPOKO, KAHULUU, OAHU (STEPHEN CULLEN).

Mr. Evans called to the board's attention that staff's recommendation is for approval. However, subsequent to this writing staff had received information that the applicant may have already started work on the project. Accordingly, Mr. Evans asked that this matter be deferred in order that staff may have time to ascertain the question of a possible violation.

ACTION Deferred for further investigation.

ITEM H-5 CDUA FOR A SINGLE FAMILY RESIDENCE AND DRIVEWAY AT KANEOHE, KOOLAUPOKO OAHU.

(See Page 3 for Action.)

ITEM H-6 AMENDMENT OF A CONDITION OF AN APPROVED CDUA FOR RECONSTRUCTION OF HONAUNAU BOAT RAMP, KAPUWAI COVE, HONAUNAU, HAWAII (CDUA HA-1533).

When the board first approved this request on June 9, 1983, staff imposed 12 conditions for approval. Basically, said Mr. Evans, we wanted the applicant to do some surveys e.g. water quality and biological surveys and also that these surveys be monitored for a period five years.

At that time the County accepted the conditions.

However, they then went out and solicited construction bids for the project and received a low bid of \$36,655.00. The applicant also made inquiries with various private and public institutions to determine the cost of monitoring the project impacts on water quality and biological resources. They reported that the cost of monitoring and biological surveys will total \$29,028.00 over the required five-year monitoring period.

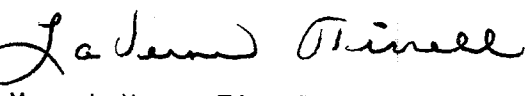
The applicant, therefore, requests that the five-year monitoring period required under Condition 10, be reduced to a one-year monitoring period, and further states that if the concerned agencies feel that continued monitoring is needed after the first year, they will agree to continue monitoring for whatever period is required by these agencies.


ACTION Mr. Ing moved to approve modification of Condition 10, incorporating comments by the Division of Aquatic Resources, such that the condition shall read as follows:

10. That after a period of one year following the completion of the project, the applicant be permitted to discontinue monitoring, if the above concerned agencies, having reviewed the results, agree that no useful purpose would be served by continued monitoring.
- 10a. That baseline aquatic resource surveys be completed prior to construction of the boat ramp.
- 10b. That following construction, two sets of aquatic resource monitoring surveys be performed, the first between three and six months after construction is completed and the second, between five and seven months after the first survey.

Mr. Kealoha seconded and motion carried unanimously.

- ITEM J-1 RENEWAL OF REVOCABLE PERMITS 3609, ETC., CONFORMING USE, AIRPORTS DIVISION.
 ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ITEM J-2 REVISION OF RENTA, RENEWAL OF REVOCABLE PERMIT 3589, GENERAL LYMAN FIELD, HILO, HAWAII (MERCHANT AIR, INC.)
 ACTION Unanimously approved as submitted. (Kealoha/Yamamoto)
- ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8, HONOLULU HARBOR, OAHU (YORK DIVISION-BORG WARNER CORP.)
 ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-4 ISSUANCE OF REVOCABLE PERMIT HY-83-706, HIGHWAYS DIVISION, PORTION OF PARCEL 5, LUNALILO FREEWAY, HONOLULU, OAHU (PACIFIC DOCK & STORAGE, INC.).
 ACTION Unanimously approved as submitted. (Ing/Yamamoto)
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT HY-84-707, HIGHWAYS DIVISION, PORTION OF RIGHT OF WAY ALONG NIMITZ HIGHWAY, PORTION OF PARCEL 55 OF INTERSTATE HIGHWAY, HONOLULU, OAHU (AIR LA CARTE, INC.).
 ACTION Unanimously approved as submitted. (Ing/Yagi)
- ITEM J-6 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.
 ACTION Mr. Yagi moved for approval as submitted. Motion carried with a second by Mr. Yamamoto.
 Mr. Ing was disqualified from voting on this item.
- ITEM J-7 ADDENDUM NO. 3 TO LEASE NO. A-65-2, KAHULUI AIRPORT, MAUI (FAA).
 ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ADJOURNMENT: There being no further business the meeting was adjourned at 11:00 A.M.

Respectfully submitted,

 Mrs. LaVerne Tirrell
 Secretary

APPROVED:

 SUSUMU ONO
 Chairperson

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