

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

DATE: March 9, 1984  
TIME: 9:00 A. M.  
PLACE: DLNR Board Room  
1151 Punchbowl Street  
Honolulu, Hawaii

Roll  
Call

The meeting of the Board of Land and Natural Resources was called to order by the Chairperson, Mr. Susumu Ono, at 9:05 A. M., with the following in attendance: -

Members

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

(Mr. Takeo Yamamoto was absent  
and excused.)

Staff

Mr. Libert Landgraf  
Mr. Roger Evans  
Mr. Robert T. Chuck  
Mr. Ralston Nagata  
Mr. James Detor  
Mr. John Corbin  
Mrs. Anne Furuuchi  
Mr. Maurice Matsuzaki  
Mrs. Joan K. Moriyama

Others

Deputy Attorney General Edwin P. Watson  
Mr. Gary Whitson (Item H-5)  
Mr. Alan Kay (Item H-3)  
Mr. Stephen Cullen (Item H-4)  
Mr. Richard Fujii (Items D-3 and D-4)  
Mr. Richard Hirata (Items F-4, 5 and 6)  
Mr. Peter Garcia

Minutes

The minutes of January 27, 1984 were unanimously approved as circulated. (Kealoha/Higashi)

Added  
Items

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

Division of Forestry & Wildlife

Item C-1 -- Filling of vacant Automotive Mechanic I Position, Island of Maui

Division of State Parks

Item E-1 -- Filling of General Laborer I, Position No. 35370, Kona Airport State Recreation Area

Administration

Item H-10 -- Filling of Clerk-Typist II, Position No. 33056, Oahu

Item H-11 -- Request for Public Hearing for use of land within Conservation District for Commercial/Subdivision/Protective Subzone use

ADDED  
ITEM C-1

FILLING OF VACANT AUTOMOTIVE MECHANIC I POSITION, ISLAND OF MAUI

Staff recommended the appointment of Mr. Manuel Duarte, a resident of Maui, to the vacant Automotive Mechanic I position. Mr. Duarte is currently working for W & W Construction Co.

ACTION Unanimously approved as submitted. (Yagi/Ing)

The board deviated from the printed agenda and took up the items in the following order:

ITEM H-5

CDUA FOR STABILIZATION OF TWO SUBMARINE PIPELINES AND EASEMENT AMENDMENT OFFSHORE OF BARBERS POINT, EWA, OAHU

This was a CDUA by Chevron USA, Inc. for the purpose of stabilizing some offshore pipes that had been moved as a result of Hurricane Iwa. The company felt that, although the pipes were moved outside of the original easement area, they would be better off if the pipes were left in place, rather than trying to move the pipes back to its original position.

A public hearing was held on this application.

The comments that have come in from the various agencies, and those expressed at the public hearing, were incorporated here; and staff recommended approval of the application subject to our standard conditions.

Mr. Ing asked Mr. Gary Whitson, the representative for the applicant, whether he had a chance to review the conditions.

Mr. Whitson said he has reviewed them and they are satisfactory to them.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-3

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

Mr. Evans said the department received a complaint on sand mining at Kaluakoi, on West Molokai. Staff from the Divisions of Land Management and Conservation and Resources Enforcement made an on-site inspection, together with the state surveyor. Mr. Evans said they had an opportunity to interview the landowner's counsel, and also reviewed a number of documents relating to sand mining in the area.

Staff did acknowledge that sand mining has occurred in the area since 1961, and it has been going on during the time frame that the alleged complaint came in. However, staff was unable to document the fact that the specific sand mining occurred inside the conservation land, rather than on the

immediately adjacent agriculture land. For this reason, staff did not have enough evidence to pursue the matter of the violation.

This matter was taken up at the last meeting on Molokai. The board requested deferral so they could have an opportunity to ascertain what the facts were in the matter. Mr. Evans said he was prepared to answer any question which the board may have.

Mr. Ono said the board had series of questions, and there was some follow-up work that the staff had to do. The questions were real significant ones, he said, and staff can't really start to respond to these questions at this point. It wasn't just a matter of submitting this application for the next meeting. He said today's board submittal is identical to the one that was submitted the last time, and that was not the intent of the board. He expected the staff to submit additional information so the board could determine whether the case should be closed or not.

Mr. Ing said that was also his understanding.

Mr. Kealoha said that was his understanding, too, that we identify the specific site. That hasn't been cleared.

ACTION Mr. Ono said he would like to have this matter deferred for further staff work. The board had no objection. Mr. Ono so ordered and the matter was deferred.

Mr. Ono instructed the staff to respond to the questions which the board members had on Molokai and evaluate them. He further directed the staff to get the information where information was lacking.

Mr. Alan Kay, representing the applicant, was present.

Mr. Ono informed Mr. Kay that no action was taken on this submittal at the Molokai meeting because the board had raised some questions at that time and referred the matter back to the staff. Based on the additional information, which was to be provided today, the board was to decide whether to close the case or to pursue it further, Mr. Ono said. He asked Mr. Kay whether he had seen the submittal which was submitted at the previous meeting.

Mr. Kay said yes. He said they did submit the metes and bounds survey of the site, so staff should have that now.

ITEM H-4      RESUBMITTAL - CDUA FOR CONSTRUCTION OF A RETAINING WALL AND FENCE AT KAHALUU, KOOLAUPOKO, OAHU

This was a resubmittal of a CDUA for a retaining wall and a fence at Kahaluu. At the last meeting, staff was prepared to recommend approval of the application. However, subsequent to preparing the board submittal, staff learned that work was started on the project. Mr. Evans, therefore, asked for deferral of this item at that time for one board meeting so staff could verify the allegation that work had already begun. It was verified that work actually commenced.

Staff recommended approval of the project based upon the analysis of the land use involved. However, since work commenced before land board

approval, staff also recommended that the applicant be assessed a fine of \$500 for the commencement prior to board approval.

Mr. Ono asked Mr. Stephen Cullen, the applicant, whether he has seen the staff's recommendation, and whether he has any reaction to Section A.

Mr. Cullen said he had no comments to make on Section A.

With respect to Recommendation B, Mr. Kealoha asked Mr. Evans how the staff came up with the maximum fine of \$500 for the violation. He asked whether the staff considered other alternatives for the fine, say somewhere between \$1 and \$500.

Mr. Evans said no. The reason for this, he said, is because staff has been consistent in coming to the board with the maximum fine of \$500 per violation. Staff felt that they would be in a more prudent position if they came up with a consistent figure each time for violation in the conservation district.

As far as finding a variable between \$1 and the maximum fine, Mr. Evans said, it is within the board's prerogative.

Mr. Kealoha recalled the situation at Mokuleia on the Episcopal Church case. He said sometimes it becomes very hazardous for the land owner if he has to wait long to go through the CDUA process. So sometimes they may not have any choice but to move on. He shouldn't be doing it, but in that process sometimes it becomes too exorbitant for those guys to pay. He said there was another case--the Ishida case at Kaneohe Bay, who lost some of his property. Mr. Kealoha thought perhaps we should suspend a portion of the fine.

Mr. Evans said in the case of Episcopal Church, it became quite evident that they lost almost half of the property in some of the area.

Mr. Ono asked Mr. Evans whether the applicant asked for an emergency approval.

Mr. Evans said no.

Mr. Stephen Cullen, the applicant, was present at the meeting. He said he built his wall in October and they had a big rain on December 25. They had so much water and mud coming down through the hill that they lost their wall.

Mr. Cullen passed around photos of the work that was done and photos showing the conditions as they were previously. He also had some slides which he passed around. He said the photos were taken after they completed the wall. The wall that was shown on the photo taken on December 25 has fallen down. They did not complete grouting the wall. With the mud and water coming down, he said, it just tore down the wall. So they rebuilt the wall last month, in February.

Mr. Cullen said because erosion is so bad, they planted ti leaves to hold up the soil. The ti leaves are approximately three feet high now, but erosion is still going on, so they are trying to put ground cover. He said there are three swales that run through the property, and there is no way they

can divert the water. They tried to put in a drainage system to go through the road, but this was disapproved by the City and County because the city felt that he was putting too much water on the road.

Mr. Ono asked Mr. Cullen what happened to his neighbor's lot. Same thing?

Mr. Cullen said yes. He said the person who sustained the most damage is the bottom house. He said he has a moat that goes around his house to divert all the water. When he first moved into that area, in the 1960's, the state proposed building a swale to handle all the water and dump it into Kahaluu river. This was never done.

Mr. Ing asked Mr. Cullen whether he had talked to the county people about this problem.

Mr. Cullen said he submitted his plans to the County Planning Department. However, they did not come up with valid reason as to how to go about with this problem.

He said the wall is up again. They built it according to the specs, and it's about 6'8". They grouted it right after they put it up, but water still runs at the edge of the wall coming through that area. What they are trying to do is to channel the water and keep the soil back because everything was running underneath the house.

Mr. Ing asked who designed the wall.

Mr. Cullen said his neighbor designed the wall. He is a draftsman. All of the plans were drawn by him.

Mr. Ing asked Mr. Cullen whether he took these plans to the county to get a building permit.

Mr. Cullen said yes, everything was submitted to the City and County.

Mr. Ing asked whether the county knew that it was in conservation land.

Mr. Cullen said the city said his property is in conservation area, so he had to come to this department first. When he found out that it was in conservation land, he submitted his application. That is why he was here before the board.

Mr. Ing said but they issued the building permit anyway.

Mr. Cullen said everything is depending on DLNR's okay.

Mr. Ing said then you don't have an existing building permit.

Mr. Cullen said no. But the wall is up, otherwise he could have lost his house, he said.

Mr. Ing asked Mr. Cullen whether he had an engineer stamp the plans.

Mr. Cullen said he did but he did not recall his name.

Mr. Kealoha asked whether the plans show the grout.

Mr. Cullen said it shows that you have to grout every other cell. He said they had just completed the wall, and they were getting ready to grout the following week. It was holiday season so they felt it would be better to leave it until January and grout it all at one time.

Mr. Ing asked Mr. Cullen whether he talked to the people in this office after he was advised by the County Building Department to come to DLNR to get a CDUA.

Mr. Cullen said no. He had someone else come to do it.

Mr. Ing further asked Mr. Cullen whether he, or someone else on his behalf, came in to explain to the department that he had a problem with the mud and the water, and that because of the winter season, there was an urgency.

Mr. Cullen said he did not.

ACTION Mr. Ing moved for approval of the submittal as recommended by the staff.

There was no second and the motion died.

Mr. Cullen said he knows that he is in violation. He said a penalty of \$500, however, is too stiff for him. It would just tear down his project. He said if there is to be a fine, he would like to see a lesser fine.

Mr. Ono asked Mr. Cullen, from the financial standpoint, if the fine is too stiff for him, what would he think of doing some kind of a community service, in lieu of the \$500 fine.

Mr. Cullen said he is currently employed by the Honolulu Fire Department, and he is also working part time to pay for his house. He said he bought his house in 1982.

Mr. Kealoha said he had some reservations on Section B of the recommendation. He said if we can somehow substitute the monetary fine for an equivalent, or any kind of services which may be arranged, it would be fine with him. He thought some kind of an arrangement like that could be worked out.

Mr. Yagi asked what kind of a community service are we talking about.

Mr. Ono said state parks and forestry require some assistance.

Mr. Ing said he would still like to see some assessment or monetary fine. Either that or administrative cost, particularly because there was no attempt made by Mr. Cullen informing the department of the reason for the urgency, or even to seek assistance from the department. If he had done so, he said, we could have advised him. Mr. Cullen was aware that approval was needed and he didn't obtain a building permit, although he went through the process of getting approval.

Mr. Kealoha said probably that would be a better arrangement for him because Mr. Cullen has two jobs, and it would be pretty difficult for him to perform community services for the state.

Mr. Cullen said all he is asking for is a lesser fine. As far as any kind of community services, he would rather not go into that.

Mr. Ing asked about time payment.

Mr. Cullen thought that would be okay.

Mr. Ing asked how much can he afford over time and still build the wall.

Mr. Cullen didn't know how much he can afford. He said he would have to check it out.

Mr. Ono said as far as the payment plan is concerned, the board can be as flexible as need be. But he said the board would need to make some kind of a decision.

Mr. Cullen said he had to pay a fine for grading when he started work. The grading permit was for \$7.00. They fined him double of the permit, or \$14.00.

Mr. Ing said he would be happy to consider \$250.00, with \$100 down, and the balance of it over a period of time, not longer than six months.

Mr. Cullen said he couldn't live with anything.

Mr. Ono informed Mr. Cullen that he should realize that there was a violation, and the board is trying to make it as easy as possible for him. He didn't think the board can just waive any portion of the penalty.

Mr. Cullen asked whether the board would have okayed the project, knowing that 75% of the project was done, if that person did not call him and he did not say that he started the project.

Mr. Ing thought probably the board would have.

Mr. Kealoha said the staff recommended approval, but Mr. Cullen started too soon.

On Mr. Cullen's hypothetical question, Mr. Ono said, even if he had gone ahead, and we found out later that he had built the wall without board approval, consequence might have been to tear it down. Moneywise he would have been really hit hard if that happened, Mr. Ono said.

Mr. Ing informed Mr. Cullen that he should understand the procedure. One of the requirements that we put in there is that he submit his building plans for review and approval by this department, primarily because we want to see what he is doing in the conservation district. He said we look at things like the size of the wall, whether you are doing any grading, etc. He said that is the responsibility of this board.

Mr. Cullen said he will accept the fine. He said he didn't mean to be an informer but there is construction going on there. There are owners there who are trying to upgrade their properties.

Mr. Ing said all of that may not be in conservation district.

Mr. Cullen said even though he came in late and he started work on the property, he tried to comply with the law. He said the first letter that the department sent to him, it was his understanding that there would be no

problem. However, looking at the wall problem, he felt that there was a great need that he start the project. He admitted that he did not know that he would have to go through the process of notifying the department. He said that was bad on his part.

ACTION Mr. Ing moved for approval of the submittal, with an amendment that the fine be reduced to \$250.00, \$100 of which is to be paid within thirty days of today's date, the balance of which is to be paid over a period of six months. Mr. Higashi seconded the motion.

Mr. Ono said he wanted the record to reflect (so this doesn't become precedence setting) that the basis for the adjustment is because there was an element of an emergency nature, that there was a danger to this property. Unfortunately it wasn't brought to the staff's attention and acknowledged. At least it has come out now so there is some basis of adjusting the fine.

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

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 3-9W-47, IMPROVEMENT TO KUALAPUU RESERVOIR, MOLOKAI IRRIGATION PROJECT, MOLOKAI

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Ing, unanimously approved the awarding of the subject contract to Friendly Isle Contracting and Equipment, Inc. for their low bid of \$41,949.00.

ITEM D-2 UPDATING RAINFALL DATAFILE

Mr. Kealoha asked what is the time frame.

Mr. Chuck said six months.

ACTION Unanimously approved as submitted. (Yagi/Ing)

Mr. Ono said when the consultant finishes it and if there are any significant findings to let the board know.

ITEM D-3 HONOLULU BOARD OF WATER SUPPLY WATER WITHDRAWAL AND USE PERMIT APPLICATION FOR THE WAHIAWA WELL, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU

This concerned the board's control of the Pearl Harbor Ground Water Control Area under our ground water use control act. Due to the pesticide situation that has come up in Central Oahu, the Honolulu Board of Water Supply is now asking for approval to use a well which has been unused up to today in the Wahiawa area.

Mr. Ing asked whether we are going to issue a permit for this other well.

Mr. Chuck said yes, they will issue a permit under conditions as a backup for this other well.

Mr. Ing asked how that fits in because that is in the Pearl Harbor Ground Water Control District.

Mr. Chuck said it is under the condition that they cut back on the existing uses of wells which they have at Mililani Wells. Staff is monitoring that, and that would be in this permit.



Mr. Ing said when we do that administratively, do we pull back the permit on the other well?

Mr. Chuck said by this action, they will be modifying the other permit. Another way would be to issue a modified permit on the other wells that they have these restrictions on them now.

Mr. Ing said so in total figures the bottom line would come out the same.

Mr. Chuck said it would be the same, 225 mgd, no more, and 77 mgd for Board of Water Supply.

Mr. Kealoha asked when we do this, what happens to that well that you're going to close?

Mr. Chuck said it lies there not being used.

Mr. Kealoha asked why don't they just cancel the permit, rather than to modify that permit.

Mr. Chuck said the pumps, etc., are in the Mililani wells, and they are going through this period of trying to clean up--purge--the pesticides. If they are successful in purging the pesticides from those wells, Mr. Chuck said, he was sure that they would want to use those wells. They will only be able to use those wells if they don't use this Wahiawa well, and they can monitor that, and the permits will so state. So instead of closing the Mililani wells, there is an option that they might be used in the future if they are able to take the pesticide out by this aeration cooling tower process.

Mr. Ono said the question was why not issue this "new permit" and cancel the other ones, not keeping it alive. If you are going to reactivate the Mililani well, come back to the board and then issue a new permit and cancel some other permit.

Mr. Chuck said the action could be to cancel the others, rather than restricting the flow of the pumping from the others.

Mr. Ing said he would prefer that.

Mr. Ono asked Mr. Richard Fujii of the Board of Water Supply whether there is any problem, from the Board of Water Supply's standpoint, on that approach.

Mr. Fujii said if they could be allowed to maintain that well, and they could notify us when they do operate, they'll keep the 77 mgd in mind.

Mr. Ing said in other words, they want to test the down well and maintain it, move the pump to keep it circulated.

Mr. Fujii said yes, and keep all the equipment operational.

Mr. Ono said there is going to be very restrictive conditions attached to that.

Mr. Ing said as he understood it, this other well is going to be used as a backup source, so they're going to put their other backup on line.

Mr. Fujii said yes, if they pump from Wahiawa, they won't pump from Mililani. If they pump from Mililani they won't pump from Wahiawa.

Mr. Ing said he doesn't understand. He said they are requesting the Wahiawa well as a backup. It's a backup for what, he asked?

Mr. Fujii said it's a backup for Mililani.

Mr. Ing said but what we are saying is you put the Wahiawa one on line and take the Mililani one out. You only run that just to maintain it.

Mr. Fujii said the Wahiawa well, the one that is proposed, is a little higher in elevation. So if possible, they would like to use that as a standby, if they can get Mililani cleared of all the pesticides.

Mr. Ono said it's conceivable that the Wahiawa well may not be used at all.

Mr. Fujii said they'll use it so that either equipment will be working, and when they do that they'll cut back on Wahiawa. However, they'll make sure that their 77 mgd limit is not exceeded.

Mr. Ono said maybe the word "stand-by" is creating the problem. But when Mr. Fujii explained it, it looks like they're going to be using two wells alternately, and not simultaneously. So it's really not a stand-by kind of a situation.

Mr. Fujii said but they have to work the well if equipment is on the line.

Mr. Ing asked whether there is an existing permit on the Wahiawa well today.

Mr. Chuck said no.

Mr. Ing said they want to combine the Mililani one with the Wahiawa one.

Mr. Chuck added, "and use it as an alternate supply."

Mr. Ono said so the Wahiawa source will be providing water to Mililani.

Mr. Chuck said yes. They would like to use it to supply water to Mililani, especially right now because it doesn't have pesticides in it. He said they would have conditions on those well permits on each side, and they'll have cross reference on the permits.

Mr. Kealoha asked how do you make this modification on the existing permit for this so-called back-up.

Mr. Chuck said the Mililani wells have numbers. He said they will prepare a letter for the chairman's signature to the Board of Water Supply saying those Mililani wells have these conditions on them now. The record will show that under the permit for those Mililani wells, there are restrictions on its use. Secondly, the Wahiawa wells will get the chairman's letter stating that you can now use the Wahiawa wells, but on these conditions, which between the two of them, you don't pump more than a certain amount, and we will monitor you.

Mr. Kealoha asked how about the consumer rate.

Mr. Fujii said it is going to be the same. There is no change, unless the total Oahu rates change.

**ACTION**

Mr. Ing moved for approval of the submittal with the amendment in line with the above discussion that the existing Mililani Well, the permit should be modified so that from the combined wells the maximum withdrawal is no greater than 3.0 mgd.

Mr. Ono said when we talk about the Mililani wells, what wells are we talking about.

Mr. Chuck said we are talking about series of wells.

Mr. Ono said we should be specific.

Mr. Kealoha asked how many wells do we have.

Mr. Chuck said five approved wells.

Mr. Fujii said they have another pump in the ground, but that does not have a permit.

Mr. Chuck said five from Mililani and one up at Wahiawa. He said we have six, seven and eight that have been dugged. Six has a pump in it, but it's not approved for use. Seven and eight have no pumps in them, he said.

Mr. Higashi said the exact amount is not 3.0, but three point something.

Mr. Chuck said it is 3.65. He said he will look up in the record what we have approved for 1, 2, 3, 4 and 5. This Wahiawa one is being approved for 3, and they are there to be used alternately, such that the 77 mgd is not exceeded.

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

**HONOLULU BOARD OF WATER SUPPLY WATER WITHDRAWAL AND USE PERMIT APPLICATION FOR THE KAPIOLANI CAPROCK WELLS, HONOLULU GROUND WATER CONTROL AREA, OAHU**

**ITEM D-4**

This was a request by the Board of Water Supply to withdraw caprock water for the Kapiolani Park which this department has been for the use of the lower quality water to irrigate the grass in the park area. So the Board of Water Supply, in their conservation effort, is asking for approval for the issuance of a permit for the Kapiolani caprock wells (State Well Nos. 1649-13, 1649-14 and 1649-15), for a total withdrawal of 1.0 mgd for irrigation use.

Staff recommended approval of these brackish water use for irrigation use to come from within this sustainable yield of 55.00 mgd.

Mr. Richard Fujii of the Board of Water Supply said basically they would be drilling the holes, testing the water and asking the City and County Parks Department to utilize that water, however way that they can use the water, and any insufficiency will be supplementing with their potable water.

Mr. Chuck said they throw the freshwater sources which they have on now every once in a while to reduce the amount of chlorine content.

Mr. Ing asked whether they are going to mix it.

Mr. Chuck said one way is to mix it, but another way is to drill these brackish water wells and irrigate it. If it's too salty, they will turn on the freshwater sprinklers. That would wash down some of the salt in the water.

Mr. Ing said he was a little bit unclear because they said they're going to drill the well. He thought these are referred to as existing wells.

Mr. Fujii said these are three new holes, where the former archery range used to be. This is the area that they are proposing to drill three holes in the ground, 35 feet deep. The three wells are going to be in the same proximity, he said.

Mr. Ing thought procedurally we have them go through a test first when they drill for exploration, and then come in for the well permits after they find the data for the well certification. He said this sounds like this is for development.

Mr. Chuck said this particular submittal does allow that. After they have drilled the well, they have the permission from this action to withdraw it. In this case, they are not looking for freshwater so he thought it is all right to have this board act on this, whatever quality they get. Then they know that they have the approval to use these wells and go ahead. He said if they spend the money to put the exploration wells without the assurance that they are going to be able to use it, they are not as well off security-wise for spending that money.

Mr. Ing said but this is usually how we do it.

Mr. Chuck said if they are looking for potable water it comes that way. He said Makakilo would be that way because we are not sure it's going to be potable.

- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ADDED  
ITEM E-1 FILLING OF GENERAL LABORER I, POSITION NO. 35370, KONA AIRPORT STATE RECREATION AREA
- ACTION The board, on Mr. Higashi's motion and seconded by Mr. Yagi, unanimously approved the appointment of James D. Kalili, Jr. to Position No. 35370, General Laborer I.
- ITEM F-4 RESUBMITTAL - HHA APPLICATION TO PURCHASE PORTION OF LOT 622, WAIAKEA HOMESTEADS, SOUTH HILO, HAWAII
- ITEM F-5 RESUBMITTAL - HHA APPLICATION TO PURCHASE LAND AT PIHONUA, SOUTH HILO, HAWAII
- ITEM F-6 RESUBMITTAL - HHA APPLICATION TO PURCHASE LAND (TMK 2-4-01:158) WAIAKEA, SOUTH HILO, HAWAII

Items F-4, F-5 and F-6 were Hawaii Housing Authority's (HHA) requests.

Mr. Detor said HHA has asked that only Item F-4 be taken up today and Items F-5 and F-6 be deferred at this time.

Item F-4 was a request for the purchase of approximately ten acres of land in Hilo. On November 18, 1983, the board gave HHA a right of entry to the parcel for purposes of conducting topography design and engineering studies. According to HHA, these studies (which are nearly complete) favor a fee simple, family-housing development on the site. They propose a sale price, fee simple homes, in the neighborhood of \$69,900 a unit. HHA wants to buy the land for \$20,000 an acre, with \$10,000 deferred, similar to another transaction we had in the Hilo area.

Mr. Higashi had a question on the price. He asked whether the prices are from \$69,900 to \$70,000 plus.

Mr. Richard Hirata of HHA said it's roughly \$74,000, and the reason for this is that they are now contemplating three models.

Mr. Higashi wanted the record to show that so when those houses come up on the market, it's being complied with what is being represented to the board today by HHA. Right now, he said, it's been represented at \$69,900.

Mr. Detor said that is the figure that HHA gave us.

Mr. Higashi said he understands that the commission has approved something other than \$69,900.

Mr. Hirata stated for the record that the prices are \$69,900, \$72,500 and \$75,000 for the three models. These houses only reflect on Item F-4.

ACTION (Item F-4) Mr. Higashi moved for approval of Item F-4, Mr. Kealoha seconded, and the motion was unanimously carried.

Mr. Detor asked whether the board would like to defer Items F-5 and F-6 as requested by HHA.

Mr. Higashi said unless they want a right of entry on one. He said the disposition can come later.

Mr. Hirata said they would like to get a right of entry. He said what they have decided is basically to get a right of entry from the land board, and they will do a feasibility study. Once they feel it is feasible, then they can come back and acquire the property.

Mr. Detor said the board gave HHA a right of entry last year on Item F-5. They don't have a right of entry for Item F-6.

ACTION (Item F-5) Mr. Ono said we can defer Item F-5 because HHA already has a right of entry. The board had no objection to defer.

Mr. Ono said this board can consider a right of entry without the disposition action on Item F-6.

ACTION (Item F-6) Mr. Higashi moved to grant a right of entry, under Item F-6, to HHA for the purposes of doing studies, topo, and cost analysis for the project. Mr. Yagi seconded and the motion was unanimously carried.

Mr. Ono said Mr. Paul Tom of HHA contacted him because some exchanges are contemplated. We will be crediting these transactions so that eventually when the values become relatively equal to the amount that we are going to exchange, then we will firm those figures out, Mr. Ono said.

Mr. Hirata said they will be writing to the chairman how to structure that.

ITEM F-1     DOCUMENTS FOR CONSIDERATION

HAWAII

Item F-1-a     MORTGAGE

RAYMOND H. SAVELLA and JUNE M. SAVELLA, mortgagor, to STATE OF HAWAII, by its Department of Agriculture, mortgagee - Lot 10, Panaewa Agricultural Park, Waiakea, South Hilo - GL No. S-4757

OAHU

Item F-1-b     ASSIGNMENT OF LEASE

VIRGINIA M. HILLIS, unmarried, assignor of undivided 1/2 interest in GL No. S-4298, to ROBERT W. YUKITOMO, as Trustee for the Estate of Donald R. Hillis - Lot 20, Waimanalo Agricultural Subdivision, Waimanalo, Koolaupoko (GL No. S-4298)

Mr. Detor asked to make one correction in the REMARKS column. He said the Divorce and Awarding Child Custody Agreement was entered on April 1, 1983, not 1984.

MAUI

Item F-1-c     ASSIGNMENT

ABRAHAM AKIONA, assignor, to EDWARD WENDT, whose wife is Theresa M. Wendt, assignee - Lot 9-A of the Wailua Homesteads, Hana (GL No. S-4345)

HAWAII

Item F-1-d     MORTGAGE

CURTIS Y. NAKAOKA, unmarried, mortgagor, to STATE OF HAWAII, by its DEPARTMENT OF AGRICULTURE, mortgagee - Lot 24, Keahole Agricultural Park, Phase II, Keahole, North Kona - GL No. S-4837

Item F-1-e     LAND PATENT

To be issued in confirmation of Land Commission Award No. 9697, Apana 2 to NAUKI by application of KAMEHAMEHA INVESTMENT CORPORATION - makai portion of Keauhou 1st, N. Kona, being a portion of TMK 7-8-10:50, containing 3.90 acres according to tax map records (Note: Award description shows 3.70 acres.)

KAUAI

Item F-1-f     ASSIGNMENT

MURL TELFER NIELSEN and CAROLL MARIE NIELSEN, husband and wife, as tenants by the entirety, to MURL TELFER NIELSEN, as his separate property, Lot 3-B, Hanapepe Town Lots, First Series (SSA No. S-5557)

Mr. Detor said Item F-11 on today's agenda ties in with this item, so if this item is approved he said he would like to take up Item F-11 at the same time. Mr. Nielsen is asking for an extension of time to satisfy the building requirement.

**ACTION**     Mr. Higashi moved for approval of Item F-1 as submitted. Mr. Kealoha seconded, and the motion was unanimously carried.

ITEM F-11 MURL NIELSEN REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 3-B, HANAPEPE TOWN LOTS, 1ST SERIES, HANAPEPE, KAUAI

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-2 DAGS REQUEST FOR RIGHT OF ENTRY FOR AERIAL TOPOGRAPHIC MAPPING OF MAUNA KEA ACCESS ROAD, KAOHE, HAMAKUA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-3 U. S. POSTAL SERVICE REQUEST FOR CONSTRUCTION RIGHT OF ENTRY, MANOWAIOPAE HOMESTEADS, NORTH HILO, HAWAII

There was a typographical error on the first line of the board submittal. Mr. Detor asked that it correctly read 1983.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

(See pages 12 to 14 for Items F-4, 5 and 6.)

ITEM F-7 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (3/11/83, AGENDA ITEM F-6) AUTHORIZING CONVEYANCE OF LAND TO THE COUNTY OF MAUI FOR ROAD WIDENING PURPOSES, WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-8 COUNTY OF MAUI REQUEST FOR CONVEYANCE OF KEANAE ROAD, KEANAE HOMESTEADS, 1ST SERIES, KOOLAU, HANA, MAUI

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-9 STAFF RECOMMENDATION FOR CORRECTION OF LANGUAGE CONTAINED IN MAUNALAHA LEASES, OAHU

This was a request for approval to make some language changes in the thirty leases that were issued in connection with the Maunalaha project. The board approved issuing these leases, and that was done. Now the attorneys want to change the word "affirmed" (which is in the lease) to correctly read "affined." Mr. Detor said he was informed that it is necessary that this be done.

Mr. Detor said he initially thought that they can just make the change on the existing leases with board approval, and then initial the documents, rather than going through this. But since these leases were recorded (as required by the act that approved the issuance of these leases), it is necessary that they go through this procedure and actually issue new documents changing the word.

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

ITEM F-10 SOLOMON HOLI REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 2-A, HANAPEPE TOWN LOTS, 1ST SERIES, HANAPEPE, KAUAI

Mr. Detor asked to make one correction to the submittal under the recommendation on the compliance bond. At the last meeting on Molokai, a similar situation

came up where it was a final extension and changed the \$500 figure to \$5,000. Mr. Detor asked to do the same here. Change that \$500 compliance bond figure to \$5,000.

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

(See page 15 for Item F-11.)

ITEM F-12 STAFF RECOMMENDATION FOR DELETION OF ACCOUNTS FROM RECEIVABLE RECORDS

This was a request for cancellation of uncollectible accounts, and that they be deleted from accounts receivable records, and so recommend to the attorney general. This is a procedure that is required in the law, that the list of uncollectible accounts (which was attached to the board submittal) be deleted from the DLNR list of accounts receivable and placed in a special record. Mr. Detor said the law goes on further to say that they will be held in the special record, and if later on they become collectible, they are then transferred back to the accounts receivable section.

Mr. Detor suggested one change in the list for the Island of Maui because there was a mistake made in the listing. For R. P. No. A-4955 to mati's Originals, Inc., under REMARKS, it says, "Refer to collection agency." He said there is only \$20 involved. Staff would like to delete it because it is uneconomical to collect.

Mr. Detor said the grand total of this comes to some \$17,147.39.

Mr. Ono asked, "for what number of years?"

Mr. Detor said the earliest one is since 1962. That is the one on Kauai, G. L. No. S-3647 to George Alves, in the amount of \$260.00.

Mr. Detor said he'll be coming to the board with the Hawaii list. They are not ready yet. He said there are couple of big ones on the Island of Hawaii. One is the James Kealoha lease. The other is the Hawaii Biogenics lease. They are still tied up in the courts so they have not been finalized, Mr. Detor said.

Mr. Kealoha, in referring to the permits, asked whether these permits have been turned over to someone else.

Mr. Detor said no. These permits were carried on the books all this time, but we have been unable to collect. So they would like to take them off from accounts receivable.

Mr. Kealoha asked who is occupying the area. He pointed out as an example, Permit No. S-4057 to David Malo Memorial Church.

Mr. Detor didn't think anybody is there at the present time. The lot is vacant.

Mr. Kealoha asked whether we can put it back the next time we issue the permit, or when we put it up for sale.

Mr. Detor said yes, we can do that.



Mr. Kealoha asked why staff did not do that before coming to the board for write-off.

Mr. Detor said this is just to get them off the books. He said as far as the land goes, it can be put up again, or in some cases, they have been.

Mr. Kealoha said what he is saying is, lots of these accounts are collectible.

Mr. Detor said that is why we are putting them in a special account. It isn't completely wiped off. It's taken off the books, but it's put in a special account, and if it becomes collectible, then it goes back in.

Mr. Higashi said what Mr. Kealoha is saying is that can we collect the money from the next person.

Mr. Detor didn't think we can do that, not on the permits.

Mr. Higashi said if it is an assignable lease, then the person who picks up the assignment can be forced to pay off the delinquent account.

Mr. Watson said you can on an assignment. You can do that for leases, but these are permits. He said what staff is trying to do is to get them off the active account so they can be put in abeyance. If these guys ever apply again for a lease or a permit, we could check this list and go after them, he said.

Mr. Ono said that is what we should do. Check them now. They may have already come in for some other state properties. He asked the staff to automatically check this list.

ACTION Unanimously approved as submitted. (Kealoha/Yagi)

ITEM F-13 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING ROOMS 210 AND 211 OF THE DUCO'S BUILDING, WAILUKU, MAUI

ACTION Unanimously approved as submitted. (Yagi/Higashi)

ITEM F-14 DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING LOFT SPACE #5 OF THE ASHIKAWA BUILDING, KEALAKEKUA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

Mr. Higashi said he still has the same concern about this building; whether they are in compliance with the statutes about architectural barriers. He said there is a statute saying that the facilities should be free of architectural barrier, and the landlord should be made aware of it. We should give them ample notice. He said three-fourths of the space in that building is government operations.

Mr. Detor thought the staff has already contacted these people. He said he will check it out.

ITEM F-15 DOT REQUEST FOR ACQUISITION OF LEASE COVERING BASEYARD SITE ON LANAI

ACTION Unanimously approved as submitted. (Yagi/Kealoha)

JAMES EGAN REQUEST FOR RIGHT OF ENTRY TO REMOVE WORLD WAR II  
AIRCRAFT FROM THE HAUULA FOREST RESERVE, OAHU

This was a request for right of entry to the Hauula Forest Reserve to remove a World War II aircraft. Mr. James Egan has already received clearance from the Federal Government for removal of the aircraft.

Mr. Detor said they checked with our various divisions involved, as to whether they had any comments on the proposal. He said he received a memo from the Division of State Parks yesterday expressing concerns. Mr. Detor thought he could handle these concerns under the condition that they have to give us ten days' notice prior to actually going in to do the removal; and secondly, we reserve the right to impose additional terms and conditions. The State Parks' concern is that if Mr. Egan is going to come along the trail from the falls, that the people may be inconvenienced. So he thought they can take care that "other terms and conditions."

Mr. Higashi asked whether we checked out that he has the rights to this aircraft.

Mr. Detor said yes. He has the Federal Government's okay.

Mr. Ono asked whether the staff has seen the documents.

Mr. Detor thought he sent us a copy and he verified it, but he wasn't sure.

Mr. Higashi said it is not mentioned in the submittal.

Mr. Ono said staff can say that they got clearance from the Federal Government, but the board has not seen the document.

Mr. Higashi said clearance or rights. He didn't know what is appropriate, but staff should check it out.

Mr. Detor thought they have it. If not, he said, he'll get it.

Mr. Ono asked whether the helicopter is going to require an area to be cleared.

Mr. Detor thought it's going to require some clearance. He said in the third paragraph we have comments from the Division of Forestry & Wildlife, saying that they have no objections. However, if any serious cutting of trees, or earth movement is to be done, this office should be contacted immediately, and all operations halted until an inspection can be conducted. If this is approved prior to anything taking place, Mr. Detor said, we will be meeting with Mr. Egan and get all of these information on hand.

Mr. Ono said if clearance requirement is substantial, he is going to need a CDUA.

It was Mr. Detor's understanding that there's not too much involved in it.

Mr. Detor said he didn't know whether the helicopter is going to land, or just hook up the aircraft and lift it out.

Mr. Ono asked, about the administrative cost. He said staff would have to be up there monitoring, etc., for this guy's hobby. He couldn't see why the state should pick up the tab.

Mr. Detor said we are requiring a \$1,000 deposit to assure proper restoration. However, we can amend the submittal to include the administrative cost.

Mr. Kealoha said this matter cannot be taken up lightly because, as the chairman indicated, we should know the scope of the work. Maybe it might require a CDUA.

Mr. Higashi thought perhaps we can approve this and delegate to the chairman, or his designee, to determine whether a CDUA will be required, and if needed, disapprove it.

ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Higashi, unanimously approved the request as amended to include the administrative cost and delegate to the chairman to determine whether a CDUA is required.

ITEM F-17 HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL REQUEST FOR COMMITMENT ON LEASE OF STATE LAND AT WAIAKEA, SOUTH HILO, HAWAII (SUBMITTAL WAS DISTRIBUTED AT BOARD MEETING)

This was a request from the Hawaii County Economic Opportunity Council for a right of entry to explore state land at Waiakea. They have asked for a commitment to lease land there for the purpose of commercial guinea grass harvesting operation. They said they need this in order to qualify for Federal funds. If they don't get the Federal funds, the whole deal would be off. What they have in mind is to dry the grass and convert it to hay and ship it to Japan.

Mr. Detor said apparently there is a good market for hay there, in connection with their raising their own feed cattle there.

This particular area was the 1,000 acres that were under lease to Puna Sugar for sugar cane purposes. Puna Sugar surrendered this particular lease when they went out of business, and subsequently, the board gave Division of Forestry a right of entry to do some tree planting. It was Mr. Detor's understanding that some 200 acres have already been planted.

The board's action on the CDUA, because this is zoned conservation, was that this would be used for sugar cane purposes, and tree planting was grandfathered because it had already been going on in there. So if this does go into hay production, Mr. Detor said, apparently a CDUA will be required.

Mr. Detor said the best that we can give them at the present time is a right of entry to conduct a feasibility study. If it is determined that it is feasible to raise to raise guinea grass there, then they would need to come in with a CDUA. Mr. Detor didn't know if this is really going to take care the Federal money commitment, but this is the best that the staff can do.

Mr. Higashi said what they need is a letter from this department saying that if they do get the grant, and if it is feasible, then the state would work with them in providing them with the land. Mr. Higashi said they are working with other landowners.

Mr. Detor said it was his understanding that there is a March 15 deadline for submission of the application to the Federal Government. Apparently, they just got word of this within the last week or ten days. That is why there is such a rush on this.

Mr. Higashi said this project looks much better because there is an agreement between a rancher on the Big Island and a large Japanese department store. They will be sending beef from the Big Island, by air, to Japan. This project is now looked at as "piggy back" sending the hay to Japan.

Mr. Ono had a question on the need for a CDUA. He said we don't have to resolve it now, but he would like to have this researched because the use was for ag purposes, and it is still going to be the same use. The crop would be different, but it's still ag.

Mr. Evans said if a CDUA was approved for a specific use, and the same use is going to occur, then there won't be a requirement for a CDUA.

Mr. Watson said it depends whether you used the word "ag" purposes, or you used "sugar cane."

Mr. Detor said that is the problem. It said sugar cane.

Mr. Watson said then it was for a specific purpose.

Mr. Evans said they can probably work it as an amendment if it were needed rather than submitting a new CDUA.

Mr. Ing said there is another aspect--whether it is an expanded use, different type of use. He said in a case where we had an easement in a conservation district where we expanded the easement. It was for a higher use requirement of a CDUA. He said he necessarily doesn't agree with that but we had followed that up with a CDUA in the past.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM H-1 AMENDMENT TO CDUA FOR THE TRANSFER STATION AT THE KEALAKEHE RUBBISH DUMP SITE AT KEALAKEHE, NORTH KONA, HAWAII

This was an amendment to a previously-approved CDUA. Sometime ago the staff came before the board and asked for approval for the Big Island transfer station at North Kona. This occurred about mid-1983. Subsequent to that, the applicant has indicated that one of the services of the solid waste transfer stations is for abandoned cars. However, that specific service was not placed into the original CDUA, insofar as what it entailed. Mr. Evans said there is a county requirement that you must tag car twenty-four hours in advance, and then you must store a car for twenty days before you can actually grind it up, or put it up in a transfer station.

The county is asking the board to consider taking a portion of the existing solid waste transfer site for use as a storage site, prior to the actual procedures in scrapping the cars.

Staff said this is a reasonable use in conjunction with the solid waste dump site and recommended approval.

Mr. Ono asked who is going to monitor the area for storing the abandoned vehicles. He said it's not the easiest thing to control, especially in the conservation land.

Mr. Evans said it was his understanding that monitoring will be done by the county. As a part of the monitoring, or security procedures, they do initially propose to put up a chain link fence around this area.

Mr. Ono said if we find that the area is getting too unsightly, would we be able to do anything, force the county to tidy up the place, through the CDUA process?

Mr. Evans said we could add a condition requiring a periodic review by the department to determine whether aesthetic conditions are compatible or not.

Mr. Kealoha asked what part of the area is going to be for the abandoned cars.

Mr. Evans said the proposed abandoned site would be about .8 acre of the total three acres.

Mr. Kealoha said if it's a visual nuisance, then there should be a second chain link fence with a material woven through a chain link fence so you cannot see through.

Mr. Evans said we can require them to landscape around the chain link fence.

Mr. Higashi asked whether they are going to put old abandoned cars, or the real junk cars, or cars that are still mobile.

Mr. Evans said their understanding is that there is no requirement that it be old abandoned junk cars. He said there is a process that you have to go through. A person leaves a car on the street, and after it's there for a 24-hour period, you tow it to this place. Before it can be officially abandoned and subject to dump, it has to be stored some place for twenty days. The reason for that is so that the county has every opportunity to try to find the owner. So it could be a new car.

Mr. Kealoha said it's going to be stored within that area, then they strip the car and take it to the dump. Is it going to be in the same area, he asked?

Mr. Evans said right there in the same area.

Mr. Kealoha said then they stack them up until it is ready to be smashed or whatever.

Mr. Evans didn't know that. He said they did not represent to him whether they are going to stack them up.

Mr. Kealoha said that's the way they're going to do it. In most cases, the stack eventually is higher than the fence, and that's when it is unsightly. So, he said, he doesn't know what the requirement for the height of the fence is going to be.

Mr. Evans said, as the chairman suggested, a general condition such as it could be reviewed as to its aesthetics in relation to the conservation district maybe our best out.

Mr. Higashi asked Mr. Detor whether they have applied for another area for a master rubbish dump.

Mr. Deter said yes, at Puuwaawaa.

Mr. Higashi said he would like to add a condition that if and when we award them another site for their rubbish dump, to cease this activity in this area and that only transfer station be allowed. Otherwise, he said, they are going to have two rubbish dumps. At the time they terminate this lease, that they restore it to the satisfaction of the board. He said at that time we can determine whether they have to move the old cars or give them a certain amount of time to have them all compacted, etc. He said that should give us some latitude as to what we want them to do, not just abandon and then move out.

Mr. Evans said this would also help the staff if complaints come in from the public.

Mr. Higashi said he would also like to add landscaping and fencing provisions.

Mr. Watson said aesthetic condition requirement is normally in the lease document, especially for the rubbish dump site purposes, satisfactory to the chairman of the board.

ACTION Mr. Higashi moved to approve Item H-1 with the amendments as discussed above. Mr. Kealoha seconded, and the motion was unanimously carried.

ITEM H-2 CDUA FOR TEN UTILITY EASEMENTS AND REPLACEMENT OF DROP WIRES WITH CABLE AT PUAKO BAY, SOUTH KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

(See pages 2 and 3 for Item H-3, pages 3 to 8 for Item H-4 and page 2 for Item H-5.)

ITEM H-6 REQUEST FOR TIME EXTENSION FOR A PREVIOUSLY-APPROVED CDUA FOR EXTENSION AND LANDSCAPING TO THE EXISTING SINGLE-FAMILY RESIDENCE AT TANTALUS, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-7 CDUA FOR EXPLORATION WELL DRILLING AND SUBDIVISION OF THE WELL SITE AND ACCESS ROAD AT KAPAKAHI GULCH, WAIALAE-NUI, OAHU

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-8 OUT-OF-STATE TRAVEL REQUEST TO ATTEND THE FIFTEENTH ANNUAL MEETING OF THE WORLD MARICULTURE SOCIETY IN VANCOUVER, BRITISH COLUMBIA, CANADA

This was a request for two staff members, Mr. John S. Corbin and Mr. Kendrick Lee, Economist/Analyst, to travel to the World Mariculture Society meeting in Vancouver. The World Mariculture Society is the principal aquaculture organization in the United States, and many of the national aquaculture community would be present there.

Mr. Corbin said it's a good opportunity for them to go there and gather and exchange information with these people. He said staff will pay the round-trip air fare to Vancouver. They asked for per diem and expense support in the amount of \$785.00.

Mr. Ing asked what do they expect to get out from this conference.

Mr. Corbin said it would vary. This is an annual meeting so every year they get updated on the state of the art and technology. He said if past history repeats, they should make anywhere between three and five contacts that they would follow up with packages and information about Hawaii's potential developments and projects. They may visit the state and check it out that thoroughly. That has happened fairly consistently in the past. They would also have an opportunity to follow up with projects that are still circling around Hawaii. So technical information, promotion, some side benefits of lobbying or engendering support for national legislation, that sort of thing.

Mr. Ono informed the board members that state policy is to have no more than one person attend one conference. He said he let this one go through more for discussion purposes. He said the state administration is still keeping a very tight lid on all out-of-state travels because of the budget situation. He said this is why departmentally we modified the travel arrangement, especially for professional annual meetings. If the employee wants to participate, we could provide administrative leave and cover per diem. It would be kind of a contributory plan. But to have two people go to any one conference, especially at this tight budget period, Mr. Ono said, he would not recommend it. If times are little better, he said, we may be able to get an exception to the state policy of one person to one conference. Mr. Ono said all of the state departments have cut back severely on all out-of-state travels.

ACTION Mr. Ing moved for approval as submitted. Mr. Kealoha seconded.

Mr. Yagi asked whether staff ever prepared out-of-state travel reports, and if so, to whom do they submit the report.

Mr. Ono said we can make the reports available to the board members.

On the call of the question, Mr. Ono and Mr. Yagi voted no, so the motion died.

Mr. Ing moved to approve one member to attend the conference. Mr. Higashi seconded.

Mr. Ono said this is with the understanding that the state will pick up the per diem cost and the registration expenses.

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

ITEM H-9 FILLING OF POSITION NO. 10869, ACCOUNTANT V, ADMINISTRATIVE SERVICES OFFICE, OAHU

ACTION The board, on Mr. Higashi's motion and seconded by Mr. Kealoha, unanimously approved the appointment of Alvin A. Tamashiro to Position No. 10869, Accountant V.

ADDED  
ITEM H-10 FILLING OF CLERK-TYPIST II, POSITION NO. 33056, OAHU

ACTION The board, on Mr. Yagi's motion and seconded by Mr. Higashi, unanimously approved the appointment of Ms. Mary Nesbitt as Clerk-Typist II.

Mr. Higashi had a question on CDUA HA-1646 (U.H.). He asked whether this is subject to our approval of our last meeting.

Mr. Evans said it's a new telescope that is coming in.

Mr. Kealoha asked whether we have a policy on Mauna Kea.

Mr. Evans recalled that there was a discussion of thirteen telescopes, but there is also a statement in the plan that it goes to a larger number than thirteen, which is one of the reasons when the last application was approved, we wanted to say to the University that we still have this Section C to finalize lots of stuff. That is still in the process, he said.

Mr. Higashi asked whether that has anything to do with the approval of the road, powerline and unresolved issues that we have.

Mr. Evans said no. If it is, then he'll come back to the board.

Mr. Higashi asked whether a public hearing is required for HA-1659 (for reconsolidation/resubdivision).

Mr. Evans said it has been the board's policy for the last five years that we have had a public hearing on every subdivision request.

Mr. Higashi said only in the ag use, but no change in use.

Mr. Evans said we had one. We had a public hearing last night on the Tantalus application. It was for reconfiguration of a lot. He also recalled one instance where we didn't have a public hearing. That was over on Hawaii where the county had a public hearing on the subdivision and incorporated the conservation district issue. Because of this, the board did not hold a public hearing.

Mr. Higashi asked Mr. Evans to check the record where we had a request from Mauna Kea Sugar for consolidation/resubdivision, with no change in the use of the land. To expedite things, the board took a policy that we need not have to have a public hearing. He said it could be different from last night's case.

Mr. Evans said we have until July 24, 1984 on this application (HA-1659), so this can be deleted from the list and staff can check it out as it relates to Mauna Kea Sugar.

Mr. Higashi didn't think that was necessary. The board can go ahead and approve this.

Mr. Higashi asked whether the use terminates when you reconsolidate and resubdivide. If so, does the applicant know about this?

Mr. Evans said yes, and the applicant knows that. That has been the staff's position where you have a nonconforming use, and that nonconforming use is because of one of two things: (1) you have a use that was going on when the law came in; (2) or your lot was under ten acres. In both cases, he said,



the law came in; (2) or you lot was under ten acres. In both cases, he said, the law says "as of 1957 and as of 1964." So if a guy comes in and changes a use on a parcel, that becomes effective as of today. No nonconforming use provision would apply.

Mr. Higashi said you have to be very careful when you write to the attorney. They are saying that if there is, you have to let us know. He may put the burden on the staff.

Mr. Evans said this position has been argued by them. Staff, however, is not in agreement. However, that is okay because it eventually is going to come to the board. He said staff is very concerned about some representations that were made in their letter to us. All of these will be addressed as part of the analysis.

Mr. Ono said we have to let them know in writing. We have to be very specific in the written response, he said.

Mr. Ing noted that we have three applications that are expiring in July--one in Kona, one in Oahu and one on Kauai. So there really is not much time, he said.

Mr. Evans said series of neighbor island meetings have been scheduled so the applications have been "piggy-backed" in where they could.

ACTION Unanimously approved as submitted. (Ing/Higashi)

ITEM I-1 FILLING OF POSITION NO. 33298, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, OAHU

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ACTION The board, on Mr. Kealoha's motion and seconded by Mr. Higashi, unanimously approved the appointment of Frederick Chun to fill the Conservation and Resources Enforcement Officer II position, Position No. 33298, effective March 26, 1984.

ITEM J-1 LEASE - INSTALLATION, OPERATION AND MAINTENANCE OF A RUNWAY END IDENTIFIER LIGHTS (REIL) FACILITIES FOR RUNWAYS 4L AND 22R, HONOLULU INTERNATIONAL AIRPORT, OAHU (FEDERAL AVIATION ADMINISTRATION)

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ITEM J-2 LEASE - INSTALLATION, OPERATION AND MAINTENANCE OF AN INSTRUMENT LANDING SYSTEM (ILS) LOCALIZER FACILITY, HONOLULU INTERNATIONAL AIRPORT, OAHU (FEDERAL AVIATION ADMINISTRATION)

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ITEM J-3 LEASE - INSTALLATION, OPERATION AND MAINTENANCE OF VISUAL APPROACH SLOPE INDICATOR (VASI) SYSTEM, KAHULUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION)

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ITEM J-4 ADDENDUM NO. 3 TO LEASE NO. A-65-2, INSTALLATION, OPERATION AND MAINTENANCE OF A THRESHOLD LIGHT FACILITY, KAHULUI AIRPORT, MAUI (FEDERAL AVIATION ADMINISTRATION)

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AACTION Items J-1, 2, 3 and 4 were unanimously approved as presented. (Ing/Kealoha)

ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3830, ETC., AIRPORTS DIVISION

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Mr. Ing inquired about the status of the settlement document for Papillon and Kenai Helicopters.

Mr. Kealoha suggested deferring Permit No. 3830 to Papillon Helicopters and Permit No. 3831 to Kenai Helicopters.

Mr. Yagi said in fairness to these people, we should also defer the other helicopter permits (Permit No. 3832 to South Seas Helicopter, Inc. and Permit No. 3833 to M & H Helicopter, Inc).

Mr. Garcia said it could work out the other way, too. If we give it to South Seas Helicopters and M & H Helicopters, Inc., it would entice Papillon and Kenai to finalize their document.

Mr. Ono asked Mr. Evans for the status of the settlement document.

Mr. Evans said they have been approved as to form by the Attorney General's office and are ready for the chairman's signature.

Mr. Higashi said since these are month-to-month permits, if they refuse to sign, or not go through with the settlement agreement, we can just cancel the permits.

Mr. Garcia said we can hold them up, too, until the agreements are signed by both Papillon and Kenai. We don't have to issue them even though the board approves it. They will not be able to use the areas until they have a permit, Mr. Garcia said.

Mr. Ono asked Mr. Evans what was the reaction on the settlement agreement.

Mr Evans said the recommendations that he got back from Mr. Chanin and Mr. Tangen are to accept the settlement agreement.

Mr. Yagi suggested that we approve this, subject to Papillon and Kenai signing the agreements.

Mr. Ono suggested that in the communication to them, inform them that the board has approved the issuance of these permits, subject to their resolving and executing the settlement agreement, and also subject to their fulfilling the terms and conditions of the settlement agreement. In case they fall behind with their payment schedule, we can cancel this.

Mr. Yagi said the only thing that he was concerned about is that he doesn't want to be accused later that the other guys have the advantage because we are delaying the paper work.

Mr. Watson suggested to Mr. Garcia that when this matter is referred to the Attorney General's Office, to make a note on the permit to insert a special provision that the permit is still subject to fulfillment of the terms and conditions of the settlement agreement, dated so and so, together with the standard terms and conditions of the revocable permit.

Mr. Garcia said they won't let them enter onto the property until DOT gets word from DLNR that they have signed the settlement agreements. On the special condition, he said, it is subject to termination if they missed the payments and DOT is informed by DLNR that they are not keeping up with their payment schedule.

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

ITEM J-5      APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3830, ETC.,  
AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Kealoha/Higashi)

ITEM J-6      APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3851 AND 3852,  
AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Kealoha/Higashi)

ITEM J-7      RENEWAL OF REVOCABLE PERMIT NOS. 2287, ETC., CONFORMING USE,  
AIRPORTS DIVISION

ACTION      Unanimously approved as submitted. (Higashi/Kealoha)

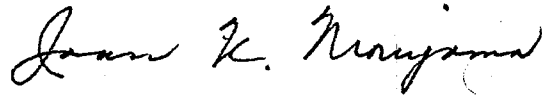
ITEM J-8      AMENDMENT OF SUBLEASE AND CONSENT TO MORTGAGE, HARBORS  
DIVISION, OAHU (M. KANE'S FISH MARKET, INC.)

Mr. Garcia said the figure on page 1, third paragraph, second line, should be changed to \$39,924.00. That is actually what they are paying right now.

ACTION      Unanimously approved as submitted. (Yagi/Kealoha)

ADJOURNMENT: There was no further business and the meeting was adjourned at 11:45 A. M.

Respectfully submitted,



JOAN K. MORIYAMA  
Secretary

APPROVED



SUSUMU ONO  
Chairperson

jkm