

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

DATE: June 8, 1984
TIME: 9:00 A.M.
PLACE: Council Chambers
Kauai County Building
4396 Rice Street
Lihue, Kauai

ROLL
CALL

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:05 A.M. The following were in attendance:

MEMBERS

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

STAFF

Mr. Ralston Nagata
Mr. James Detor
Mr. Roger Evans
Mr. Sam Lee
Mrs. LaVerne Tirrell

OTHERS

Mr. Johnson Wong, Dep. Atty. Gen.
Mr. Peter Garcia, DOT
Mr. Richard Elwell (Item F-11)
Messrs. Donald Engleman, Larry Nakazawa,
Russ Saito and Hill (Item H-6)
Messrs. Ken Yoda and Roger Long (Item H-3)

ADDED
ITEMS

Upon motion by Mr. Ing and a second by Mr. Higashi, the board voted unanimously to add the following items to the agenda:

Division of Land Management

Item F-1-i -- Collateral Agreement by and Between the State of Hawaii, Elvin Kaiakapu and Linda Kaiakapu, Lot 12 Brodie Lots, Hanapepe, Kauai - SSA No. S-5559.

Administration

Item H-10 -- Filling of Position 11225, Accountant III, Administrative Services Office, Oahu.

To accommodate those applicants present at the meeting, items on the Agenda were considered in the following order:

Item F-1-f

ASSIGNMENT OF LEASE - Pat Moeller request for consent to assign G. L. No. S-4113 from Pat R. and Valerie M. Moeller to U-Haul of Hawaii, Inc., Lot 6, Shafter Flats Industrial Development, Unit I, Moanalua, Honolulu, Oahu.

Item F-1-g

PURCHASE MONEY MORTGAGE - U-Haul of Hawaii, Inc, Mortgagor to Pat R. Moeller and Valerie M. Moeller, Mortgagee, G. L. No. S-4113, Lot 6, Shafter Flats Industrial Development, Unit I, Moanalua, Honolulu, Oahu.

ACTION

Mr. Ing moved for approval of Item Nos. F-1-f and F-1-g as submitted. Motion carried unanimously with a second by Mr. Kealoha.

FOLLOW-UP TO BOARD ACTION ON A PASSIVE MICROWAVE REFLECTOR AT KAHILI MOUNTAIN PARK, KOLOA, KAUAI, VIOLATIONS OF CONDITIONS OF LAND USE WITHIN THE STATE CONSERVATION DISTRICT BY THE HAWAIIAN TELEPHONE COMPANY.

Mr. Evans explained that the board had approved the CDUA for the construction of this microwave reflector on June 12, 1981. It was found on August 12, 1983 that the aesthetic impact of the finished reflector was vastly different than that represented in the initial application. At that time the applicant was found to be in violation of seven conditions imposed by the board in its initial approval of the use.

In addition, the board gave the applicant several options to exercise and one was to remove the antenna or else make modifications to the Board's satisfaction. The applicant chose the second option, modification of the reflector, and paid the fine imposed.

What Hawaiian Telephone did to modify the antenna was 1) they changed the shape from the original shape of the antenna by removing some slats as well as cutting some slats; and 2) they installed some fish netting to improve on the aesthetic aspect of the antenna. The netting which they put up originally was rather thin in nature and it quickly wore away. Mr. Evans said that the time of the writing of this submittal the above was the situation that staff was faced with.

As a result of the above, staff's recommendation is that the board find the reflector as modified unacceptable. In fairness to the applicant, Mr. Evans said that the applicant did take a look at some increased strength in terms of netting and they did make some modifications and the new netting, which is stronger, is presently in place. Mr. Evans said that these improvements had not been made when the submittal was written.

One thing the board should be apprised of said Mr. Evans is that as a part of staff's process in terms of attempting to come to some deliberation as to the acceptability or non-acceptability, staff did communicate with the Outdoor Circle on Kauai. They did meet on this matter and commented that the structural change, the cutting and the removal of some slats, as well as the original netting they felt did result in improved aesthetic antenna. However, they did leave the judgment of acceptability or non-acceptability to the board.

Mr. Ing asked whether Mr. Evans had the color prints of the photos.

Mr. Evans said no.

Mr. Ing said that it was kind of hard to tell what it looked like without the prints.

Mr. Higashi asked Mr. Evans whether it would have been satisfactory as far as design is concerned if the netting had not deteriorated.

Mr. Evans said that when we approved the construction plans it was basically to try to improve the situation. While it certainly was an improvement, staff would have one further thought on the matter and that thought is that rather than have the building at the top be cut, staff would have preferred a teepee-like structure. That would have been staff's only thought. Mr. Evans said when the original plans were submitted they tried to make it look like a mountain but when you put it in perspective with the entire panorama, it really comes out looking more like a building. So staff felt that they would like to see it more like a single tree rather than a mountain side.

Mr. Ono said that the proposed modification looked at by the board at one time and what was actually modified does not conform. If you look at the photographs and you look at it after the initial modification it still looks like the side of a warehouse building. Whereas the proposed modification as represented to us there was a more sloping-type structure with a v-cut on the top but it didn't come out that way.

Mr. Evans agreed that the modification was vastly different from that shown on the photographs.

Mr. Ono asked Mr. Evans if he was suggesting that the applicant is trying to conform to the proposed modification.

Mr. Evans said that subsequent to the board's action, Hawaiian Telephone has been working closely with staff as to what type of trees to plant and where to plant and, as far as staff is concerned, they have made every effort to attempt to comply with a satisfactory antenna.

Mr. Donald Engleman, Vice President and General Counsel of Hawaiian Telephone Company introduced from his office Mr. Larry Nakazawa of his office, Mr. Hill, Vice President of Engineering and Russ Saito who is network engineering director.

Mr. Engleman said that Hawaiian Telephone is very concerned about this case. Their objective is to find a reasonable solution to the placement of the antenna without harming the central communication service on the island of Kauai. Following the Board's decision in August, 1983, the company undertook all necessary efforts to make modifications to the antenna site that would be to the board's satisfaction. Those modifications, which Mr. Evans spoke of in this presentation, specifically included removal of a number of the antenna panels and this was to give the antenna a sloping appearance, or the teepee appearance that was mentioned earlier. The shaping of other panels to give a ridge line effect to the entire antenna and the planting of approximately 40 trees around the perimeter of the antenna. They also placed netting at the base of the antenna to reduce its angularity and made changes in another transmitting antenna to conform to those modifications. All of these improvements cost roughly \$100,000.00. When the first netting was torn by high winds on the mountain, they immediately took steps to replace that netting with cargo netting. Photographs of this netting was shown to the board, together with a panorama photograph. If these changes are not satisfactory to the board then they ask that the board help them by indicating what changes would be to its satisfaction.

Mr. Engleman said that the Mt. Kahili antenna is a vital link in a connecting transmission system that provides for growth and also for surviveability of communications on Kauai in case of parking or other natural disaster. Should the board decide that the current modifications are not appropriate, obviously Hawaiian Telephone would be forced to consider moving the antenna which is a possibility they hope they will not have to face. Hawaiian Telephone has been and continues to act in good faith in this matter in trying to honor the board's direction and have not willfully violated any board order. Any fine therefore they feel would be onerous and manifestly unfair at this time when they seek to satisfy the board. If there is going to be consideration of levying a fine, which he hopes there is not, he asked that such consideration be made in accordance with the Administrative Procedure Act that warrants it. If the board wishes further steps to be taken, Mr. Engleman said that he would request that they be allowed to take those steps without being fined everyday during their efforts. If the board has any questions pertaining to the modification of the antenna, he asked that Mr. Saito be allowed to explain to the board specifics of the modifications to the antenna and the importance of the antenna to Kauai.

Mr. Yamamoto asked how long the present netting would last.

Mr. Engleman said that the present netting was specially tested in a laboratory for its strength and they obtained the heaviest, most durable netting that they could find. They think it would last a very long time but he couldn't give a specific time period.

Mr. Ing asked about the size of the trees that were planted.

Mr. Engleman said that they planted Norfolk Pine and they are small trees which will take approximately five years before they reach a height where they front all of the antenna.

Mr. Ing asked if there was any program for periodic maintenance or check in the growth of the trees themselves -- to see whether they are taking hold or whether they are dying, etc.

Mr. Engleman said that in someways this is their most important antenna and Hawaiian Telephone is very sensitive about maintenance of it in the future. The only way to get to the site is by helicopter. There is no access road and the jeep road is further down the slope and they would agree to undertake any kind of periodic, reasonable checking and maintenance directed to the crews with the help of the State Forester.

Mr. Ono said that one of the problems that he has is what was proposed. He asked if they were familiar with the photograph that showed the teepee height effect of the modification.

Mr. Engleman said that he was familiar with a copy of it.

Mr. Ono said that that was the way he thought it was going to come out in the modified version but when the board went up there to check it still looked like a side of a warehouse building. So, from that standpoint, he did not feel that the modification was made to conform to what was proposed or represented to DLNR. Even after looking at the most recent photographs Mr. Ono said that it still had the effect like it's part of a long warehouse building. He asked if there was any way to further lessen the structure-like effect.

Mr. Engleman said that there are two basic variables. One is that the side panels can be removed to a certain extent but you can't take out too many because then you won't have any antenna left. At the bottom where there are some remaining right angles which may be the board's specific concern, the original netting which was shredded because of the winds was intended to reduce those angles. When the trees come in, then the combination of the trees and the bottom netting should have a very healthy affect on those bottom angles.

How long do you expect the trees to take hold so that it does help to blend in the structure with the surrounding area -- approximately how long, asked Mr. Ono?

Mr. Engleman said roughly five years.

What would be your reaction if we kept this case open for another five years just to see that your company is following up on the things that you promised this board that you would do, asked Mr. Ono?

Mr. Engleman said that they are trying to act in all good faith and if the board is willing to give them a chance to maintain the antenna they would have no objection. In fact, they would welcome this to show their good faith.

Mr. Kealoha asked whether or not a CDUA was required to plant the trees.

Mr. Evans said that he didn't think a CDUA was required because as a part of the board's concern aesthetics was specifically brought up and tree planting was a measure to overcome the aesthetics. Because these trees would help in that effort, no CDUA would be required.

Mr. Kealoha asked if they wouldn't need permission to cut the trees if there were tall trees in line with the beam.

Mr. Evans said that they would. It would be just one permit with the cutting of the trees being one of the factors of that permit.

So you are saying that the planting of those trees were included in this CDUA, said Mr. Kealoha?

Mr. Evans said that the planting of the trees was not included in the CDUA. What was included in the CDUA was that it had to be aesthetically pleasing, so staff did feel that a separate CDUA was required.

Mr. Kealoha said that he feels that there should be a separate CDUA. You're talking about a tree that is going up over 40 feet over the period of five years.

As a matter of information, Mr. Ono said that if there is a monetary fine to be levied, Mr. Ono asked that Hawaiian Telephone consult with the Deputy Attorney General on DLNR's rules as to what kinds of conditions we can ask for in a contested case hearing. Although Hawaiian Telephone's request will be taken under advisement, it will still have to be checked out with the Attorney General's office.

ACTION

Mr. Yamamoto moved not to accept staff's recommendation but, instead, to accept Hawaiian Telephone's modified plan and the efforts that they put in so far with additional guidelines for continued work so that they don't regress and, instead move forward. If the net deteriorates, they will need to put up another one and see that the trees are maintained so that they mature and that an annual report to the board be required. In the meantime there will be no monetary fine. The telephone company can proceed and, when technically feasible, start using the antenna. The case to be kept open for another five years. Motion carried with a second by Mr. Yagi. Mr. Kealoha voted no inasmuch as he felt that the conditions were too broad.

Mr. Kealoha did not understand the motion. He said that we are first saying that the antenna is acceptable so why are guidelines necessary? He felt that the antenna is either acceptable or not acceptable.

Mr. Ono explained that one of the suggested modifications is the putting up of the heavier netting and the planting of trees. However at this stage we do not know what affect the mature trees will have on the surrounding area -- that is the big unknown -- so Mr. Ono said that he would like to keep the case open to see that they make a strong effort to continue to get the trees to mature. It will be the burden of the telephone company to do that. If the trees grow to 40 feet and the structure does not look like a box, so much the better.

Mr. Kealoha agreed that mitigated measures are very important but koa trees take sixty years to get 50 feet tall. I'm just wondering if these trees are going to take sixty years to get 40 feet tall.

RESUBMITTAL - DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE ON THE 6TH FLOOR OF THE KAPIOLANI COMMERCIAL CENTER, HONOLULU, OAHU.

Mr. Detor explained that this item was deferred at the last meeting of the board because the board was concerned about the high rental -- \$10,164.75 per month.

Mr. Richard Elwell of DSSH and Administrator of the Disability Unit that occupies the subject space, stated that he wanted to justify to the board that this rent was not too excessive.

Mr. Ing said that the per sq. ft. cost is almost \$1.80. He explained that this rental was comparable to that charged in the most recent buildings built in downtown Honolulu. In this case, we are looking at the Kapiolani Commercial Center which is not in downtown Honolulu and he wanted to know what other areas were investigated and what the results of this investigation were before a request was made to extend this lease for another five years. The rental seems like such an exorbitant amount.

Mr. Elwell said that they have been in this area for five years and when they first occupied this area rental was at the rate of \$1.20 per sq. ft. He also investigated other areas that could fill their needs and rentals were as follows:

First Insurance Building	\$1.75 per sq. ft.
Ala Moana Pacific Center	\$1.80 per sq. ft. & up
Ala Moana Building	\$1.91 per sq. ft.
1221 Kapiolani Building	\$1.85 per sq. ft.
Wahiawa	\$1.54 per sq. ft.

Mr. Elwell said that they have some building requirements. The building must be centrally located for both the public and their doctors. They have fourteen part time doctors who are called in periodically.

It has to be near the bus line since the general requirements of any office that serves the public requires a convenient location near the bus lines.

There also has to be adequate parking for the doctors and the public.

Mr. Elwell said that they need to have 6000 sq. ft. in one block of area. He looked around and could only get bits and pieces all over town but it is very difficult to get 6000 sq. ft. in one location. The building must also be constructed in such a way as to accommodate the handicapped.

Mr. Elwell went on to explain the space requirements for their general operations and what they have right now is perfect for that and if they went out to rent a new space it would cost them a lot to redesign the new area.

Mr. Ing said that they would be paying out over \$600,000 over the next five years for rental alone.

Mr. Ono asked if they have ever considered moving into a state-owned building.

Mr. Elwell said that they have suggested this to the State but they have said that there is no area right now.

Mr. Ono said not now but maybe down the road. He asked if they had a request in for an area in the future.

Mr. Elwell said that this would be the responsibility of their Real Estate Division.

Mr. Ing said that as much as he is concerned about the cost, he is satisfied that they have made inquiries in other areas and this does appear to be at least less than these other areas that he did inquire about. It is a fixed rent over the next five years so there is some benefit in that.

ACTION

Mr. Ing moved to approve the Department of Social Services and Housing's request to lease subject to the review and approval of the lease agreement by the Office of the Attorney General. Motion carried unanimously with a second by Mr. Higashi.

Mr. Ono suggested that Mr. Elwell, or someone on his staff, continue to explore alternatives because five years from now he may be coming back with the same argument and the next set of board members will be faced with the same problem.

Mr. Kealoha remarked that he felt the same as Mr. Ing about the cost so, for the record, he asked that not only this agency but all other agencies apply to the board in advance of the commencement date. It puts the board in a bad position because they execute the new lease and then the submittal comes to the board. Somehow, for the record, we should get word back to the other agencies to at least get their request in before they execute a new contract.

Mr. Ono asked that Mr. Detor follow up on that.

ITEM E-2

RESUBMITTAL - PLACING RESTRICTION ON CERTAIN WATER SPORT ACTIVITIES ON THE WAILUA RIVER, WAILUA RIVER STATE PARK, KAUAI.

Mr. Nagata explained that this matter was deferred at the last meeting to allow the matter to be heard at the Kauai meeting and/or to receive additional input from the State Department of Transportation, State Attorney General's Office, the U. S. Coast Guard and the U. S. Corps of Engineers regarding jurisdiction over boating activities.

Mr. Nagata said that in addition to the above, letters of concern were also received from the general public.

Mr. Nagata said that they do not have written responses from the departments concerned and the matter is still being reviewed. However he has been in verbal contact with the various agencies and there seems to be a better understanding of the overall picture.

Mr. Yamamoto asked what had been done about the erosion problem.

Mr. Nagata said that he was able to contact the U. S. Soil and Conservation office who indicated, without making an on-site inspection, that he was of the opinion that the erosion might be occurring because of the backwash caused by the motorboating activities.

Lacking the responses from the various governmental agencies and also from interested individuals and organizations, Mr. Ono asked Mr. Nagata if he still stood by his recommendation.

Mr. Nagata said no. First of all, having talked to the U. S. Coast Guard and the State Department of Transportation in Honolulu, he understood that for boating types of activities there is concurrent jurisdiction of both of those agencies in the Wailua River because it is considered navigable waters and there is a written memorandum of agreement between the two agencies and generally for the type of concerns that we are raising it is understood that the State Department of Transportation is the lead agency for public boating and water safety. This was the primary basis for their submittal -- the fact that there are public safety kinds of concerns that they would like to see addressed.

Mr. Yamamoto asked who would be liable should an accident occur on the river.

Mr. Nagata said that he understood that the tour boat concessionaires would be responsible. This provision is included in their permit from DLNR.

Mr. Ing said that the answer to this question is very complex. He asked Mr. Nagata whether the Wailua River, at least up to the bridge, is a part of the State Park.

Mr. Nagata said that it was a part of the State Park and is state-owned.

Mr. Ing then asked if we had regulations against commercial activities in the State Parks.

Mr. Nagata said that there are regulations against commercial activities without the approval of the land board. Also, the river falls within the resource subzone of the conservation district.

Mr. Ing asked if the resource subzone referred to the surface of the water or the bottom of the river.

Mr. Nagata said that he would have to refer that question to Mr. Evans.

Mr. Ing said that he would like to withhold action on this item until responses are received from the Department of Transportation, the U. S. Coast Guard and the Attorney General's Office.

Mr. Ono said that he did to. But the other possibility is that the management of the river, in addition to the State Park's regulation, may require a new set of rules and regulations with may be jointly adopted by DOT and DLNR, with concurrence from the Corps of Engineers, Coast Guard or whatever other state agencies or federal agencies that might have jurisdiction. Until we take a more systematic approach we are going to have all kinds of questions coming up and the public and the people with permission to use the river wouldn't really know where they stand. It is almost a case-by-case basis. Mr. Ono said that he would prefer to approach this on a more systematic manner and try to adopt specific rules.

Mr. Yamamoto asked that this item be deferred. However, Mr. Ono said that although he didn't mind deferring this item, he would like to have some course of action so that the staff can start to do their work. Otherwise, they will need to come back to the board and more questions will be raised.

Mr. Kealoha said that at the last meeting staff was asked to get opinions from the Coast Guard, DOT and the other agencies. He felt that this should have been prepared and presented at this meeting to give the board clear direction as to where we are to go and how we want to conduct these activities. Mr. Kealoha said that rules for Wailua River should also be made available to the board.

Mr. Ing also requested that the Attorney General's office assign an attorney to work with the State Park's people.

Mr. Wong said that they always assign a deputy providing one is requested.

Mr. Ono asked if it was o.k. with the board members that they work towards adopting some kind of rule applicable to Wailua River, taking into consideration the multiple jurisdiction and multiple use so that everybody would know where they stand. However, before such rules are adopted the board would have to go through the public hearing process -- formal and informal -- and then take formal action.

For the benefit of those people at the meeting who wanted to comment on this item, Mr. Ono called to their attention that this was not a public hearing but, after action was taken on this item, they could work directly with the staff in presenting their input.

Mr. Ono asked that the Division of State Parks take the lead on this and work with our other divisions within the department, the Attorney General, DOT, Harbors Division, Coast Guard, and touch bases with the Corps of Engineers and he also suggested the County as well. And, at the appropriate time, Mr. Ono suggested that an informal public meeting be held so that interested parties can express their view before even the first draft of the rules is complete.

ACTION

It was moved by Mr. Yamamoto that the board authorize the State Parks Division to prohibit the use of jet skis and water skies and to impose a speed limit of five miles per hour for motorized vessels on the Wailua River between the hours of 9:00 a.m. and 6:00 p.m. each day by the posting of appropriate signs. Also, that the various State, County and Federal agencies touch bases and, if necessary, hold an informal public meeting in order that interested parties can express their views before the first draft of the rules is complete. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-7

CDUA FOR DEVELOPMENT OF KOLOA WELL "D" AND SUBDIVISION OF WELL SITE AND ACCESS ROAD IMPROVEMENT AT KOLOA, KAUAI (COUNTY OF KAUAI, DEPARTMENT OF WATER SUPPLY).

ACTION

Mr. Yamamoto moved to approve the development of Koloa Well "D" and subdivision of Well Site and access road improvement at Koloa, Kauai on property designated as TMK: 2-9-2:por. 1 subject to the conditions listed in the submittal. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-3

AMENDMENT TO CDUA OA-1541 FOR INSTALLATION OF A WASTE WATER OUTFALL PIPE AT WAIANAE, OAHU (CITY & COUNTY DEPARTMENT OF PUBLIC WORKS).

Mr. Evans said that they proposed to do some blasting in the water. Staff's original recommendation was that at no time should more than 350 pounds of explosives be detonated in a single blast. This proposal is to raise it to 1000 pounds.

The reason the applicant is requesting this amendment is due to a change in the contractor's method of blasting. In the original application the applicant proposed to install the pipe by blasting a certain length of trench, then installing the pipe, and continuing this procedure throughout the areas that required blasting.

In terms of the effects that this would have on-site as well as comparative effects, e.g. how it would relate to what was done at Barber's Point, Mr. Evans said that the blasting that occurred on land at Barber's Point really affected the neighboring houses and the blast that was in the water was in much shallower water than the proposed blast that is expected here.

Aquatic Resources has taken a look at this proposal for what they feel might be an affect on fish kill as well as silting and they have informed us that they feel in both cases that it will be minimum. As such, said Mr. Evans, staff is recommending approval.

When asked by Mr. Kealoha whether they would be blasting in waters less than 50 feet, Mr. Evans said no. The applicant had represented that they would be blasting at depths of 50 to 100 feet.

Mr. Kealoha said that this limitation should be made clear in the conditions.

Mr. Evans said that the applicant has said that they would be blasting 1000 pound shots at 50 to 100 feet of water a mile offshore.

Using the Barber's Point Deepwater Harbor project as an example, there DLNR was very concerned about the silting problem. How is that problem going to be addressed in this particular project, asked Mr. Ono? Especially when you are going to use explosives.

Number one, said Mr. Evans, the size of the blast at Barbers Point was 12,000 pounds. The size of the blast here is 1,000 pounds. Based on this, silting will be less.

You don't know that for sure, asked Mr. Ono?

Mr. Evans said that this is what was told to them by the Aquatic Resources Division. In addition to that, these particular blasts are going to be sandbagged down, where the others were not.

Mr. Evans said that they were also informed by Aquatic Resources that the current in this particular area is much more rapid and will dissipate any potential silting faster than it would have at Barber's Point.

What if there is a silting problem? How do you propose to correct that action, asked Mr. Ono?

Mr. Evans could not answer and stated that maybe this could be deferred so he could confer further with Aquatic Resources. We did ask them this specific question -- what if -- and the response at that time was that it would be minimal.

I'm not asking to what degree, said Mr. Ono. I would like to know how you would cope if there is a problem. I'm especially sensitive because of the recent oil spill and the affects that were felt all the way over here.

Mr. Ken Yoda, Construction Manager for Mid Pacific, said that the contractor was present and could probably answer any questions the board may have regarding the silting.

Mr. Roger Long, Contractor said that he has been involved in several blasting projects located here in Hawaii, the Mainland and also in Puerto Rico. The size of the charges they are using in Waianae are very small charges. Considerably less than was used at Barber's Point. The principal problem you have with siltation is current flow. If you have a lot of silt that has been contained in an area and doesn't seem to move out of the area, that's when it becomes very noticeable and has some potential problems. The Waianae area has some pretty strong current and has a tendency to dissipate this silt much more rapidly than if it was just sitting in stagnant water. Mr. Long said that he didn't foresee any silting problem at all but if they did have some they could probably time their blasts to the point where they would have maximum current flow.

Everybody's been telling us that there is no problem. That is fine cause that is your professional judgment, said Mr. Ono. But my question is what if there is silting what do we do to cope with it at that time. It would be too late to react once something goes wrong so I would rather have it at least taken into consideration at this point and time.

Mr. Long felt that because of DLNR's requirements for monitoring the blast, they will have the option of scaling the blasting operations or making some modifications to the operations.

Mr. Kealoha said that he did not know quite what Mr. Long meant when he says you can modify the procedure with respect to blasting. For example, say that there is no current on the day that you schedule -- nothing happens -- everything is still -- I think I understood you to say that you can postpone that blasting to another day when you have a fast current.

Mr. Long said that you have a current running every six hours. It changes so you can wait another half hour or 45 minutes so you can time your charges if you did have a silting problem.

ACTION

Mr. Ing moved to approve this request to amend the Conditions of Approval on Conservation District Use Application OA-1541 such that:

A.

1. Condition 3.c reads as follows:

At no time should more than 1,000 pounds of explosives be detonated in a single shot;

2. Condition 3.d.ii. reads as follows:

intervals of 0.5 second should separate successive shots with one shot comprising 1,000 pounds. There should be a maximum of 6 shots per blast at 0.5 second intervals.

B.

1. That the Land Board approve this amendment subject to those conditions listed in the submittal.

Motion carried unanimously with a second by Mr. Kealoha.

ITEM D-1

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 35-MW-38, IMPROVEMENTS AT MONITOR WELL, WAIEHU, MAUI.

ACTION

Mr. Higashi moved to award the contract for the subject project to Arisumi Brothers Inc. for this low bid of \$18,974.00. Mr. Yagi seconded and motion carried unanimously..

ITEM D-2

SOIL AND WATER CONSERVATION DISTRICT DIRECTORS.

ACTION

Mr. Higashi moved, Mr. Yagi seconded and the board voted unanimously to certify the appointed and elected 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>
Kau	Wallace Doty, Jr.	Elected	6/30/87
	Carl Bredhoff, Jr.	Appointed	6/30/87
Waiakea	Raymond M. Kobayashi, Sr.	Appointed	6/30/87
	Larry Komata	Elected	6/30/86*
	Edward Kanahele	Elected	6/30/87

*To fill unexpired term

- ITEM E-1 AWARD OF CONSTRUCTION CONTRACT, JOB NO. 23-HP-25, KALOPA STATE RECREATION AREA, HAMAKUA, HAWAII.
- ACTION Mr. Higashi moved to award the construction contract for Job No. 23-HP-25, entry roadway, Kalopa State Recreation Area, to James U. Ishii General Contractor for a total sum bid of \$23,625.10 (\$14,340.10 for Basic and \$9,285 for Additive). Motion carried unanimously with a second by Mr. Yagi.
- ITEM E-2 RESUBMITTAL - PLACING RESTRICTION ON CERTAIN WATER SPORT ACTIVITIES ON THE WAILUA RIVER, WAILUA RIVER STATE PARK, KAUAI.
- (See Page 9 for Action)
- ITEM E-3 FILLING OF POSITION NO. 16866, LANDSCAPE ARCHITECT VI, STATE PARKS CENTRAL OFFICE, HONOLULU, OAHU.
- ACTION Mr. Yagi moved to approve the appointment of Daniel Quinn to Position No. 16866, Landscape Architect VI, for the Planning Branch, Oahu Division Office. Motion carried unanimously with a second by Mr. Yamamoto.
- ITEM E-4 AWARD OF CONSTRUCTION CONTRACT, JOB NO. 39-HP-11X, REPAIR VACATION CABIN, MAUNA KEA STATE PARK, HAWAII.
- ACTION Mr. Higashi moved to award the construction for Job No. 39-HP-11x, Vacation Cabins and Repair, Mauna Kea State Park, to Arthur P. Hoefer for a bid amount of \$10,750.00 subject to review and also to make sure that Mr. Hoefer does indeed have a contractor's license. If he does not have a license, then the award is to be made to the second bidder. Mr. Yagi seconded and motion carried unanimously.
- ITEM E-5 REQUEST TO USE THE CORONATION PAVILION AT IOLANI PALACE GROUNDS, HONOLULU, OAHU.
- ACTION Deferred.
- Mr. Ono suggested that a subcommittee be set-up to sit down with the speaker to go over the current practice that is in effect and the reasons for setting up such a practice. Messrs. Kealoha, Ing and Ono volunteered to be members of this sub-committee.
- Mr. Ono said that the existing practice for use of the Coronation Pavilion will remain in effect until such time as the sub-committee comes back to the board with their recommendations.
- ITEM F-1 DOCUMENTS FOR CONSIDERATION
- Item F-1-a REVOCABLE PERMIT - Henry Hooke and Margaret K. Hooke request for Revocable Permit covering portion of abandoned railroad right of way, Kaauhuhu, No. Kohala, Hawaii, being TMK: 5-5-08:9. Area: 44,614 sq. ft. Purpose: Pasture Rental: \$10.00 per mo.
- Mr. Detor asked that the commencement date be corrected from June 1, 1984 to June 16, 1984.
- Item F-1-b ASSIGNMENT OF LEASE - Jean A. Higaki request to assign G. L. No. S-4636 to Karl Hori, Lot 8, Panaewa Farm Lots, 2nd Series, Waiakea, So. Hilo, Hawaii, being TMK: 2-4-49:22
- Item F-1-c REVOCABLE PERMIT - James N. Hall request for Revocable Permit, Kamaole, Maui, being TMK: 2-2-01:por. 51. Area: 0.012 acre. Purpose: Radio Communications. Rental: \$23.00 per mo.

- Item F-1-d MORTGAGE - Stanley T. Tomono and Cynthis T. Tomono request to mortgage to Farmers Home Administration, G. L. No. S-4834, covering Lot 19, Keahole Agricultural Park, Phase II, Kalaoa-Ooma, No. Kona, Hawaii, being TMK: 7-3-49:17, containing 5.110 acres.
- Item F-1-e LAND PATENT - Herbert K. Horita Realty request for issuance of Land Patent in Confirmation of L.C.A. 6268, Apana 1 to Keko, Waimea Valley, Waimea, Kauai. Area: 26,136 sq. ft.
- Item F-1-f Pat Moeller request to Consent to Assign G. L. No. S-4113 covering Lot 6, Shafter Flats, Unit 1, Moanalua, Honolulu, Oahu.
- Item F-1-g U-Haul of Hawaii, Inc. request for Consent to Mortgage G. L. No. S-4113, covering Lot 6, Shafter Flats, Unit 1, Moanalua, Honolulu, Oahu.
(See Page 1 for Action on Items F-1-f and F-1-g)
- Item F-1-h Produce Center Development, Ltd. request to Consent to Assignment of Sublease G. L. S-4405, Kaakaukui, Honolulu, Oahu.
Submittal not presented. Mr. Detor asked that this item be withdrawn.
- Added Item F-1-i COLLATERAL AGREEMENT - by and between State of Hawaii, Elvin Kaiakapu and Linda Kaiakapu, American Savings and Loan Association and Rowe Builders. Lot 12, Brodie Lots,, Hanapepe, Waimea, Kauai. SSA No. S-5559. Area: 14,023 sq. ft.
- ACTION Mr. Higashi moved for approval of Items F-1-a (as amended), b, c, d, e and i as submitted. Motion carried unanimously with a second by Mr. Kealoha.
- ITEM F-2 COUNTY OF HAWAII APPLICATION FOR DRAINAGE EASEMENT, WAIAKEA, SO. HILO, HAWAII.
- ACTION Upon motion by Mr. Higashi and a second by Mr. Kealoha, the board voted unanimously to:
- A. Authorize the disposition of the easements for drainage purposes to the County of Hawaii subject to the terms and conditions of the standard grant of easement form including those terms and conditions listed in the submittal.
 - B. Grant immediate right of entry to the County of Hawaii for construction purposes on State land identified in the submittal and subject also to those conditions listed in the submittal.
- ITEM F-3 HAWAIIAN TELEPHONE COMPANY APPLICATION FOR EASEMENTS AT LALAMILO, SO. KOHALA, HAWAII.
- ACTION Upon motion by Mr. Higashi and a second by Mr. Yagi, the board voted unanimously to:
- A. Authorize the direct grant of perpetual, non-exclusive easements described in the submittal, subject to those conditions listed in the submittal and applicable conditions of CDUA File No. HA-11/21/83-1575 as approved under agenda Item H-2, dated March 9, 1984.
 - B. Grant right of entry to the applicant and the Hawaii Electric Light Company, Inc., for construction and replacement of the existing pole and cable system, where necessary, on the State lands in question, subject to the conditions listed in the submittal.

ITEM F-4

SUN CHOY LAM APPLICATION FOR EASEMENT THROUGH ROOSEVELT HIGH SCHOOL
GROUNDS, HONOLULU, OAHU.

Mr. Detor explained that Mr. and Mrs. Lam have applied for the subject easement in order to provide access to a second dwelling on the property which they are constructing for their son and daughter-in-law under the Ohana provisions of the zoning code.

The board asked that the submittal be amended by adding the following new condition:

- . Approval, subject to receiving all approvals necessary for ohana zoning.

ACTION

Finding that the subject area is of minimum size relative to the intended use and constitutes an economic unit, the board, upon motion by Mr. Ing and a second by Mr. Kealoha voted unanimously to:

- A. Approve the direct sale of the subject easement to the applicants under the terms and conditions listed in the submittal.
- B. Authorize an immediate right of entry to the subject premises for construction purposes subject to those conditions also listed in the submittal.
- C. Approve this request subject to receiving all necessary approvals for Ohana Zoning.

ITEM F-5

STAFF RECOMMENDATION FOR AMENDMENT (SUPPLEMENTAL AGREEMENT) OF LEASE
CONTRACT NO. DACA 84-1-84-4 COVERING LAND AT SCHOFIELD MILITARY RESERVA-
TION, OAHU.

Mr. Detor explained that Contract No. DACA 84-1-84-4 covers the use of an 13.36 acre area at Schofield by Opportunities for the Retarded, Inc. for agricultural training program.

By letter dated May 1, 1984, the Army Real Estate office has informed DLNR that the Hawaii Army National Guard proposes to expand its armory facilities but is required by regulations to complete real estate acquisition prior to commencing project design. The land required by the National Guard is a 3.16 acre portion of the aforementioned 13.36 acre area.

ACTION

The board, upon motion by Mr. Ing and a second by Mr. Kealoha voted unanimously to approve and execute Supplemental Agreement No. 1 to Contract No. DACA 84-1-84-4 and amend its lease (Land Office Deed No. S-27406 to Opportunities for the Retarded, Inc. to reflect deletion of the 3.16 acre area.

ITEM F-6

DEPARTMENT OF EDUCATION REQUEST FOR APPROVAL FOR EXTENSION OF LICENSE
FROM THE NAVY COVERING MOKAPU ELEMENTARY SCHOOL, KANEOHE MARINE CORPS
AIR STATION, OAHU.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-7

CITY AND COUNTY OF HONOLULU BOARD OF WATER SUPPLY REQUEST FOR PIPELINE
EASEMENT, AIEA, OAHU.

ACTION

Mr. Ing moved to grant the City and County of Honolulu Board of Water Supply a perpetual non-exclusive water pipeline easement crossing over, under and across highway remnant parcel R-16, subject to the conditions listed in the submittal. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-8

JAMES SCOTT GRAY APPLICATION TO PURCHASE RECLAIMED LAND, LANIKAI, OAHU.

The applicant is requesting purchase of 1,690± acres for consolidation with his abutting property and resolvment of dwelling encroachment.

Mr. Detor explained that the subject encroachment was first brought to the attention of our office when the Survey Division was asked to certify the shoreline of the applicants' parcel. DLNR was advised by the Survey Office that "Because of the encroachment of the house and all of the seawalls fronting this parcel of land, it is important that this ownership question be resolved as soon as possible."

Mr. Ono felt that even though the encroachment was unintentional, they were still encroaching and some kind of fine should be levied.

Mr. Detor said that he checked with the Attorney General's office and there was some question as to whether we can fine.

Mr. Detor pointed out that the board has approved and staff has already issued some thirty to forty applications.

Mr. Ono said that he was not opposed to the sale but to letting them go without even addressing the problem.

Mr. Wong felt that his case was a little different. The applicant did not actually construct the building. He bought the property with the dwelling already on it and then found out that there was a violation.

ACTION

Finding that the proposed disposition is not prejudicial to the best interest of the State, community or area in which the reclaimed land is located, Mr. Ing moved to approve the direct sale of the subject reclaimed area to the applicants under the conditions listed in the submittal with an added condition that the Division of Land Management, together with the Attorney General's Office, investigate and negotiate in a civil manner rental for use of the property. Mr. Ing moved also to authorize the publication of a Notice of Disposition of the above as required by law. Motion carried unanimously with a second by Mr. Kealoha.

ITEM F-9

STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOTS 26, 27, 29, 30 & 37 OF THE HANAIEI HOMESTEADS, HANAIEI, KAUAI.

ACTION

Finding the area to be an economic unit in terms of the intended use and also that it is not suitable for hunting nor will become so during the term of the lease, the board, upon motion by Mr. Yamamoto and second by Mr. Yagi voted unanimously to:

- A. Authorize the issuance of an interim revocable permit for pasture purposes to the former lessee effective January 25, 1985, in the event staff is not ready by that date with the sale of a new lease; and
- B. Approve the public auction sale of a lease for pasture purposes subject to the conditions listed in the submittal.

ITEM F-10

BUDGET AND FINANCE REQUEST FOR ACQUISITION OF LEASE COVERING UNIT #7 OF THE BASQUE PROFESSIONAL BUILDING, CAPTAIN COOK, KONA, HAWAII.

ACTION

Mr. Higashi moved to approve Budget & Finance's request to lease subject to the review and approval of the lease agreement by the Office of the Attorney General. Motion carried unanimously with a second by Mr. Yagi.

ITEM F-11

RESUBMITTAL - DSSH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE ON THE 67TH FLOOR OF THE KAPIOLANI COMMERCIAL CENTER, HONOLULU, OAHU.

(See Page 7 for Action)

ITEM H-1 CDUA FOR A SINGLE FAMILY RESIDENTIAL USE AT LAUPAHOEHOE, NORTH HILO, HAWAII (RICHARD MYERS FAMILY TRUST).

ACTION Mr. Higashi moved to approve this application for a single family residential use on TMK: 3-5-4:3 at Laupahoehoe, North Hilo, Hawaii, subject to those conditions listed in the submittal. Mr. Yagi seconded and motion carried unanimously.

ITEM H-2 FOLLOW-UP ON CONDITION 23 CDUA FOR CONSTRUCTION AND USE OF A SECOND HYDROELECTRIC FACILITY AT WAINIHA, KAUAI.

On October 7, 1983 the Board approved a CDUA for the subject project with 27 conditions. Condition 23 of the approval requires the applicant, McBryde Sugar Co., Ltd. to contribute \$5,000 a year for the next five years to the funding of a study of the o'opu.

As a follow up to that requirement a project proposal entitled, "An Assessment of the Impacts of a Second Hydroelectric Plant on the O'opu Population, with Emphasis on the O'opu Nakea, and Other Native Macrofauna in the Wainiha River" was prepared by the Division of Aquatic Resources who will also act as the principal investigator of the study. A description of this proposal is attached to the submittal as EXHIBIT 1.

Since the Wainiha Valley is under the ownership of McBryde, arrangements will be made with McBryde Sugar Company, Ltd. for entry into their property.

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

1. Authorize and approve the study proposal described in EXHIBIT 1
2. Authorize the Division of Aquatic Resources to act as the principal investigator of the proposed study.
3. Authorize the Division of Aquatic Resources to enter into agreement with McBryde Sugar Company, Ltd. for right of entry for the purposes of conducting this study.

ITEM H-3 AMENDMENT TO CDUA OA-1541 FOR INSTALLATION OF A WASTE WATER OUTFALL PIPE AT WAIANAE, OAHU.

(See Page 11 for Action)

ITEM H-4 CDUA FOR IMPROVEMENTS TO TRAINING FACILITIES AT THE KOKOHEAD RIFLE RANGE, KOKOHEAD, OAHU (THE JUDICIARY - OFFICE OF THE SHERIFF).

Mr. Ono asked whether DOCARE might not benefit by having these facilities.

Mr. Evans said that he had not checked but he could find out.

Mr. Kealoha asked whether other agencies would be allowed to use this facility.

Mr Evans said that a condition could be added to investigate the possible use of the area by others and then report back to the board the results of his inquiry.

ACTION Mr. Ing moved to approve this application for constructing improvements to the training facilities on TMK 3-9-12:1 at the Kokohead rifle range, Kokohead, Oahu subject to the conditions listed in the submittal and also to the added condition that staff investigate the possible use of the area by other agencies and then report back to the board the results of their investigation. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-5

RESUBMITTAL - CDUA FOR AN 80 SQUARE FOOT STORAGE STRUCTURE AT KAHULUU, KOOLAUPOKO, OAHU.

This submittal was deferred from the May 11, 1984 and May 25, 1984 Land Board meetings at the request of the applicant.

The applicant expressed concern with Conditions 7 and 8. He did not want to have anything placed on his deed which he felt would decrease his flexibility in the future. Further, he felt that he may want to rent out his house presently on Conservation District land in the future.

The board indicated that Condition 8 relating to recordation was non negotiable. Staff explained that should the applicant desire to rent out his house, inasmuch as the renting had not occurred prior to the inception of the Administrative Rule in 1964, he would have to go through the Conservation District Use application process including a public hearing and receive affirmative Board action.

The applicant therefore requested deferral to discuss the matter with staff which was granted.

Staff did meet with the applicant and came up with the recommendations listed in the submittal. Mr. Evans asked however that the fifth line of Condition No. 8 be amended by deleting the word "not" after the words "condition has".

ACTION

Mr. Ing moved to approve Mr. Nylen's request to reconstruct a storage shed at Kahaluu, Koolauoko, Oahu, situated on property designated as TMK: 4-7-49:17 subject to the conditions listed in the submittal, as amended. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-6

FOLLOW-UP TO BOARD ACTION ON A PASSIVE MICROWAVE REFLECTOR AT KAHILI MOUNTAIN PARK, KOLOA, KAUAI, VIOLATIONS OF CONDITIONS OF LAND USE WITHIN THE STATE CONSERVATION DISTRICT BY THE HAWAIIAN TELEPHONE COMPANY.

(See Page 5 for Action)

ITEM H-7

CDUA FOR DEVELOPMENT OF KOLOA WELL "D" AND SUBDIVISION OF WELL SITE AND ACCESS ROAD IMPROVEMENT AT KOLOA, KAUAI.

(See Page 9 for Action)

ITEM H-8

PERMISSION TO CONTRACT WITH THE RESEARCH CORP. OF THE UNIVERSITY OF HAWAII TO CARRY OUT A PROJECT ON HAWAIIAN BACKYARD AQUACULTURE SYSTEMS.

ITEM H-9

PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII, COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES TO CONDUCT A STUDY ON A BIO-ECONOMIC MODEL MODEL FOR FRESHWATER PRAWN PRODUCTION IN HAWAII.

ACTION

Mr. Higashi moved for approval of both Items H-8 and H-9 as submitted. Mr. Yagi seconded and motion carried unanimously.

ADDED
ITEM H-10

FILLING OF POSITION NO. 11225, ACCOUNTANT III, ADMINISTRATIVE SERVICES OFFICE.

ACTION

The board unanimously approved the appointment of Mr. Roy M. Hattori to Position No. 11225, Accountant III, Administrative Services. (Yagi/Yamamoto)

ITEM J-1

APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. 3876, 3879, and 3881, AIRPORTS DIVISION.

ACTION

Unanimously approved as submitted. (Yagi/Higashi)

- ITEM J-2 RENEWAL OF REVOCABLE PERMIT NOS. 3363, ETC., CONFORMING USE, AIRPORTS DIVISION.
- ACTION Mr. Yagi moved for approval as submitted. Mr. Yamamoto seconded and motion carried. Mr. Ing was disqualified from voting on this item.
- ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NEAR KEEHI LAGOON, HONOLULU, OAHU (NORTEX CORP.).
- ACTION Unanimously approved as submitted. (Higashi/Yamamoto)
- ITEM J-4 ISSUANCE OF REVOCABLE PERMIT HARBORS DIVISION, KEWALO BASIN, HONOLULU OAHU (HAWAIIAN HORIZON'S LTD.).
- ACTION Mr. Ing moved to approve the issuance of this permit subject to the terms and conditions listed in the submittal. Mr. Kealoha seconded and motion carried unanimously.
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8 SHED, HONOLULU HARBOR, OAHU (THE WEBE CORPS., LTD.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON SUBDIVISION, HONOLULU, OAHU (JOSEPH K. BRYANT, JR.).
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ITEM J-7 CONSENT TO ASSIGNMENT, HARBORS DIVISION, PIER 34, HONOLULU, OAHU (PROMANA, INC. TO PACIFIC RESOURCES TERMINALS, INC.).
- ACTION Unanimously approved as submitted. (Yagi/Yamamoto)
- ITEM J-8 RESUBMITTAL - ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (MIAMI MARINE TEST STATION).
- Because of concerns by the board as to how the applicant's would conduct their tests to evaluate U.S. Navy ship bottom coatings, Miami Marine Test Station was asked to submit their plan of operation which they did and it was satisfactory.
- ACTION Mr. Yamamoto moved to approve the issuance of this permit subject to the terms and conditions listed in the submittal.
- ITEM J-9 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LEASE NO. 42, PIER 35, HONOLULU HARBOR OAHU (NATIONAL COMPANY, INC.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-10 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT NOS. S-3797, 3877, and 3878, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM J-11 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 3882, NON-CONFORMING USE, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Yagi/Higashi)
- ITEM J-12 MODIFICATION NO. 2 TO CONSULTANT CONTRACT NO. 10380 - WAIAHOLE VALLEY, OAHU.
- ACTION Unanimously approved as submitted. (Higashi/Yamamoto)

RESOLUTION

Resolution honoring Mr. James Y. Yoshimoto, Chief of the Project Development Branch of the Division of Water and Development for faithfully and conscientiously serving the State of Hawaii for twenty-five years was unanimously adopted by this board.

ADJOURNMENT: The meeting adjourned at 11:30 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

lt