

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

DATE: August 10, 1984
TIME: 9:00 A.M.
PLACE: State Building, Section B
Conference Room, 3rd Floor
54 High Street
Wailuku, Hawaii

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. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Thomas Yagi
Mr. Leonard Zalopany
Mr. Susumu Ono

ABSENT & EXCUSED

Mr. Roland Higashi

STAFF

Mr. Henry Sakuda
Mr. Ralston Nagata
Mr. James Detor
Mr. Gordon Soh
Mr. Robert Chuck
Mr. Wesley Wong
Mr. Fred Ball
Mr. Eddie Ansai
Mrs. LaVerne Tirrell

OTHERS

Deputy Atty. Gen. Johnson Wong
Mr. Peter Garcia
Mr. William Brilhante (Item F-5)

MINUTES

Mr. Ing moved to approve the minutes of May 11, 1984 as circulated. Mr. Kealoha seconded and motion carried unanimously.

ADDED
ITEMS

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

Division of Forestry

Item C-1 -- Appointment of District Fire Warden, District 18, Island of Molokai.

Item C-2 -- Appointment of District Fire Warden, District 19, Island of Maui.

Administration

Item H-6 -- Appointment to Clerk-Typist II Position No. 33056, Oahu.

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

ITEM F-1-C

HARBOR POINT DEVELOPERS REQUEST FOR CONSENT TO MORTGAGE AND ASSIGNMENT OF GRANT OF EASEMENT (L.O.D. NO. S-37,268), KALAUAO, EWA, OAHU.

Mr. Detor explained that at a previous meeting the board consented to a transfer of this particular easement from the Episcopal Church to Harbors Point Developers. The board then consented to an assignment of the Harbors Point Developers' interest in the easement by way of a mortgage to First Federal Savings and Loan and the Episcopal Church in connection with a mortgage of the private property which they were developing. Today's

particular request in essence replaces that particular mortgage with a new mortgage which will wipe out what remains of the old mortgage. Basically, the mortgage concerns a private land but because the easement is appurtenant to it, it is necessary that the easement also be mortgaged.

ACTION

Mr. Ing moved to consent to the assignment of Grant of Easement, as amended and mortgage to First Federal Savings and Loan Association of America, subject to review and approval by the Office of the Attorney General. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-1-E

HAWAIIAN ABALONE FARMS REQUEST FOR CONSENT TO MORTGAGE, KEAHOLE POINT, NO. KONA, HAWAII.

ACTION

Mr. Ing moved for approval subject to review and approval of pertinent documents by the State Attorney General and such other terms and conditions as may be prescribed by the Chairperson. Mr. Kealoha seconded and motion carried unanimously.

Mr. Ing asked Mr. Detor to make sure we have the Master Lease before the consent is executed.

ITEM H-3

REQUEST TO AMEND A USE PREVIOUSLY APPROVED: MAUNA KAPU MICROWAVE RELAY OCEANIC CABLEVISION.

Mr. Soh said that the original request was for a building 14 feet by 17 feet to house receivers and transmitters. It also included a 21-foot tower with four microwave discs not more than 10 feet in diameter.

Oceanic's new plans call for expanding the first to a 10 feet by 18 feet building and the second to a 12 feet by 24 feet building. As a protection against fires, Oceanic would like the buildings to be of cinderblock, rather than wooden as they are now. The buildings would be built so an additional floor could be added when necessary.

To power this facility, Oceanic has a power line hook up with Hawaiian Electric. They also have a 30 kw generator but would like a second 30 kw generator for future expansion needs.

Mr. Soh said that at the time of this writing there was no information on the height of the present tower. A height up to 40 feet was authorized by the Board on April 26, 1974.

Mr. Soh called to the board's attention that there is an additional building on the site which was not approved and asked that a \$500.00 fine be levied. Also, another \$500.00 fine because the tower is in fact higher than approved by the board on April 26, 1974. In addition there are nine antennas rather than four on the tower structure so staff has recommended a \$500 fine for each of the additional antennas. There are a total of seven unapproved structures on the site and staff recommends a fine of \$500.00 for each of these structures or a total of \$3500.00.

Mr. Kealoha said that staff is overlooking the fact that in one hand we admit that we were at fault and yet we recommend maximum fine. He felt that the penalty was too stiff and maybe not warranted. He felt also that the fault was partly the applicants and partly ours so the penalty should be split down the middle. Also, asked Mr. Kealoha, what happens to the structures?

Mr. Soh said that it does not seem feasible to have the structures taken down.

Mr. Kealoha felt that the structures should remain since it does serve a public purpose; however, he felt that the fine was too stiff and strongly recommended that the fine be reduced to something more reasonable.

Mr. Ono asked whether the present applicant was the one actually violating the conditions of the 1974 CDUA or was it a previous party.

Mr. Soh said that it was a corporate entity so there were probably changes in the officers over the years.

ACTON

Mr. Yagi moved to approve staff's recommendation that this amendment be approved, subject to the original conditions attached to the approval of application OA-5/27/71-202, as amended, on April 26, 1974 and further amended the submittal by decreasing the fine from \$3500.00 to \$2500.00. Motion carried with a second by Mr. Zalopany.

Mr. Ing was disqualified from voting on this item.

Mr. Ono informed the current applicant that, henceforth, any change from the approved plan has to come back to the board for any kind of amendment.

ITEM F-5

RESUBMITTAL - BRILHANTE-HAWAII, INC. APPLICATION FOR WATERLINE EASEMENT, PONAHAHAWAI, SO. HILO, HAWAII.

Mr. Detor said that the original request was to sell an easement to Brilhante-Hawaii, Inc. who would install the waterline and then later on turn it over to the Department of Water Supply. The question that arose concerned the relocation clause. Most of the Water Department's easements do not have relocation clauses whereas the private easements do. Accordingly, the applicant was to check on this with the Department of Water Supply.

Mr. Brilhante said that the attorney general's office had suggested that they try and get the easement directly through the Board as a standard Board of Water Supply easement. Mr. Brilhante said that he met with Mr. Bill Sewake, head of the Hawaii County of Department of Water Supply and he drafted a letter saying that they would be glad to take the easement directly to them.

Another concern was that the easement would be in an area where the potential for relocation is minimal so it was recommended that the County Planning Department be contacted to get their views as to what their feeling is as to the extension of the future road network in that area. Mr. Brilhante said that he did check and had a letter from Mr. Fuke saying that it was fitting and logical to have these easements situated as proposed, etc.

As far as the submittal is concerned, Mr. Detor said that the applicant would be changed to the Department of Water Supply and Condition No. 8, the standard relocation clause, would be deleted.

ACTION

Mr. Ing moved to authorize the sale of the subject non-exclusive easement to the applicant under the terms and conditions listed in the submittal, except Condition No. 8 which is to be deleted and also authorize a construction right of entry to the applicant and or his authorized agent subject to the standard indemnity and hold-harmless clause and such other terms and conditions as may be prescribed by the Chairperson. Also, the applicant is to be the Department of Water Supply instead of Brilhante-Hawaii, Inc. Motion carried unanimously with a second by Mr. Kealoha.

OUT-OF-STATE TRAVEL REQUEST FOR ERIC ONIZUKA TO ATTEND A FEDERAL AID IN SPORT FISHERIES COORDINATORS' WORKSHOP ON AUGUST 17, 1984 IN PORTLAND, OREGON.

ITEM B-1

ACTION

Mr. Ing moved to approve Mr. Onizuka's request for out-of-state travel and provide travel and per diem expenses for three days. Mr. Kealoha seconded and motion carried unanimously.

ADDED
ITEM C-1

APPOINTMENT OF DISTRICT FIRE WARDEN, DISTRICT 18, ISLAND OF MOLOKAI.

ACTION

Mr. Yagi moved to approve the appointment of Mr. Edwin Misaki as District Fire Warden for District 18, Island of Molokai. Mr. Kealoha seconded and motion carried unanimously.

ADDED
ITEM C-2

APPOINTMENT OF DISTRICT FIRE WARDEN, DISTRICT 19, ISLAND OF MAUI.

ACTION

Mr. Yagi moved to approve the appointment of Mr. Terry Quisenberry as District Fire Warden for District 19, Island of Maui. Mr. Kealoha seconded and motion carried unanimously.

ITEM D-1

SOIL AND WATER CONSERVATION DISTRICT DIRECTORS.

ACTION

Upon motion by Mr. Zalopany and a second by Mr. Yagi, the board voted unanimously to certify the elected persons for the terms shown below to serve as Directors of the East Kauai Soil and Water Conservation District:

<u>Name</u>	<u>Term to End</u>
Joseph Vierra, Retiree	6/30/87
Paul Koehler, Agriculturist	6/30/87
William Hicks, Retiree	6/30/87*

*To fill unexpired term.

ITEM D-2

ELECTRICAL PLANNING AGREEMENT FOR JOB NO. 4-OW-30, PUMP AND CONTROLS FOR WAIALAE NUI WELL (1747-03), HONOLULU, OAHU.

ACTION

Mr. Ing moved to authorize the Chairperson to accept and consummate the letter of agreement for the advance of \$8,200 to Hawaiian Electric Co., Inc. Mr. Kealoha seconded and motion carried unanimously.

ITEM D-3

APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT FOR KAHALUU WATERSHED, KA-2 CHANNEL IMPROVEMENTS, KAHALUU, OAHU.

ACTION

Mr. Ing moved to approve the application for a Stream Channel Alteration Permit for the Kahaluu Watershed Project KA-2 Channel Improvements along Kahaluu Stream, Kahaluu, Oahu, TMK: 4-7-25, 4-7-28, 4-7-29, and 4-7-55, subject to the terms and conditions listed in the submittal. Motion carried unanimously with a second by Mr. Kealoha.

ITEM E-1

REQUEST FOR PERMISSION TO SET UP A REFRESHMENT CONCESSION BOOTH AT WAILOA CENTER, HILO, HAWAII.

ACTION

Mr. Yagi moved to authorize the issuance of a permit to Mr. Hara to operate a refreshment concession booth on August 21, 1984 with proceeds of sales to be given to the Friends of Wailoa Center. Mr. Zalopany seconded and motion carried unanimously.

ITEM E-2

REQUEST TO ISSUE A SPECIAL USE PERMIT FOR THE STROH'S LIBERT 8K FUN RUN THROUGH AINA MOANA PARKING LOT, HONOLULU, OAHU.

ACTION

Mr. Kealoha moved to authorize the issuance of a permit to Stroh's Libert 8K Fun Run at the Aina Moana Parking Area for their Fun Run on October 13, 1984 from 7:00 A.M. to 10:30 A.M. Mr. Ing seconded and motion carried unanimously.

ITEM E-3

RESUBMITTAL - RIGHT-OF-ENTRY TO THE HAWAII CHRISTIAN CAMPS AND CONFERENCE ASSOCIATION TO SECURE EXISTING DWELLINGS AND PROVIDE MAINTENANCE AT MALAEKAHANA STATE RECREATION AREA, KAHUKU AREA, UNTIL THE PARK IS OPENED TO THE PUBLIC.

Mr. Nagata stated that back in April 13, 1983 the board granted permission to negotiate a lease with the Hawaii Christian Camps and Conference Association to operate the existing grounds and improvements at Malaekahana State Recreation Area. One of the hang-ups was the IRS approval.

Mr. Nagata said that word was just received from the applicants that they were able to resubmit their original application. They have received approval of the IRS so at this time staff is requesting a right of entry so that they can start to occupy a portion of the premises until such time as we can set up the lease so that they can run the whole campground area.

Mr. Ing asked what the right-of-entry would allow them to do.

Mr. Nagata said that it will allow them basically to renovate a particular dwelling for someone to be on site at all times and to renovate another structure which they would be using as a base camp to have volunteer groups come in to renovate the other structures. But the work would be limited until they get a lease -- hopefully in about six months.

In answer to Mr. Ono's question, Mr. Nagata said that they do have a draft of the lease document.

Mr. Ing moved to grant permission to establish a Right-of-Entry with the Hawaii Christian Camps and Conference Association to secure the dwellings and maintain the surrounding yard areas until the park is opened to the public. Mr. Kealoha seconded; however, he felt that this type of agreement should have some kind of statement where this right-of-entry may be cancelled at anytime -- say, with a ten day notice.

Mr. Ono asked about Condition 1. which states in part that: "two former tenants will be excluded."

Mr. Nagata explained that there are two tenants who they still have not been able to vacate so the matter has been referred to the Attorney General's office. Staff felt that the State had done its share in attempting to relocate these tenants but have had problems so the Attorney General's Office is assisting the Division of State Parks.

Mr. Kealoha asked whether these people qualified for relocation or was it that they just did not want to move out.

Mr. Nagata said that they did qualify for relocation benefits but they have not accepted any of the options proposed to them.

Mr. Ing withdrew his first motion and moved for approval with the following two amendments:

1. That a condition be added that the right of entry may be cancelled upon fifteen days notice; and

2. With regard to Condition No. 1, that the exclusion of the former tenants be only until such time as they have been relocated.

Mr. Kealoha seconded and motion carried unanimously.

Mr. Ono asked that the Attorney General's office help in the vacating of the tenants.

REQUEST FOR ADOPTION OF A RESOLUTION TO APPLY FOR ACQUISITION OF KAENA POINT MILITARY RESERVATION (SURPLUS PROPERTY) FOR USE AS A PUBLIC PARK, WAIANAE, OAHU.

ITEM E-4

Mr. Nagata asked that the area listed in the submittal be corrected from 57.44 acres to 47.44 acres.

ACTION

Mr. Ing moved to adopt the resolution to authorize the Chairperson, as the authorized representative of the Department, to apply for the surplus federal government property. Also that the area listed in the submittal be changed from 57.44 to 47.44 acres. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-1

DOCUMENTS FOR CONSIDERATION.

Item F-1-A

BOB SAKAMOTO WELDING, INC. APPLICATION FOR REVOCABLE PERMIT, Lot 231, Sand Island, Oahu, being TMK: 1-5-41 containing 36,000 sq. ft. Purpose: Welding business and storage. Rental: \$2,160.00 per month.

Item F-1-B

DA CHENG LUO & ARTHUR LUM APPLICATION FOR REVOCABLE PERMIT, covering land at Waimanalo being TMK 4-1-10:por. 79 containing 1 acre, more or less for bee keeping purposes. Rental. \$10.00 per mo.

Mr. Detor said that since this submittal was written complaints have come in about bees flying all over the place and stinging people. Accordingly, staff would like to have this item deferred so they can check this out.

Item F-1-C

(See Page 2 for Action)

Item F-1-D

JOSE TABLADA, JR. REQUEST FOR REVOCABLE PERMIT, Lot 240, Wailua House Lots, 4th Series Extension being TMK 4-1-11:18, containing 44,978 sq. ft., more or less for pasture use. Rental: \$10.00 per mo.

Item F-1-E

(See Page 2 for Action)

Item F-1-F

PROMANA, INC. REQUEST TO ASSIGNMENT OF GRANT OF EASEMENT (G. L. NO. S-4216) TO PACIFIC RESOURCES TERMINALS, INC., being TMK 1-5-34:14, Kapalama, Honolulu, Oahu.

Item F-1-G

HAITSUKA BROTHERS, LTD. APPLICATION FOR REVOCABLE PERMIT, for land situated at Keawaula, Waianae, Oahu, being portion of the proposed Makua-Kaena Point State Park, TMK 8-1-01:por. 7 containing 10,000 sq. ft. for storage of construction equipment and materials and portable office use. Monthly Rental to be determined by staff appraisal.

ACTION

Mr. Ing moved to approve Items F-1-A, F-1-D, E, F & G and to defer Item F-1-B. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-2

U. S. SOIL CONSERVATION SERVICE REQUEST FOR RIGHT OF ENTRY FOR GEOLOGICAL INVESTIGATION PURPOSES, WAIMEA, SO. KOHALA, HAWAII.

Mr. Detor asked that the beginning date listed in the submittal be changed from August, 1984 to October, 1984.

ACTION

Mr. Kealoha moved to authorize the issuance of a right of entry to the United States Soil Conservation Service for purposes of conducting a geological investigation on State land, identified as TMK 6-5-01:20, at Waimea, So. Kohala, Hawaii, subject to the conditions listed in the submittal. Mr. Yagi seconded and motion carried unanimously.

ITEM F-3

COUNTY OF HAWAII REQUEST FOR CONVEYANCE OF LAND REQUIRED FOR ROAD IMPROVEMENT, WAIMEA CIVIC CENTER, WAIKOLOA & PUUKAPU, SO. KOHALA, HAWAII.

ACTION

Subject to the conditions listed in the submittal, the board, upon motion by Mr. Yagi and a second by Mr. Ing, voted unanimously to:

1. Approve and recommend to the Governor issuance of an executive order to withdraw the area in question from the operation of Governor's Executive Order No. 2362 (Waimea Civic Center).
2. Pursuant to Section 171-95, HRS, authorize conveyance of such area to the County of Hawaii for road improvements.
3. Grant right of entry to the County of Hawaii for the construction of road improvements on TMK 6-7-02:11 commensurate with written concurrences from the Department of Accounting and General Services.

ITEM F-4

PUNA MACADAMIA REQUEST FOR ROAD AND UTILITY EASEMENT OVER AND ACROSS TMK 2-4-08:1 and 22, WAIAKEA, SO. HILO, HAWAII.

Mr. Detor explained that this item is a follow-up action of a CDUA taken up by the board in May, 1984 in which approval was granted for an easement to Puna Macadamia Company for crossing a portion of the Waiakea Forest Reserve on Hawaii. This was land which was formerly under lease to Puna Sugar Company, which lease was cancelled when the company went out of business.

Mr. Detor noted that the terms and conditions listed in the submittal were the same as were originally submitted to the board. However the board amended those conditions at the meeting and this was not reflected in the submittal. Accordingly, Mr. Detor asked that the following amendments be made:

1. Delete Condition No. 10.
2. Amend Condition No. 12 to read as follows:
 - "12. That the applicant pay the State a fair market value on all planted trees which have economic value to the State and are removed for road widening."

ACTION

With the above amendments to the submittal, Mr. Ing moved to authorize the sale of the easement subject to the conditions listed in the submittal and also moved to grant a right of entry to the applicant for conducting a field survey of the easement for mapping purposes. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-5

RESUBMITTAL - BRILHANTE-HAWAII, INC. APPLICATION FOR WATERLINE EASEMENT, PONAHAHAWAI, SO. HILO, HAWAII.

(See Page 3 for Action)

ITEM F-6

PINEAPPLE HILL RESORT REQUEST FOR DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR MAINTENANCE OF EXISTING SEAWALL AND LANDSCAPED AREA, LAHAINA, MAUI.

Mr. Detor said that a portion of the seawall is encroaching over land claimed by the State.

Mr. Yagi moved to approve and Mr. Zalopany seconded.

Because this is a waterfront area, Mr. Ing asked whether we were requiring the applicant to repair and maintain the seawall. And, if they are going to repair the wall, is a CDUA required. His only concern is that maybe ten years down the road they rip the wall out so he wondered if they were required to notify us.

Mr. Detor felt it best to get this requirement into the terms and conditions listed in the submittal. However, even without this requirement they would have to get a building permit to do any work so they would have to go to the County or to DLNR for a CDUA, depending on how it falls.

Mr. Ono said that this is only the beginning. There are a number of similar kinds of request. Maybe this should be approached like the Kaneohe Bay Study. Set up criterias as to who is eligible, what kinds of penalty, etc. and even to the extent as to how we appraise these properties if we are going to sell. Taking it one at time is real rough since we may deviate from one case to another in a similar situation.

Mr. Ono asked that Mr. Detor also check with the Division of Water and Land Development Division to make sure that they don't get stuck with the responsibility to repair and maintain these seawalls.

ITEM F-7

LIBERT KAHAHANE, JR. REQUEST FOR DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR MAINTENANCE OF EXISTING SEAWALL AND LANDSCAPED AREA, LAHAINA, MAUI.

ITEM F-8

RESUBMITTAL - BETTY ALBORO HUI APPLICATION TO PURCHASE RECLAIMED LAND AT PUUIKI, LAHAINA, MAUI.

ACTION

Mr. Yagi withdrew his motion to approve Item F-6 and Mr. Zalopany withdrew his second.

The board asked that Items F-6, F-7 and F-8 be deferred and staff to come back with some kind of criteria for the board to consider for processing easements for all similar encroachments.

At Mr. Ono's request, Mr. Detor said that if it was found that this deferral would create a real hardship on the above applicants, staff would then bring the items back to the board at the next meeting for consideration.

ITEM F-9

NA WAHINE O KE KAI REQUEST FOR RIGHT OF ENTRY FOR MOLOKAI-OAHU CANOE RACE AWARD CEREMONIES & CANOE PARKING, FORT DERUSSY BEACH, HONOLULU, OAHU.

ACTION

Unanimously approved, subject to the terms and conditions listed in the submittal. (Ing/Kealoha)

ITEM F-10

DEPARTMENT OF TRANSPORTATION REQUEST FOR CONSTRUCTION RIGHT OF ENTRY, INTERSTATE ROUTE H-3 AT KANEOHE, KOOLAUPOKO, OAHU.

Mr. Detor said that this is a part of the access to H-3. One of the questions that came up was whether any of these areas are actually a part of H-3 or merely access road. The reason that this came up is because of the court order on H-3 and DOT's position that they would not actually begin construction on H-3 until the court business was cleared up.

Mr. Ono asked whether the conservation lands listed in the submittal was a part of the CDUA that the land board had acted on. If it is fine. However, if it is not, Mr. Ono wanted to know on what basis the board could act on.

Mr. Detor said that the board had approved the use as far as the areas that are in conservation.

Mr. Ono asked whether the board's action specifically covered the parcels listed in the submittal.

Mr. Detor said yes.

In answer to Mr. Kealoha's question, Mr. Garcia said that this item requires action as soon as possible inasmuch as there is a possibility of losing quite a bit of funds if everything isn't done by September 30, 1984.

Because of the court's involvement, Mr. Ono asked about DOT's limitation -- what they can or cannot do.

Mr. Garcia said that they can do the design work. In this particular case where they are asking for a construction right-of-entry, they cannot actually do any construction work until after the Ninth Circuit Court of Appeals has ruled on the case. So if the board were to approve this submittal, DOT still cannot go in and do any construction work until after the court has come up with a decision. However, DOT feels that the decision is very close at hand and they would like to get the paper work ready so that when the decision is made they can proceed with construction.

Mr. Ono asked whether the board could be assured that, should this submittal be approved, there will be no physical work done on the subject area.

Mr. Garcia said yes inasmuch as they are under the order of the court. He explained that this is a paper approval for processing purposes only and no other work, other than what has already been approved by the court, will be done.

ACTION

Mr. Kealoha moved to grant immediate Right of Entry to the Department of Transportation to the subject areas for construction purposes, subject to the conditions listed in the submittal and subject to approval of the Office of the Attorney General. Motion carried with a second by Mr. Yagi.

Mr. Ing voted no.

ITEM F-11

AMENDMENT TO PRIOR BOARD ACTION RE EXTENSION OF G. L. NO. S-3769 ISSUED TO MUN ON CHANG AND ROSALIND K. CHANG, LOT 29, WAIMANALO, OAHU.

At it's November 18, 1984 meeting the board approved the extension of G. L. No. S-3769 for a twenty-seven (27) year period up to and including December 1, 2010, subject to certain terms and conditions. Two of which were:

Condition No. 5. "All plans and specifications covering improvements proposed for the subject area shall be submitted to the Chairperson for approval in accordance with the terms of the lease document and construction of the greenhouse shall be initiated within six (6) months from date of this Board approval with the lessee to submit proof of such construction to this office.

Condition No. 6. That this lease extension shall be considered null and void in the event the mortgage loan has not been finalized within six (6) months from the date of this Board approval."

Mr. Detor said that the six-month period given the applicant to initiate construction and to obtain approval of the mortgage loan expired on May 17, 1984.

However, the applicant was not really at fault. Staff encountered a number of problems in getting approval of the independent appraisal report which established the new rental and this in turn resulted in

delay in processing the lease extension which prevented the applicant from going ahead with the conditions. All this has been ironed out but staff is asking that the applicant be given an additional six months to comply with Conditions 5 and 6.

Mr. Ing understood, because of Condition No. 6, that the approval is void because months has passed, so rather than say amend the above conditions just approve the additional time and reinstate the board's prior approval.

ACTION Mr. Ing moved for approval with the amendment that the board's prior approval be reinstated and the other conditions to be in accordance with the submittal. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-12 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF LEASE COVERING LOTS 16, 17 AND 18, WAILUA RICE AND KULA LOTS, WAIALUA, KAWAIHAU (PUNA), KAUAI.

ACTION Finding the area to be an economic unit in terms of the intended use and that the area is presently unsuitable for hunting the board; upon motion by Mr. Zalopany and a second by Mr. Yagi, unanimously approved the public auction sale of a lease for general agricultural purposes under the terms and conditions listed in the submittal.

ITEM F-13 DIRECT SALE OF EASEMENT RESERVED IN LAND PATENT GRANT NO. 6321, KALAHEO, KAUAI.

Mr. Detor said that, among other conditions, the Patent contains the following reservation:

"Excepting and reserving there from a right-of-way 50-foot-wide across this lot for the tunnel and ditch; as shown on the map made part hereof."

The present owner of the lot has requested removal of the above restriction from the subject patent. Staff is of the opinion that the public interest will be served by waiving the reservation provision.

ACTION Deferred. Mr. Zalopany would like to discuss this matter further with the Kauai Land Agent.

ITEM F-14 RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, WAILUKU, MAUI.

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

ITEM F-15 LEASE OF LAND FOR THE DEPARTMENT OF HEALTH, NANAWALE ESTATE SUBDIVISION, PUNA, HAWAII.

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

ITEM F-16 FILLING OF POSITION NO. 12077, OAHU DISTRICT LAND AGENT.

ACTION Mr. Ing moved to appoint Mr. W. Mason Young to fill Position No. 12077, District Land Agent, Oahu effective September 1, 1984. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-17

PATRICK MALONEY REQUEST FOR EXTENSION OF LEASE TERM, G. L. NO. S-3854, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU.

Mr. Ono asked if there were any guides as to how long an existing lease can be extended.

Mr. Detor said that the law states that a lease cannot be longer than 55 years in total, including the original lease. Secondly, staff goes on the basis of what is required by the lending agency to amortize the loan.

Mr. Ono felt that we should have our own guides instead of relying solely on the Lending Institutions.

ACTION

The board unanimously approved the extension of term of General Lease No. S-3854 for a twenty-five year (25) year period up to and including August 9, 2009, subject to the terms and conditions listed in the submittal and also to review and approval of the Office of the Attorney General.

ADDED
ITEM F-18

LEONG KAM REQUEST FOR EXTENSION OF LEASE TERM, G. L. NO. S-3860, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU (VERBAL).

Mr. Detor said that Mr. Kam's lease runs out on August 12, 1984, which is this Sunday. Staff has checked and the lessees have fully complied with the terms of the lease. Accordingly, Mr. Detor asked if the board could delegate to the chairman the authority to approve this submittal subject to confirmation by the board at its next meeting.

ACTION

The board acted on two parts of this submittal.

1. The board unanimously approved to add Item F-18 to the Agenda. (Yagi/Zalopany)
2. Unanimously voted to delegate authority to the Chairman to act on this matter subject to the Attorney General's review and staff review to approve the extension. (Yagi/Zalopany)

ITEM H-1

CDUA FOR CONSOLIDATION AND RESUBDIVISION AT KALIHI, SO. KONA, HAWAII - TMK 8-9-10: 2 & 3 (BYRON M FOX).

ACTION

Unanimously approved as submitted, subject to the terms and conditions listed in the submittal and also subject to review and comment from the Office of the Attorney General. (Kealoha/Yagi)

ITEM H-2

CDUA FOR A SINGLE FAMILY RESIDENCE AT WILHELMINA RISE, OAHU - TMK 3-3-26:34 (M/M RANDALL WONG).

ACTION

Unanimously approved, subject to the terms and conditions listed in the submittal. (Kealoha/Yagi)

ITEM H-3

REQUEST TO AMEND A USE PREVIOUSLY APPROVED: MAUNA KAPU MICROWAVE RELAY OCEANIC CABLEVISION.

(See Page 3 for Action)

ITEM H-4

REQUEST FOR APPROVAL TO CONTRACT WITH THE UNIVERSITY OF HAWAII TO CONTINUE RESEARCH ON LOW-ENERGY WATER CIRCULATION DEVICES FOR HAWAII PRAWN PONDS.

ITEM H-5

PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII TO CONTINUE AN INVESTIGATION OF CHEMICALLY-MEDIATED FEEDING BEHAVIOR IN MACROBRACHIUM ROSENBERGII.

ACTION

Mr. Yagi moved to authorize the Chairperson to negotiate and subject to the Governor's approval, enter into a contract with the University of Hawaii for those projects listed in Items H-4 and H-5. Mr. Zalopany seconded and motion carried unanimously.

- ADDED
ITEM H-6 FILLING OF CLERK-TYPIST II POSITION NO. 33056, PLANNING OFFICE, OAHU.
 ACTION The board unanimously approved the appointment of Mrs. Barbara Quinlan to the Clerk-Typist II Position No. 33056 effective August 20, 1984.
- ITEM I-1 FILLING OF POSITION NO. 25889, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, OAHU.
 ACTION The board unanimously approved the appointment of Frank T. Fujii to fill Position No. 25889 effective August 27, 1984. (Yagi/Zalopany)
- ITEM I-2 FILLING OF POSITION NO. 02903, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, MAUI.
 ACTION Deferred, at Mr. Yagi's request.
- ITEM J-1 REVISION OF RENTAL, RENEWAL OF REVOCABLE PERMIT 3195, AIRPORTS DIVISION, LIHUE AIRPORT, KAUAI (MURRAYAIR, LTD.).
 ACTION Unanimously approved as submitted. (Zalopany/Yagi)
- ITEM J-2 RENEWAL OF REVOCABLE PERMITS 2869, ETC., CONFORMING USE, AIRPORTS DIVISION.
 ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NEAR KEEHI LAGOON, HONOLULU, OAHU (PAFCO MANUFACTURING CORP.).
 ACTION Unanimously approved as submitted. (Ing/Zalopany)
- ADJOURNMENT: The meeting adjourned at 10:50 A.M.

Respectfully submitted,

LaVerne Tirrell
 Mrs. LaVerne Tirrell
 Secretary

APPROVED:

S. Ono
 SUSUMU ONO
 Chairperson

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