

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

DATE: September 14, 1984
TIME: 9:00 A.M.
PLACE: Kalanimoku Building
Room 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

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

MEMBERS

Mr. Roland Higashi
Mr. Moses W. Kealoha
Mr. Thomas Yagi
Mr. Leonard Zalopany
Mr. Susumu Ono

Absent & Excused

Mr. J. Douglas Ing

STAFF

Mr. Libert Landgraf
Mr. Robert Chuck
Mr. James Detor
Mr. Gordon Soh
Mr. Noah Peko
Mr. Henry Sakuda
Mrs. Jane Yamamoto
Mr. Herbert Yanamura
Ms. Patty Edwards
Mrs. LaVerne Tirrell

OTHERS

Mr. Edwin Watson, Deputy Atty. Gen.
Mr. Peter Garcia, DOT
Ms. Carol McClean (Item E-3)
Mr. Vernon Char (Item F-6)
Mr. Ernie Taketa (Item F-13)
Mr. Russell Barefield (Item H-4)
Mr. Charles Kimak (Item H-7)
Mr. James McCarthy (Item H-10)

ADDED
ITEMS

The board, upon motion by Mr. Higashi and a second by Mr. Yagi voted unanimously to add the following items to the agenda:

Division of Forestry

Item C-2 -- Filling of Vacant Wildlife Management Assistant II Position, Island of Molokai.

Division of Water & Land Development

Item D-3 -- Permission to Obtain Consulting Services for the Development of a Demonstration Desalting Plant on Oahu.

MINUTES:

Mr. Kealoha moved for approval of both the June 8, 1984 and June 22, 1984 minutes as circulated. Mr. Higashi seconded and motion carried unanimously.

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

ITEM F-3 COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, REQUEST FOR RIGHT OF ENTRY FOR FEASIBILITY STUDY, LALAMILO, SO. KOHALA, HAWAII.

Mr. Detor said that the County would like to install about 120 windmills. The purpose of this submittal is for them to make a feasibility study to see if they want to go ahead with the project or not. If the project moves they will be in partnership with a private company. The department proposes to purchase electricity from the company for its Lalamilo water well operation.

In answer to Mr. Kealoha's question, Mr. Detor said that the right of entry would be for three months from the date of Notice to Proceed.

ACTION Mr. Kealoha moved to grant the County of Hawaii, Department of Water Supply and its project consultant, right of entry to the proposed windfarm area, subject to the conditions listed in the submittal. Motion carried with a second by Mr. Zalopany.

Mr. Higashi was excused from voting on this item.

ITEM F-13 DEPARTMENT OF SOCIAL SERVICES & HOUSING REQUEST FOR ACQUISITION OF LEASE COVERING SUITES 206, 206-C & 206-D AT 100 NO. BERETANIA ST., HONOLULU, OAHU.

Mr. Ono asked what kind of parking arrangements were available for the public.

Mr. Ernie Taketa of DSSH said that the parking cost is 25¢ for two hours with a validation stamp.

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

ITEM E-3 ONE-YEAR RENEWAL FOR THE FRIENDS OF HEEIA STATE PARK, INC. TO OPERATE AN EDUCATIONAL/CULTURAL CENTER IN THE PARK.

ACTION Mr. Yagi moved to approve a second one-year extension for General Lease No. S-82-02 with the Friends of Heeia State Park, Inc. and the Lease include the authorization to rent the visitors center to non-profit organizations, unincorporated volunteer organizations and political organizations for fund raising purposes. Mr. Kealoha seconded and motion carried unanimously.

Ms. Carol McClean, new Director for Friends of Heeia State Park, Inc. stated that things have been going along smoothly. They have a new board now and expect a more successful year next year.

ITEM H-1 CDUA FOR A SINGLE FAMILY RESIDENCE AT PUAKEA BAY, NORTH KOHALA, HAWAII TMK 5-6-01:POR 24 (MR. GEORGE ISAACS).

This is a resubmittal. Mr. Soh explained that at the last meeting concerns were raised regarding the guest cottage and the applicant's consultant has written to explain that it is really a conceptual design and what we are talking about is a bedroom wing to the main house which will be connected by a covered walkway. The total complex would be the equivalent of a single family dwelling with four bedrooms.

Mr. Soh said that the submittal, recommending denial of the guest cottage, and approval for a single family residence with a swimming pool, kennel and corral, landscaping and driveway and the designation of a shoreline easement

that traverses from the easterly boundary of Lot C-1, then turning west along the southern boundary of the property, subject to certain conditions was prepared prior to receipt of the letter from Mr. Isaac's consultant.

Mr. Higashi said that in view of the letter which was just received, the applicant is saying conceptual plans and once it is approved they would like to work it out with the staff by grouping it into one unit rather than two separate units. Mr. Higashi asked whether Mr. Soh would recommend approval on that kind of a concept.

Mr. Soh said that it is much more acceptable and more in line with the board's policy of a single family dwelling.

Mr. Ono said that he would have the same reaction. In the past the board has refrained from approving what appears to be two separate living quarters.

When asked by Mr. Higashi, Mr. Isaac's consultant said that this approach would be acceptable to him.

Mr. Ono asked how close to the main structure would the guest accommodations be built.

Mr. Isaac's consultant said that as far as distance they would like to maintain some kind of separation whether the distance is two feet or longer. They still have yet to work out the details.

Mr. Ono said that he does not want to see the main structure, connecting another cottage by a long walkway. So it would be more acceptable to the board if the room is brought closer to the main structure.

ACTION

Mr. Higashi moved to approve the application for guest quarters, a single family residence with a swimming pool, kennel and a corral, landscaping and driveway and the designation of a shoreline easement that traverses from the easterly boundary of Lot C-1, then turning west along the southern boundary of the property subject to those conditions listed in the submittal and also that final approval of the design of the building be delegated to the Chairman. Mr. Kealoha seconded and motion carried unanimously.

ITEM H-4

CDUA FOR THE INSTALLATION OF A DISCHARGE DRAINAGE CULVERT OVER TMK 5-6-02:9 AND ONTO THE ADJACENT BEACH AT KOOLAULOA, KAHUKU, OAHU (MARINE CULTURE ENTERPRISES, C/O MR. RUSSELL BAREFIELD).

Mr. Soh said that at the present time this area is vacant and is covered by scrub vegetation. The applicant proposes to develop a shrimp raising facility on approximately 45 acres in the agricultural area. The aquaculture facility will be located 1,500 feet inland of the shoreline and the proposed ditch is for the purpose of channeling water from the aquacultural facility out to the ocean. The water to the aquacultural facility will be provided by six wells and these wells would contain salt water.

On page 7, paragraph 3 b., Mr. Soh asked that it be corrected to read:

- b. The applicant must ensure there would be no discharge directly....
The word no was inadvertently left out.

ACTION

Mr. Kealoha moved to approve this application for the installation of the drainage culvert subject to the conditions listed in the submittal. Mr. Higashi seconded and motion carried unanimously.

Mr. Russell Barefield, representing Marine Culture Enterprises, in answer to Mr. Ono's question, said that he did have a chance to review staff's recommendations and conditions and all were satisfactory to them.

ITEM H-6

CDUA FOR DEVELOPMENT OF MANOA WELL II, AT MANOA VALLEY, OAHU (DOWALD).

ACTION

Mr. Kealoha moved to approve this application for the development of Manoa Well II on TMK 2-9-54:33 at Manoa Valley, Oahu, subject to the conditions listed in the submittal. Mr. Higashi seconded and motion carried unanimously.

ITEM H-2

CDUA FOR A RESIDENCE AT HAENA, KAUAI, TMK 5-9-02:22 (MRS. DAVID MONCREIF AND MR. GARY STICE).

The applicants propose to demolish and clear the existing fishing shack and build a two bedroom wood frame cottage on the site.

In answer to Mr. Ono's question, Mr. Soh said that this would be the only structure on the subject parcel.

ACTION

Unanimously approved, subject to the conditions listed in the submittal. (Zalopany/Yagi)

ITEM H-10

FILM PERMIT VIOLATION BY EXCOR TRAVEL.

Mr. Soh informed the board that Mr. James McCarthy, attorney for Excor Travel, had questions for the board regarding the violation.

Mr. Ono asked why these questions couldn't have been posed to staff before coming to the board.

Mr. Soh said that he did try to resolve some of the questions with staff. However, Mr. McCarthy still had additional questions.

Mr. McCarthy asked that this item be deferred for several reasons:

1. They have not had time to prepare on a new complaint.
2. Also, a prior complaint filed against Excor is still pending. They would like time to do a proper job before they present any evidence.
3. They have to subpoena several witnesses. He asked Mr. Soh what our procedure was and was informed that subpoenas cannot be issued unless we have a contested case. However, Mr. McCarthy said that under Section 92-16 a.1 the power to issue subpoenas is the same as the circuit court. It says nothing about what kind of a case you would be handling in order to issue the subpoena.

They need more time for this inasmuch as two of the witnesses are out of the State and one is to be brought back from Japan.

Mr. McCarthy said that deferring this item to the October 26, 1984 meeting would give them the time they need.

Mr. Ono asked Deputy Attorney General Ed Watson whether he had any reaction to this request.

Mr. Watson asked whether the new complaint had anything to do with the old complaint.

Mr. McCarthy said yes.

Mr. Watson suggested that the matter be taken under advisement and he will get together with staff on this.

Mr. Ono asked about the question regarding the board's subpoenaing witnesses without a contested case.

Mr. Watson said that that may be right. But he will get together with staff on this matter.

ACTION

Mr. Yagi moved to defer action on this item to the October 26, 1984 meeting. In the meantime staff and the Attorney General's representative will be sitting with Mr. McCarthy to work out details and answer questions. Mr. Zalopany seconded and motion carried unanimously.

ITEM F-9

UNIVERSITY OF HAWAII REQUEST FOR CONVEYANCE OF LAND AT MANOA, HONOLULU, OAHU.

By Final Order of Condemnation dated August 1, 1984 the Office of the Attorney General acquired 1.445 acres of land for the expansion of the Mauka-Manoa Campus of the University of Hawaii.

Mr. Detor said that the University has now asked that the land be conveyed to them in fee.

ACTION

Mr. Kealoha moved to authorize the direct conveyance by quitclaim deed the 1.445 acre parcel to the University of Hawaii subject to terms and conditions as may be deemed necessary by the Chairperson. Mr. Higashi seconded and motion carried unanimously.

ITEM F-19

UNIVERSITY OF HAWAII REQUEST FOR CONSENT TO AMENDMENT OF SUBLEASE COVERING G. L. S-4351, WAIAKEA, SO. HILO, HAWAII.

Under the terms of the lease the University can and has subleased the subject premises to Adult Student Housing, Inc. (ASHI), a non-profit corporation, which has constructed student housing facilities on the premises with funds borrowed from the federal government, which holds a mortgage on the sublease.

The University is requesting today that there be an amendment to the sublease to substitute a private bank in place of the federal government as the mortgagee. They would save some \$900,000.00 by doing so.

Mr. Detor said that the private lender listed in the submittal is Laurentide Financial, Inc. However, he would like that changed to Pacific Western Bank of Portland, Oregon.

Mr. Ralph Horii, Director of Finance at the University of Hawaii was present at the meeting to answer any questions the board may have.

Mr. Higashi, for the record, felt that the University of Hawaii should try to get a lower rate for the students based on a non-profit organization doing the construction work for the student housing.

Mr. Horii said that there was a possibility that there might be some benefit to the students as a result of the ability of ASHI to repay the Federal government at a discount.

ACTION

Mr. Higash moved that the board consent to amendment of the sublease of the General Lease No. S-4351 premises in which Pacific Western Bank of Portland, Oregon is substituted as mortgagee in place of the United States of America. Also, that the University of Hawaii be responsible for getting the students a lower rate because of the savings to be derived by ASHI by repaying the Federal government. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-6

RESUBMITTAL - STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING PORTION OF WILIWILINU I RIDGE, WAILUPE, HONOLULU, OAHU.

Mr. Detor explained that this item was deferred at the last meeting for lack of quorum.

Mr. Detor said that the facility was built on the strength of a right of entry issued by the board with a subsequent revocable permit which has been in effect since 1977. The company's original CDUA was approved by the board in 1971 and then amended in 1972. Subsequent to that, in 1974, the construction started and construction costs were in excess of \$400,000.00, according to the applicant.

The facility consists of a 260 sq. ft. building and an adjacent broadcasting tower.

The only access to the site is by helicopter.

Mr. Ono called to Mr. Detor's attention that there is no condition in the submittal which would incorporate the CDUA conditions. Accordingly, Mr. Detor asked that this be included as an added condition to the submittal.

Mr. Vernon Char, representing the applicant, said that he had no objection to any of the conditions listed in the submittal.

ACTION

Finding the subject area to be an economic unit in terms of its intended use, the board, upon motion by Mr. Kealoha and a second by Mr. Zalopany, voted unanimously to authorize the public auction sale of a lease covering the area in question, subject to the conditions listed in the submittal and also to the applicable conditions listed in the earlier approved CDUA.

ITEM H-7

CDUA FOR AN AFTER-THE-FACT BOAT PIER AT KANEOHE, OAHU, TMK 4-5-047:056 (CHARLES AND LAURA KIMAK).

Mr. Soh said that, according to the applicants, the pier was in place at the time of purchase of the adjoining property in April 1976. The applicants were verbally informed at that time that the subject pier had been built many years ago and was in fact legally authorized. Three years ago, the Kimaks replaced the deck of the pier with new lumber.

Tax records indicate the dwelling was constructed in 1957, however, it is not known when the pier was built.

Mr. Yagi said that inasmuch as it is not known when the pier was built, he wondered how we could hold the applicant responsible for the pier and impose a \$500.00 fine.

Deputy Attorney General Watson asked whether the \$500.00 was being imposed because of the old pier or because three years ago he replaced the deck of the pier with new lumber.

Staff said that he was being fined because the pier was unauthorized.

Mr. Kealoha felt that it is unfortunate that someone has to be responsible for an unauthorized pier after they have bought the house and lot. But, because we had fined Dr. Kuboyama for a similar incident, he felt that we also had to impose a fine on the Kimaks if only to be consistent.

Mr. Kimak said that he was at the meeting to prove that the pier was built before 1964. However about three years ago the pier completely collapsed and that was when he put in new posts and decking. Also a report from the U. S.

Corps of Engineers stated that the pier was built long before 1968 which would probably mean that it was built also before 1964. Mr. Kimak was therefore requesting that the pier be reclassified from Category 7 to 4, which would indicate that the pier was there prior to 1964.

Mr. Ono asked whether Mr. Kimak had obtained a permit before building the new pier.

Mr. Kimak said no inasmuch as the original frame was still there and all he did was replace the poles and deck. He did not think a permit was necessary.

Ms. Yamamoto said that if we get into the question of reconstruction it would be difficult to make the law applicable to everybody because the photographs of most of the piers make them look like they are in pretty good condition which must mean that something has been reconstructed along the way. Ms. Yamamoto felt that it would be opening up a big situation which they have not looked into.

Regardless of what the Kaneohe Pier Study calls for, Mr. Ono asked whether a violation existed if the pier is reconstructed.

Ms. Yamamoto said that she understood if it was just a matter of repairing the existing dimensions that a CDUA was not necessary.

ACTION

Mr. Kealoha moved to accept staff's recommendation that this application for an after-the-fact boat pier offshore of TMK 4-5-47:56 in Kaneohe, be approved subject to those conditions listed in the submittal. Motion carried unanimously with a second by Mr. Higashi.

Mr. Kimak asked for clarification of the motion.

Mr. Kealoha explained that by moving to accept staff's recommendation which, amongst the other conditions, is to impose a \$500.00 fine for the pier being there. The part about repairing the pier is negated and not considered a violation. So the motion is that a fine be imposed for one, and not two violations.

Mr. Kimak asked what would happen if he decided to dismantle the pier. Or the possibility that the pier was there before 1964 and therefore changed to Category 4 instead of 7.

Mr. Ono stated that he understood what Mr. Kimak was saying. However, if he was to pursue that, then the board will also pursue the possible violation that may have taken place when the pier was reconstructed. So the motion is to combine both possible violations into one, take one action and wipe the slate clean.

ITEM H-5

CDUA FOR DIAMOND HEAD NATIONAL GUARD SITE IMPROVEMENTS AT HONOLULU, OAHU (RIKIO NISHIOKA - DAGS).

Mr. Soh said that the applicant proposed construction of a ramp, driveway, concrete parking pad, a concrete loading platform and a gate for a chain link security fence to facilitate National Guard activities.

ACTION

Mr. Kealoha moved to grant approval to this application to construct improvements at Diamond Head National Guard facility subject to the conditions listed in the submittal. Mr. Yagi seconded and motion carried unanimously.

CDUA FOR CONDUCTING ORGANIZED COMMERCIAL RECREATIONAL USES ON THE SUBMERGED SANDBAR OFFSHORE OF HEEIA KEA PIER NEAR AHU O LAKA ISLAND, KANEOHE BAY, OAHU (MR. BRUCE MORITA).

Mr. Soh explained that the applicant proposes to conduct sightseeing tours of Kaneohe Bay with a small motorboat that is between 15 to 21 feet in length. The tour would begin at Heeia Harbor with excursions out to Kaneohe Bay, around Coconut Island, and out to Chinaman's Hat and the sandbar. Those on special tours -- not all the tours -- will stop off at the sandbar for swimming, snorkeling, and windsurfing lessons.

Mr. Soh said that staff has taken a very close look at this request and have recommended approval subject to certain conditions.

Mr. Kealoha had questions regarding the following conditions:

15. That the maximum number of commercial users on the sandbar be limited to six people at any one time.

Mr. Kealoha asked if there was a limit as to how many times he could go out to the sandbar.

Mr. Soh said that there was no limit, just as long as only six people went out at any one time.

12. That the applicant prepare a data sheet on their daily operations at the sandbar, etc.

Mr. Kealoha asked how many times a year the sandbar is above the surface of the water.

Mr. Soh said that he would expect it to be at low tide.

Mr. Kealoha asked about the size and shape of the sandbar when it is above the surface.

Mr. Soh said that he would expect it to vary. It is never set.

When the sandbar is exposed above the surface, Mr. Kealoha asked about how many people frequent the sandbar.

Mr. Soh said that on the weekends it is loaded but it's not so bad on the weekdays.

Mr. Kealoha said that he could not go along with staff's recommendation to try a commercial use and monitor that use for one year to see how it goes and then decide after one year whether the activity should be continued. It already is overpopulated.

Mr. Kealoha moved to deny the commercial use of the sandbar. Mr. Zalopany seconded.

The applicant, Mr. Bruce Morita, said that the sandbar area which is exposed is really not the problem. He really does not have to be on that sandbar.

As far as waste disposal is concerned, Mr. Morita that his boats have two tanks aboard for toilets so there would be no problem there.

Also, Mr. Morita said that the crowded periods are during the weekends and his request is for the weekdays.

Mr. Ono asked if the paying customers were to set foot on the sandbar, because they are paying, wouldn't they expect some extra services?

Mr. Morita said that they are not paying for the sandbar, they just want the option to set foot on the sandbar but he would like them to take pictures from there. What they are paying for is a sightseeing trip around the bay.

ACTION The board unanimously approved Mr. Kealoha's motion which was seconded by Mr. Zalopany to deny staff's recommendation to approve this application.

ITEM H-8 CDUA FOR DRIVEWAY ACCESS TO A RESIDENCE AT MAKIKI HEIGHTS, HONOLULU, OAHU (MS. JANET A. SANBORN).

ACTION Mr. Kealoha moved to approve the applicant's request to continue using the existing access driveway subject to the conditions listed in the submittal.

ITEM D-1 APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT FOR PERIODIC REMOVAL OF VEGETATION, DEBRIS, AND SILT FROM MALAEKAHANA STREAM, KAHUKU, KOOLAULO, OAHU, TMK 5-6-02 AND 5-6-06.

Mr. Chuck explained that this concerns DOWALD's new program on the Windward side of Oahu in instream use. One must get a permit from the board if a modification is made to any stream on the Windward side of Oahu. This application comes in from Campbell Estate for maintenance of their Malaekahana Stream and staff is recommending approval subject to those conditions listed in the submittal.

Mr. Kealoha asked that another condition be added making this approval subject also to any terms and conditions that may be deemed necessary by the Chairman.

ACTION Mr. Kealoha moved to approve the application for a stream channel alteration permit for periodic removal of vegetation, debris, and silt from Malaekahana Stream, Kahuku, Koolauloa, Oahu, TMK 5-6-06, subject to the conditions listed in the submittal and also to the added condition that this be subject to any terms and conditions that may be deemed necessary by the Chairperson.

ITEM D-2 PERMISSION TO ENGAGE THE SERVICES OF A CONSULTANT FOR MAKALEHA VALLEY SPRING WATER SOURCE DEVELOPMENT, WAILUA-KAPAA, KAUAI.

ACTION Unanimously approved as submitted. (Zalopany/Yagi)

ITEM D-3 PERMISSION TO OBTAIN CONSULTING SERVICES FOR THE DEVELOPMENT OF A DEMONSTRATION DESALTING PLANT ON OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM C-1 TIMBER (LAND) LICENSE IN THE MAKAWAO AND KOOLAU FOREST RESERVES.

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

1. That the license for timber harvest of Eucalyptus stands on Maui be issued to Hawaii EnerTec Corporation.
2. That the Chairperson and one member be authorized to sign the license for the timber sale on Maui when completed in final form and approved as to form by the Attorney General.

- ITEM C-2 FILLING OF VACANT WILDLIFE MANAGEMENT ASSISTANT II POSITION, ISLAND OF MOLOKAI.
- ACTION The board unanimously approved the appointment of Mr. Tod Lum to fill the Wildlife Management Assistant II Position No. 12044.
- ITEM E-1 FILLING OF CLERK TYPIST I, POSITION NO. 31471, LIHUE DISTRICT OFFICE, KAUAI PARKS SECTION.
- ACTION The board unanimously approved the appointment of Ms. Healani Reynolds to fill Position No. 31471, Clerk Typist I. (Zalopany/Yagi)
- ITEM E-2 FILLING OF GENERAL LABORER I, POSITION NO. 22305, LAHAINA AREA STATE PARK, MAUI PARK SECTION.
- ACTION The board unanimously approved the appointment of Mr. Edward J. Ferreira, Jr. to Position No. 22305, General Laborer I. (Yagi/Zalopany)
- ITEM F-1 DOCUMENTS FOR CONSIDERATION.
- Item F-1-A BRIAN E. PERREIRA APPLICATION FOR REVOCABLE PERMIT, COVERING LAND AT HUELO AND HANEHOI, HAMAKUALOA, MAKAWAO, MAUI, BEING TMK 2-9-09:27 CONTAINING 6.040 ACRES FOR PASTURE USE. RENTAL: \$10.00 PER MO. RETROACTIVE FROM SEPTEMBER 1, 1984.
- Item F-1-B WILLIAM MCCOY REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4453 COVERING LOT 24, PANAWEA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII TO DELTA RESOURCES, LTD.,
- Item F-1-C WALLACE K. SENAHA APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND, HONOLULU, OAHU, BEING TMK 1-5-41 CONTAINING 8,000 SQ. FT. FOR OFFICE AND STORAGE OF PAINTING EQUIPMENT/SUPPLIES PURPOSES COMMENCING SEPTEMBER 16, 1984. RENTAL: TO BE DETERMINED.
- Item F-1-D MCCABE PAVING CO., INC. APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND, OAHU, BEING TMK 1-5-41, CONTAINING 15,000 SQ. FT. FOR OFFICE AND BASEYARD PURPOSES COMMENCING SEPTEMBER 16, 1984. RENTAL: TO BE DETERMINED.
- Item F-1-E ATLAS TILE, INC. APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND, OAHU, BEING TMK 1-5-41 CONTAINING 5,000 SQ. FT. FOR OFFICE AND WAREHOUSE PURPOSES COMMENCING SEPTEMBER 16, 1984. RENTAL: TO BE DETERMINED.
- Withdrawn.
- Item F-1-F PUNA CERTIFIED NURSERY, INC. REQUEST FOR CONSENT TO SUBLEASE PORTION OF G. L. NO. S-5005 COVERING LAND AT KEONEPOKO NUE, PUNA, HAWAII, BEING BEING TMK 1-5-08:5, CONTAINING 5.00 ACRES TO VOLCANIC PARADISE FOLIA.
- Item F-1-G TITUS KINIMAKA APPLICATION FOR REVOCABLE PERMIT, PORTION OF WAILUA BEACH, BEING TMK 4-1-05:POR. 4, FOR CONCESSION PURPOSES COMMENCING OCTOBER 1, 1984. RENTAL: \$45.00 per mo.
- ACTION Mr. Kealoha moved for approval of Item Nos. F-1-A, B, C, D, F & G. Mr. Higashi seconded and motion carried unanimously. Item F-1-E was withdrawn.
- ITEM F-1-2 COUNTY OF HAWAII REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (8/26/83, AGENDA ITEM F-3) AUTHORIZING GRANT OF EASEMENT FOR WATERLINE PURPOSES AT WAIAKEA, SO. HILO, HAWAII.
- ACTION The board voted unanimously to amend its action under agenda Item F-3, dated August 26, 1983, by waiving the relocation clause with no change to the other terms and conditions as approved earlier. (Higashi/Kealoha)

- ITEM F-3 COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, REQUEST FOR RIGHT OF ENTRY FOR FEASIBILITY STUDY, LALAMILO, SO. KOHALA, HAWAII.
- (See Page 2 for Action)
- ITEM F-4 CITY & COUNTY OF HONOLULU REQUEST FOR AUTHORIZATION TO SOLICIT BIDS FOR CAMERA SHOP CONCESSION AT KAPIOLANI PARK (WAIKIKI SHELL), HONOLULU, OAHU.
- ACTION Unanimously approved as submitted, subject to terms and conditions listed in the submittal. (Kealoha/Higashi)
- ITEM F-5 CITY AND COUNTY OF HONOLULU FIRE DEPARTMENT REQUEST FOR RIGHT OF ENTRY FOR SEA RESCUE DEMONSTRATION, FORT DERUSSY BEACH, HONOLULU, OAHU.
- ACTION Mr. Kealoha moved to approve the City's request for permission to utilize a portion of Ft. DeRussy Beach on October 6, 1984, between the hours of 9:00 a.m. to 12:00 noon to put on a sea rescue demonstration subject to the terms and conditions listed in the submittal. Mr. Higashi seconded and motion carried unanimously.
- ITEM F-6 RESUBMITTAL- STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING PORTION OF WILIWILINUI RIDGE, WAILUPE, HONOLULU, OAHU.
- (See Page 6 for Action)
- ITEM F-7 CITY & COUNTY OF HONOLULU APPLICATION FOR WATERLINE AND DRAINAGE EASEMENT, WAIANAE-KAI, WAIANAE, OAHU.
- ACTION Upon motion by Mr. Kealoha and a second by Mr. Higashi, the board voted unanimously to:
1. Approve to grant the City and County of Honolulu, Department of Public Works a perpetual non-exclusive waterline and drainage easement covering the subject areas under the terms and conditions listed in the submittal.
 2. Approve to grant the City and County of Honolulu, Department of Public Works, an immediate right of entry to the subject easement areas for construction of the waterline and drainage facilities, subject to the terms and conditions listed in the submittal.
- ITEM F-8 DEPARTMENT OF TRANSPORTATION REQUEST FOR CONSTRUCTION RIGHT OF ENTRY, HALAWA INTERCHANGE PROJECT, EWA, OAHU.
- Mr. Detor said that this is a resubmittal which was withdrawn at the last meeting by the Department of Transportation. They have now asked that this be resubmitted for approval subject to several conditions, one being:
1. No construction shall begin until the injunctions against construction of the H-3 highway is discharged or until the Department of Transportation is authorized to proceed with construction of the H-3 highway.
- Mr. Detor said that the reason they want this approval now is that it will qualify them to get some federal funds. They will not be able to get these funds without the commitment from the board.
- ACTION Unanimously approved as submitted, subject to those conditions listed in the submittal. (Kealoha/Zalopany)
- ITEM F-9 UNIVERSITY OF HAWAII REQUEST FOR CONVEYANCE OF LAND AT MANOA, HONOLULU, OAHU.
- (See Page 5 for Action)

- ITEM F-10 RESUBMITTAL - DIRECT SALE OF EASEMENT RESERVED IN LAND PATENT GRANT NO. 6321, KALAHEO, KAUAI.
- ACTION Finding that the intended disposition of the reserved easement is not prejudicial to the best interest of the State, community or area in which the land is situated, the board, upon motion by Mr. Zalopany and a second by Mr. Higashi, voted unanimously to approve the direct sale of the subject tunnel and ditch easement to Susan Matsumoto and Joyce Kubota, subject to the conditions listed in the submittal and also authorized the publication of a Notice of Intended Disposition of the above as required by law.
- ITEM F-11 CAROL AKI REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY CLEARING AND UTILIZATION REQUIREMENT, G. L. NO. S-4785, KAPAA, KAUAI.
- ACTION Mr. Zalopany moved to grant Mrs. Carol W. Aki a final six (6)-month extension of the clearing and cultivation requirement specified by General Lease No. S-4785, said extension to commence on July 24, 1984 and end on January 23, 1985 with the understanding that if by January 23, 1985 the land is not fully cleared and fully utilized per the terms of the lease, that the General Lease No. S-4785 shall be immediately terminated. Mr. Yagi seconded and motion carried unanimously.
- Mr. Ono suggested that our Kauai Land Agent, besides writing to the lessees, also talk to and counsel them.
- ITEM F-12 STAFF RECOMMENDATION FOR CANCELLATION FOR G. L. NO. S-3973, HANAPEPE VALLEY, KAUAI.
- ACTION The board, upon motion by Mr. Zalopany and a second by Mr. Yagi, unanimously authorized the following:
1. Cancellation of General Lease No. S-3973 in the manner specified by law.
 2. Termination of all rights and obligations of the lessee effective July 12, 1984.
 3. Retention of all sums heretofore paid under General Lease No. S-3973 as liquidated damages.
- ITEM F-13 DSSH REQUEST FOR ACQUISITION OF LEASE COVERING SUITES 206, 206-C & 206-D AT 100 NO. BERETANIA ST., HONOLULU, OAHU.
- (See Page 2 for Action)
- ITEM F-14 DSSH REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 38 OF THE BETHEL-PAUHI BUILDING, HONOLULU, OAHU.
- 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 DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING A COTTAGE AT 3420 KUHIO HIGHWAY, LIHUE, KAUAI.
- ACTION Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Zalopany/Yagi)
- ITEM F-16 DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING UNIT #3 OF THE BASQUE BUILDING, KEALAKEKUA, KONA, HAWAII.
- ACTION Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Higashi/Kealoha)

ITEM F-17

BUDGET & FINANCE REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 412 OF THE ALII BISHOP BUILDING, HONOLULU, OAHU.

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-18

STAFF RECOMMENDATION FOR EMERGENCY USE OF STATE LANDS IN NO. KOHALA FOR PASTURE PURPOSES, NO. KOHALA, HAWAII.

Mr. Detor explained that this a follow-up of an action that the board took at the last meeting. In response to pleas from cattle ranchers on the island of Hawaii, the board declared its intent to issue revocable permits to provide emergency feed for needed cattlemen. This disposition would be in accordance with a plan to be considered by the Board at the September 14, 1984 meeting.

Mr. Herbert Yanamura met with the ranchers in Kohala and gave the board a brief recap of that meeting.

Mr. Yanamura said that he posed this matter to the ranchers for them to settle among themselves as to how to place their cattle. Since they did not seem to have any particular area in mind, Mr. Yanamura said that he sort of assigned areas to them and they all seemed to be satisfied with their allotted areas. Areas were assigned to Fred Nobriga, Eddie Boteilho, Jack Ramos, Ernest De Luz, Cliff Freitas and Jerry Boteilho. Mr. Yanamura said that he asked Randy Solomon where he would like to put his cattle. He didn't think he needed an area but if he did in the future he asked to join in with Mr. De Luz. Everybody seemed to be very happy. As far as rental, Mr. Yanamura said that he would recommend to the board a rental of \$2.50 per head which was all right with them.

On the matter of the rent, Mr. Detor suggested leaving that up to the Chairperson. He felt that the \$2.50 was rather low and wanted time to take another look at this.

In answer to Mr. Higashi's question, Mr. Yanamura said that they all understand that this is just temporary because of the drought situation.

ACTION

Mr. Higashi moved to authorize issuance of grazing permits to cattle ranchers on Hawaii under a community pasture arrangement on available State lands in North Kohala, subject to conditions listed in the submittal except Condition No. 3 which is to be deleted. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-19

UH REQUEST FOR CONSENT TO AMENDMENT OF SUBLEASE COVERING G. L. S-4351, WAIAKEA, SO. HILO, HAWAII.

(See Page 5 for Action)

ITEM H-1

CDUA FOR A SINGLE FAMILY RESIDENCE AT PUAKEA BAY, NORTH KOHALA, HAWAII, TMK 5-6-01:POR 24 (MR. GEORGE ISAACS).

(See Page 3 for Action)

ITEM H-2

CDUA FOR A RESIDENCE AT HAENA, KAUAI, HAWAII, TMK 5-9-02:22 (MR. DAVID MONCREIF & MR. GARY STICE).

(See Page 4 for Action)

- ITEM H-3 REQUEST FOR A TIME EXTENSION ON A PREVIOUSLY APPROVED CDUA FOR A FLOATING DOCK ADJACENT TO TMK 3-9-35:16 and 17, KUAPA POND (MR. ODIS MCKINNEY).
- ACTION Mr. Kealoha moved to authorize this time extension for CDUA OA-1549 subject to:
1. That the extension shall be effect as of August 12, 1984;
 2. That the extension shall be effective for a period of one year; and
 3. That the applicant comply with all applicable conditions of CDUA OA-1549.
- Mr. Yagi seconded and motion carried unanimously.
- ITEM H-4 CDUA FOR THE INSTALLATION OF A DISCHARGE DRAINAGE CULVERT OVER TMK 5-6-02:9 AND ONTO THE ADJACENT BEACH AT KOOLAULOA KAHUKU, OAHU (MARINE CULTURE ENTERPRISES, C/O MR. RUSSELL BAREFIELD).
- (See Page 3 for Action)
- ITEM H-5 CDUA FOR DIAMOND HEAD NATIONAL GUARD SITE IMPROVEMENTS AT HONOLULU, OAHU (RIKIO NISHIOKA - DAGS).
- (See Page 7 for Action)
- ITEM H-6 CDUA FOR DEVELOPMENT OF MANOA WELL II, AT MANOA VALLEY, OAHU (DOWALD).
- (See Page 4 for Action)
- ITEM H-7 CDUA FOR AN AFTER-THE-FACT BOAT PIER AT KANEOHE, OAHU, TMK 4-5-047:056 (CHARLES AND LAURA KIMAK.)
- (See Page 7 for Action)
- ITEM H-8 CDUA FOR DRIVEWAY ACCESS TO A RESIDENCE AT MAKIKI HEIGHTS, HONOLULU, OAHU (MS. JANET A. SANBORN).
- (See Page 9 for Action)
- ITEM H-9 CDUA FOR CONDUCTING ORGANIZED COMMERCIAL RECREATIONAL USES ON THE SUBMERGED SANDBAR OFFSHORE OF HEEIA KEA PIER NEAR AHU O LAKA ISLAND, KANEOHE BAY, OAHU (MR. BRUCE MORITA).
- (See Page 9 for Action)
- ITEM H-10 FILM PERMIT VIOLATION BY EXCOR TRAVEL.
- (See Page 5 for Action)
- ITEM J-1 SALE OF LEASE FOR FLORIST CONCESSION, HONOLULU INTERNATIONAL AIRPORT, OAHU.
- ACTION Unanimously approved as submitted. (Higashi/Yagi)
- ITEM J-2 SALE OF LEASE FOR COIN-OPERATED STORAGE LOCKERS, LIHUE AIRPORT, KAUAI (BRYAN MIYAKE, DBA GARDEN ISLAND PORTERS ASSOCIATION).
- ACTION Unanimously approved as submitted. (Zalopany/Yagi)
- ITEM J-3 ADDENDUM NO. 1 TO LEASE NO. DOT-A-84-39, HONOLULU INTERNATIONAL AIRPORT, OAHU (DSSH).
- ACTION Unanimously approved as submitted. (Higashi/Yagi)

- ITEM J-4 AMENDMENT NO. 4 TO LEASE NO. A-65-2, KAHULUI AIRPORT, MAUI (FAA).
ACTION Unanimously approved as submitted. (Yagi/Zalopany)
- ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT, AIRPORTS DIVISION.
ACTION Unanimously approved as submitted. (Zalopany/Yagi)
- ITEM J-6 RENEWAL OF REVOCABLE PERMITS, CONFORMINS USE, AIRPORTS DIVISION.
Mr. Garcia asked that Page 2 of the list of permits be amended by inserting under RP 3158 to Gary Wilson the square footage which is 767 and the rental is \$134.00.
ACTION Unanimously approved as submitted. (Zalopany/Yagi)
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, OAHU (ROBERT'S ILIMA CHARTER BOATS, INC. (ILIMA 5)).
ACTION Unanimously approved as submitted. (Higashi/Yagi)
- ITEM J-8 ISSUANCE OF REVOCABLE PERMITS, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (THE LIHUE PLANTATION CO., LTD.).
ACTION Unanimously approved as submitted. (Zalopany/Yagi)
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI SMALL BOAT HARBOR, KAUAI (GIUSEPPI ABOCADI).
ACTION Unanimously approved as submitted. (Zalopany/Yagi)
- ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, HAWAII (GOODFELLOW BROS., INC.).
ACTION Unanimously approved as submitted. (Higashi/Zalopany)
- ITEM J-11 USE OF HARBORS DIVISION FACILITIES, PIER 9, PASSENGER TERMINAL, HONOLULU HARBOR, OAHU (SERVCO PACIFIC, INC.).
ACTION Mr. Higashi moved for approval as submitted. Motion carried with a second by Mr. Yagi.
Mr. Kealoha was disqualified from voting on this item.
- ITEM J-12 USE OF HARBORS DIVISION FACILITIES, PIER 9, PASSENGER TERMINAL, HONOLULU HARBOR, OAHU (HGEA).
ACTION Unanimously approved as submitted. (Yagi/Kealoha)
- ITEM J-13 REQUEST FOR APPROVAL OF CONTINUANCE OF REVOCABLE PERMITS, HIGHWAYS DIVISION.
ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ITEM J-14 SECOND AMENDMENT TO RESTATED LEASE NO. H-68-1, FORT ARMSTRONG CONTAINER FACILITY, HONOLULU HARBOR, OAHU (MATSON TERMINALS, INC.).
ACTION Unanimously approved as submitted. (Yagi/Zalopany)
- ITEM J-15 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MAALAEA SMALL BOAT HARBOR, MAUI (JOHN DUFFY).
ACTION Unanimously approved as submitted. (Yagi/Zalopany)

ITEM J-16 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 31 SHED, HONOLULU HARBOR, OAHU (HAWAII TRANSFER CO.).

ACTION Unanimously approved as submitted. (Yagi/Zalopany)

ITEM J-17 MODIFICATION NO. 11 TO LEASE NO. A-62-32, HONOLULU INTERNATIONAL AIRPORT, OAHU (HAWAIIAN AIRLINES, INC.).

ACTION Unanimously approved as submitted. (Zalopany/Yagi)

ITEM J-18 APPROVAL OF CONSENTS TO SUBLEASE, HARBOR LEASE NO. H-82-4, HONOKOHAU BOAT HARBOR, HAWAII (GENTRY PACIFIC, LTD. TO W. BERT HUNN AND DEBORAH HUNN, DBA ATTILA'S, AND HONOKOHAU PARTNERSHIP, INC.).

Mr. Garcia asked to amend the second paragraph of the submittal by changing the word at the end of the first line from Honolulu to Kona.

The Lessee is currently paying the State an annual rental of \$49,680.00 or \$4,140.00 per month. This rental is to be renegotiated prior to the ending of the 5th year.

The proposed subleases will give the Lessee a rental of \$4,488.00 per month or a total annual income of \$53,856.00.

There was much discussion regarding the formula used in coming up with the lease rental. Accordingly, the board asked that DOT and the Division of Land Management get together to discuss this matter further.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-19 CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.

ACTION Unanimously approved as submitted. (Yagi/Zalopany)

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:30 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

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