

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

DATE: September 28, 1984
TIME: 9:00 A.M.
PLACE: State Office Building
Conference Rooms A, B & C
3060 Eiwa Street
Lihue, Kauai

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. J. Douglas Ing
Mr. Roland Higashi
Mr. Moses Kealoha
Mr. Leonard Zalopany
Mr. Susumu Ono

Absent & Excused

Mr. Thomas Yagi

STAFF: Mr. Henry Sakuda
Mr. Libert Landgraf
Mr. James Detor
Mr. Gordon Soh
Mr. Herbert Yanamura
Mr. Leonard Bautista
Mr. Sam Lee
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.
Mr. Peter Garcia, DOT
Mr. Newell Bohnett and Mr. Rick
Warshauer (Item F-4)
Mr. John Duey (Item H-1)

MINUTES

Mr. Ing moved for approval of the July 13, 1984 Minutes 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 State Parks

Item E-4 -- Filling of General Laborer I Position No. 11185, Roving Crew, Oahu Park Section.

Item E-5 -- Filling of Groundskeeper I Position No. 28044, Washington Place, Oahu Park Section.

Item E-6 -- Filling of Groundskeeper I Position No. 33472, Kahana Valley State Park, Oahu Park Section.

Division of Land Management

Item F-16 -- Filling of Position No. 13685, Land Agent IV, Oahu.

Department of Transportation

Item J-9 -- Use of Harbors Division Facilities.

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

ITEM H-1

REAPPLICATION FOR AN AFTER-THE-FACT CDUA FOR GROWING INDIGENOUS PLANTS AND TROPICAL FLOWERS FOR COMMERCIAL USE AT IAO VALLEY, WAILUKU, MAUI (MR. JOHN DUEY).

Mr. Soh explained that this is a reapplication of a previously denied request. The reason for the denial was that the applicant was unable to provide answers to the following questions raised by the Board at the public hearing held on the previous application.

1. Would the use of the pesticides Isotox and Malathion endanger any fish and/or wildlife in Iao Stream and could these pesticides enter any domestic water source in the area; and
2. In what quantity and frequency would these pesticides be used?

The applicant has informed staff that he would be using 1 tablespoon of pesticide per 1 gallon of water with a maximum use of 3 gallons of mixture per application. Malathion and Isotox will be alternately used in two week intervals. Furthermore, the applicant indicates that only two plants (pink ginger and jungle queen) planted in the conservation district will require the use of pesticides.

In answer to Mr. Ing's question, the applicant said that he did review the conditions and saw no problems.

ACTION

Mr. Ing moved to approve this application for the growing of indigenous plants and tropical flowers; installing a waterline, and constructing a storage toolshed on TMK 3-5-03:1 at Iao Valley, Maui, subject to the terms and conditions listed in the submittal. Motion carried with a second by Mr. Kealoha.

Mr. Ono asked whether any agency had a chance to conduct any water quality test of the Iao Stream. Remarks have been received from various agencies but nothing has been said about the quality of the water.

Mr. Soh was not aware of any water quality test being made.

Mr. Ono said that he was not disputing the responses received from the various agencies but he felt that the water should have been tested and also that it is very important that we have some understanding of what actually is happening in the stream.

Mr. Ono voted no.

ITEM F-4

STAFF REPORT ON LEASE VIOLATION ALLEGATIONS, G. L. NO. S-3589, PUUWAAWAA & PUUANAHULU, NO. KONA, HAWAII.

Mr. Ono called to the board's attention that a formal request was made by Mr. Bohnett's attorney to defer this case to the next meeting inasmuch as he is out of town and has not had a chance to really go through the materials submitted to the board by staff.

Mr. Higashi asked if staff could go ahead and make the presentation this morning. Any decision by the board, however, would be made at the next meeting in Kona in order to allow Mr. Takeyama, attorney for Mr. Bohnett, the opportunity to review and present his case to the board.

Mr. Ono stated that Mr. Bohnett would also like to make a few remarks at this meeting.

In answer to Mr. Kealoha's question, Mr. Detor said that copies of today's presentation was sent to Mr. Bohnett's attorneys.

Mr. Detor stated that the purpose of staff's report is to inform the board of the results of a staff investigation of a number of allegations of land use and lease violations involving State land held under G. L. No. S-3589 by F. Newell Bohnett. These allegations have been under examination by staff since April of 1983 when the Division of Forestry and Wildlife expressed concern that the Alala (Hawaiian Crow) habitat was being jeopardized by logging and clearing operations. Mr. Detor explained that attached to the report are a number of reports made as a result of the inspection of the leased premises.

Mr. Detor, together with staff members Herbert Yanamura and Leonard Bautista, oriented the board on the present situation from maps prepared by staff. Mr. Bautista pointed out the lease boundaries and those areas within the conservation and the urban areas. He also pointed out those areas which are to be withdrawn from the lease as well as Mr. Bohnett's private land holdings.

Mr. Yanamura pointed out the various pasture sites within the leased area.

Mr. Detor explained to the board that this particular area was let at public auction on March 4, 1960 at the upset rental of \$30,000 per annum. The lease was held by Dillingham Ranch. The original lease was let in 1917 to the Robert Hind family. In 1972 Dillingham transferred the lease to the present lessee, Newell Bohnett. Mr. Detor said that the sale of this lease preceded the establishment of the conservation district which will have some bearing on the subject.

Mr. Ing asked whether a security bond had been posted on the lease.

Mr. Detor was not sure but would check it out.

Mr. Detor called to the board's attention the following land use and lease violation allegations:

1. Unauthorized koa logging and portable saw mill operations.

Mr. Detor said that from a number of investigations made it was indicated that koa had been logged.

The lessee said that he did give the canoe clubs permission to remove approximately 11 trees. There are reports, however, that other trees besides these 11 were cut.

Mr. Detor said that as far as the lease is concerned, it does allow for removal of trees and even clearing of trees in furtherance of pasture activities. However, even though it does that the fact that part of this land is in conservation as far as staff is concerned, it's necessary that those portions which are in conservation be covered by the filing and approval by the board of a CDUA application prior to any extensive clearing or cutting operations. This was not done.

Mr. Detor said that even though the lease itself does allow this kind of work under certain circumstances, the fact still remains that CDUA clearance must be obtained.

Mr. Higashi said that removal of the koa from outside the conservation district may be all right, but he questioned the sale of the logs.

Mr. Ing asked about the nature of the sawmill.

Mr. Detor said that the sawmill was portable. While they did not have actual pictures of trees being cut, they did have pictures showing cut stumps.

Regarding the question as to whether the logs were removed simply to clear the pasture or to sell them on a commercial basis, Mr. Detor said that the lessee contends that the only trees that were removed other than the ones that were given to the canoe club, were fallen trees which were cleared to make room for pasture operations.

In answer to Mr. Higashi's question, Mr. Detor said that they did have evidence that the logs were removed and shipped to Honolulu. Whether any monies were received or not he did not know.

2. Construction of a water system including waterlines, reservoirs, pumping facilities and appurtenant improvements without prior approval of the Board.

Mr. Detor pointed out on the map which was originally drilled by the State. In 1972 the board approved issuance of a permit covering the taking of water from that well to Mr. Bohnett. No permit, however, was never issued although Mr. Bohnett has used the water.

There is a line which runs from the well to the reservoir. The pump and other equipment was installed by Mr. Bohnett and he has been using the water. The water is basically being used for pasture operations but is not suitable for human consumption.

Allegations are that two additional wells were drilled by Mr. Bohnett on State land. Mr. Detor said that this information was not correct. The two wells were drilled on his own land and these wells will be used for a subdivision being put together by Mr. Bohnett at Puuanahulu Homesteads. Eventually, water from those wells will also be used for his pasture operations.

In answer to Mr. Ing's question, Mr. Detor said that the Kiholo well was built by the State in 1972.

Even though the formal permit was never issued, because the lessee has been taking water from the well Mr. Ono felt that the lessee had some obligation to come to the State to say that he is using this water but has never been billed.

3. Construction of an air strip and hangar buildings without the prior approval of the Land Board.

Mr. Detor said that the lease is silent as far as the above improvements are concerned.

4. Use of water from a State-owned well source without authority and for operations not consistent with the terms and conditions of the lease.

Mr. Detor said that the lease partially covered that by noting that the board did approve issuance of a permit, even though no formal permit was issued and no payment has been made for the water.

5. Laying of a water pipeline across State land to serve a subdivision of adjacent private land without obtaining an easement from the State.

This, said Mr. Detor, is correct. Mr. Bohnett did file a CDUA for that portion of the pipeline which crosses the conservation district. This CDUA was approved by the board but one of the conditions of the CDUA was that Mr. Bohnett obtain an easement from the State covering not only that corner which crosses the conservation line but the portion that goes through the leasehold through state land which is zoned agriculture.

Mr. Detor said that if the use of the pipeline was going to be in connection with the lease, then he probably would not need any easement for that portion. But the fact that the pipeline is meant to serve his private property elsewhere then an easement would be required.

Mr. Detor asked that the area shown on the 7th line of the 6th paragraph of page 5 of the submittal be changed from 3430 acres to 4330 acres.

During August of this year, meetings were held with members of the Conservation Council of Hawaii and officials of the U. S. Fish and Wildlife Service. Both groups expressed the urgent need to complete the investigation and proceed with the appropriate actions against the lessee (CCH's position) and the immediate establishment of a wildlife sanctuary, comprised of approximately 4330 acres, on the slopes of Hualalai.

Mr. Detor said that the one problem we might have in withdrawing this land is that we won't be able to immediately fence off the area. There is no money available.

Mr. Zalopany asked if maybe Mr. Bohnett or the Conservation Council couldn't put up the fence.

Mr. Higashi asked how many alala were we talking about.

Mr. Detor did not really know.

Mr. Higashi felt that this is something we should establish before we go ahead and commit an area.

One of the arguments here, said Mr. Detor, is the fact that the koa being removed from the area does have an effect on the habitat and the birds can nest or multiply.

Mr. Ono asked whether there was anything in DOFAW's memo a few years ago as to why the recommendation is to reserve that area.

Mr. Detor said that this is supposedly prime land for this purpose. However he is not that familiar with the birds so he doesn't know how many there are or what their chances of surviving area.

Mr. Ono asked that Mr. Detor have answers to those questions which he does not now have answers for by the time the board meets in Kona.

In this particular instance, Mr. Detor said that he would have to rely on recommendations from the Division of Forestry and Wildlife since they are the experts in that area.

Mr. Higashi asked also what the chances of the alala surviving would be should that area be preserved. Some people believe that it's just a matter of time before the bird becomes extinct.

Mr. Detor continued to brief the board on the areas being proposed for withdrawal from the lease. He said that by the time all the areas have been withdrawn an area of between 25,000 to 30,000 acres would be left insofar as ranch operations are concerned.

Regarding the proposed natural area reserve, Mr. Ono asked if there was any fencing in the area.

Mr. Detor said no.

Mr. Ono asked whether the unique features which were present when the NARSC looked at the area were still there.

Mr. Detor said that he talked to Mr. Bob Lee of the NARSC and he said that they were still interested in the area.

If possible, Mr. Zalopany asked that Mr. Detor report back at the next meeting the number of koa trees which have been cut.

Mr. Detor did not know whether he could get the exact number by that time. He would refer this to the Division of Forestry and Wildlife and would probably be able to get an estimate.

Mr. Detor also briefed the board on staff's recommendations which were listed in the submittal.

Mr. Ing had questions regarding the rent reopening date in 1980.

Mr. Detor explained that they have not included a recommendation on the rental rate, which was to be reopened in 1980 but which is still not settled and which has been an object of complaint. This is because this lease, unlike other leases let after the land laws changed in 1962, does not require a new rate to be set by appraisal (with an arbitration procedure set up if the lessee does not agree with the appraisal) but, rather, spells out five different methods of setting the new rent. The highest figure of the five methods is then to become the new rental rate. The highest figure, in this case, is one that is based on a carrying capacity of 6,000 head of cattle, a carrying capacity that the lessee feels the ranch does not possess. Right now the rental is \$30,000.00 a year. Going on Mr. Yanamura's calculation, you come up with a rental of \$121,000.00 a year which is not acceptable to the lessee. Staff is trying to iron this out and feel that they should have this settled in the near future. Mr. Detor pointed out, however, that when this is settled, paragraph 40 of the lease provides for the lessee to pay the retroactive difference in rent, back to the 1980 reopening date.

Mr. Higashi asked whether the carrying capacity would be reduced should the wildlife sanctuary and the natural area reserve area be withdrawn.

Mr. Detor said that the exact answer to that question would probably have to come from Herbert Yanamura who knows more about pasture land than he does.

Mr. Ono suggested that staff work on this problem immediately and get answers to these questions by the next meeting.

Mr. Detor felt that he could get most of the answers by the next meeting, but he wasn't sure if the rental question could be settled by then.

Mr. Kealoha said that in going through the material submitted to the board by staff, he found no indication that an opinion had been requested from the attorney general's office as to how to approach the renewal rental.

Mr. Detor said that no formal opinion was requested from the attorney general's office. However, they have talked to the attorneys.

Mr. Kealoha asked that Mr. Detor, between now and the next meeting in Kona, get together with the attorney general's office in order that they may come up with all the decisions at the next meeting instead of only 75%.

Mr. Rick Warshauer requested permission to speak. However, Mr. Ono reminded everyone that this was not a public hearing. Any questions could be directed to the board in writing before the next meeting in Kona.

Mr. Bohnett presented the following statement to the board:

"Thank you for allowing me this opportunity to make a brief statement that I think summarizes my position. I would like to begin by stating that I recently retained Roy Takeyama as my attorney but he had scheduled a business trip to the mainland prior to being retained and could not be present at this hearing. He therefore requested in writing, that this public hearing be continued to a later date. I therefore request this board to grant us this request so that I may have the benefit of counsel to present our case.

"At this point in time, however, I would like to have a few minutes to call attention to the recommendations made by the Department.

"It has been recommended that I be fined for conducting logging and clearing activities on conservation lands. However, it is very unclear to me as to exactly what this violation encompasses. Is it for permitting Kauikeaouli Canoe Club to cut the live koa trees? Or is for logging and hauling the dead trees? I am wondering whether the board really feels that logging and cutting dead trees is the same as cutting and logging live trees? I was under the impression that the removal of the dead trees was permissible inasmuch as a ranching operation clearly involves the clearing of dead trees so grass and vegetation can grow. Should a rancher have to apply for CDUA permit every time he needs to clear his land of dead trees? Isn't this part and parcel of ranching? Or do we need a permit only because you sell the dead trees instead of letting them rot? I really don't know and even the attorneys are not clear on this matter.

"Another alleged violation concerns the laying of pipeline through conservation land without the proper permits. I applied for and obtained a CDUA permit to install the pipeline. This CDUA permit was granted by the Board on February 25, 1983. Our contractor that layed the pipe was advised by the planner who got the permit that it was all right to proceed. We didn't realize it was subject to the condition that we get an easement so as soon as we were notified of this, we submitted an application for an easement.

"It is unfortunate that Puuwaawaa Ranch has become the subject of so much confrontation and debate. All I have ever wanted to do was to run a viable ranching business on the land. Since I purchased Puuwaawaa Ranch in 1972, I have spent vast sums of money and energy in an effort to upgrade the ranch into a viable, contributing member of the cattle industry in the islands. While we have not been able to achieve our financial goal, we have certainly developed the ranch into a serious contributor to the local beef supply. We now produce enough beef to feed over 3000 families in Hawaii. We do not want to lose this.

"For some people, the strategy behind obtaining a goal is to antagonize the opposing party. I do not want to play this type of game. I came here today, not to seek confrontation, but rather to resolve these disputes in a reasonable manner. I sincerely believe that there is a satisfactory way to address almost all of the interests that are being voiced today.

"I am aware and have always been aware of the fact that additional responsibilities may be placed upon my shoulders simply because I am a large leaseholder in this state. I realize that during the twenty-four years in which this land has been leased there have been many social, political and economic changes in this State. Times and conditions have changed since this lease was first established and I agree that it is in the best interests of the people of this state to withdraw part of the leased lands to establish a wildlife sanctuary and other uses such as the preservation of rare plants and trees and for game management and recreation, and to explore the possibility of the state making better and higher uses of the lands than currently exist. I am amenable to these proposals, and sincerely desire to enter into serious negotiations to see the implementation of these proposals.

"Each special interest group has its own concern. My concern, as a rancher, is simply to retain a viable ranching operation. While I completely disagree with the methods that my adversaries are using to accomplish this ends, I do believe that an equitable solution can be worked out that will solve most of the problems that are being presented today. Thank you."

Mr. Ono reminded everyone again that no action will be taken on this item until the next meeting in Kona with the understanding that the details on several questions that the board had asked for would be ready by that time.

As much as possible, the board would like to wrap up this item from all aspects. To those other organizations e.g. Audubon Society and the Conservation Council, if they have any information they would like to share with the board, Mr. Ono asked that they communicate with the board as soon as possible so they will have time to review the material.

Mr. Ono asked also that the same exhibits be presented to the board again at the Kona meeting.

RECESS: 10:40

RECONVENE: 10:45

ITEM B-1 FILLING OF TEMPORARY SECRETARY I, POSITION NO. 24652, IN THE DIVISION OF AQUATIC RESOURCES (OAHU).

ACTION The board unanimously approved the appointment of Ms. Sue Ann Goding to Position No. 24652, Secretary I. (Kealoha/Ing)

REQUEST FOR APPROVAL TO ENTER INTO THREE AGREEMENTS AND TO EXTEND ONE AGREEMENT WITH THE WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL (WPRFMC) AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII FOR IMPLEMENTING AND CONTINUING FISHEREIS PROJECTS: 1) SUPPORT TO THE DIVISION OF AQUATIC RESOURCES FOR WPRFMC ACTIVITIES; 2) ADMINISTRATIVE SERVICES TO THE DIVISION OF AQUATIC RESOURCES FOR SPRFMC ACTIVITIES; 3) NEW TUNA FISHING GROUND SURVEYS; AND 4) SEAWEED RESTORATION AND MANAGEMENT INVESTIGATIONS.

ITEM B-2

ACTION Mr. Ing moved to approve execution of the aforementioned three (3) agreements and one agreement extension subject to the Governor's approval and approval as to form by the Department of the Attorney General. Mr. Kealoha seconded and motion carried unanimously.

ITEM C-1 OUT-OF-STATE TRAVEL REQUEST FOR RONALD L. WALKER TO ATTEND THE FEDERAL AID COORDINATOR'S WORKSHOP, OCTOBER 23-25, 1984, IN RENO, NEVADA.

ACTION The board unanimously approved the Out-of-State travel request for Ronald L. Walker to attend the Federal Aid Coordinators workshop in Reno, Nevada and provide travel and per diem expenses for five days. (Higashi/Zalopany)

- REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING TO AMEND THE DEPARTMENT OF LAND AND NATURAL RESOURCES RULES, CHAPTER 13-125, RULES REGULATING WILDLIFE SANCTUARIES TO INCLUDE PAUWALU POINT, HANA, MAUI.
- ITEM C-2
- ACTION Unanimously approved as submitted. (Zalopany/Higashi)
- ITEM C-3 FILLING OF EQUIPMENT OPERATOR I POSITION - HAWAII DISTRICT.
- ACTION Mr. Zalopany moved to approve the selection of Bruce B. Silva to fill the Equipment Operator I Position No. 02947 on the island of Hawaii. Motion carried with a second by Mr. Higashi.
- ITEM E-1 REQUEST TO INSTALL MEMORIAL AT MANUKA STATE WAYSIDE, KAU, HAWAII.
- ACTION The board unanimously authorized the installation of a memorial tablet in memory of Bill Bryan at Manuka State Wayside. (Higashi/Zalopany)
- ITEM E-2 FILLING OF PART-TIME SECRETARY POSITION FOR THE KAHANA VALLEY ADVISORY BOARD, OAHU.
- ACTION The board unanimously approved the appointment of Mrs. Anita Johnson to fill the Kahana Secretarial position No. 22728E, for a period not to exceed one year for part-time work not to exceed an average of 20 hours per week. (Kealoha/Ing)
- ITEM E-3 APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO UPDATE THE STATE COMPREHENSIVE OUTDOOR RECREATION PLAN UNDER THE LAND AND WATER CONSERVATION FUND GRANT PROGRAM.
- ACTION Unanimously approved as submitted, subject to the approval by the Governor. (Ing/Kealoha)
- ADDED ITEM E-4 FILLING OF GENERAL LABORER I POSITION NO. 11185, ROVING CREW, OAHU PARK SECTION.
- ACTION The board unanimously approved the appointment of Mrs. Dolores Camanse to fill Position No. 11185. (Ing/Kealoha)
- ADDED ITEM E-5 FILLING OF GROUNDSKEEPER I POSITION NO. 28044, WASHINGTON PLACE, OAHU PARK SECTION.
- ACTION The board unanimously approved the appointment of Mr. Anthony Lee to Position No. 28044. (Ing/Kealoha)
- ADDED ITEM E-6 FILLING OF GROUNDSKEEPER I POSITION NO. 33472, KAHANA VALLEY STATE PARK, OAHU PARK SECTION.
- ACTION The board unanimously approved the selection of Mr. Raymond Primacio to fill the vacant Groundskeeper I position, No. 33472. (Ing/Kealoha)
- ITEM F-1 DOCUMENTS FOR CONSIDERATION.
- Item F-1-A OSCAR GRAY III APPLICATION FOR R.P. COVERING PORTION OF A ROAD RESERVE AT KAUNAMANO, KAU, HAWAII, BEING TMK 9-5-12, CONTAINING 1.823 ACRES, MORE OR LESS FOR PASTURE PURPOSES COMMENCING OCTOBER 16, 1984. RENTAL: \$10.00 PER MO.
- Item F-1-B RICHARD L. OLSEN APPLICATION FOR REVOCABLE PERMIT, HONUJULA, MAKAWAO, MAUI, BEING TMK 2-1-07:10, CONTAINING 0.190 ACRES FOR RECREATIONAL FISHING AND STORAGE OF FISHING EQUIPMENT PURPOSES COMMENCING OCTOBER 1, 1984. RENTAL: \$10.00 PER MO.

Item F-1-C

HAWAII PUBLIC RADIO APPLICATION FOR REVOCABLE PERMIT, KOLEKOLE HILL, PAPAANUI, MAKAWAO, MAUI, BEING TMK 2-2-07:POR. 09 TO INSTALL, OPERATE AND MAINTAIN RADIO TRANSMITTER AND ANTENNA FACILITY FOR PUBLIC RADIO BROADCASTING PURPOSES. COMMENCEMENT DATE IS TO BE DETERMINED BY CHAIRPERSON AND UPON FEDERAL COMMUNICATIONS COMMISSION APPROVAL. RENTAL: 10.00 PER MO.

Item F-1-D

HONOLULU COMMUNITY THEATRE REQUEST FOR CONSENT TO SUBLEASE, G. L. NO. S-4411, KAPAHULU, HONOLULU, OAHU.

Mr. Detor said that the church was no longer interested in subleasing this area and asked that this item be withdrawn.

ACTION

Mr. Higashi moved to approve Item Nos. F-1-A, B and C. Mr. Zalopany seconded and motion carried unanimously.

Item F-1-D was withdrawn.

ITEM F-2

DEPARTMENT OF TRANSPORTATION REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND FOR ADDITION TO KUHIO WHARF, WAIAKEA, SO. HILO, HAWAII.

ACTION

Upon motion by Mr. Higashi and a second by Mr. Zalopnay, the board voted unanimously to:

1. Authorize the applicant, on behalf of the State of Hawaii, to subdivide Parcel 51 of Tax Map key 2-1-07.
2. Approve and recommend to the Governor the issuance of an executive order setting aside the subject 2.511 acres under the control and management of the Department of Transportation, Harbors Division.
3. Grant an immediate right-of-entry to the Department of Transportation for survey and construction purposes subject to the standard indemnity and hold-harmless clause and such other terms and conditions as may be prescribed by the Chairperson.

ITEM F-3

RONALD SHIMIZU REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY BUILDING REQUIREMENT, LOT 38, UNIVERSITY HEIGHTS, 3RD INCREMENT, WAIAKEA, SO. HILO, HAWAII.

ACTION

Mr. Higashi moved to grant Mr. Ronald M. Shimizu two (2) extensions of six months each to May 6, 1985, in which to meet the building requirements set forth in Special Sale Agreement No. S-5569. Mr. Zalopany seconded and motion carried unanimously.

ITEM F-4

STAFF REPORT ON LEASE VIOLATION ALLEGATIONS, G. L. NO. S-3589, PUUWAAWAA & PUUANAHULU, NO. KONA, HAWAII.

No action was taken. See Pages 2 through 8 for details.

ITEM F-5

STAFF RECOMMENDATION FOR PUBLIC HEARING TO CONSIDER PROPOSAL TO WITHDRAW LAND FROM EXECUTIVE ORDER NO. 1666, NANAWALE FOREST RESERVE, KANIAHIKU, PUNA, HAWAII.

ACTION

The board, upon motion by Mr. Higashi and a second by Mr. Zalopany, voted unanimously to approve and recommend to the Governor authorization to hold a public hearing on the island of Hawaii to consider testimony for and against the proposed withdrawal and the appointment of Mr. Libert Landgraf, Administrator for the Division of Forestry and Wildlife, Department of Land and Natural Resources, as Master; and, with the approval of the Governor, authorize the Chairperson to determine the date, time and place for the public hearing.

Mr. Detor said that the County had asked for this area so they could widen the road. They would like to start as soon as possible but, because this is within the forest reserve, it cannot be conveyed to the County until after the withdrawal. Therefore, staff may be coming back to the board with a request by the County for a right of entry.

ITEM F-6

U. S. NAVY REQUEST FOR RIGHT OF ENTRY FOR HYDROGRAPHIC SURVEY, ILIO POINT, KALUAKOI, MOLOKAI.

ACTION

The board unanimously voted to authorize the U. S. Navy a right-of-entry to the subject 200-sq.-ft. area at Ilio Point, Molokai for the period October 20 to December 30, 1984 to conduct a hydrographic survey of the Hawaiian waters subject to the terms and conditions listed in the submittal. (Higashi/Zalopany)

Mr. Kealoha asked who would be inspecting the premises after December 30, 1984 to see that it is properly cleared.

Mr. Detor said that he would probably make arrangements with DOCARE to do this.

ITEM F-7

HANA RANCH, INC. REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION AUTHORIZING SALE OF A PIPELINE EASEMENT AT HONOMAELE, HANA, MAUI.

ACTION

The board unanimously approved of the foregoing change by amending its action taken at its October 28, 1977 meeting, agenda Item F-5, by approving the sale of the subject perpetual, non-exclusive pipeline easement to Hana Water Company, Inc. instead of to Hana Ranch, Inc., all other terms and conditions of the October 28, 1977 submittal, agenda Item F-5 to remain the same. (Higashi/Zalopany)

ITEM F-8

COUNTY OF MAUI REQUEST FOR CONVEYANCE OF PORTIONS OF FORMER HAIKU-PUUOMALEI ROAD, MAKAWAO, MAUI.

ACTION

The board unanimously approved the conveyance by Quitclaim Deed to the County of Maui, portions of the thirty (30)-ft.-wide former Haiku-Puuomalei Government Road subject approval of the Attorney General's office and such other terms and conditions as may be prescribed by the Chairperson. (Ing/Kealoha)

ITEM F-9

STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION SETTING ASIDE LAND FOR THE WEST MAUI & HANAWI NATURAL AREA RESERVES, MAUI.

ACTION

The board, upon motion by Mr. Ing and a second by Mr. Zalopany, voted unanimously to amend its action taken at its April 13, 1984 meeting under Agenda Item F-6 by noting the foregoing change in the area of the West Maui Natural Area Reserve as being 1,717.0 acres, more or less, instead of 2,009.0 acres and by including the following actions under "Recommendation":

1. Authorize a petition to the Land Court for the subdivision of the Lahainaluna School Lands, Remaining Portion of Land Court Application 403 into Lot F containing 3.00 acres and Lot E containing 1,717.0 acres, more or less.
2. Approve of and recommend to the Governor issuance of an Executive Order setting aside Lot F containing 3.00 acres to the Department of Education, Lahainaluna School for use, maintenance and operation as a gravesite of a Mr. David Malo, a distinguished graduate of Lahainaluna School subject to the disapproval by the State Legislature in any regular or special session next following the date of the Executive Order.

WILLIAM PICKETT REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (7/13/84, AGENDA ITEM F-5) COVERING SALE OF AN ACCESS EASEMENT AT KAWAIPAPA, HANA, MAUI.

ITEM F-10

ACTION

The board voted unanimously to amend its action taken at its July 13, 1984 meeting, Item F-5, to reflect the foregoing change in applicants by authorizing the direct sale of the subject access easement to a Mr. William H. Pickett instead of to Mr. and Mrs. Richard Levin, all other terms and conditions to remain unchanged. (Zalopany/Higashi)

CITY & COUNTY OF HONOLULU REQUEST FOR RIGHT OF ENTRY TO STATE LAND FOR PLANNING AND ENGINEERING STUDIES, IWILEI, HONOLULU, OAHU.

ITEM F-11

ACTION

The board voted unanimously to grant immediate right of entry to the City and County of Honolulu, Building Department and its consultant to the subject State-owned land for planning and engineering study purposes, subject to the terms and conditions listed in the submittal. (Ing/Higashi)

DEPARTMENT OF TRANSPORTATION REQUEST FOR AUTHORIZATION TO DISPOSE OF SURPLUS HIGHWAY PARCEL 201-B OF THE INTERSTATE HIGHWAY, FAP NO. I-H-1-1(41) AND I-H-1-1(76), HALAWA INTERCHANGE, HALAWA, OAHU.

ITEM F-12

ACTION

The board voted unanimously to authorize the Department of Transportation to dispose of the abovementioned parcel on a direct basis in accordance with Section 171-52, Hawaii Revised Statutes and subject to the conditions listed in the submittal. (Ing/Kealoha)

MICHAEL DIXON, ET AL, APPLICATIONS FOR EASEMENTS AT PUPUKEA, KOOLAULOA, OAHU.

ITEM F-13

Mr. Detor said that at the February 27, 1981 meeting of the Board, the Planning Office had a submittal to the board citing the owner of parcel TMK: 5-9-01:27 for violation of a land use within the state conservation district and recommended that the rock seawall placed and or existing on government land be removed and that certain fines be imposed on the owner.

The board, however, deferred action on this matter pending an inspection of this site and the whole stretch of beach along the North shore area.

Mr. Detor asked, in addition to those conditions listed in the submittal, that the following condition (no. 9) be added:

9. Subject to whatever administrative costs are involved.

Mr. Ono had one serious concern. He felt that if we continue to approve granting of easements when the parties have encroached on State land without approval we continue to let them off the hook. Where does it stop. More and more people are building seawalls to protect their property. He would like to get word out to the public that, just because we take action in this case, does not mean that we will continue to do it in other cases.

ACTION

Deferred at Mr. Ing's request.

ITEM F-14

QUEEN EMMA FOUNDATION APPLICATION TO PURCHASE ROAD REMNANT, HONOLULU, OAHU.

ACTION

Finding the subject parcel to be physically unsuitable for development as a separate unit because of its size and shape and is a remnant by definition, the board, upon motion by Mr. Kealoha and a second by Mr. Ing, voted unanimously to approve the sale of the subject parcel under the terms and conditions listed in the submittal.

- ITEM F-15 CITY AND COUNTY OF HONOLULU REQUEST FOR CONSTRUCTION RIGHT OF ENTRY TO STATE LAND, WAIMANALO, KOOLAUPOKO, OAHU.
- ACTION The board voted unanimously to grant the City and County of Honolulu, Board of Water Supply and its consultant immediate right-of-entry to the subject state-owned land for construction purposes, subject to the terms and conditions listed in the submittal. (Ing/Kealoha)
- ADDED
ITEM F-16 FILLING OF POSITION NO. 13685, LAND AGENT IV, OAHU.
- ACTION Mr. Kealoha moved to approve the appointment of Mike Miyashiro to Position No. 13685 effective November 1, 1984. Mr. Zalopany seconded and motion carried unanimously.
- ITEM H-1 REAPPLICATION FOR AN AFTER-THE-FACT CDUA FOR GROWING INDIGENOUS PLANTS AND TROPICAL FLOWERS FOR COMMERCIAL USE AT IAO VALLEY, WAILUKU, MAUI. (MR. JOHN DUEY).
- (See Page 2 for Action)
- ITEM H-2 AMENDMENT TO TEMPORARY VARIANCE FOR DRILLING TEST BORINGS IN KAHULUI HARBOR, MAUI.
- ACTION The board voted unanimously to amend its previous approval and grant the applicant a 30 month right-of-entry to conduct their feasibility studies. (Kealoha/Higashi)
- ITEM H-3 TEMPORARY VARIANCE FOR GEOLOGICAL INVESTIGATION, SURVEYING AND RIGHT-OF-ENTRY STATE LANDS AT SOUTH KOHALA, HAWAII (DOWALD-AGENT FOR U. S. DEPT. OF AGRICULTURE, SOIL CONSERVATION SERVICE).
- ACTION Mr. Higashi moved to grant a temporary variance and right-of-entry beginning October 15, 1984 to the U. S. Department of Agriculture, Soil Conservation Service, to conduct geologic investigations and surveying on State lands within the Protective (P) Subzone at South Kohala, Hawaii on lands identified as TMK 6-3-01:02 subject to the the conditions listed in the submittal. Mr. Zalopany seconded and motion carried unanimously.
- ITEM H-4 PLANNING OFFICE (OAHU) APPOINTMENT TO SECRETARY II, POSITION NO. 13044.
- ACTION The board unanimously approved the appointment of Ms. Maude H. Garguilo to Position No. 13044 effective October 16, 1984. (Ing/Kealoha)
- ITEM H-5 CDUA FOR TEN (10) YEAR MAINTENANCE DREDGING OF MAKANI KAI MARINA AT KANEOHE, OAHU TMK 4-5-03:09 (MR. EDWIN McCANTS - AGENT FOR MAKANI KAI MARINE ASSOCIATES).
- Mr. Ono asked whether there was any reaction from the Association regarding the conditions listed in the submittal.
- Mr. Soh said that it is customary for staff to send a copy of the submittal to all applicants. There was no response from this Association.
- Mr. Ing said that if there was still time on this application he would prefer to defer action until the Oahu meeting. In the meantime, he asked that staff give them a call to see if they had any objections to the listed conditions.
- ACTION Deferred.

- ITEM H-6 REQUEST FOR SECOND TIME EXTENSION ON PROCESSING CDUA OA-1688 (MR. DON GRAFF-AGENT FOR MR. & MRS. RALPH ENGELSTAD).
- ACTION Mr. Higashi moved to approve this request for a 60 day time extension to the processing time on CDUA OA-1668; and that the new expiration date for OA-1669 is January 8, 1985. Motion carried with a second by Mr. Kealoha.
- Mr. Ing was disqualified from voting on this item.
- ITEM H-7 CDUA FOR A NEIGHBORHOOD PARK AT MOANALUA VALLEY, HONOLULU, OAHU (DEPARTMENT OF PARKS & RECREATION).
- ACTION The board unanimously approved the subdivision to establish a 2.848 acre parcel subject to the conditions listed in the submittal. (Ing/Kealoha)
- ITEM H-8 REQUEST FOR TIME EXTENSION PREVIOUSLY APPROVED APPLICATION HANAMAULU-AHUKINI CUTOFF ROAD KAUAI TMK 3-7-02 AND 3-7-03.
- ACTION The board unanimously approved two years and one month (by January 4, 1985) in which to initiate the project; and four years (by December 4, 1988) in which to complete the project. (Zalopany/Higashi)
- ITEM J-1 FLORIST CONCESSION, GENERAL LYMAN FIELD, HILO, HAWAII.
- ACTION Unanimously approved as submitted. (Higashi/Zalopany)
- ITEM J-2 CONSENT TO SUBLEASE, LEASE NO. DOT-A-78-9, OAHU (AIR MOLOKAI, LTD. TO SEAGULL AIR HAWAII, INC.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-3 APPLICATION FOR ISSUANCE OF R.P. 3924, AIRPORTS DIVISION, KAHULUI AIRPORT, MAUI (ALOHA AIRLINES, INC.).
- ACTION Unanimously approved as submitted. (Zalopany/Ing)
- ITEM J-4 APPLICATION FOR ISSUANCE OF R.P.'S 3916, ETC., AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-5 REQUEST FOR SALE OF A LEASE BY PUBLIC AUCTION, HARBORS DIVISION, PIER 35, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-6 ISSUANCE OF R.P., HARBORS DIVISION, PIER 31A, HONOLULU, OAHU (AIKANE CORPORATION).
- ACTION Unanimously approved as submitted. (Ing/Zalopany)
- ITEM J-7 ISSUANCE OF R.P., HARBORS DIVISION, KEEHI SMALL BOAT HARBOR, HONOLULU, OAHU (PAUL C. POLLITT).
- ACTION Unanimously approved as submitted. (Ing/Zalopany)
- ITEM J-8 ISSUANCE OF R.P., HARBORS DIVISION, NEAR PIER 5, IRWIN PARK, HONOLULU, OAHU (HAWAII RECREATION AND PARKS ASSOCIATION).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

The date of the event was not listed in the submittal. Accordingly, the board asked that Mr. Garcia call and let the department know when he found out when this was to be held.

Note: Mr. Garcia called to say that the event would be held on October 13, 1984.

ADDED
ITEM J-9


USE OF HARBOR DIVISION FACILITIES.

Mr. Garcia said that Greg Mundy has requested use of Pier 10 Passenger Terminal for a musical concert featuring the musical group R.E.M on October 31, 1984.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

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