

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

DATE: October 26, 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 9:10 A.M. The following were in attendance:

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

Absent & Excused

Mr. Thomas Yagi

STAFF: Mr. Ralston Nagata
Mr. James Detor
Mr. Gordon Soh
Mr. Libert Landgraf
Mr. Maurice Matsuzaki
Mr. Henry Sakuda
Mr. Mel Young
Ms. Patty Edwards
Mrs. LaVerne Tirrell

OTHERS: Mr. Edwin Watson, Deputy Atty. Gen.
Mr. Peter Garcia, DOT
Mr. Clair Carlton (Item H-7)
Mr. James Pavelle (Item E-4)
Mr. Cormax (Item F-3)
Ms. Mumford & Mr. Cliff Yaguchi (Item F-11)
Mr. Kimo Naauao (Item H-3)
Mr. Vernon Char (Items F-1-H, I & J)
Mr. Briggs Boswick (Item E-2)

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

ITEM E-4

REQUEST FOR PERMISSION TO VIDEO TAPE PORTIONS OF THE INTERIOR AND EXTERIOR OF THE IOLANI PALACE BY PUBLIC TELEVISION CREW.

ACTION

Mr. Ing moved to authorize the issuing of a permit for videotaping of the Iolani Palace interior and exterior for SPECTRUM, a weekly culture and arts program of Hawaii Public Television. Mr. Higashi seconded and motion carried unanimously.

Mr. Ono asked that Mr. Nagata make sure that none of the shots are used for commercial purposes.

Mr. Pavelle stated that the board could be assured of this.

ITEM F-1-H

MELSAN, LTD. REQUEST FOR CONSENT TO ASSIGNMENT AND ISSUANCE OF ESTOPPEL CERTIFICATE, G. L. NO. S-3961, WAIAKEA, SO. HILO, HAWAII.

ITEM F-1-I

KAPIOLANI-HILO HOTELS PARTNERS REQUEST FOR CONSENT TO MORTGAGE AND ISSUANCE OF ESTOPPEL CERTIFICATE, WAIAKEA, SO. HILO, HAWAII.

ITEM F-1-J

KAPIOLANI-HILO HOTELS PARTNERS REQUEST FOR CONSENT TO PURCHASE MONEY SECOND MORTGAGE, G. L. NO. S-3961, WAIAKEA, SO. HILO, HAWAII.

Mr. Detor explained that the above three submittals all deal with Melsan, Ltd., Lessee, which is the Hilo Hawaiian Hotel in Hilo.

Mr. Detor said that the sale of this hotel ties in with the sale of other properties that the people who run the chain are entering into.

Mr. Higashi stated that about two years ago consent was given for an assignment to a Hui from the mainland. He asked whether this assignment would now have to be cancelled.

Mr. Detor said that he thought the above assignment had dropped by the wayside.

Mr. Watson said that the assignment would not have to be cancelled if the sale was never consummated.

ACTION

Mr. Higashi moved to approve Item Nos. F-1-H, I and J as submitted, subject to clarification as to whether the lease was consummated or not. Mr. Kealoha seconded and motion carried unanimously.

ITEM F-3

CORMAX CORPORATION REQUEST FOR CONSENT TO FOUR SUBLEASES, G. L. NO. S-4644, KALAUAO, EWA, OAHU.

Mr. Detor said that all State leases have a condition in them which says that when the board consents to a sublease the board has the right to raise the basic rent depending on the amount of rent to be charged to each sublessee. Staff has gone over the terms and conditions of the subleases and are not recommending, based on what is being charged to each sublessee, a raise in the master lease rent at this time. However, two of the five have provisions in the sublease which call for an automatic rent increase at the end of the first year so staff would like to reserve the right to review the rental schedule again when that first automatic increase comes to play in each of the subleases.

Because the language in staff's Recommendation No. 1 seemed unclear, Mr. Detor asked that it be amended as follows:

1. The basic annual lease rent for General Lease No. S-4644 shall remain at \$91,000.00 per annum but shall be subject to review and escalation at such time as each of the automatic sublease rent adjustments take place.

ACTION

Mr. Ing moved for approval as submitted, and as amended above. Mr. Zalopany seconded and motion carried unanimously.

ITEM H-3

AFTER-THE-FACT CDUA FOR CONSTRUCTION OF A CHAIN-LINK FENCE AND NEW WALKWAY RAMP FOR AN EXISTING RESIDENCE AT AHUIMANU, KANEHOE, KOOLAUPOKO, HAWAII (MR. KIMO NAAUAO).

Mr. Soh said that the applicant would like to have a fence to protect his family from trespassers. He is up against a hillside which used to be covered with brush and grass. Pakalolo growers would use his property

for access to the mountains to tend their plants. This was not safe for his family and he also did not want to be held responsible for any illegal activities which might take place on his property.

Mr. Kealoha asked whether the fence was included in the original drawings submitted by the applicant.

Mr. Soh was not sure.

Mr. Naauao said that he was not aware at the time he bought his house and lot that it was in the conservation district. He has permits for all construction to be done within the urban area. Mr. Naauao went on to explain to the board about the problems he ran into while trying to get his building permit. One of the main problems was that he did not know where the clarification line was.

Mr. Higashi asked whether a grading permit had been obtained.

Mr. Naauao said that no grading was done on the conservation side -- just on the urban side. All he did on the conservation side was pull out all of the weeds.

Mr. Ing said that the last time there was a violation in that area the board did reduce the fine so he was going to recommend also in this case that the fine be reduced to \$250.00 per violation or a total of \$500.00 for the two violations.

ACTION

Finding the construction of a chain-link fence and a walkway ramp on property within the Conservation District, General Subzone without the Board's approval to be a violation of Title 13, Chapter 2, Administrative Rules, as amended, the board, upon motion by Mr. Ing and a second by Mr. Kealoha, voted unanimously to:

1. Assess a fine of Two Hundred Fifty Dollars (\$250.00) per violation, the total of two violations being equal to the sum of Five Hundred Dollars (\$500.00) to be paid within sixty (60) days of the date of this meeting, this date being October 26, 1984; and
2. Approve the after-the-fact construction of a chain-link fence and walkway ramp on property identified as TMK 4-7-46:76 at Ahuimanu, Kaneohe, Koolaupoko, Oahu, subject to the conditions listed in the submittal.
3. That the CDUA approval also be filed with the Bureau of Conveyances.

ITEM H-1

CDUA FOR INSTALLATION, USE, AND MAINTENANCE OF TELEPHONE POLES AND LINES AT HANAIEI, KAUAI TMK 5-4-03:07, 5-4-02:26, 33, 34 (HAWAIIAN TELEPHONE CO.).

ACTION

Mr. Zalopany moved to grant the applicant, Hawaiian Telephone Company, permission to install, use and maintain poles and lines to extend telephone service to the residents of Hanalei Valley subject to the conditions listed in the submittal. Mr. Higashi seconded and motion carried unanimously.

ITEM F-4

DEPARTMENT OF EDUCATION REQUEST TO PLACE DECLARATION OF COVENANTS ON LAIE ELEMENTARY SCHOOL SITE, LAIE, KOOLAULOA, OAHU.

Mr. Detor explained that this is a covenant which will protect the City from suits presumably if the letter of the requirement is not adhered to.

Mr. Ing asked whether the City was requesting this.

Mr. Detor said no, but the City requires this in order to give the Department of Education the variance. The request comes from the DOE.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-6

ROGER WATSON APPLICATION FOR EASEMENT AT WAIMANALO, OAHU.

Mr. Detor said that this easement would enable the electric and telephone service to come over State property to the applicant's property.

Mr. Detor asked to amend the recommendation listed on page 3 by deleting No. 5 which is not a requirement insofar as an easement to a private party is concerned.

ACTION

Finding the areas in question to be an economic unit in terms of the intended use, the board, upon motion by Mr. Ing and a second by Mr. Kealoha, voted unanimously to:

1. Approve and authorize the direct sale of the subject easements to the applicants subject to the conditions listed in the submittal except for the deletion of Condition No. 5; and
2. Approve granting of an immediate Right-of-Entry to the applicant covering the subject easement area subject to the conditions listed in the submittal.

RESUBMITTAL - CDUA FOR A TEMPORARY VARIANCE FOR THE TEMPORARY INSTALLATION OF THREE WIND DATA COLLECTION TOWERS AT MAALAEA, MAUI (HAWAII UTILITY POWER SERVICE).

ITEM H-7

Mr. Soh said that the applicant reviewed the submittal and had some concerns regarding being able to get favorable action on disposition of the site itself since this is Stateowned property.

Mr. Ono asked whether this was a conservation use application instead of a disposition request.

Mr. Soh said yes except for the approval of a right of entry.

The applicant, Mr. Clair Carlton, said that in talking with Jim Detor and Sherrie Samuels he had come to understand that this is basically a statement that DLNR has to include with any CDUA. He added also that the only concern he had was based on the fact that attracting new developers to Hawaii to fund these projects is contained in the permits and he had hoped that because this project is intended to be owned by either a utility or High Tech Corporation that they do everything they can to attract these people and the language in their permit is that they want to do this.

Mr. Ono asked how the reduction of the permit from three to one would affect them.

Mr. Carlton said that the language read that a study would have to be performed by FAA insofar as the other two towers are concerned.

ACTION

Mr. Ing moved to approve temporary installation of one 90 foot tower at the primary site at Puu Moe, TMK 3-6-1:14, Maalaea, Maui, subject to the conditions listed in the submittal. Mr. Higashi seconded and motion carried unanimously.

ITEM J-4

RIGHT-OF-ENTRY, GROUND TRANSPORTATION SUBDIVISION, KAHULUI AIRPORT, MAUI (FIRST HAWAIIAN SHIRTS, INC.)

Mr. Garcia said that the applicant is presently a non-conforming airport tenant doing business as the T-Shirt Factory. The Department of Transportation requires the applicant to vacate its present site and is providing another airport location for the applicant to construct a retailing facility.

Mr. Higashi questioned DOT regarding the applicant building a facility on land covered by a revocable permit.

Mr. Garcia said that there is no guarantee that the permit will be extended. Their permit is from year to year and that is all that the applicant has agreed to operate on. The facility will be portable in nature so that they will be able to dismantle the facility should they have to move.

In answer to Mr. Ing's question, Mr. Garcia said that DOT presently has no plans for the subject area.

Mr. Ing said that he shared Mr. Higashi's concern. Since there are no other requests where people are willing to put in the improvements themselves, which can be a big cost, he's willing to go along with this request. However if there are requests in the future he would be concerned about DOT not allowing other people to come in.

ACTION

Mr. Zalopany moved to approve the Right-of-Entry for the construction of a retailing facility by First Hawaiian Shirts, Inc. Motion carried with a second by Mr. Ing. Mr. Higashi voted no.

ITEM F-11

PEARL CITY YOUTH COMPLEX ASSOCIATION APPLICATION TO LEASE THE FORMER HALE MOHALU PROPERTY AT PEARL CITY, OAHU.

Mr. Detor explained that this particular lease would be issued under Section 171-43 of the Hawaii Revised Statutes which allows the board to directly issue on a nominal consideration basis a lease for youth athletic activities and recreation purposes. The proposed term is for thirty-five years with the rental, at a nominal basis, at \$120.00 per year. There would be a minimum improvement requirement for a total of \$170,000 to be expended within a period of three years from the commencement of the lease term. This ties in with an appropriation which was made by the Legislature for this particular purpose.

Mr. Detor said that the applicant is a non-profit organization which has recently been incorporated for the purpose of promoting the interest of youth athletic activities within the Pearl City Community and the Association consists of representatives from the youth baseball, softball and soccer leagues as well as community organizations e.g. Kiwanis and Jaycees.

Plans by the organization call for a regulation baseball field with an overlay of soccer/football field and two little league/softball fields with an overlay of another soccer/football field. The Association estimates that 2,000 youths will benefit from the facilities.

The Association plans to operate and manage the scheduled use of the facility and maintenance of the grounds. Groups utilizing the facility would be assessed a user's fee or a requirement of man-hours of maintenance of the fields or a combination of both to cover costs of operation and maintenance.

Mr. Detor explained that this area was formerly under executive order to the Department of Health who had indicated that they had no further use of the property and have turned the property back to DLNR's jurisdiction and this particular executive order was rescinded and posted to the Legislature in the last session.

Mr. Detor said that there were several proposals for use of the Hale Mohalu site. Principally, low cost housing for the elderly, including Hansen disease patients. These proposals were aired at public hearings of the Senate and House committees during the 1984 Session and in the end the Legislature adopted H.C.R. No. 110 and H.R. 279 which urged the Board of Land and Natural Resources to award a lease to the Association for youth athletic and recreational purposes.

Mr. Ing asked who the Pearl City Complex Association was.

Mr. Detor stated that it was a non-profit organization which was incorporated for this particular purpose.

Mr. Ing asked who would be responsible for adhering to the terms of the lease.

Mr. Detor said that it would be the Association.

In answer to Mr. Ing's question, Mr. Detor said that the Association would be funded partially by Legislative appropriation. Other than that, he understood that groups utilizing the facility would be assessed a user's fee. Adult community groups would be encouraged to provide community service for maintenance of the fields and also through donations.

Mr. Ono said that there is a possibility that they may request assistance from the State, County or Federal governments.

Mr. Ono called to the attention of those in attendance at the meeting that this is not a public hearing but the board did receive a request from the Hawaii Council of Churches to address the board and they have agreed to do that. Accordingly, Ms. Pat Mumford, on behalf of the council would take about 10 minutes to update the board on where they are. Ms. Mumford would also be the spokesperson for the group interested in using the subject site for housing and hansen disease type programs.

Ms. Mumford stated that she was appreciative of the fact that the board had agreed to hear her. She explained that her comments would be in three parts: Corrections to and comments about staff's recommendation; introduction of coalition's recommendation; and a brief rationale for this plan. Following are comments presented by Ms. Mumford:

"1) Regarding the staff report which I assume you have, in the third paragraph on the second page it is stated that alternate proposals (including one for low cost housing for the elderly) were aired at public hearings of Senate and House Committees during the 1984 legislative session. We are aware of two basic proposals, one of which called for the development of a Master Plan for the site, but which was not voted out of committee. In the public hearings on the Resolutions which you have before you there were only two alternatives considered: use of the entire parcel for a Youth Athletic complex or use of a 2.5 acre portion for a Hansen's Disease residential facility. Although comments by representatives of the Athletic Association indicated their willingness to consider shares use, it was said by committee members that the property could not be divided. As you can also see by reading the Resolutions, the House committees "requested" that DLNR lease the property to an eleemosynary organization for athletic purposes, they did not "urge" that this be done. The fact that \$170,000 in state funds were appropriated for clearing, grading and construction costs should also be taken into consideration during your deliberation, since a housing development spearheaded by a private coalition facilitated by the Hawaii Council of Churches would require no state funds whatsoever.

"2) Now to the specific recommendation being made by our coalition which is composed of leaders of eight major faith groups in Hawaii, the Centers for Independent Living, Kokua Council for Senior Citizens, the Kalaupapa Patients' Council, the Western Hansen's Disease Institute, and the Pearl City Ministerial Association, with the interested involvement of the Executive Office on Aging, the Commission on the Handicapped, the Hawaii Housing Authority and Health and Community Services Council...all of whom have offered technical assistance and work in an advisory capacity. The

religious leaders include Bishop Joseph Ferrario of the Roman Catholic Diocese, Bishop Edmond Browning of the Episcopal Diocese, Bishop Yoshiaki Fujitani of Honpa Hongwanji, Rabbi Arnold Magid of Temple Emanu-El, the Rev. Teruo Kawata, Conference Minister for the United Church of Christ in Hawaii and the Rev. James Swenson, District Superintendent of the United Methodist Church in Hawaii. It is through their offices that we have access to the seed money necessary to begin the development of housing for the elderly and handicapped, including Hansen's Disease patients, on the site formerly known as Hale Mohalu. You should also know that there is precedence for such development (Keola Hoonanea on Aala Street is one example), and our Hawaii Council of Churches Board of Directors has approved the establishment of a fund to receive money for this purpose within our accounting system. We ask only that you defer today's decision and allow the Legislature to take another look at viable options. We have hope that the needs of the Youth Athletic interests can be met either through joint use, or by locating more suitable land. However, we firmly believe that the best use of this particular parcel is residential, especially in terms of the special needs of our growing elderly and handicapped population.

3) Briefly stated, our rationale follows:

a) The Location. This particular site provides excellent access to shopping and medical facilities, as well as to public transportation. (If Kokua Council is allowed to speak Virginia Kepana will elaborate on the importance of this, as well as the value of housing in close proximity to police and fire protection. And if the Centers for Independent Living speak they will reiterate the scarcity of housing in this sort of area). It has been proven that senior citizens spend their money within the community in which they live, and the addition of over 100 new residents would benefit the businesses close by. On the other hand, it would be practically impossible for the neighborhood to accommodate the additional traffic necessary for a sports facility, and the neighboring businesses would benefit very little. Also, the many trees on the property could be saved by constructing low-rise town-house type cluster housing. A sports complex would literally level the entire 11.2 acres.

b) The Need. In July, 1984, there were 1,277 elderly and handicapped persons waiting for housing, which translated into a 2-4 year waiting period. Later figures indicate that there are now closer to 1,400 persons looking for appropriate housing. If the entire 11.2 acre site were developed in cluster-style apartments it could accommodate approximately 170 units. If some sort of shared use were planned it would be fewer than that, but even though it seems like the proverbial drop-in-the-bucket, it is at least "a drop." Some housing for these people is certainly better than no housing. We recognize the need for additional recreational facilities for our youth, but would ask that you look at the priority need. The wait for ball park usage is defined in "hours." The wait for elderly and handicapped housing is defined in "years." We would also suggest that there are other, flatter, safer, far more appropriate sites for athletic fields in the Pearl City area.

c) The Community. In spite of the fact that some State Legislators feel that the Pearl City community is solidly in favor of a sports complex, it should be noted that a survey made by the Pearl City Neighborhood Board indicated that there is more interest in low-rise housing for that site. (If Newton Kerney is allowed to speak, he will elaborate on community feeling.)

d) History. It is well known that great tension is felt when conversation turns to the so-called Hale Mohalu struggle. For too many years there was dissension and disagreement about the Hansen's Disease program at that site, and about the use of the property. Our efforts are motivated by the desire to provide an opportunity to lay aside that tension; to provide all

concerned an alternative which would make everyone "winners" in a situation where formerly at least one faction was destined to lose. This plan could put the disputed land to a meaningful community use and preserve its naturalness and peacefulness."

Mr. Ing said that they did talk at length in August about this and at that time it was understood that Ms. Mumford would attempt to speak to some of the Legislators and he was wondering if Ms. Mumford did have an opportunity to speak to them and what their response, if any, was.

Ms. Mumford said they were invited to participate at a meeting with Bishop Ferrario and other religious leaders about a week ago. Rep. Eloise Tungpalan participated very helpfully. Her informal indication at that time was that she saw some possibilities in looking at new alternatives. They received no other response.

Mr. Kealoha asked if they had attempted to speak to other legislators aside from those just within the district.

Ms. Mumford said that they did speak to the Governor and they have been on the phone with a number of people.

Mr. Kealoha said that it was suggested at the last meeting that the group take another poll of the community. The reason for this poll was because they did not feel that a proper response was received. Mr. Kealoha asked whether this second survey was conducted.

Ms. Mumford said that it was not. Basically because they have no staff support. They all serve as volunteers with full time jobs. However, now that the Council of Churches has a fund they can probably now proceed to pay someone to do this job.

Should this lease be approved by the board, Mr. Ing asked Mr. Detor whether it would be possible to include a clause in the lease saying that it be subject to disapproval by the Legislature.

Mr. Detor preferred to refer that question to the Deputy Attorney General. He said that the law does not call for it in this instance but it may be possible.

Mr. Watson said that although the law does not call for it, the Lessor could add it if he wanted to.

Mr. Ono felt that if we were to add that clause we might just as well wait for the next Legislative Session inasmuch as the lessee would not be able to do anything anyway.

Mr. Ing asked to hear from the Pearl City Youth Association.

Mr. Cliff Yaguchi, speaking on behalf of the Pearl City Youth Association, said that one of their major reasons for looking at the now vacant Hale Mohalu site is because they needed land for their youth activity programs. When they saw the subject property laying idle they felt that they should at least try to make an attempt insofar as getting facilities for the youth in their community. They inquired about procedures and policies and they have followed these procedures and policies in trying to get the land area.

Mr. Yaguchi said that the size of the area was one of their big determinations. In their initial draft of their layout they had to overlap certain sports fields. This will involve about 2,000 youths year-round. The field areas that they presently have are utilized to maximum. This new area will help them to spread out and eliminate a lot of congestion.

With respect to the survey made by the Neighborhood Board, Mr. Yaguchi said that they had a meeting last week to try and determine the actual outcome of the survey itself. As a member of the community, he said that he did not receive a copy of the survey form and neither did any of the members of their board. So they did not feel that it was a fair evaluation. They do not know who actually conducted the survey and the validity of the survey.

According to earlier testimony, Mr. Yaguchi said that it was stated that the Neighborhood Board was in favor of the housing development. In meeting with the Chairman of the Neighborhood Board to clear up this point, they were told that this was not so. What they agreed upon was to have the area for the sole use of the people of the community.

Mr. Ing asked who the officers of the Association were.

Mr. Yaguchi said that he was Vice-President, Ed Nakano, President, Elsie Suenaga, Secretary, Al Fukushima, Treasurer and the Board of Directors were Ken Uejo, Wayne Oshiro, Mel Ishii, Ray Teshima, Mike Fujii and Mike Nakashima.

Mr. Ing wanted to know how they were to be funded.

Mr. Yaguchi said that because this area is mostly open space, the maintenance work of the fields will be basically borne by the people of the community. There will also be a charge for membership. This will all be on a voluntary basis. They also plan to have fund raising activities as well as soliciting funds from various people within the area.

In other words, said Mr. Ing, you will really be relying upon donations from the community?

Mr. Ing asked if they had any idea what it would cost to maintain an 11 acre parcel.

Mr. Yaguchi said they are aware of the lease rental. They are now in the process of getting liability insurance. Their largest expense will probably be the water.

In answer to Mr. Ing's question, Mr. Yaguchi said that they are presently without a budget.

Mr. Ing asked whether the Association had their tax clearance papers.

Mr. Yaguchi said no.

Mr. Detor said that the final lease document will not be issued unless all the necessary clearances are completed.

Mr. Ing said that as of today, the Association has no money, budget or tax clearance.

Mr. Yaguchi said the reason they decided not to solicit any funds is because they would have had a hard time getting all these monies back to the individuals concerned should the lease deal fall through.

Mr. Ing said that he really questioned the Associations' ability to maintain the eleven acres and to put in the improvements. He would like to see some kind of plan or budget which shows that they will be able to do the things they say they are going to do and be able to maintain it.

Mr. Ing asked whether the Association would be willing, should they get the lease, to set aside some area in the park for a memorial to commemorate what that place once was.

Mr. Yaguchi said yes.

Mr. Ono asked whether their charter to incorporate was approved.

Mr. Yaguchi said that it was filed but he was not sure whether it was approved.

After conferring with the board, Mr. Ono said that this item would be deferred to the later part of the agenda, thus giving Mr. Yaguchi time to check on the status of their incorporation papers as well as their tax exemption papers.

(See Page 16 for Action)

ITEM E-1

FILLING OF GROUNDSKEEPER I POSITION, NO. 10115, WASHINGTON PLACE, OAHU PARK SECTION.

ACTION

The board unanimously approved the appointment of Mr. Himeda to fill Position No. 10115. (Kealoha/Ing)

ITEM E-2

REQUEST TO USE A PORTION OF THE WAILUA RIVER STATE PARK, KAUAI, FOR A WATER SKI TOURNAMENT.

Mr. Zalopany called to Mr. Nagata's attention that the days requested for this event is the Thanksgiving weekend and he was concerned that the Wailua Stream is extremely narrow, a lot of children will be on vacation and fishing in that area, and there will also be a lot of traffic with the tour boats so he suggested having this event at Nawiliwili.

Mr. Nagata said that they do not control Nawiliwili and this request was for the use of the Wailua Marina area. He also felt that if the applicant, Mr. Pete Fisher, was in the audience he could reply to Mr. Zalopany's questions.

Mr. Fisher was not present but a representative, Mr. Briggs Boswick, was.

Mr. Zalopany moved to deny this request. Mr. Kealoha seconded.

Mr. Kealoha remembered Mr. Nagata mentioning that this group had been holding their ski tournament at the Wailua Marina for the last seven or eight years yet this is the first time he has seen this request before the board.

Mr. Nagata explained that in prior years permits were issued directly out of the Kauai office. However, he felt that something of this nature should be brought before the board, especially with the recent controversies we have had over use of the Wailua River.

In answer to Mr. Kealoha's questions, Mr. Nagata said that he was not sure that the Department of Transportation was aware of the ski tournament in prior years. However, they were approached this year and a Department of Transportation official has indicated that they will approve the permit.

Mr. Higashi asked whether any injuries were incurred in the past years when the ski tournament was held.

Mr. Nagata said that they have no record of any injuries or complaints.

Mr. Ono asked whether any sketch was available showing the land and the water area to be used for the tournament.

Mr. Nagata said that he did not have one readily available but he could get one.

Mr. Ono felt, like Mr. Kealoha, that the area indicated by Mr. Nagata seemed like a rather short stretch.

Inasmuch as the tournament was being scheduled for November 24th, Mr. Kealoha felt that there was still time to defer this item in order that staff could get the necessary sketches for the board's review.

Mr. Nagata said that he could get the sketches today if the board would defer this item to the later part of the agenda.

Mr. Kealoha withdrew his second in order to give staff time to get the necessary sketches and to get together with the applicant.

With the board's concurrence, this item was deferred to the later part of the Agenda.

(See Page 23 for Action)

ITEM E-3

REQUEST TO USE THE OLD KONA AIRPORT STATE RECREATION AREA, ISLAND OF HAWAII, FOR A KONA COFFEE FESTIVAL INTERNATIONAL FAMILY DAY EVENT.

ACTION

The board unanimously authorized the issuance of a permit to allow Kona Coffee Festival International Day to be held at the Old Kona Airport State Park on Saturday, November 10, 1984. (Higashi/Kealoha)

ITEM E-4

REQUEST FOR PERMISSION TO VIDEOTAPE PORTIONS OF THE INTERIOR AND EXTERIOR OF THE IOLANI PALACE BY PUBLIC TELEVISION CREW.

(See Page 1 for Action)

ITEM E-5

PERMISSION TO NEGOTIATE AND EXECUTE A SERVICE AGREEMENT FOR THE PLANNING AND DEVELOPMENT OF KAKAAKO WATERFRONT PARK, HONOLULU, OAHU.

ACTION

Mr. Ing moved to grant permission to negotiate and execute a Service Agreement with Sea Grant Extension Services, University of Hawaii, for the planning and development of the proposed Kakaako Waterfront Park. Motion carried unanimously with a second by Mr. Higashi.

ITEM E-6

APPROVAL TO ENGAGE SERVICES OF A CONSULTANT TO EFFECTUATE THE PROPOSED LAND EXCHANGE BETWEEN THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES AND SEIBU HAWAII, INC. FOR THE DEVELOPMENT OF THE MAKENA-LA PEROUSE STATE PARK, MAUI.

Mr. Ing asked why it was necessary to get a consultant for this exchange.

Mr. Nagata said that, because of the shortage of staffing in the Division of Land Management, they felt that in order to expedite a matter as complex as this a consultant should be hired.

Mr. Ing asked if the consultant was being hired to determine the value of the land.

Mr. Nagata said no. The value of the land would be determined by an appraiser. The consultant would be used basically to expedite negotiations with the Seibu people or the other current landowners of Big Beach to try and effectuate an exchange.

Mr. Ono did not feel that there was enough work for a consultant to follow through on the Seibu property inasmuch as the attorneys have been doing quite a bit of work. He wanted to make sure that the scope of his work would be broadened to include the other two property owners as well. Also, rather than DLNR paying a lump sum of \$9,000.00, that the consultant be paid on a performance basis -- up to a maximum of \$9,000.00.

ACTION

Mr. Higashi moved to grant permission to engage the services of a consultant, subject to approval by the Governor and the consultant broadening his scope of work to include, besides Seibu, the other two property owners as well and that payment for this work will be made on a performance basis, such payment not to exceed \$9,000.00. Mr. Higashi moved also to authorize execution of the contract document. Mr. Ing seconded and motion carried unanimously.

ITEM E-7

CONSTRUCTION OF PARK CONCESSION FACILITIES USING PRIVATE FUNDS.

Mr. Nagata explained that from time to time, the State Parks Division receives proposals or inquiries from private citizens who are interested in constructing and/or operating concession facilities within State Parks. A recent proposal was for a permit to build a bathroom and showers at a State Park beach presently lacking these facilities, and a snack bar concession would be incorporated into the bathroom building. The prospective concessionaire stated that he would operate the snack and bar and maintain the restroom and showers and provide paper products as needed.

Past proposals have been turned down because our past practice has been to construct park concession facilities by using state funds, then subsequently let our contracts for their operation through public advertisement for sealed bids.

Mr. Ing asked, should this request be granted, how this authority would be used.

For example, Mr. Nagata explained, you have a beach park which lack some amenities that is often times provided by DLNR e.g. restrooms, shower facilities, etc. this will attract interest by wanting to provide these kinds of facilities along with snack bar concession facilities.

Mr. Nagata said that in view of current and projected shortages of State funds, use of private funds to develop as well as operate State Park support facilities should be considered as an alternate means to provide for public recreation needs. Concession rights may also be conditioned to provide for lifeguard and/or security related services.

Mr. Ono said that if the board's policy is not to entertain these kinds of request then there's no use for staff spending their time working with the proposer. However, if there is a possibility of getting it approved then they will work out the details.

Should the board approve this, Mr. Kealoha asked whether the applicant's specifications or the State's specifications would be used.

Mr. Nagata said that it could be handled in both situations. The ultimate specification, however, would be in the form requested by State Parks so others could bid as well.

Mr. Kealoha suggested that staff take a look at the City's Public Bath area next to the old Queen's Surf. He said that the bathroom facility is over fifty years old and in good shape.

ACTION

The board unanimously concurred with the concept of utilizing private funds for construction and operation of state support park facilities through publically advertised concessions. (Kealoha/Ing)

ITEM E-8

REQUEST BY GREENPEACE FOUNDATION TO USE SAND ISLAND STATE RECREATION AREA FOR A FUND RAISING EVENT.

ACTION

The board unanimously authorized the issuing of a permit to the Greenpeace Foundation to use Sand Island State Recreation Area for their Sprint for the Seals fund raising event including the collection of late entry fees and sponsor pledge sheets and money within the park. (Ing/Kealoha)

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-A YUKIO MURAYAMA REQUEST FOR CONSENT TO MORTGAGE, G. L. NO. S-4429, LOT 15, PAHOA AG PARK, KEONEPOKO IKI, PUNA, HAWAII, BEING TMK 1-5-116:15 CONTAINING 19.596 ACRES.

Item F-1-B MARIE PETERS REQUEST FOR CONSENT TO ASSIGN G. L. NO. 3156, LOT 23, OCEAN VIEW LOTS, WAIAKEA, SO. HILO, HAWAII TO MICHAEL F. RUDOLPH AND DORA LEE RUDOLPH, BEING TMK 2-1-07:22 CONTAINING 7,180 SQ. FT.

Item F-1-C KUNIO YOKOYAMA APPLICATION FOR REVOCABLE PERMIT COVERING A GOVERNMENT REMNANT AT PAHOEHOE 4TH, NO. KONA, HAWAII BEING TMK 7-7-06:34 CONTAINING 5.600 ACRES± FOR PASTURE PURPOSES COMMENCING NOVEMBER 1, 1984. RENTAL: \$10.00 PER MO.

Item F-1-D MELVIN MIRANDA APPLICATION FOR REVOCABLE PERMIT COVERING LAND AT LALAMILO, SO. KOHALA, HAWAII BEING TMK 6-6-06:01 CONTAINING 9.969± ACRES FOR PASTURE PURPOSES COMMENCING NOVEMBER 1, 1984. RENTAL: \$10.00 PER MO.

Item F-1-E KENNETH PETERS APPLICATION FOR REVOCABLE PERMIT COVERING LAND IN KILAU GULCH, MANOWAIOPAE HOMESTEADS, NO. HILO, HAWAII BEING TMK 3-6-01:01 CONTAINING 9.878 ACRES ± FOR PASTURE PURPOSES COMMENCING NOVEMBER 1, 1984. RENTAL: \$10.00 PER MO.

Item F-1-F ST. FRANCIS HEMODIALYSIS SATELLITE FACILITY APPLICATION FOR REVOCABLE PERMIT (FROM DOH) COVERING PORTION OF THE MAUI MEMORIAL HOSPITAL GROUNDS, WAILUKU, MAUI BEING TMK 3-8-07:3 CONTAINING 785 SQ. FT. POR. OF A SINGLE STORY BLDG. FOR TREATMENT OF RENAL/HEMODIALYSIS PATIENTS. RENTAL: GRATIS

Mr. Ono asked whether there was any benefit to the patients as a result of St. Francis not having to pay any rental.

Mr. Detor said that his only understanding was that there is no service like this on the island of Maui. As far as any savings to the patients he wasn't sure but he would talk to the Department of Health about this and find out what their policy is.

Item F-1-G ALBERT NISHIMURA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4801 LOT 10, PAHOA AG PARK, PHASE 2, KEONEPOKO IKI, PUNA, HAWAII TO RONALD T. NITTA AND MERLENE S. NITTA BEING TMK 1-5-116:37 CONTAINING 5.00 ACRES.

Item F-1-H
Item F-1-I
Item F-1-J

(See Page 2 for Action on Items F-1-H, I and J)

Item F-1-K ISEMOTO CONTRACTING CO., LTD. APPLICATION FOR REVOCABLE PERMIT, WAIMEA, SO. KOHALA, HAWAII BEING TMK 6-5-04: 70 and 79 CONTAINING 2.134 ACRES FOR TEMPORARY STORAGE SPACE FOR THE CONSTRUCTION OF THE WAIKOLOA 50 MILLION GALLON RESERVOIR NO. III COMMENCING OCTOBER 15, 1984. RENTAL: \$30.00 PER DAY.

Item F-1-L HOOLU RANCH, INC. REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4472, KOEA-KAAO, HAMAKUA, HAWAII TO JACK RAMOS RANCH, INC. BEING TMK 4-2-08:06 CONTAINING 1902.000 ACRES.

Item F-1-M COUNTY OF MAUI REQUEST FOR CONSENT TO SUBLEASE PORTION OF G. L. NO. S-4433, MOLOKAI TO FUNK SEEDS INTERNATIONAL, BEING TMK 5-2-01 and 5-2-04 CONTAINING 772.242 ACRES.

Item F-1-N MICHAEL RUDOLPH REQUEST FOR CONSENT TO SECOND MORTGAGE, G. L. NO. 3156, LOT 23, OCEAN VIEW LEASE LOTS, WAIAKEA, SO. HILO, HAWAII TO MARIE T. PETERS BEING TMK 2-1-07:22 CONTAINING 7,180 SQ. FT.

- Item F-1-0 HAWAII OFFICE OF ECONOMIC OPPORTUNITY APPLICATION FOR REVOCABLE PERMIT, WAIMANALO, OAHU, BEING BLDG. AT 41-1347 KALANIANA'OLE HWY., TMK 4-1-12:POR. 2 FOR WAIMANALO COMMUNITY SERVICE CENTER AND HEADSTART PROGRAM PURPOSES, COMMENCING NOVEMBER 1, 1984. RENTAL: GRATIS
- Item F-1-P TROPICAL ISLE COMMERCIAL DEVELOPMENT, INC. REQUEST FOR CONSENT TO 1) ASSIGNMENT & 2) MORTGAGE, G. L. NO. S-4127, LOT 20, SHAFTER FLATS, MOANALUA, HONOLULU, OAHU, BEING TMK 1-1-64:22 CONTAINING 25,000 SQ. FT.
- ACTION Mr. Higashi moved to approve Item Nos. F-1-A, B, C, D, E, F, G, K, L, M, N, O and P as submitted. Mr. Kealoha seconded and motion carried unanimously. Items F-1-H, I and J were approved earlier. (See Page 2 for details)
- ITEM F-2 TRIPLE K PLUMBING AND GEO' CO. INC. REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, G. L. NO. S-4307, HILO INDUSTRIAL DEVELOPMENT, POHAKU ST. SECTION, WAIAKEA, SO. HILO, HAWAII.
- ACTION Mr. Higashi moved to grant a waiver of the performance bond provision contained in G. L. No. S-4307 to Triple K Plumbing, Inc. and Geo' Co., Inc. as of the date of Board approval, with the understanding that such bond may be reimposed at any time during the lease term. Mr. Kealoha seconded and motion carried unanimously.
- ITEM F-3 CORMAX CORPORATION REQUEST FOR CONSENT TO FOUR SUBLEASES, G. L. NO. S-4644, KALAUAO, EWA, OAHU.
- (See Page 2 for Action)
- ITEM F-4 DOE REQUEST TO PLACE DECLARATION OF COVENANTS ON LAIE ELEMENTARY SCHOOL SCHOOL SITE, LAIE KOOLAULOA, OAHU.
- (See Page 4 for Action)
- ITEM F-5 CITY & COUNTY OF HONOLULU REQUEST FOR DRAINAGE EASEMENT AND CONSTRUCTION RIGHT OF ENTRY, PUPUKEA-PAUMALU, KOOLAULOA, OAHU.
- ACTION The board, upon motion by Mr. Kealoha and a second by Mr. Higashi, voted unanimously to approve the request by the City and County of Honolulu for a perpetual non-exclusive drainage easement covering easement parcel D-1 and D-3 subject to the conditions listed in the submittal and also granted the City and County of Honolulu, Department of Public Works and its contractors a construction right of entry to easement parcels D-1 and D-3 and construction parcels C-1, C-3, C-4 and C-5 for construction of drainage facilities, subject to the conditions listed in the submittal.
- ITEM F-6 ROGER WATSON APPLICATION FOR EASEMENT AT WAIMANALO, OAHU.
- (See Page 4 for Action)
- ITEM F-7 OSUMU FUJIMOTO APPLICATION TO PURCHASE ABANDONED ELECTRIC LINE SEGMENT, LAWAI, KAUAI.
- Mr. Detor asked to amend Recommendation C.1 as follows:
1. Payment for the remnant to be cash in full or upon a payment plan to be provided by the permittee.
- Mr. Detor explained that the reason for this amendment is that there is a 60-ft. right of way running through this lot. It may be an expensive proposition so the applicant may want to pay on a time-payment basis rather than in cash.

- ACTON Finding the right of way to be unsuitable for development as a separate unit because of its size, shape and location and is by definition a remnant, the board, upon motion by Mr. Zalopany and a second by Mr. Higashi, voted unanimously to authorize the staff to subdivide the right of way to facilitate the sale to the abutting owner and approve the direct sale of the remnant to the applicant subject to the conditions listed in the submittal, as amended.
- ITEM F-8 KEKAHA ASSEMBLY OF GOD CHURCH, APPLICATION TO LEASE LOT 146 AND IMPROVEMENTS, INCREMENT IV, KEKAHA GARDENS SUBDIVISION, KEKAHA, KAUAI.
- ACTON The board unanimously authorized issuance of a direct sale lease for religious (single-family parsonage) purposes covering the subject property to the Kekaha Assembly of God Church subject to the terms and conditions listed in the submittal. (Zalopany/Kealoha)
- ITEM F-9 DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING STORAGE SPACE AT 1812 KALANI STREET, HONOLULU, OAHU.
- ACTON Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Kealoha/Higashi)
- ITEM F-10 DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF LEASE COVERING THE 5TH FLOOR OF THE KAPIOLANI CHILDREN'S MEDICAL CENTER, HONOLULU, OAHU.
- ACTON Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Kealoha/Higashi)
- ITEM F-11 PEARL CITY YOUTH COMPLEX ASSOCIATION APPLICATION TO LEASE THE FORMER HALE MOHALU PROPERTY AT PEARL CITY, OAHU.
- (See Page 16 for Action)
- ITEM F-12 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (7/27/84, AGENDA ITEM F-6) AUTHORIZING ISSUANCE OF TWO REVOCABLE PERMIT'S COVERING LAND AT SAND ISLAND, HONOLULU, OAHU.
- ACTON Deferred, at the request of the applicants.
- RECESS: 11:20 A.M.
- RECONVENE: 11:30 A.M.
- ITEM F-11 PEARL CITY YOUTH COMPLEX ASSOCIATION APPLICATION TO LEASE THE FORMER HALE MOHALU PROPERTY AT PEARL CITY, OAHU.
(Continued from page 10)
- Mr. Ono explained to the audience that this item was deferred in order that Mr. Yaguchi could follow up on whether or not their corporation papers had been approved.
- Mr. Yaguchi said that the corporation papers (no. 58620 DELTA 2) was filed three months ago. The papers have been approved and it will take about two weeks before the final papers are completed. This information, explained Mr. Yaguchi, was received from Mrs. Zukeron of the Department of Commerce and Consumer Affairs. Mr. Yaguchi said also that as soon as the corporation papers are completed a tax exemption will be filed.
- Mr. Ing called to Mr. Yaguchi's attention that they will not be able to get any monies donated to them until they receive their IRS exemption.
- Mr. Yaguchi understood this and stated that this is the reason they have not spent any money even though monies have been donated to the Association.

Mr. Higashi asked Mr. Detor whether there had been cases where issuance of a lease was held up subject to all necessary documents being filed with DLNR.

Mr. Detor explained that, even though the board may approve same, the lease itself is not issued until all of the requirements are satisfied.

ACTION

Finding the area to be an economic unit in terms of the intended use, Mr. Kealoha moved to approve the direct issuance of a lease to the Pearl City Youth Complex Association for youth athletic and recreation purposes subject to the terms and conditions listed in the submittal and all required documents being filed prior to issuance of the lease. Mr. Higashi seconded, motion carried.

Mr. Ing voted no for the reason that he does not feel that this organization is ready to do anything with this lease and, until they are able to come up with a tax exemption, the filed articles of incorporation and some plan as to how they intend to raise money and to manage this rather substantial piece of property, he just did not feel that any action should be taken by the board. Insofar as whether the property should be used for youth facility or for housing, that priority has been determined by the Legislature.

ITEM H-1

CDUA FOR THE INSTALLATION, USE, AND MAINTENANCE OF TELEPHONE POLES AND LINES AT HANAIEI, KAUAI (TMK 5-4-03:07, 5-4-02:26, 33, 34 (HAWAIIAN TELEPHONE CO.)).

(See Page 3 for Action)

ITEM H-2

REQUEST TO AMEND A USE PREVIOUSLY APPROVED MICROWAVE RADIO NETWORK, OAHU (CITY & COUNTY OF HONOLULU).

Mr. Soh said that on October 12, 1973 the Board approved an application by the City & County of Honolulu to expand its transmitter facilities in the conservation district at Puu Ualakaa and at Kokohead.

On March 23, 1978, said Mr. Soh, the Board also approved another site at Diamond Head. At that time the City had come in and asked for approval of sites at Diamond Head, Waimanalo Ridge, Mokuleia and Puu Manawahua. The department replied that because Waimanalo Ridge, Mokuleia and Puu Manawahua were former nuke missile sites that the City would not have to come in and make a request for those sites.

By letter dated September 14, 1984 the City had asked to replace the fuel tanks for emergency generators for municipal radio facilities at Ualakaa and also at Waimanalo Ridge, Mokuleia and Puu Manawahua.

Mr. Soh asked to amend the four conditions listed below as follows:

1. Delete Condition No. 1
2. Delete Condition No. 2

Mr. Soh said that back in 1978 staff had informed the City that a CDUA was not necessary.

3. Staff recommends amendment of the permit approved by the board on March 23, 1978 (instead of October 12, 1973) to encompass three additional communications sites (Waimanalo Ridge, Mokuleia and Puu Manawahua).

This would put this application back the way the City wanted it in the first place.

4. Staff recommends amendment of the permit approved by the Board on October 12, 1973 and March 23, 1978 to enable the replacement of existing fuel tanks with 1,000 gallons liquid propane tanks at Puu Ualakaa, Waimanalo Ridge, Mokuleia and Puu Manawahua.

Mr. Ing asked whether the information about the land board having advised the City in March of 1978 was contained in the submittal.

Mr. Soh said that it was not. He remembered writing it up but could not explain why it was not incorporated in the submittal.

Mr. Ing asked Mr. Soh for an explanation of what we had told the City in 1978.

Mr. Soh said that we had told the City that these were existing nuke sites thus implying that they are non-conforming uses so they would not have to file a CDUA. However, they are coming in with a CDUA covering the three sites so if there are any future plans to repair or replace there will be a basis for handling this since the sites will now be in conformity.

Mr. Ing said that the following condition would have to be added to the submittal.

- . All future uses will require application to the board for conservation district use permit.

Mr. Ing wanted to correct the situation that was created in 1978.

Mr. Soh said that the effect of this amendment would be to amend that original permit so that the permit would cover those three sites.

ACTION

Mr. Ing moved for approval subject to the conditions listed in the submittal and as amended. The amendments being:

1. Deletion of staff's Recommendation Nos. 1 and 2;
2. Change date in Recommendation No. 3 from October 12, 1973 to March 3, 1978.
3. Add the date March 3, 1978 to Recommendation No. 4.
4. All future uses will require application to the board for conservation district use permit.

Mr. Kealoha seconded, motion carried unanimously.

AFTER-THE-FACT CDUA FOR CONSTRUCTION OF A CHAIN-LINK FENCE AND NEW WALKWAY RAMP FOR AN EXISTING RESIDENCE AT AHUIMANU, KANEOHE, KOOLAUPOKO, HAWAII (MR. KIMO NAAUAO).

ITEM H-3

(See Page 3 for Action)

ITEM H-4

PETITION FOR A DECLARATORY RULING (WARBIRD SALVORS, INC.).

Mr. Soh said that by letter dated September 18, 1984 Warbird Salvors, Inc. of Washington, D. C. requested permission to remove an unknown type of World War II aircraft from the Kawaihoa Forest Reserve.

Mr. Soh said that an uncertainty exists whether removal of wreckage from the Conservation District constitutes a use of Conservation District lands under Title 13, Chapter 2, Administrative Rules, particularly if the removal is for a commercial purpose as mentioned in HRS 183-41.

Assuming the board approves this, what kind of control will there be in the removal, asked Mr. Ing? The reason for a CDUA permit is because we want to have some conditions as to how things are to be done on conservation lands.

Mr. Soh said that staff's recommendation would remove such controls. When asked by Mr. Ono whether or not this was State land, Mr. Soh replied that it was not.

Mr. Ono then said that no right of entry would be required inasmuch as no State land is involved.

Mr. Landgraf explained that this is Bishop Estate land which at one time was within the Forest Reserve. However, Bishop Estate withdrew the land and are paying taxes on it so the State has no interest in the land.

In answer to Mr. Ing's question, Mr. Soh said that the land is presently in the Resource Subzone.

Because Mr. Ono felt that the type of equipment that would probably be used to remove the wreckage would be real extensive, he asked whether approval of this recommendation would mean that they still would not have to come in for a CDUA or any kind of clearance.

Mr. Soh stated, "not if the board approves staff's recommendation."

Mr. Ing felt that this is something that should be considered on a case-by-case basis.

Mr. Kealoha asked what the difference was with this situation and the person who owns the property and cuts his own tree and is in violation and this person who cuts the trees and is not in violation. He felt that the board should still have a certain amount of control since this is conservation land.

Mr. Ono felt that the applicant should submit some kind of plan as to how he plans to remove the wreckage.

Even though we say it is not a use, Mr. Ing asked if the applicant is still bound by conservation subzone regulations.

Deputy Attorney General Watson said that the conservation regulations governs all activities within the conservation district whether or not a permit is issued. Therefore, a plan could be requested from the applicants as to how they plan to remove the wreckage and, upon reviewing the plan, determine the extent of the activity and accordingly impose certain guidelines.

ACTION

Mr. Ing moved that the board decide whether a particular activity is a use within a Conservation District on a case-by-case basis and, in this case, the Chairperson be authorized to decide whether or not this would constitute a use within the conservation district after submission by the applicant of his plans as to how he intends to remove the wreckage. Should the Chairman find that this removal may be harmful to the environment that he be authorized to require the applicant to file a CDUA. Mr. Higashi seconded, motion carried unanimously.

ITEM H-5

REQUEST TO AMEND A USE PREVIOUSLY APPROVED: FISH AGGREGATING DEVICES, ARCHIPELAGIC WATERS OF THE MAIN ISLANDS.

Mr. Soh said that on December 26, 1979 the Chairman approved the deployment of 26 fish aggregating device (FAD) within the archipelagic waters of the main Hawaiian Islands. The devices were deployed in April 1980. The Division of Aquatic Resources is now requesting an amendment to its original application to permit deployment of 27 additional aggregating devices.

Mr. Ing asked whether the Coast Guard and the Navy had been notified as to where these devices are to be located.

Mr. Sakuda said that the recommended sites were suggested to the Division by Fishermen through meetings on each individual County. These sites were then routed to the Navy for preliminary approval as to the Naval activity. They have all been approved. Some have been moved slightly to make room for the Navy submarine entrance, etc. A submittal was also made to the U. S. Corps of Engineers for a Corps permit and in that procedure, the Negative Declaration, the Environmental Assessment and the documents are again routed through the Navy, the Coast Guard, the National Marine Fisheries Services and the Fish and Wildlife Service. Staff in turn had already contacted the DOT, DOH, and the DPED for approval.

ACTION

Mr. Higashi moved for approval of the entire fish aggregating device (FAD) system, both the 27 currently in place and the 27 additions now proposed, including maintenance of the system, subject to the conditions listed in the submittal. Mr. Higashi moved also for approval of rights-of-entry and permits for use of State submerged lands for the 54 fish aggregating devices. Mr. Kealoha seconded, motion carried unanimously.

ITEM H-6

RESUBMITTAL - REQUEST TO AMEND A USE PREVIOUSLY APPROVED DEEP SPACE SEARCH AND TRACKING FACILITY AT HALEAKALA, MAUI (U. S. ARMY ENGINEERS).

Mr. Ono said that one of the reasons this item was deferred was because the National Parks Service was not given an opportunity to comment. They were not against the project but did want to make a few suggestions. He said that a letter was received from NPS about a day ago and asked that said letter be found and this item be deferred to the end of the Agenda.

(See Page 21 for Action)

ITEM H-7

RESUBMITTAL - CDUA FOR A TEMPORARY VARIANCE FOR THE TEMPORARY INSTALLATION OF THREE WIND DATA COLLECTION TOWERS AT MAALAEA, MAUI (HAWAII UTILITY POWER SERVICE).

(See Page 4 for Action)

ITEM H-8

RESUBMITTAL - REQUEST TO AMEND A USE PREVIOUSLY APPROVED SADDLE ROAD POWER LINE, HAWAII.

Mr. Ono called to Mr. Soh's attention the fact that this item was deferred because the board had questions which could not be answered by the applicant. Answers to the questions were to be brought back to the board.

One of the questions asked was whether the power line would go through the "P" subzone and the applicant had no answer but would get back to the board. The next question was if the line did, and caused greater effect in the "P" subzone, then how did they propose to survey it initially? And, would this method cause more in effect than the previous method?

Mr. Soh said that there was no mention of any kind of method.

Mr. Ono said that he has mentioned to staff several time that when there is a resubmittal he wants a reason why the item was deferred to help the board members recollect. Not just change the date and have the same submittal presented back to the board.

Now that we know it is going in the "P" zone, said Mr. Ing, we now need to know how they are going to get in there. Whether they will do any clearing, cutting, etc.

ACTION

Deferred. Still need to get answers to questions raised by the board.

Mr. Higashi said that answers from the applicant could be in writing.

ITEM H-6

RESUBMITTAL - REQUEST TO AMEND A USE PREVIOUSLY APPROVED DEEP SPACE SEARCH AND TRACKING FACILITY AT HALEAKALA, MAUI (U. S. ARMY ENGINEERS).
(Continued from Page 19)

This matter had been deferred in order that staff could locate letter from the National Parks Service.

In their letter dated October 21, 1984, Mr. Hugo Huntzinger of the Haleakala National Park commented as follows:

"I recently learned that the U. S. Army Engineer has requested that the Hawaii Board of Land and Natural Resources allow them to amend their July 25, 1980 application (under agenda item H-7) a deep space passive search and tracking facility on Haleakala." The amendment apparently involves the addition of two buildings of 1,000 and 4,800 square feet in the general vicinity of the AMOS/GEODSS facility on the summit of Haleakala.

"As you are probably aware, this facility is located adjacent to Haleakala National Park and is less than 1/2 mile from and in full view of Red Hill, the highest point on Maui and a key interpretive view point for more than 1/2 million park visitors each year.

"Over the years installations at Science City have proliferated without a State/County/University of Hawaii Master Plan or any other long range planning. As a result, a substantial portion of the summit of Haleakala has become a blighted area.

"This not only has impacted the natural environment, but represents a major undesirable visual intrusion upon one of Hawaii's prime visitor destinations- Haleakala National Park.

"These "cumulative" impacts have been tolerated over the past 30 years because there were never any strong guidelines nor legal tools (NEPA, Endangered Species Act, Historic Preservation Act, etc.) to provide direction and require that mitigating actions be incorporated in the planning process.

"This is not to say that the various installations and activities at Science City should be abandoned or phased out. Science City is a "fact of life" and we believe that many activities conducted there are important.

"However, I also believe that "we" need to set a new direction for Science City that will begin the long process of reversing and reducing - over a period of time - the existing visual and environmental impacts.

"To this end I believe that the Hawaii Board of Land and Natural Resources can play a vital role in setting standards and establishing guidelines for future direction at Science City.

"As mentioned earlier, I believe that many Science City activities are important - including AMOS/GEODSS's national defense functions. Thus I am not opposing their proposed amendment.

"However, in granting this amendment I would like the Hawaii Board of Land and Natural Resources to seriously consider requiring that the following additional mitigating actions be taken as part of an overall effort to "begin the long process of reversing and reducing" the existing visual impacts (see my enclosed 1981 letter to the Makawao Citizens Planning Committee for additional ideas):

1. Require that the base for the 4,800 sq. ft. building be excavated below grade as much as possible in order to lower the skylining effect of the roof.
2. Construct the east and north walls of this building (facing the National Park) out of cinder block or cement so that backfill of native cinder rocks can be placed against them.
3. Continue this screening process by building up a berm of native cinder rocks several feet above the roof line along the east and north sides of the building facing the National Park.
4. Remove any non-essential metal towers and power poles in the general area and place all power lines and cables underground.
5. Take steps to insure that the endangered U'ua (Hawaiian Dark-rumped Petrel which nests in this area) is protected from disturbance (construction). Rats and cats (encouraged by improperly stored garbage), blinding from lights, and flying into towers and wires strung through the area.

"We have no comments concerning the 1,000 sq. ft. building since it is behind the existing facility and will not impact the National Park nor visitor use.

"I don't know why the U. S. Army Engineers failed to include Haleakala National Park in their review process. However, I greatly appreciate your interest and wish to thank you and your Members for rescheduling the Board's hearing on this matter."

Although Mr. Ono realized that staff did not have a chance to do a detailed study on this item, he asked Mr. Soh whether or not he felt that the suggested conditions were reasonable.

Mr. Soh felt that the suggestions made by the National Parks Services were reasonable. However, he felt that the Corps of Engineers also needed to take a look at this.

ACTION

Deferred. Mr. Ono suggested deferring this item again with the understanding that we contact the Corps of Engineers with reference to the Parks Service letter and try to get them to work out suggested solutions.

ITEM H-9

FILLING OF POSITION NO. 12545, STATE PARKS ADMINISTRATOR, EM-08, STATE PARKS, OUTDOOR RECREATION, AND HISTORIC SITES DIVISION (OAHU).

Mr. Kealoha requested and received concurrence of the board to discuss this matter in an Executive Session.

Mr. Ono asked if this was O.K.

Deputy A.G. Watson said that inasmuch as this was a personnel matter it was O.K.

ACTION

1. Mr. Kealoha moved that this matter, being a personnel matter, be discussed in Executive Session. Mr. Zalopany seconded, motion carried unanimously.

(The board went into Executive Session at 12:25 P.M. Mr. Ono called the meeting back to order at 12:30 P.M.)

(2) Being satisfied with the discussion held in the Executive Session, Mr. Kealoha moved to approve the appointment of Ralston Nagata to State Parks Administrator, Position No. 12545. Mr. Zalopany seconded, motion carried unanimously.

ITEM E-2

REQUEST TO USE A PORTION OF THE WAILUA RIVER STATE PARK, KAUAI, FOR A WATER SKI TOURNAMENT.

(Continued from Page 11)

This item was deferred to the end of the Agenda in order for staff to locate maps to show the board exactly where the tournament is to take place. The subject area was pointed out to the members of the board by Mr. Nagata.

Mr. Nagata explained that, in fairness to all contestants, only one boat would be operated during the course of the tournament. Also, they will not be skiing when the tour boats are in operation.

Mr. Zalopany was still very concerned that it would interfere with those who will be on vacation and wanting to use the area for their own pleasure e.g. fishing, crabbing, etc.

Mr. Nagata said that in checking with the Kauai Office, they stated that they have never received any complaints from the public. Most of the fishing and crabbing activities take place in the upper reaches of the river.

Mr. Zalopany asked why they couldn't go to Nawiliwili.

Mr. Nagata said that he understood that Nawiliwili Harbor, although it is designed for smooth waters, is choppy and with a lot of swells coming in.

Mr. Nagata said also that the first day of the event is kind of a practice run. The actual tournament will be held on the second day.

Mr. Zalopany was still concerned that the area being requested is too narrow and too many other people will be out there for the weekend.

When asked by Mr. Kealoha whether an entry fee was being charged, Mr. Boswick said that there is a \$35.00 entrance fee, which covers the cost of gas, a t-shirt and the banquet.

Should permission be granted, Mr. Kealoha asked whether the parking area would be roped off.

Mr. Nagata said that the permit is not for exclusive use. However, the applicants have asked that they be permitted to put up a tent.

In answer to Mr. Ono's question, Mr. Boswick said that the ski club members are from both Kauai and Oahu.

Mr. Ing asked what the permit would cover.

Mr. Nagata said that the permit would only cover use of the land. Permission would have to be gotten from the Department of Transportation for use of the water. So, should we deny them the use of the land and DOT approved their use of the water, they would still be allowed to have their tournament.

Mr. Boswick said that skiing on a 4-foot long board going at the rate of 40 mph cannot physically be done on anything but perfectly flat water. Virtually, the Wailua River is a very unique place inasmuch as it can be used 365 days of the year for this type of skiing. The space is very narrow

Mr. Boswick said that when he checks back with the club, he was going to suggest that they find another area for the party.

The Chairman felt this to be a practical approach.

- ITEM J-1 AIRPORT DISPLAY ADVERTISING SERVICE CONCESSION, HONOLULU INTERNATIONAL AIRPORT, OAHU.
ACTION Unanimously approved. (Ing/Higashi)
- ITEM J-2 METERED TAXICAB SERVICES, LICENSE AND AGREEMENT, KAHULUI AIRPORT, MAUI (MAUI INDEPENDENT TAXI ASSOCIATED, INC. (MITA)).
ACTION Unanimously approved. (Higashi/Kealoha)
- ITEM J-3 RENEWAL OF REVOCABLE PERMIT'S 3779, ETC., CONFORMING USE, AIRPORTS DIVISION.
ACTION Unanimously approved. (Kealoha/Higashi)
- ITEM J-4 RIGHT-OF-ENTRY, GROUND TRANSPORTATION SUBDIVISION, KAHULUI AIRPORT, MAUI (FIRST HAWAIIAN SHIRTS, INC.).
(See Page 5 for Action)
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 41, HONOLULU HARBOR, OAHU (DILLINGHAM CORP., DBA DILLINGSHIPYARD).
ACTION Mr. Kealoha moved for approval as submitted. Mr. Higashi seconded, motion carried.
Mr. Ing was disqualified from voting on this item.
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 29 SHED, HONOLULU, OAHU (YOUNG BROTHERS, LTD.).
ACTION Mr. Garcia asked that the "Purpose" be amended to read: "Claimed and Unclaimed Cargo" instead of "Storage for Claims".
Mr. Higashi moved for approval as amended. Mr. Kealoha seconded, motion carried.
Mr. Ing was disqualified from voting on this item.
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (MCCABE, HAMILTON & RENNY CO., LTD.).
ACTION Unanimously approved. (Zalopany/Higashi)
- ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI SMALL BOAT HARBOR, HONOLULU, OAHU (HANS REGNER).
ACTION Unanimously approved. (Ing/Higashi)
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI SMALL BOAT HARBOR, HONOLULU, OAHU (JOHN WORLDIE).
ACTION Unanimously approved. (Ing/Zalopany)
- ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI SMALL BOAT HARBOR, HONOLULU, OAHU (GREGORY F. BOYD).
ACTION Unanimously approved. (Ing/Kealoha)

ITEM J-11

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON SUBDIVISION,
HONOLULU, OAHU (AQUELINO PAGALA).

ACTION

Unanimously approved. (Ing/Zalopany)

ITEM J-12

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL
SUBDIVISION, HONOLULU, OAHU (RONALD G. DEREIS, SR.).

ACTION

Unanimously approved. (Ing/Higashi)

ADJOURNMENT:

There being no further business, the meeting was adjourned at 1:15 P.M.

Respectfully submitted,

LaVerne Tirrell

Mrs. LaVerne Tirrell
Secretary

APPROVED:

S. Ono

SUSUMU ONO
Chairperson

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