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

DATE: February 22, 1985
TIME: 9:00 A.M.
PLACE: National Guard Armory
Kaunakakai, Molokai

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

Absent & Excused

Mr. Roland Higashi

STAFF

Mr. Manabu Tagomori
Mr. James Detor
Mr. Gordon Soh
Mr. George Harada
Mr. Leroy Mollena
Mrs. LaVerne Tirrell

OTHERS

Deputy Atty. General Johnson Wong
Mr. Peter Garcia, DOT
Mr. Anderson (Item H-2)
Mr. Terry Duda (Item F-6)
Mr. Roy Yempuku (Item F-1-F)
Mr. Eric Maehara (Item F-7)
Mr. Roger Harris (Item H-5)
Mr. Harold Masumoto (Item H-6)

MINUTES:

- 1) The December 14, 1984 minutes were unanimously approved as circulated. (Ing/Yagi)
- 2) Mr. Ing moved for approval of the December 28, 1984 minutes with an amendment of the \$500,000.00 amount shown in paragraph 13, page 5. This amount should be changed to \$900,000.00. Mr. Yagi seconded, motion carried unanimously.

ADDED
ITEMS

Upon motion by Mr. Ing and a second by Mr. Kealoha, the following items were added to the agenda:

Division of State Parks

Item E-2 -- Filling of Position No. 28262, Park Caretaker II, Sand Island State Park, Oahu Park Section.

Item E-3 -- Filling of Clerk Stenographer III, Position No. 26603, Hawaii Historic Places Review Board, Oahu.

Bureau of Conveyances

Item G-1 -- Filling of Clerk II, Position Nos. 158 and 159, Oahu.

Administration

Item H-7 -- Permission to Participate in a Congressional Study of Integrated Renewable Resource Management in the United States' Affiliated Islands in the Pacific and Caribbean.

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

ITEM H-6

CDUA FOR THE UNIVERSITY OF HAWAII'S MAUNA KEA MANAGEMENT PLAN.

Staff's submittal was presented by Mr. Gordon Soh.

In essence, Mr. Soh reported that as a result of public comments received at the public meetings held on October 9th in Hilo and October 10th in Kona, several modifications were made to the plan. These modifications were subsequently discussed at meetings between the University of Hawaii and this Department's staff. These discussions resulted in the development of the University of Hawaii's Final Management Plan for Mauna Kea which is attached to the submittal for the Board's consideration.

Mr. Ono questioned Mr. Soh's last comment regarding any commercial CDUA being appended to the Management Plan. He asked if it was staff's intention that the CDUA is to be a part of the Plan and for what purpose is it attached to the Management Plan.

Mr. Soh said that they had a time constraint coming in with a Management Plan so it is intended to be an integral part of the Management Plan.

Mr. Masumoto of the University of Hawaii had no comments insofar as the submittal was concerned but did thank the board for the excellent cooperation which they have received.

Mr. Ing said that he sees this as an amendment to the final Management Plan and that it adds a sections which does a number of things including

increasing

parking, etc. but more specifically addressing the recreational type uses. He asked if it was the University's intent to then use this as a guideline to interface with the recreational users.

Mr. Masumoto said that this would be used as a basis for further rulemaking.

Mr. Ing asked if a potential recreational user comes in for a CDUA, will they still come in on their own or will the University come in for them?

Mr. Masumoto said that the intent is to have a joint CDUA for commercial activities.

Once the board approves that, Mr. Ing asked if they will then deal directly with the University.

Mr. Masumoto said yes.

ACTION

Mr. Ing moved to accept and approve the University of Hawaii's Final Management Plan for Mauna Kea subject to the conditions listed in the submittal. Mr. Yagi seconded, motion carried unanimously.

ITEM H-2

CDUA FOR INSTALLATION, OPERATION, AND MAINTENANCE OF A SATELLITE EARTH TV RELAY STATION AT PUU NIANIAU, HALEAKALA, MAUI (CAMP CABLE TV).

Mr. Ing said that at the public hearing Mr. Ono had a question about the height of the antenna which could have been modified, or the baseboard shifted to minimize the impact. Mr. Ing was not sure whether they ever received a response to that question.

Mr. Soh said that there was discussion as to which way the antenna was to be facing and how high the top of the antenna would be as a result of the tilt.

Mr. Ono said that the question was even if they lowered the footing or the foundation portion a little lower what effect would that have on the effectiveness of the antenna that's still protruding.

Mr. Soh apologized for not following up on this question with the applicant.

Mr. Ing asked whether any response was received from the applicant after the public hearing was held.

Mr. Soh said no.

Mr. Kealoha felt that a condition should be added specifically addressing the tower.

Inasmuch as Mr. Anderson was at the meeting, Mr. Ono asked if he could respond to the question of the antenna height.

Mr. Anderson explained that this site is right on the slope at Puu Nianiau and there is only one thing that they are not positive about, and they will not be positive until installation is completed. He explained that this is a rectangular form which will be tilted and the final tilt angle will depend on the arc which is required to pick up the satellite.

"So the restraint on that installation is will the low point of the dish be able to clear the surrounding slopes", said Mr. Ono.

Mr. Anderson said that as long as they have a clear shot of the satellite.

Mr. Ono asked that consideration be given to lowering the footing at the time that the detailed plans are drawn.

Mr. Anderson said that they would take this into consideration.

Mr. Ono said that there was communication from the National Park Service about some of their concerns so he would like to have the Park Service also review the plans and asked Mr. Anderson if he would have any problems with that.

Mr. Anderson said that there would be no problem.

Mr. Ono suggested that a new condition be added wherein the Parks Service would review the plan and submit their suggestions to staff.

ACTION

Mr. Ing moved for approval subject to the conditions listed in the submittal and also to the two added conditions as follows:

1. That the Final construction plans are to be submitted for the Chairman's approval with a copy of same to be submitted to the National Parks Service for their review and comment.
2. In the installation, the applicant is to minimize where possible the height of the antenna and, if feasible, to lower the foundation to minimize the impact.

Mr. Yagi seconded, motion carried unanimously.

KIPAHULU WAI HUI & AINA O KIPAHULU ASSOCIATION FOR ASSIGNMENT OF PUBLIC UTILITY AND PIPELINE RESERVATIONS CONTAINED IN LAND PATENT GRANT NO. S-14,949, KIPAHULU, HANA, MAUI.

ITEM F-4

Mr. Detor said that the applicants have asked that this assignment be made in order to confirm the rights-of-way and insure the continued supply of water to the people served by the pipelines.

Mr. Ing asked whether a reverter clause should be added.

Mr. Ono felt that this would be a good idea in case something happens in the future.

ACTION

Mr. Yagi moved to approve the assignment to Kipahulu Wai Hui and the Aina O Kipahulu Association, subject to the conditions listed in the submittal and also that a reverter clause be added to the conditions. Mr. Zalopany seconded, motion carried unanimously.

ITEM F-1-F

HONOLULU PRODUCE CO., LTD. & STATE PRODUCE CO. REQUEST FOR CONSENT TO ASSIGNMENT OF SUBLEASES, G. L.NO. S-4405, KAAKAUKUKUI, HONOLULU, OAHU.

Mr. Detor said that what is involved here are three subleases.

The reason for the assignment is that pursuant to a Bankruptcy Plan of Reorganization filed on January 30, 1984, which was confirmed by the U. S. Bankruptcy Court on December 5, 1984, Produce Hawaii, Inc. has requested assignment of the subleases which are held now by Honolulu Produce Co. Ltd. and State Produce Co., assignors, to Produce Hawaii, Inc., assignee. They would like approval of the Bankruptcy Plan of Reorganization and the affirmation that the two (2) subleases are in full force and effect.

Mr. Detor said also that the State Produce Company and Honolulu Produce Co., Ltd., had been assigned to and controlled by Produce Hawaii, Inc. for the past several years under the Chapter 11 Plan of Reorganization confirmed by Judge Chinen of the U. S. Bankruptcy Court on April 20, 1984. However, the assignment and Plan of Reorganization were never consented to by the Board.

As a result of the bankruptcy of Produce Hawaii, Inc. and under the Plan of Reorganization, Armstrong Produce Inc. is to purchase all of the stock and assets of Produce Hawaii, Inc. plus pay the creditors of said debtor if the proposed Plan and assignment is approved by the Board and the Produce Center Development.

Mr. Ing asked whether there was any back rental.

Mr. Detor said no.

Mr. Ono asked Mr. Detor if he was satisfied that the sublessees or lessees are carrying on the types of activity that fall within the realm of the produce objectives inasmuch as there were problems in the past.

Mr. Detor said that he was satisfied.

Mr. Kealoha asked who would be running the two operations.

Mr. Roy Yempuku, attorney for Armstrong Produce and Produce Hawaii, Inc. explained that Produce Hawaii is a debtor presently in Chapter 11 and his client Armstrong Produce proposes a plan to reorganize instead of buying the assets of Produce Hawaii. Armstrong Produce plans to obtain the leases and expand Armstrong Produce to include the two leases.

Mr. Kealoha asked whether the two leases are required or can it come under one lease.

Mr. Yempuku said that it can come under one lease except that the way the bankruptcy plan was written and confirmed by the Bankruptcy Court it would be easier if it were under two leases.

Mr. Yempuku said that at one time he did work with Mr. Mason Young to try and put this into one lease to eliminate the two bad leases but unfortunately because the Plan of Reorganization identifies the leases and makes certain orders with regards to these leases they went the hard way. They have all the leases prepared and all consents have been received from Produce Center. All the subleases start at different times but have the same termination date under the Master Lease.

ACTION

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

- A. To consent to the assignment of the subleases held by Honolulu Produce Hawaii, Inc., a Hawaii Corporation, assignee, subject to the consent of the Produce Center Development and the review and approval of the Attorney General's Office.
- B. By approving the foregoing consent, to ratify all past discrepancies with respect to the chain of title on the two (2) described subleases and affirm that the subleases are current and are in full force and effect. This is a requirement called for in the Plan of Reorganization confirmed by the Court.

ITEM F-6

TERRY DUDA REQUEST FOR WAIVER OF REPURCHASE OPTION, LOT 54, WAHIKULI HOUSE LOTS, 4TH SERIES, LAHAINA, MAUI.

Mr. Duda has requested that the State waive its repurchase option thereby allowing them to sell their property in the open market.

According to Mr. Duda, the present dwelling is not large enough to comfortably accommodate the needs of his family and his father-in-law, who now lives with them. He would like to build a guest cottage or separate living quarters for his father-in-law but is unable to do so inasmuch as he has already built to the limits allowed by the County zoning code.

Mr. Duda said that after being in the house for nine years he did not feel that there would much of a problem getting the repurchase option waived inasmuch as he had only one more year to go.

Mr. Kealoha requested that the board take a short recess to go over the appraisal report for Mr. Duda's property.

RECESS: 9:50 A.M. to review appraisal report.

RECONVENE: 10:00 A.M.

Mr. Ono said that the board would not be able to waive its repurchase option and suggested that Mr. Duda wait out the one year at which time the repurchase option will not be valid. However, if he decides he would like to dispose of the property then the State will have to exercise its option to repurchase.

ACTION

Deferred to the next meeting. Mr. Duda, in the meantime, to decide what he would like to do.

ITEM F-7

STAFF REPORT ON EXCHANGE OF LAND BETWEEN THE STATE OF HAWAII AND SEIBU HAWAII, INC., MAUI.

Mr. Detor reported that one of the government-owned parcels which was listed under submittal Item F-8 at the November 16, 1984 meeting has been deleted from the State's proposed exchange with Seibu Hawaii. The deleted parcel is a section of an unimproved public highway under the control of the County of Maui and identified as TMK 2-1-05:portion of roadway. It was noted in the

submittal that the exchange of this roadway section was subject to the abandonment by the County and its subsequent conveyance of the abandoned portions of the State.

Instead of conveying this roadway portion to the State, Mr. Detor informed the Board that the County of Maui will now convey the roadway parcel directly to Seibu in exchange for receiving an undivided interest in Seibu's Makena beach parcel. The County is making this direct exchange with Seibu with the understanding that the County's interest in the beach parcel will subsequently be conveyed to the State for park purposes.

ACTION

The above report was accepted by the Board as submitted.

ITEM H-5

CDUA FOR CLEARING AWAY LIMESTONE AND FOR BEACH CONSTRUCTION MAKAIWA BAY, BAY, SOUTH KOHALA, HAWAII (MAUNA LANI RESORT, INC.).

Mr. Kealoha said that Mr. Higashi had some special interest in this project. He noticed that the expiration date is March 18, 1985 and wondered whether this item could be deferred until the next meeting when Mr. Higashi will be present. However, if the other members of the board preferred to go ahead with the item that was fine with him inasmuch as he had no special concerns.

Mr. Ono asked Mr. Soh whether he had been contacted by Mr. Higashi.

Mr. Soh said no.

Mr. Ono asked Mr. Harris whether Mr. Higashi had expressed any concerns with respect to the application.

Mr. Harris said not to his knowledge. However, he had no objection to having this item deferred until such time as Mr. Higashi could be in attendance.

Mr. Kealoha did not understand Condition No. 8. He asked Mr. Soh what was meant by public landfill.

Mr. Soh said that this condition was included because of comments made by Mr. Higashi.

Mr. Kealoha asked whether it was determined who the landfill belonged to once it was taken out of the submerged land.

Mr. Soh believed that it would belong to the State of Hawaii.

Mr. Harris said that this landfill could be stockpiled on their land until such time as the State determines what they would like to have done with it.

Mr. Ono wondered whether it was Mr. Higashi's feeling that the dredged material be disposed of in the traditional landfill area or deposited in other areas where the State may need some fill.

Mr. Kealoha felt that the public landfill area may be designated at a later date.

Mr. Harris again said that he had no problems to having this item deferred until Mr. Higashi could be in attendance.

Mr. Ono, however, had some reservations about deferring this matter for this reason inasmuch as he could not guarantee that Mr. Higashi would be at the next meeting.

Mr. Kealoha agreed that the coral heads, as mentioned in Condition No. 8, should be deposited in deep water. However, not all coral heads but only selected coral heads.

ACTION

Mr. Kealoha moved to approve staff's recommendation with the addition of the following two conditions:

1. That the word "selected" be inserted before the words coral heads in Condition No. 8.
2. Public site where dredged material is to be disposed of to be determined by Mr. Higashi.

Mr. Zalopany seconded, motion carried.

Mr. Ing was excused from voting on this item.

ITEM F-1-H

NATURAL ENERGY LABORATORY OF HAWAII (NELH) REQUEST FOR CONSENT TO FACILITIES USE AGREEMENT, KEAHOLE AIRPORT, NO. KONA, HAWAII.

Referring to staff's recommendation A., Mr. Kealoha questioned the fact that the building plans are only subject to approval by the Department of Transportation.

Mr. Detor said that the reason for this is because the area in question is within the airport area, which is under the jurisdiction of the Department of Transportation. However, he suggested that the plans also be subject to approval by the Chairperson.

Mr. Kealoha asked what would happen should DOT agree and DLNR and the County disagree.

Mr. Ono asked whether it was normal procedure that DLNR review DOT's plans.

Mr. Detor said no. However, in this particular case because the lease is from the board to NELH we can then get involved.

ACTION

Mr. Kealoha moved for approval with an amendment to staff's Recommendation A, which is to read as follows:

- A. That the Board approve the Facilities Use Agreement by and between NELH and CYANOTECH Corporation, subject to approval of the building plan contained herein by the Department of Transportation, Airports Division and all other affected government agencies.

Mr. Yagi seconded, motion carried unanimously.

ITEM D-1

REQUEST TO ENTER INTO A CONTRACT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII FOR ESTABLISHING GEOTHERMAL RESOURCE SUBZONES.

ACTION

The board unanimously approved the Department of Land and Natural Resources to enter into a contract with the RCUH for technical services in establishing geothermal resources subzones in the amount not to exceed \$29,000 and authorize the Chairperson to execute the appropriate documents subject to the approval of the Governor. (Yagi/Zalopany)

ITEM E-1

REQUEST TO RENEW A PERMIT FOR FLYING RADIO CONTROLLED MODEL AIRPLANES AT THE OLD KONA AIRPORT STATE PARK, KAILUA-KONA, HAWAII.

ACTION

Mr. Kealoha moved to approve the use of the Old Kona Airport State Park for flying radio controlled model aircraft to December 31, 1985 at the new permit area. The hours and conditions listed in the submittal to remain the same. Mr. Zalopany seconded, motion carried unanimously.

ADDED
ITEM E-2 FILLING OF POSITION NO. 28262, PARK CARETAKER II, SAND ISLAND STATE PARK, OAHU PARK SECTION.

ACTION Mr. Kealoha moved to approve the appointment of Mr. Richard Kuaana to fill Position No. 28262. Mr. Yagi seconded, motion carried unanimously.

ADDED
ITEM E-3 FILLING OF CLERK STENOGRAPHER III, POSITION NO. 26603, HAWAII HISTORIC PLACES REVIEW BOARD, OAHU.

ACTION Mr. Kealoha moved to approve the appointment of Ms. Pamela Foote to fill Position No. 26603. Mr. Yagi seconded, motion carried unanimously.

ADDED
ITEM G-1 FILLING OF CLERK II, POSITION NOS. 158 and 159, OAHU.

ACTION Mr. Kealoha moved for the appointment of Alice Shimabukuro and George Asato to Position Nos. 158 and 159, respectively. Mr. Yagi seconded, motion carried unanimously.

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-A PUNA FLOWERS & FOLIAGE, INC. REQUEST FOR CONSENT TO MORTGAGE TO BANK OF HAWAII, G. L. NOS. S-4425 & S-4628, PAHOA AG. PARK, KEONEPOKO IKI, PUNA, HAWAII, BEING TMK 1-5-116:11 (25.0 ACRES) and TMK 1-5-116:27 (30.0 ACRES)

Item F-1-B KEANAKOLU ASSOCIATES APPLICATION FOR REVOCABLE PERMIT, HUMUULA, NO. HILO, HAWAII (TMK 3-7-01:09) CONTAINING 39.308 ACRES COMMENCING MARCH 1, 1985. RENTAL: \$90.00 PER MO.

Mr. Ono asked that a cut-off date be included in this permit.

Item F-1-C FLORENCE HAROLD & STEVEN DECOITE APPLICATION FOR REVOCABLE PERMIT, HONOPOU, HAMAKUALOA, MAKAWAO, MAUI.

Mr. Detor asked that this item be withdrawn inasmuch as the applicants have withdrawn their application.

Item F-1-D AMERICAN FENCE CO., LTD., APPLICATION FOR REVOCABLE PERMIT, HUIPO STREET ROAD RESERVE, WAIAKEA, SO. HILO, HAWAII CONTAINING 23,681± SQ. FT. (TMK 2-1-07:ROAD RESERVE) COMMENCING MARCH 1, 1985. RENTAL: \$100.00 PER MO.

Item F-1-E COUNTY OF HAWAII APPLICATION FOR REVOCABLE PERMIT COVERING CINDER BORROW PIT AT WAIAKEA, SO. HILO, HAWAII CONTAINING 45.771 ACRES (TMK 2-4-06:35) COMMENCING MARCH 1, 1985. RENTAL: GRATIS.

Deferred. Mr. Ono asked that we get some determination from the County as to the amount of material that will be taken from this cinder pit.

Item F-1-F HONOLULU PRODUCE CO., LTD. & STATE PRODUCE CO. REQUEST FOR CONSENT TO ASSIGNMENT OF SUBLEASES, G. L. NO. S-4405, KAAKAUKUKUI, HONOLULU, OAHU.

(See Page 5 for Action.)

Item F-1-G WILLIAM T. WHITE III REQUEST FOR CONSENT TO SUBLEASE PORTIONS OF G. L. NO. S-4359 TO MID-PAC ELECTRIC, INC., NEIL OKUMURA AND GARRET SASAKI, LOT 3, HILO INDUSTRIAL DEVELOPMENT, WAIAKEA, SO. HILO, HAWAII.

In answer to Mr. Kealoha's question, Mr. Detor said that the monies would be collected before the documents are issued.

<u>Item F-1-H</u>	NATURAL ENERGY LABORATORY OF HAWAII (NELH) REQUEST FOR CONSENT TO FACILITIES USE AGREEMENT, KEAHOLE AIRPORT, NO. KONA, HAWAII.
	(See Page 7 for Action.)
ACTION	Mr. Kealoha moved for approval of Items F-1-A, B, D and G as submitted. Mr. Ing seconded, motion carried unanimously. Item F-1-C was withdrawn. Item F-1-E was deferred.
<u>ITEM F-2</u>	<u>HANK HILLIARD, ET AL APPLICATION FOR AUTHORIZATION TO CONSTRUCT DRIVEWAY THROUGH FLOOD EASEMENT AREA, PUUKAPU, WAIMEA, HAWAII.</u>
ACTION	Unanimously approved, subject to the terms and conditions as listed in the submittal. (Kealoha/Ing)
<u>ITEM F-3</u>	<u>HAIHAI HOMESITE ASSOCIATES REQUEST FOR RIGHT OF ENTRY TO CONSTRUCT ROADWAY, WAIAKEA, SO. HILO, HAWAII.</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM F-4</u>	<u>KIPAHULU WAI HUI & AINA O KIPAHULU ASSOCIATION FOR ASSIGNMENT OF PUBLIC UTILITY AND PIPELINE RESERVATIONS CONTAINED IN LAND PATENT GRANT NO. S-14,949, KIPAHULU, HANA, MAUI.</u>
	(See Page 4 for Action.)
<u>ITEM F-5</u>	<u>HANA DISTRICT POHAKU NONPROFIT CORPORATION APPLICATION FOR LAND LICENSE, KAWAIPAPA & WAKIU, HANA, MAUI.</u>
ACTION	<p>Upon motion by Mr. Yagi and a second by Mr. Zalopany, the board unanimously:</p> <ul style="list-style-type: none"> A. Determined that public interest will be best served by disposition of this land license by negotiation, without recourse to public auction. B. Authorized the publication of a Notice of Disposition as required by law. C. Approved the direct sale of a land license together with a twenty (20)-ft.-wide non-exclusive road easement to Hana District Pohaku Non-Profit Corporation covering the subject property for the removal of landfill material purposes subject to the conditions listed in the submittal. D. Approved the withdrawal of the 14-acre portion from General Lease No. S-4524 issued to Hazel Oliveira and Louis J. Abreu dba H & E Ranch without any reduction in the annual lease rent presently charged the lessees. <p>Mr. Ono asked that Mr. Detor make it clear to the applicants that even though they are a nonprofit organization, they will have to pay royalty fees.</p> <p>Mr. Detor said that he would talk to the Maui Land Agent Eddie Ansai about this.</p>
<u>ITEM F-6</u>	<u>TERRY DUDA REQUEST FOR WAIVER OF REPURCHASE OPTION, LOT 54, WAHIKULI HOUSE LOTS, 4TH SERIES, LAHAINA, MAUI.</u>
	(See Page 5 for Action.)
<u>ITEM F-7</u>	<u>STAFF REPORT ON EXCHANGE OF LAND BETWEEN THE STATE OF HAWAII AND SEIBU HAWAII, INC., MAUI.</u>
	Report was accepted by the Board. See Page 6.

ITEM F-8 CORMAX CORPORATION REQUEST FOR CONSENT TO SUBLEASE PORTION OF G. L. NO. S-4644, KALAUAO, EWA, OAHU.

ACTION Unanimously approved subject to the conditions listed in the submittal. (Ing/Kealoha)

ITEM F-9 DEPARTMENT OF TRANSPORTATION REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND FOR THE FORT WEAVER ROAD REALIGNMENT, EWA, OAHU.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-10 RESUBMITTAL - MICHAEL DIXON, ET AL, APPLICATIONS FOR EASEMENTS AT PUPUKEA, KOOLAULOA, OAHU.

Mr. Ono said that he would like to see the price and method of payment handled like a lease, with reopening provisions.

Mr. Detor suggested a sixty-five year lease with reopening set for every five years.

Mr. Ing said that the Chairman's idea is that with this easement their property will have a higher value. However, we would like to encourage them to correct the problem in the future so the idea discussed was that we make the easement on the basis of a term and one of the terms is that the fee is to be renegotiated. If they know that in ten years they may have to pay \$10,000 for that easement for another ten years then they may have some incentive to put in a wall or do something to correct their own boundary. Either that or move the wall on their own property. Calling it an easement kind of throws it into a category of low value.

Mr. Detor suggested that this be taken up at the next meeting and, in the meantime, he can get together with the Planning Office.

Mr. Ing felt that maybe we could agree on some guidelines such as giving him five years to remove the wall or correct the situation.

Mr. Ono said that if he chooses to leave the wall up then he will have to pay for it.

ACTION Deferred to the next meeting.

ITEM F-11 HONOLULU COMMUNITY ACTION PROGRAM (HCAP) REQUEST FOR LEASE COMMITMENT, WAIANAE-KAI MILITARY RESERVATION, WAIANAE, OAHU.

Mr. Detor said that lands within the Waianae-Kai Military Reservation are in the process of being returned to the State. The HCAP is presently using the building for its headstart program. They will be making an application for a public benefit allowance covering the building. What they need in connection with that application is a commitment from the board that HCAP will be given a lease of the property when it comes back to the State -- between three and five years. So staff would like to assure the Federal government that HCAP will be getting a lease for at least three to five years, depending on the Federal requirement.

Mr. Kealoha asked what would happen after the five years.

Mr. Detor said that the building would revert back to the State. However, if we don't keep the same tenant we would either have to pay for the building or it would have to be demolished.

ACTION Mr. Ing moved to assist the Honolulu Community Action Program, Inc. (HCAP) with its application for the buildings by a commitment at this time to provide HCAP with a three to five year lease of the property to commence upon fee title reversion to the State of Hawaii. Mr. Yagi seconded, motion carried unanimously.

ITEM F-12 BOARD OF WATER SUPPLY, CITY & COUNTY OF HONOLULU, APPLICATION FOR PIPELINE EASEMENT, WAIPIO, EWA, OAHU.

ACTION Mr. Ing moved to authorize the direct grant of the subject perpetual non-exclusive easement for water pipeline purposes over, under, and across the requested area subject to the conditions listed in the submittal. Mr. Kealoha seconded, motion carried unanimously.

ITEM F-13 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (1/25/85, AGENDA ITEM F-10) AUTHORIZING PUBLIC AUCTION SALE OF LEASES AT KOKEE & PUU KA PELE, WAIMEA, KAUAI.

ACTION The board unanimously voted to amend Item F-10, dated January 25, 1985, as recommended in the submittal. All other terms and conditions of Item F-10 to remain as previously approved. (Ing/Kealoha)

Mr. Kealoha asked that the board members be invited to observe the auction.

Mr. Ono felt that arrangements could be made so that the board members could be present at the auction.

ITEM F-14 W. JOHN S. TAYLOR CO., LTD. REQUEST FOR ACCEPTANCE OF CONVEYANCE OF EASEMENT AND RIGHTS OF WAY AND APPLICATION TO PURCHASE ABANDONED DITCH AND RAILROAD RIGHT OF WAY SEGMENTS, KAPAA, KAUAI.

ACTION Unanimously approved as submitted. (Zalopany/Yagi)

ITEM F-15 HITOSHI MIYABARA REQUEST FOR EXTENSION OF LEASE TERM, G. L. NO. S-3960, HANAPEPE, KAUAI.

ACTION Mr. Zalopany moved to grant Hitoshi Miyabara and Hatsue K. Miyabara a ten (10)-year extension of General Lease No. S-3960 to meet the lending requirements of the First Hawaiian Bank, subject to the conditions listed in the submittal. Mr. Yagi seconded, motion carried unanimously.

ITEM F-16 HAWAIIAN TELEPHONE CO. REQUEST FOR RIGHT OF ENTRY AND EASEMENT, HANAIEI, KAUAI.

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

ITEM F-17 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS REQUEST FOR APPROVAL OF AMENDMENT OF LEASE COVERING SUITE 203, 1164 BISHOP STREET, HONOLULU, OAHU.

ACTION Mr. Yagi moved to approve the amendment as requested. Mr. Zalopany seconded, motion carried unanimously.

ITEM F-18 BUDGET & FINANCE REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING SUITE 16J MDG OFFICE BUILDING, WAILUKU, MAUI.

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

ITEM F-19 DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR APPROVAL OF EXTENSION OF LEASE COVERING ROOM 401 OF THE ROYAL QUEEN EMMA BUILDING, HONOLULU, OAHU.

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

VERBAL
REPORT

LONE STAR VIOLATION.

As instructed by the board at its last meeting, Mr. Soh said that, in conjunction with Lone Star's application, staff did inspect the subject site on February 11, 1985 and found that bulldozing had been done on the property.

Mr. Ono suggested that administrative costs be added to the fines inasmuch as the applicant's representative denied having done anything on the property and a special crew had to be sent out to check.

Mr. Ono asked that Mr. Soh notify the applicants that this item will be considered at the next meeting and that administrative costs will be charged. In determining administrative costs, Mr. Ono said that the time spent at this meeting, which includes vehicle costs, etc. also be added.

ITEM H-1

CDUA FOR RE-BUILDING A SINGLE-FAMILY DWELLING AT MILOLII, SO. KONA, HAWAII (EUGENE KAUPIKO).

ACTION

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

ITEM H-2

CDUA FOR INSTALLATION, OPERATION, AND MAINTENANCE OF A SATELLITE EARTH TV RELAY STATION AT PUU NIANIAU, HALEAKALA, MAUI (CAMP CABLE TV).

(See Page 3 for Action.)

ITEM H-3

CDUA FOR RIGHT-OF-ENTRY, INSTALLATION, AND MAINTENANCE OF POWER POLES AND LINES AT KALAPANA, PUNA, HAWAII (HAWAII ELECTRIC LIGHT CO.).

ACTION

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

ITEM H-4

CDUA FOR REPAIR AND RECONSTRUCTION OF THE WAIOLI IRRIGATION SYSTEM AT HANAIEI, KAUAI (DIVISION OF WATER AND LAND DEVELOPMENT).

ACTION

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

ITEM H-5

CDUA FOR CLEARING AWAY LIMESTONE AND FOR BEACH CONSTRUCTION AT MAKAIWA BAY, MAKAIWA BAY, SOUTH KOHALA, HAWAII (MAUNA LANI RESORT, INC.).

(See Page 7 for Action.)

ITEM H-6

CDUA FOR THE UNIVERSITY OF HAWAII'S MAUNA KEA MANAGEMENT PLAN.

(See Page 2 for Action.)

ADDED
ITEM H-7

PERMISSION TO PARTICIPATE IN A CONGRESSIONAL STUDY OF INTEGRATED RENEWABLE RESOURCE MANAGEMENT IN THE UNITED STATES'AFFILIATED ISLANDS IN THE PACIFIC AND CARIBBEAN.

ACTION

Unanimously approved as submitted. (Yagi/Zalopany)

ITEM J-1

LEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (NOAA).

ACTION

Unanimously approved as submitted. (Yagi/Zalopany)

ITEM J-2

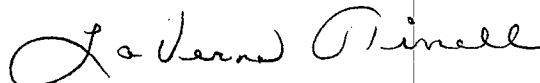
CONSENT TO SUBLEASE, LEASE NO. DOT-A-78-9, HONOLULU INTERNATIONAL AIRPORT, OAHU (AIR MOLOKAI, LTD. - HAWAII AIR AMBULANCE).

ACTION

Unanimously approved as submitted. (Yagi/Zalopany)

- ITEM J-3 RENEWAL OF REVOCABLE PERMITS 3018, ETC., CONFORMING USE, AIRPORTS DIVISION.
 ACTION Unanimously approved as submitted. (Zalopany/Ing)
- ITEM J-4 APPROVAL OF CONSENTS TO SUBLEASE PORTIONS OF THE PREMISES OF LEASE NO. 42, PIER 35, HONOLULU HARBOR, OAHU (NATIONAL COMPANY, INC.).
 ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (ROY S. MURAOKA).
 ACTION Unanimously approved as submitted. (Yagi/Zalopany)
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU KONO CHARTERS, LTD.).
 ACTION Unanimously approved as submitted. (Ing/Yagi)
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 7, 8-12, 13-15, 17-29, 31-36, 39-40, 51A-53, HONOLULU HARBOR AND KEWALO BASIN, OAHU (ED YAMASHIRO, INC.).
 ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM J-8 CONTINUANCE OF REVOCABLE PERMITS H-81-944, ETC., HARBORS DIVISION.
 ACTION Mr. Zalopany moved to approve Item J-8. Motion carried with a second by Mr. Yagi.
 Mr. Ing was excused from voting on Permit Nos. H-75-497 (Oahu), H-82-984 (Oahu) and H-76-556 (Kauai).
- ADJOURNMENT: The meeting adjourned at 11:30 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
 Secretary

APPROVED:



SUSUMU ONO
 Chairperson

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