

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

DATE: March 22, 1985
TIME: 9:00 A. M.
PLACE: County Council Chambers
25 Aupuni Street
Hilo, Hawaii

ROLL
CALL

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

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

Absent & Excused:

Mr. Thomas Yagi

STAFF: Mr. Henry Sakuda
Mr. Bob Nishimoto
Mr. James Detor
Mr. Manabu Tagomori
Mr. Libert Landgraf
Mr. Gordon Soh
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.
Messrs. Peter Garcia, Adam Vincent and
David Higa, DOT
Mr. Hugh Ono (Item H-1)
Mr. Herbert Kihoi and Ms. Lei Kihoi (Item H-8)

MINUTES:

Mr. Ing moved for approval of the January 25, 1985 minutes as circulated. Mr. Zalopany seconded, motion carried unanimously.

Items on the Agenda were considered in the following order to accommodate those applicants present at the meeting:

ITEM F-4

STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (12/16/83, AGENDA ITEM F-5) AUTHORIZING AWARD OF LEASE COVERING LAND IN NO. KOHALA, HAWAII.

Mr. Detor said that the original lease commencement date was March 1, 1984. However, for various reasons adjustments had to be made to the lease provisions. Staff would like to change the commencement date to April 1, 1985 and also add rental reopenings at the 20th and 30th years of the lease term. This was not in the original submittal. One more amendment which is not in today's submittal is to specify that the lease is to be used for dairy purposes. The previous submittal had pasturage and other uses. The authorization from the Legislature to issue the lease instead of going to auction was for dairying purposes.

Mr. Ono asked whether these changes had been discussed with the applicants.

Mr. Detor said yes and the applicants have concurred.

ACTION

Mr. Higashi moved for approval as amended. Mr. Kealoha seconded, motion carried unanimously.

ITEM F-15

HUBERT SPIVEY APPLICATION TO PURCHASE REMNANT PARCEL AT WAIAKUA, SO. HILO, HAWAII.

Mr. Higashi said that this thing has been going on for the last 8 to 9 years and asked if this was the final leg.

Mr. Detor said that hopefully it is.

ACTION

Finding the subject area to be physically unsuitable for development as a separate unit because of its size and shape and by definition is a remnant, Mr. Higashi moved to approve the direct sale of the remnant to Hubert M. Spivey et al, subject to the terms and conditions listed in the submittal. Mr. Kealoha seconded, motion carried unanimously.

ITEM H-8

CDUA FOR THE CONSTRUCTION OF A SECOND SINGLE FAMILY RESIDENTIAL DWELLING AT KALIHI, OAHU (HERBERT E. KIHOI).

Mr. Soh said that when this request was initially filed, staff informed the applicant of the Board's practice of allowing only one house per lot in the Conservation District. Nevertheless, the applicant chose to proceed with the request.

Testimony on behalf and in favor of Mr. Herbert Kihoi's request was presented by his sister, Ms. Lei Kihoi. She said that they are fully aware of staff's recommendation but feel that they have some additional information which may make a difference in the board's final decision. Mr. Kihoi's primary purpose for wanting to build a dwelling on the area is to provide security, safety and a sense of well-being for he and his family. A list of his concerns was presented to the board.

Ms. Kihoi addressed comments from the various government agencies, which are listed on pages 2 and 3 of the submittal, as follows:

1. Dept. of General Planning indicated that the grade exceeds 40%.

The area in which Mr. Kihoi intends to build his second dwelling is approximately 20% slope.

2. Water & Land Division asked that the applicant take proper measures to prevent any loose boulders from rolling down the hillside and damaging the existing homes at the lower reaches.

Mr. Kihoi is a journeyman mason, and it is his intention to build a stone wall in the area to prevent any loose boulders from rolling down the hillside.

3. Dept. of Public Works indicated that the sewers were inadequate.

Mr. Kihoi stated that he had contacted North Shore Crane Service and intends to put in a cesspool on the property. Due to the composition of the soil and the fact that the soil is conducive to good seepage, he does not foresee any overflow problems.

4. Dept. of Water Supply indicated that water is inadequate.

Mr. Kihoi said that his son will be living in the proposed dwelling and he intends to consume the minimum amount of water. The average consumption is 400 gallons per day and they do not intend to exceed that amount.

Ms. Kihoi said that her brother has contacted Hawaiian Insurance and hopes to increase his property insurance to \$200,000 to account for the proposed dwelling. He also does not feel that the additional dwelling will detract from the physical character of the neighborhood or the conservation district.

Ms. Kihoi hoped that the board could act favorably on her brothers request to construct a second single family residential dwelling at 1551 Moani Street or, in the alternate, permit him to reclassify his premises to three 2-acre parcels.

Mr. Higashi said that originally there were three tax map parcels which were consolidated into one. He asked what had happened to the other.

Mr. Kihoi did not know.

Several questions were raised by the board as to when the consolidation took place, whether before or after the area became conservation.

Mr. Kihoi was not sure.

The board felt it would be better to have this item deferred in order that Mr. Kihoi could work with the DLNR staff who will then resubmit this to the board. The added information requested by the board would also help his case more than it does now.

Mr. Ono did not want to give the applicant any false hopes that it will be alright the next time but at least it will give the board a better understanding to make a decision. As of today, they find it difficult to make a decision with the lack of information.

Mr. Kealoha suggested also that Mr. Kihoi find out from our staff the functions of the Land Use Commission. It might be appropriate that he make an application to the Land Use Commission to have the land reclassified.

Mr. Higashi asked that staff also reverify that the lands in question are, in fact, in the conservation district.

ACTION

Deferred to the next meeting of the board.

ITEM H-1

PETITION FOR A DECLARATORY RULING.

The County of Hawaii has requested approval to improve the Saddle Road on the island of Hawaii.

Mr. Soh explained that one of the things they would be doing is where it is too narrow for large vehicles to pass safely, the County proposes to widen the pavement, excavating and filling as necessary. The road would remain a two-lane road except that shoulders would be added where none may now exist. The widening would be kept within 50 feet of the right-of-way.

Because Mr. Soh did not know the location of the right-of-way, Mr. Ing asked how we would know that the work was being kept 50 feet of said right-of-way.

Mr. Soh apologized and said that it will be kept within 50 feet of the centerline and not the right-of-way.

The County had hoped to begin work in January. However when the County's request was first put to the Board on February 8, 1985, the Board requested additional information.

Mr. Higashi said that if we allow the County of Hawaii to move ahead, then they should read the EIS and recognize where the protective areas are. If they intend to park vehicles they should do it in other than the protective areas or areas where there may be archaeological significance. If they read the EIS then they will be more aware of the sensitive areas and in lieu of having a full study, that they use the EIS as a basis. Mr. Higashi felt that this should be an added condition of the submittal.

Mr. Ono asked whether there would be any kind of by-pass road during the construction period.

Mr. Soh said that he wasn't aware of any.

Mr. Kealoha said that since the Board's last meeting on the same subject he assumed that staff would have discussed the concerns expressed with the County and that at today's meeting staff would be more thorough with respect to the same application. It was indicated at the last meeting that they will work on the conservation area -- whether it's on the left or right side of the road. The board's concern was how much would they be going in and what kind of work would they be doing. Mr. Kealoha felt that this submittal was no different than the last one.

Mr. Ono asked whether staff's recommendation was intended to be applicable statewide, or just for the Saddle Road.

Mr. Soh said that in this case it is only intended for the Saddle Road.

Mr. Ono questioned staff's recommendation where it says "without increasing the number of lanes". He felt that there could actually be an expanded use through broadening or widening of the lanes.

Mr. Ing had the same concerns. First of all the ruling is not limited to just this particular case. If you want to apply it statewide then we would have to amend our rules. The wording of this particular provision is so broad that it is not able to effectively control the scope of work. For example, when DOT did the Pali Highway resurfacing about two years ago, the contractor graded at the Hairpin Turn about 100 feet beyond the edge of the road, leveled it and parked his trucks there. Nothing was ever done about that. Yet, Mr. Ing felt that this went well beyond the right-of-way.

Mr. Hugh Ono, representing the County of Hawaii, said that they would be happy to do anything necessary in order to address the Board's concerns. The County intends to initially get into the Saddle Road and improve the site distance and they are also looking into widening the road, but he realizes that they will have to go through another process.

Mr. Kealoha asked that the County provide the board with a more detailed scope of the work to be done. This would help the board in coming to a decision.

Mr. Ing suggested that the applicant get approval for one end first rather than try to get a blanket approval for the whole stretch inasmuch as the board makes a big distinction between the Protective Subzone and the Resource Subzone.

ACTION

Deferred to the next meeting of the board.

Mr. Ono felt that it would be to the County's advantage if Mr. Hugh Ono could attend the next meeting to answer any questions that may arise.

ITEM B-1

PRESENTATION OF THE SHIKAR-SAFARI CLUB INTERNATIONAL WILDLIFE OFFICER OF THE YEAR AWARD FOR 1984.

The 1984 Shikar-Safari award was presented by Mr. Henry Sakuda to Dr. Robert T. Nishimoto, the Hawaii-Island Aquatic Biologist of the Division of Aquatic Resources.

Dr. Nishimoto was selected for his outstanding performance in serving the fishing community and helping to achieve the goals of the Division in fisheries and aquaculture development and management, and for his dedication to work, especially as the only Division personnel on the Big Island.

Mr. Sakuda said that one of Dr. Nishimoto's important contributions has been the strengthening of lines of communication between the department and the Big Island fishing industry and the public.

On behalf of the board, Mr. Ono congratulated Dr. Nishimoto for his well deserved recognition and presented him with a certificate and a pewter plate with the Club's logo. Also presented to Dr. Nishimoto was a congratulatory letter which mentioned that a significant monetary contribution has been made to the Club's Foundation in behalf of the Award recipients.

OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA AND MEMBER OF THE BOARD TO ATTEND THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING IN GUAM AND COMMON-WEALTH OF NORTHERN MARIANA ISLANDS (CNMI).

ITEM B-2

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS RELATING TO THE MANAGEMENT OF LIMU AND MOI/MOI-LII RESOURCES.

ITEM B-3

ACTION

Unanimously approved as submitted. (Kealoha/Ing)

Looking at the chart attached to the submittal, Mr. Ing said that we are about nine years late. He said that he would like to see the Division become more aggressive in fishery resource management. It is not only the Moi that has gone down but a lot of other species.

REQUEST FOR APPROVAL TO EXECUTE AGREEMENT WITH U. S. NAVY REGARDING PROCEDURES FOR CLEARANCE OF UNEXPLODED ORDNANCE FROM STATE WATERS.

ITEM B-4

Mr. Sakuda said that staff has been working with the U. S. Navy, who have expert divers to remove such ordnances. Between 1978 to 1985 they have had some eighteen incidences involving at least 105 live ordnances.

Mr. Ing had two questions: 1) Is a CDUA necessary if we are going to explode ordnance at the ocean floor or has one been granted in the past. 2) under this procedure, what efforts have been made to notify the public when an ordnance is to be disposed of.

On the first question regarding the CDUA procedure, Mr. Sakuda said that as soon as an ordnance is found they declare it an emergency situation. Therefore, under that basis staff has been using the Chairman's authority to investigate and remove the ordnance as soon as possible.

Once that emergency authority is given, Mr. Ing said that he would like some procedures established where the board members are notified that the emergency authority has been given so they will at least be aware of what's going on.

Regarding the question of notification, Mr. Sakuda said that this agreement is between the U. S. Navy and the Board mainly because the bottom is our jurisdiction and the bombs are naturally sitting on the bottom. The communication part of the operation goes to the Civil Defense offices to notify all of the stations, the police department and the fire departments. The U. S. Navy under this agreement will notify all of the Federal authorities. DLNR contacts the State offices e.g. DOT, DOH and the State Civil Defense offices .

Mr. Ing asked whether the submittal specified who from the news media is to receive this information.

Mr. Sakuda said that notification to the news media is usually handled by the Civil Defense offices.

Mr. Ono said that we need to be very careful on this point because there were instances where the media started to contact different agencies and were referred from one agency to another.

Mr. Ono asked whether the Civil Defense offices have agreed to notify the media.

Mr. Sakuda said that they always have.

Mr. Ono called to Mr. Sakuda's attention that during the Molokini mix-up Civil Defense was not contacted. He said that there has to be one single contact point otherwise there will be all kinds of mix-ups.

Mr. Sakuda said that this agreement is really an agreement between DLNR and the Navy. Insofar as what the other agencies were to do, this was all done through a meeting.

Mr. Ing said that if staff does not want this included in the agreement then there should at least be an exhibit which sets out the procedures.

ACTION

Mr. Ing moved for approval with the following amendments:

1. That the Agreement be reviewed by the Attorney General's office if that has not already been done.
2. That there be a written agreement amongst the various agencies insofar as dissemination of information is concerned.

Mr. Zalopany seconded, motion carried unanimously.

ITEM C-1

APPROVAL FOR AWARD OF CONTRACT TO OVERHAUL AND PERFORM OTHER REPAIR WORK ON D-8 CATERPILLAR TRACTOR ON KAUAI.

ACTION

The board voted unanimously to award the contract to Pacific Machinery, up to \$49,547.71, to repair the D-8 Caterpillar tractor on Kauai. (Zalopany/Higashi)

ITEM C-2

MASTER'S REPORT ON PUBLIC HEARING TO WITHDRAW LANDS FROM MAUNA KEA FOREST RESERVE, ISLAND OF HAWAII.

ACTION

The board unanimously approved the withdrawal of 13,321.054 acres identified as TMK 4-4-15:9 and 7.0 acres identified as TMK 4-4-15:1, Mauna Kea Reserve at Kaohe, Hamakua, Hawaii. (Higashi/Kealoha)

ITEM C-3

FILLING OF GENERAL LABORER I, POSITION NO. 2919, DIVISION OF FORESTRY AND WILDLIFE, ISLAND OF OAHU.

ACTION

The board unanimously approved the appointment of Mr. James R. Wolf, Jr. to Position No. 2919. (Ing/Zalopany)

ITEM D-1

RESUBMITTAL - ESTABLISHMENT OF SUBAREAS FOR THE PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

ACTION

Unanimously approved as submitted. (Ing/Zalopany)

ITEM E-1

PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 36-MP-27, CABIN RENOVATIONS, WAIANAPANAPA STATE PARK, HANA, MAUI.

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM E-2 REQUEST TO USE THE IOLANI PALACE GROUNDS FOR EXERCISE CLASSES.

ACTION The board voted unanimously to deny the above request inasmuch as the proposed activity is not appropriate for the culturally and historically important Iolani Palace. (Ing/Kealoha)

ITEM E-3 REQUEST FOR A PERMIT TO HOLD A BODYSURFING AND BODY-BOARDING CONTEST AT POINT PANIC OFF THE KAKAAKO WATERFRONT STATE RECREATION AREA, OAHU.

Mr. Ing's one concern was the parking problem.

ACTION Mr. Ing moved for approval with the condition that in the letter authorizing holding of the event that we specify the date, time, place and substitute dates and with the further amendment that the applicant clear with the Bio-Medical Research Center for use of the parking area. Mr. Zalopany seconded, motion carried unanimously.

ITEM E-4 REQUEST FOR PERMIT TO HOLD BODYBOARDING CONTEST AT WAIMANALO BAY STATE RECREATION AREA, OAHU.

ACTION Unanimously approved as submitted. (Ing/Zalopany)

ITEM E-5 REQUEST TO USE A PORTION OF AINA MOANA (MAGIC ISLAND) STATE RECREATION AREA FOR A FUND RAISING FUND WALK.

ACTION Unanimously approved as submitted. (Ing/Zalopany)

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-A JOHN CONTRADES III, APPLICATION FOR REVOCABLE PERMIT COVERING LOT 15 AND ADJOINING GOVERNMENT LAND, WAILUA RICE & KULA LOTS, WAILUA, KAUAI, BEING TMK 4-1-01:7 CONTAINING 16.85 ACRES±.

Deferred. Mr. Detor to check with the applicant if he is still interested knowing that the area is soon to be put up for auction. Mr. Ono did not think it fair to the applicant to start his crops and then not be the successful bidder.

Item F-1-B RICHARD W. WHITING REQUEST FOR CONSENT TO ADVANCE UNDER MORTGAGE, G. L. NO. S-4816, LOT 26, PAHOA AG PARK, PHASE II, KEONEPOKO IKI, PUNA, HAWAII, BEING TMK 1-5-116:53, CONTAINING 6.132 ACS.

Item F-1-C FRANK DE LUZ, JR. REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-3938, HAMAKUA, HAWAII, BEING TMK 4-3-06:5 and 4-3-14:01, CONTAINING 33.620 ACS.

Item F-1-D LOUIS CAMBRA, JR. APPLICATION FOR REVOCABLE PERMIT, KULA, MAUI, BEING TMK 2-3-8:26, CONTAINING 18.365 ACS. FOR PASTURE USE. RENTAL: \$11.00 PER MO.

Item F-1-E BIG ISLAND TOBACCO CORP. REQUEST FOR CONSENT TO MORTGAGE, G. L. NO. S-4306 COVERING LOT 2, HILO INDUSTRIAL DEVELOPMENT, POHAKU ST. SECTION, WAIAKEA, SO. HILO, HAWAII, BEING TMK 2-2-58:4 CONTAINING 14,421 SQ. FT.

Item F-1-F SKIPPY HAU APPLICATION FOR REVOCABLE PERMIT, KAHULUI AIRPORT, WAILUKU, MAUI, BEING TMK 3-8-02:POR. 20, CONTAINING 6534 SQ. FT. FOR RESIDENTIAL USE. RENTAL: \$177.00 PER MO.

Item F-1-G ALEXANDER & BALDWIN, INC. REQUEST FOR CONSENT TO LICENSE AGREEMENT, G. L. NO. S-4197, PUUNENE, MAUI.

Item F-1-H CORMAX CORP. REQUEST FOR CONSENT TO MORTGAGE G. L. NO. S-4644, KALAUOA, EWA, OAHU, BEING TMK 9-8-13:14, CONTAINING 3.697 ACS.

- Item F-1-I PLUMBING SPECIALITIES & SUPPLIES, INC. AND GEORGE OKA, INC. APPLICATION FOR REVOCABLE PERMIT, IWILEI, HONOLULU, OAHU.
- Mr. Detor said that the location listed in the submittal said Sand Island instead of Iwilei and asked that this be amended.
- Providing this would not affect anyone adversely, Mr. Ono felt it would be better to defer this so staff could correct the submittal and then take action at the next meeting.
- ACTION Deferred to the next meeting.
- Item F-1-J JOHNNY CASTILLO APPLICATION FOR REVOCABLE PERMIT, COVERING LOT 21, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU, BEING TMK 4-1-10, CONTAINING 20.062 ACRES, MORE OR LESS, FOR PASTURE PURPOSES. RENTAL: \$20.00 PER MO.
- Item F-1-K HAWAII PAINTING & WALLCOVERING, INC. APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND, HONOLULU, OAHU, BEING TMK 1-5-41:18, CONTAINING 10,900 SQ. FT. OPEN AREA FOR STORAGE AND OFFICE PURPOSES. RENTAL: \$654.00 PER MO.
- ACTION Mr. Kealoha moved to approve Items F-1-A through F-1-H and Items F-1-J through F-1-K. Mr. Zalopany seconded, motion carried unanimously. Items F-1-A and F-1-I were deferred.
- ITEM F-2 HAWAII PLANING MILL, LTD. REQUEST FOR WAIVER OF PERFORMANCE BOND, G. L. NO. S-4443, WAIAKEA, SO. HILO, HAWAII.
- ACTION Unanimously approved as submitted, with the understanding that such bond may be reimposed at any time during the lease term. (Higashi/Zalopany)
- ITEM F-3 S. K. ODA, LTD. REQUEST FOR WAIVER OF PERFORMANCE BOND, G. L. NO. S-3723, WAIAKEA, SO. HILO, HAWAII.
- ACTION Unanimously approved as submitted, with the understanding that such bond may be reimposed at any time during the lease term. (Higashi/Zalopany)
- ITEM F-4 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (12/16/83, AGENDA ITEM F-5) AUTHORIZING AWARD OF LEASE COVERING LAND IN NO. KOHALA, HAWAII.
- (See Page 1 for Action.)
- ITEM F-5 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (5/13/77, AGENDA ITEM F-9) ACCEPTING CONVEYANCE OF ACCESS AND UTILITY EASEMENT AT KAPUAIKINI, KIPAHULU, MAUI.
- ACTION Mr. Kealoha moved to amend action taken by the Board at its May 13, 1977 meeting, Item F-9 by noting the foregoing change in ownership of the lands in question and by naming Mahiai, Limited instead of Kipahulu Investment Co. and Charles Smith, Jr. et al. as the party that will be conveying a forty-four (44)-ft.-wide perpetual, non-exclusive easement for access and utility purposes to the State of Hawaii, all other terms and conditions to remain unchanged. Mr. Higashi seconded, motion carried unanimously.
- ITEM F-6 CORMAX CORP. REQUEST FOR CONSENT TO SUBLEASE, G. L. NO. S-4644, KALAUAO, EWA, OAHU.
- ACTION Unanimously approved, subject to the conditions listed in the submittal. (Ing/Higashi)

ITEM F-7	HAWAIIAN ELECTRIC CO., INC. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR EASEMENT AT KALAWAHINE, HONOLULU, OAHU.
ACTION	Finding that Hawaiian Electric Co., Inc. and Hawaiian Telephone Co. does not have suitable lands of its own for the proposed usage and that the area in question is an economic unit in terms of the use to which the area will be put, Mr. Ing moved to authorize the direct award of a lease to the applicants of the subject easement under the terms and conditions listed in the submittal. Mr. Higashi seconded, motion carried unanimously.
ITEM F-8	HEFTEL BROADCASTING CORP. APPLICATION FOR EASEMENT AT KALIA, WAIKIKI, HONOLULU, OAHU.
ACTION	Mr. Kealoha moved to approve the direct award of a lease covering the non-exclusive easement described in the submittal to Heftel Broadcasting Corp. under the terms and conditions listed in the submittal. Motion carried with a second by Mr. Zalopany.
	Mr. Ing was excused from voting on this item.
ITEM F-9	CASTLE & COOKE, INC. REQUEST FOR AMENDMENT OF RESTRICTIVE CONDITION CONTAINED IN L.P.G. 11,044 AND LAND OFFICE DEED 7141, KAPALAMA, HONOLULU, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM F-10	STAFF RECOMMENDATION FOR SALE OF A LEASE AT PUBLIC AUCTION COVERING LOT 6, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU.
ACTION	Finding the area to be an economic unit in terms of the intended use and that the area is presently unsuitable for hunting nor will it become so during the lease term, the board voted unanimously to approve the public auction sale of a lease for general agricultural purposes under the terms and conditions listed in the submittal. (Ing/Zalopany)
ITEM F-11	DEPARTMENT OF TRANSPORTATION REQUEST FOR APPROVAL OF EXTENSION OF CONTRACT COVERING USE OF LAND AT PIER 40, HONOLULU, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM F-12	HAWAII HOUSING AUTHORITY REQUEST FOR CONVEYANCE OF PORTION OF KUKUI STREET, HONOLULU, OAHU.
	Mr. Ono asked what would happen should the board decide not to convey this property. His next question was can DLNR get credit for this. We would like to get this credited to us in lieu of an anticipated exchange coming down the road.
ACTION	Mr. Ing moved for approval with an amendment that the consideration provisions be amended to indicate that this is to be credited against future or past exchanges. Mr. Kealoha seconded, motion carried unanimously
ITEM F-13	DEPARTMENT OF TRANSPORTATION REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND KAAKAUKUKUI, HONOLULU, OAHU.
	DOT would like to expand its container cargo operations and related activities.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-14

KAUAI INVESTMENT CORP. REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (9/24/82, AGENDA ITEM F-13) AUTHORIZING SALE OF ABANDONED DITCH RIGHT OF WAY AND CONVEYANCE OF ROADWAY, WAILUA, KAUAI.

Mr. Detor said that Mr. Blackwell prepared and submitted maps and descriptions, relocation agreements, etc. The State had its ditch right of way appraised and transmitted a letter of offer to Mr. Blackwell. However, the project fell upon difficult financial times, causing all progress to cease so the transaction was never finalized.

Mr. Detor said that new owners have come into the picture and are anxious to proceed. This is the Kauai Investment Corporation.

ACTION

Mr. Zalopany moved to amend the board's previous action of September 24, 1982 (Item F-13) by substituting Kauai Investment Corporation as applicant instead of James C. Blackwell, Jr. All other terms, conditions and requirements of the previous approval to remain the same. Motion carried with a second by Mr. Ing.

ITEM F-15

HUBERT SPIVEY APPLICATION TO PURCHASE REMNANT PARCEL AT WAIAKUA, SO. HILO, HAWAII.

(See Page 2 for Action.)

ITEM F-16

STAFF RECOMMENDATION FOR APPROVAL OF ASSIGNMENT OF G. L. NO. 2899, WAIAKEA, SO. HILO, HAWAII.

Mr. Detor said that this lease has been in bankruptcy proceedings for a number of years during which the rental delinquency continued to mount until at one time it exceeded \$100,000. Through the efforts of the Attorney General's Office, the delinquency has been reduced to \$27,115 as of February of this year.

The Attorney General's office has informed staff that the lessees wish to assign their remaining interest in the lease back to the State and claim the remainder interest in the lease for estate tax purposes. The Attorney General's Office anticipates payment of the remainder of the delinquency shortly and recommends that the Board accept this form of lease termination and approve the assignment. Staff concurs with the recommendation. Mr. Detor said that the Judge has already approved the sale of some of Mr. Kealoha's property in Oregon. The proceeds of that sale will wipe out the balance of the delinquency.

ACTION

Mr. Higashi moved to approve the assignment of General Lease No. 2899 as described above. Mr. Kealoha seconded, motion carried unanimously.

ITEM H-1

PETITION FOR A DECLARATORY RULING.

(See Page 4 for Action.)

ITEM H-2

TEMPORARY VARIANCE FOR AIR CONTROL EXERCISE AT MOKULEIA, OAHU (U. S. MARINE CORPS).

Mr. Ing asked that another condition be added that there will be no firing of weapons.

Mr. Ono asked about rental. He wanted the board's action to be consistent instead of charging sometimes and not charging rental at other times.

Mr. Detor said that he would follow up and work this out in the disposition.

ACTION

Mr. Ing moved for approval subject to the conditions listed in the submittal and with the added condition that there will be no firing of weapons. Mr. Zalopany seconded, motion carried unanimously.

ITEM H-3

CDUA FOR RENEWAL OF PREVIOUSLY APPROVED PERMIT TO CONDUCT COMMERCIAL PICNIC TOURS ON HARRIS ISLAND (KAHAKAULANA) AT KEEHI LAGOON, OAHU (DAN'S DIVE SHOP).

Mr. Ono asked whether this was the company that we received a complaint about.

Mr. Soh said that there was a complaint which has since been investigated and resolved. The complaint was that the party created a disturbance.

ACTION

Unanimously approved as submitted. (Ing/Zalopany)

ITEM H-4

CDUA FOR QUARRY EXPANSION (PHASE II) AT KAPAA VALLEY, KANEOHE, OAHU (AMERON HC&D).

Mr. Soh said that the applicant was told to prepare an environment impact statement and was granted an extension of ninety days to prepare the EIS. He needs additional time and therefore requested an additional ninety days to June 24, 1985.

Mr. Ono asked when the EIS would need to be completed if we were to grant the extension.

Mr. Soh said that they would need a thirty day public review period following the EIS and then some time would be needed for determination as to whether the EIS is acceptable or not.

This being a pretty major project, Mr. Ono asked whether staff would have time to analyze the EIS. Mr. Ono was afraid that the applicants would take almost to the deadline to get the EIS accepted, so staff will be right up against the June 24th deadline. Mr. Ono wanted to know what we needed to do to avoid this.

Mr. Ono said that he is not opposed to the extension but he does not want to see staff and the board put up against a hard deadline and then have to act on incomplete information or not enough time to analyze the information that has come in to that point.

Mr. Higashi asked whether they would need to go through the public hearing process should they need to resubmit their application.

Deputy Attorney General Johnson Wong said that if a new application is submitted then you will still have to comply with all the terms again.

Mr. Higashi suggested adding a condition that an accepted EIS must be filed no later than six weeks before action has to be taken. This would give staff enough time to study the EIS. If they cannot meet that condition they may have to consider some other course of action.

Mr. Soh said that before the public review, concerns of the public review will also have to be considered.

Mr. Ing wasn't sure how this would work -- an extension with conditions. If they don't meet the conditions the extension is not granted then it expires as of March 26th.

ACTION

Mr. Ing moved to approve with the amendment that the EIS be completed and have undergone public review and be accepted four weeks prior to the last date upon which they can act at a regularly scheduled meeting on that EIS. If these conditions are not acceptable or not met then the CDUA is disapproved without prejudice as of today. Mr. Higashi seconded, motion carried unanimously.

Mr. Ing asked whether we would have to go through the public hearing process once the EIS is completed.

Mr. Soh said that there was no requirement to hold public hearings on any EIS. The public review period serves as sort of a hearing process.

Mr. Ing asked that, as a matter of courtesy, staff call the applicant today to advise him about the time constraints.

ITEM H-5

VERIFICATION OF A VIOLATION BY LONE STAR HAWAII PROPERTIES AT KAILUA, OAHU (TMK: 4-2-04:1).

Mr. Soh said that DLNR received a call informing that Lone Star was undertaking some bulldozing activities in the vicinity site. Staff immediately contacted Lone Star and was informed that some trail clearing had been done to accommodate their soil test boring equipment to enter the area for testing within the urban district boundaries. Staff made an on-site inspection and found substantial bulldozing had been done in opening trail ways to permit entry of the boring equipment. However, the trail's precise route was difficult to determine without an extensive survey. Nevertheless, some encroachment into the Conservation District at spots was obvious.

Among those conditions already recommended, staff added the following condition:

11. That the board impose a fine of \$500.00 on applicant for having flagrantly violated the provisions of Title 13, Chapter 2, Administrative Rules, of the Department by bulldozing a trail partially encroaching into the Conservation District boundary.

Mr. Gail Sims of Lone Star Hawaii expressed dissatisfaction with the condition. Staff followed up and went on-site to re-examine the bulldozed trail and found, without a doubt, that the bulldozer did intrude into the Conservation District.

Mr. Soh said that the board did ask that the applicant also be charged expenses. However, Mr. Soh said that staff forgot to add this to the

submittal.

Mr. Ono said that he would like to see the expenses tacked on to the basic fine because we had to spend additional staff time to go out to the field because the applicant had denied that there was any violation.

ACTION

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

ITEM H-6

REQUEST TO MODIFY A CONDITION TO CDUA FOR THE CONSTRUCTION OF A 50-FOOT BY 100-FOOT ONE-STORY LIBRARY BUILDING AT TANTALUS, OAHU.

ACTION

Deferred. Mr. Soh said that the applicant's attorney asked that this matter be deferred to an Oahu meeting in May. The applicant will be off island for the next Oahu meet.

ITEM H-7

CDUA FOR A MICROWAVE RELAY FACILITY AT KOKO HEAD, OAHU (TEL-NET JOINT VENTURE).

ACTION

Mr. Ing moved for approval subject to the conditions listed in the submittal and with the added condition that any alteration of expansion of the facilities would require further approval. Mr. Kealoha seconded, motion carried unanimously.

ITEM H-8	CDUA FOR THE CONSTRUCTION OF A SECOND SINGLE FAMILY RESIDENTIAL DWELLING AT AT KALIHI, OAHU (HERBERT E. KIHOI).
	(See Page 3 for Action.)
ITEM J-1	LEASE, CURBSIDE-MAIN TERMINAL, COMMUTER TERMINAL AND INTER-ISLAND TERMINAL, HONOLULU INTERNATIONAL AIRPORT, OAHU (USA TODAY).
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM J-2	INTERIM TAXICAB SERVICES, LICENSE AND AGREEMENT, GENERAL LYMAN FIELD, HILO, HAWAII (BIG ISLAND AIRPORT TAXI, INC. DBA ACE TAXI (ACE)).
ACTION	Unanimously approved as submitted. (Higashi/Zalopany)
ITEM J-3	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 3981, ETC., AIRPORTS DIVISION.
ACTION	Unanimously approved as submitted. (Higashi/Kealoha)
ITEM J-4	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MAALAEA SMALL BOAT HARBOR, MAUI (KYLE SMITH).
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
ITEM J-5	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOLULU, OAHU (CATHERINE S. ENTERPRISES, LTD., DBA SPORT FISHING HAWAII).
ACTION	Unanimously approved as submitted. (Ing/Higashi)
ITEM J-6	APPROVAL OF CONSENT TO SUBLEASE, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (GENTRY PACIFIC, LTD.).
ACTION	Unanimously approved as submitted. (Higashi/Kealoha)
ITEM J-7	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL SUBDIVISION, HONOLULU, OAHU (GEORGE POYSKY).
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM J-8	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 12, HONOLULU HARBOR, OAHU (JOHN G. SALVIO, DBA NAHOKU CATAMARAN).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-9	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL SUBDIVISION, HONOLULU, OAHU (AMERON, HC&D).
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM J-10	CONTINUANCE OF REVOCABLE PERMITS H-77-650, ETC., HARBORS DIVISION.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-11	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 3990, ETC., AIRPORTS DIVISION.
	Referring to Permit No. 3990 to Hilo Bay Air, Mr. Higashi said that he was in receipt of a letter wherein the applicant was requesting another area inasmuch as this area does not meet his needs. Mr. Higashi therefore asked that this item be deferred.
ACTION	Mr. Kealoha moved to approve all permits listed in the submittal except Permit No. 3990. Mr. Zalopany seconded, motion carried unanimously.

PROPOSAL TO SURRENDER CEDED LAND BY U. S. COAST GUARD, SAND ISLAND, OAHU,
AND ACQUISITION OF HARBOR LAND AT NAWILIWILI HARBOR, KAUAI BY U. S. COAST
GUARD.

Mr. Garcia said that he had contacted the local U. S. Coast Guard office and they felt that a Governor's executive order would serve the purpose of their request. However, they need to run it through their chain of command at Washington, D. C.

Mr. Ono asked Mr. Detor whether if a Governor's Executive Order which is issued directly to the Coast Guard would need to go to the Legislature.

Mr. Detor said that all executive orders need to go to the Legislature. Also there may be a problem. If the executive order is issued now it still needs to go to the Legislature but in the meantime you cannot do any building.

Mr. Kealoha asked if they would be able to start if we gave them a permit.

Mr. Detor said that they could start with a permit.

Mr. Garcia said that they would have problems with a lease. If they have a lease, because of the way they are funded, they would not be able to build permanent facilities.

Mr. Ing said that we could make the final action of the executive order contingent on actual return of the land at Sand Island.

Mr. Garcia said that if we do it that way there may be a problem because they need to construct the sandblast facility building by the end of their Fiscal Year which ends September 30th otherwise they will lose their money.

Mr. Garcia said that certain points listed on the last page of the submittal would need to be amended. At the end of the sentence of the first full paragraph it says "acquire the necessary lands from the State with a reverter clause for a discounted consideration". If they were to go that route fine, but if we give them a Governor's executive order this would need to be excluded.

Also, in the recommendation where it says "acquisition of the required property with reverter at a discounted price to be determined by the Chairman" would need to be replaced with a clause saying "that the granting of an executive order to the United States Government for coast guard purposes only."

Mr. Ono asked whether the board would be the only body that needed to act if they agreed to turn over the Nawiliwili parcel to the Coast Guard in fee, or is the Governor's approval necessary?

Mr. Detor said that only board action would be required.

Mr. Ono asked what was meant by "discounted consideration with the reverter clause".

Mr. Garcia said that if the State were to sell the land to the United States government at fair market value you could not put in a reverter clause. If they sold it at a discounted price, then they could put in the reverter clause.

Mr. Ono asked, "what if the board agrees to a 65-year lease but immediately starts working towards executing a governor's executive order -- put that in writing so that the Coast Guard would know for sure what the board's intent is -- short term and long term?"

Mr. Garcia said that they could present this proposal to them.

ACTION

Mr. Ing moved for approval with the following amendments:

1. That the parcel at Nawiliwili Small Boat Harbor be transferred by way of a long-term lease with a condition that the lease be superceded by an executive order and that the United States Coast Guard immediately excess the Sand Island parcel.

Mr. Zalopany seconded, motion carried unanimously.

For clarification, Mr. Ono asked, "what if the Sand Island property does not come back to the State because some other federal agency says that they need it, would we still go ahead with the Nawiliwili arrangement?" Mr. Ono felt that we should tie in both Nawiliwili and Sand Island.

ADJOURNMENT: There being no further business, the meeting was adjourned at 12:05 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

It