

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

DATE: June 14, 1985
TIME: 9:00 A.M.
PLACE: Hilo High School
(Multi-Purpose Room)
556 Waiianuenu Avenue
Hilo, 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. Roland Higashi
Mr. Moses Kealoha
Mr. Leonard Zalopany
Mr. Susumu Ono

Absent and Excused

Mr. J. Douglas Ing
Mr. Thomas Yagi

STAFF

Mr. Ralston Nagata
Mr. James Detor
Mr. Gordon Soh
Mr. Bob Lee
Mr. Libert Landgraf
Mr. Glenn Taguchi
Mrs. LaVerne Tirrell

OTHERS

Mr. Johnson Wong, Deputy A. G.
Mr. Peter Garcia, DOT
Ms. Ginger Clash (Item F-1-A)
Mr. Benjamin Kudo (Item F-1-L)
Mr. Louis Balasanos (Item F-1-7)
Messrs. Steve Montgomery, Corky Bryant,
Philip Leas, Rick Warshauer &
Dr. Quentin Tomich (Item H-1)
Mr. Bruce McClure (Item H-2)
Mr. William Peebles (Item H-7)
Dr. Barry Costa-Pierce (Item H-11)

MINUTES:

Mr. Kealoha moved for approval of the February 22, 1985, March 8, 1985 and March 22, 1985 minutes as circulated. Mr. Higashi seconded, motion carried unanimously.

ADDED
ITEMS

Upon motion by Mr. Higashi and a second by Mr. Kealoha, the board voted unanimously to add the following item to the Agenda:

Item H-14 - Jerry Weintraub Productions and Columbia Pictures of Burbank Request for Temporary Variance, Movie Filming at Kahaluu Fishpond, Oahu.

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

ITEM F-7

VETERANS OF FOREIGN WARS (VFW) REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (5/10/85, AGENDA ITEM F-8) AUTHORIZING DIRECT AWARD OF LEASE, WAIKIKI, HONOLULU, OAHU.

ACTION

Mr. Kealoha moved to amend the Board's action of May 10, 1985 under agenda Item F-8 to set the lease commencement date to coincide with the date of approval of the building plans by the Chairperson but in no event later than January 1, 1987. Mr. Higashi seconded, motion carried unanimously.

ITEM H-7 CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT KOKOKAHI, OAHU (WILLIAM PEEBLES).

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

ITEM H-2 AMENDMENT TO DECLARATORY RULING FOR IMPROVEMENT OF SADDLE ROAD BETWEEN 9 AND 11 MILE POST, HAWAII (HAWAII COUNTY, DEPT. OF PUBLIC WORKS.)

Mr. Soh said that by letter dated April 29, 1985, the Chief Engineer of Hawaii County asked that the declaration be amended to increase the distance to 15 feet from the edge of the pavement instead of 12 feet. The Chief Engineer explained that the bulldozer blade is 13-1/2 feet wide and is unable to clear and level a shoulder only 12 feet wide.

ACTION Mr. Zalopany moved for approval. Mr. Higashi seconded.

Mr. Kealoha asked whether the County would maintain the road after it is repaired.

Mr. Soh thought that to be the intent of the County.

Mr. Ono asked whether there was someone representing the County and, if so, asked that they come forward.

Mr. Bruce McClure, Deputy Chief Engineer of the Hawaii County Department of Public Works said that they would be maintaining the road after it is repaired.

Mr. McClure also thanked the Board for their help in this matter and said that they really appreciated the Board's attention to detail.

Mr. Ono said that the Board has been very disturbed with the manner in which the media has, to him, misreported the events that have transpired on this particular request. For whatever the reason, the impression given through some of the reporting is that the Board is opposed or has hindered the processing of the CDUA. Mr. Ono said that he has gone through the minutes, talked to people and, if anything, this Board has tried to assist the County's application to move forward in an expeditious manner. Mr. Ono asked that the County set the record straight if they felt that he was right.

Mr. McClure said that it is the newspaper that is reflecting this. He repeated that the Board's attention is appreciated and it is only by making sure that all the "t's" are crossed and the "i's" are dotted that we won't make mistakes in the future. They have no problems.

Mr. Ono called for a vote. Motion carried unanimously.

ITEM H-6 CDUA FOR QUARRY EXPANSION (PHASE II) AT KAPAA VALLEY, KANEOHE, HAWAII (AMERON H C AND D).

Mr. Soh stated that this request concerned the expansion of the existing quarry at Kapaa Valley and the expansion is called Phase II which involves an area of about 152 acres. He stated that the EIS had been reviewed and found to be acceptable so staff has recommended approval subject to conditions.

Mr. Soh said that the applicant had requested amendment of Condition No. 4. Namely, that quarrying of the Phase I area be terminated within three years.

Mr. Kealoha asked, "what is the reason for this request?"

Mr. Soh said that the applicant intends to do some quarrying beyond the three year time limit. He explained that the main purpose for that condition was that if quarrying continued in the area this might be a reason to delay landscaping of the rock faces. He said that the applicant also had in mind something else that would satisfy that concern equally well.

Mr. Ono asked if there was anything in staff's recommendation that would allow the board to stop quarrying Phase II if the Phase I portion is not replanted according to the Board's standard or timetable.

Mr. Soh called Mr. Ono's attention to Condition No. 7 -- "other terms and conditions as prescribed by the Chairperson."

Mr. Ono felt that Condition to be too general. He wanted something more specific so that the applicant and everyone else would know that if Phase I is not replanted or revegetated according to standards and the timetable, that Phase II could be shut down.

Mr. Soh said that nothing was included in that regard except Condition No. 6; namely, that annual reports be filed with the department on the progress of replanting.

Mr. Ono asked what kind of leverage would the State have if they can continue to ignore the timetable -- not saying they will -- but just in case they do?

Mr. Soh said that he did not seriously consider the possibility that they would not honor that commitment.

Mr. Higashi asked whether we could have them do the landscaping now even though we allow them to go for five years instead of three.

Mr. Soh said that it is his understanding that they would be able to do that.

Mr. Kealoha said that he would like to see a condition where the board could stop Phase II if they are not satisfied with Phase I. That could go in as Condition No. 7 and move all the rest downward.

Mr. Higashi suggested that upon termination of Phase I the board require the applicant to start immediately.

Mr. Kealoha proposed an amendment to Condition No. 6 that the applicant start replanting immediately.

Mr. Ono said that several communities had expressed interest in this particular application. He asked if they had been contacted that this matter was being considered by the board this morning.

Mr. Soh said that one community organization asked specifically to be notified and staff did notify them. There was no reaction.

Mr. Bill Thompson, representing the applicant, recommended the following changes to Condition No. 4:

4. Quarrying of the Phase I area above the 315 feet elevation shall be terminated within five years (processing and administrative activities will continue).

Mr. Thompson said that the reason they say 315 feet is because the quarrying is going downwards now and more of the upper area can be replanted. At around the 315 elevation or lower there is some good Class A rock and what they would like to do is use that rock only for the purposes where you need good hard rock until such time as Phase II moves along and then they find out that they have good Class A rock there. They do not want to waste the Class A for jobs that don't need Class A hard rock.

With regard to Condition No. 6, Mr. Thompson said that rather than say "Upon termination of quarrying at Phase I, he suggested the following:

6. Within one year from the date of this approval, the applicant to file annual reports with the department on the progress of replanting the Phase I benches and covering the 50-foot rock faces.

Mr. Higashi asked then if there would be limited quarrying in Phase I.

Mr. Thompson said for the time being, yes. Phase I would be full blast until exploratory work, roadway to the area and construction plans for Phase I have been approved. This should take two to three years.

Mr. Ono asked Mr. Thompson if he was aware that the Board's current thinking is that if they are not satisfied with the revegetation that Phase II will be shut down.

Mr. Thompson said that in about two or three years the applicant will come with the construction drawing. At that time staff will see what has been done in the Phase I area.

ACTION

Mr. Kealoha moved for approval as amended, which is to include the amendments to Conditions 4 and 6 and also that Phase II will be shut down if the Board is not satisfied with the revegetation of Phase I. Mr. Higashi seconded, motion carried unanimously.

ITEM H-11

CDUA FOR EXCAVATION, USE, AND MAINTENANCE OF AQUACULTURE PONDS AT HANAIEI, KAUAI (WILLIAM MOWRY).

Mr. Soh said that the subject area is 17,000 sq. ft. of a 155 acre parcel which is in the Resource Subzone at Kilauea. The applicant proposes to excavate aquaculture ponds.

Mr. Kealoha asked where they would be getting their water from.

Mr. Soh said that he understood it would be from the County.

Mr. Ono asked whether the applicant had a chance to review staff's recommendations.

Mr. Soh said that a copy of the submittal was mailed to the applicant.

Dr. Barry Costa-Pierce, aquaculture consultant and developer for Mr. Mowry, said that their proposal is a modest one but a very important demonstration of an important concept for the State right now which is the use of aquaculture waste waters for agriculture. It is a modest proposal because of Mr. Mowry's desire to see this project through before he would decide to go through a larger development in the valley. At that particular time he would be requesting the use of water from the auwaes and the river for an aquaculture development. Dr. Pierce said that this project is a non-commercial one and has three objectives: 1) home food production; 2) beautification and landscaping; and 3) wildlife enhancement.

Mr. Kealoha asked whether all the 155 acres was in the conservation district.

Dr. Pierce said that about one-third of the land is in the conservation district and the rest in agriculture.

ACTION

Mr. Zalopany moved to approve this application to build, use and maintain six aquaculture ponds at Hanalei, Kauai subject to the conditions listed in the submittal. Mr. Higashi seconded.

Mr. Ono asked Dr. Costa if he had a chance to go over staff's recommendation.

Dr. Costa said yes and that he had no problems with any of the conditions. He added, however, that in the future he would encourage the Board to help speed the process of applications for aquaculture use in the conservation district by allowing the aquaculture development program to work with a single DLNR planner knowledgeable in aquaculture issues. He said that their relationship with Mr. Akio Serizawa of DLNR had been particularly noteworthy in this regard and would help the industry in the future.

Mr. Ono called for a vote. Motion carried unanimously.

ITEM F-1-a

U.H. REQUEST FOR CONSENT TO SUBLEASE PORTION OF G. L. NO. S-4191, KAOHE, HAMAKUA, HAWAII.

Mr. Detor said that this is a follow-up of a CDUA which was previously approved by the Board and deals with a sublease to the California Institute of Technology, CALTECH. The sublease is for the construction and operation of a ten-meter telescope on the top of Mauna Kea.

Mr. Higashi said that money was recently allocated by the Legislature. However, there was indication that this money was not enough. He asked if we were funding this money and then getting it back on a revenue bond.

Ms. Ginger Clash of the University of Hawaii said that it is partially funded by revenue bond and partially by general obligation bonds but the Legislature did not fund the General Obligation Bond portion this year so it will go up again next year.

Mr. Higashi asked, "how much money do you have approved for paving?"

Ms. Clash said that they do not have any except what CALTECH is committing. They have had money in the past for design and road repairs but she did not believe that they had any money now for paving -- just for design.

ACTION

Mr. Higashi moved for approval subject to the review and approval of relevant documents by the State Attorney General and such other terms and conditions as may be prescribed by the Chairperson. Mr. Kealoha seconded, motion carried unanimously.

ITEM F-1-k

Approved as submitted. (See also Page 17.)

ITEM F-1-l

WALTER C. WITTE AND JOHN J. FAGAN REQUEST FOR CONSENT TO ASSIGNMENT OF VENDOR'S INTEREST IN AGREEMENT OF SALE, G. L. NO. S-4212, KAMAOLE, WAILUKU, MAUI.

Mr. Detor said that Items F-1-l through F-1-o are a series of transactions that the board is being requested to consent to involving a lease on Maui at Kihei. This is where the Outrigger Hotel is. This particular lease was originally sold some years ago to Walter Witte and John Fagan, a partnership dba Outrigger Maui.

At it's January 27, 1978 meeting the Board approved the assignment of the lease by way of an Agreement of Sale. At that time the parties listed were incorrect. The purpose of F-1-l is to correct that mistake. The people

doing the assignment were not Walter Witte and John Fagan as individuals but rather as a partnership known as Outrigger Maui Hui. In any event, Mr. Detor said that F-1-L is to correct that particular transaction.

There followed a series of transactions. The purpose of the submittals is to take Walter Witte and John Fagan out of the lease itself and to put it where it presently sits.

Mr. Detor said that the attorney for the people was present at the meeting to give the board any details if they wished.

Mr. Kealoha suggested correcting Item F-1-l before moving on to consider the others. The complications are with Items F-1-m, n and o.

ACTION

Mr. Kealoha moved for approval of Item F-1-l as submitted. Mr. Zalopany seconded, motion carried unanimously.

ITEM F-1-m

OUTRIGGER MAUI REQUEST FOR CONSENT TO LEASEHOLD MORTGAGE AND SECURITY AGREEMENT, G. L. NO. S-4212, KAMAOLE, WAILUKU, MAUI.

ITEM F-1-n

OUTRIGGER MAUI REQUEST FOR CONSENT TO SECOND MORTGAGE, SECURITY AGREEMENT, AND FINANCING STATEMENT, G. L. NO. S-4212, KAMAOLE, WAILUKU, MAUI.

ITEM F-1-o

WALTER C. WITTE AND JOHN J. FAGAN REQUEST FOR CONSENT TO ASSIGNMENT OF VENTURE UNITS AND PROPERTY, G. L. NO. S-4212, KAMAOLE, WAILUKU, MAUI.

Mr. Kealoha said that by looking at the submittals he wasn't sure whether he was looking at an assignment, a new mortgage going on besides the assignment, or is this a buy-out.

Mr. Detor said that essentially this is a buy-out. However, he suggested the Board call on the applicant's attorney to explain. He said that this was very complicated so he was not sure that he understood it himself.

Mr. Ben Kudo, attorney for Island Investment, Ltd., said that essentially the transaction is to replace Witte and Fagan with Island Investments. The reason why the transaction seems to be somewhat complicated is that at the present time there is a first mortgage on the lease, for both interests and improvements with Messrs. Witte and Fagan. They would like to preserve that first mortgage. They have been making the payments for Messrs. Witte and Fagan on that first mortgage so it is necessary for them to keep Outrigger Maui in place as the lessee under the State lease. Therefore, Island Investments will buy out Messrs. Witte's and Fagan's interest in Outrigger Maui so therefore there will be only one party really involved in this, and that will be Island Investments, which is Dr. London.

Mr. Kudo said that in 1968 a State lease was entered into between the State and Messrs. Witte and Fagan. In 1978 Messrs. Witte and Fagan entered into an Agreement of Sale to sell the leasehold interests and the improvements to Island Investments and this board approved this Agreement of Sale but no consent was ever registered in the records. A first mortgage was also placed on the property in 1973, before the Agreement of Sale. What they are doing now is placing a second mortgage on the property to buy out Messrs. Witte's and Fagan's interest in the lease and the Agreement of Sale.

Mr. Higashi asked if that would cancel the Agreement of Sale.

Mr. Kudo said no because the Agreement is between Outrigger Maui, which Witte and Fagan own, and Island Investment. What they are doing is buying out Outrigger Maui so essentially they are the Vendor and the Vendee. The reason they are doing this is to preserve the First Mortgage on the property which is at 9.5/8 interest and they would like to preserve that. They are basically going through this whole exercise to preserve the first mortgage. The net result is that they are dealing with themselves -- Island Investment.

Once Items F-1-m, n and o are taken care of, Mr. Ono asked whether there would be anything else to be done. He would like to avoid having them come back again in another month with something else.

Mr. Detor said that this should take care of the whole thing.

Mr. Kudo said that this takes care of about 95% of it. What is remaining is that after this transaction is through, Dr. London will be the Vendor under the Agreement of Sale and Dr. London will also be the Vendee under the Agreement of Sale. He will have to come in for an extension of that Agreement of Sale to himself because the Agreement of Sale expired March 1st of this year.

Mr. Kealoha asked if Item F-1-m took care of the first mortgage.

Mr. Kudo said yes.

In answer to Mr. Kealoha's question, Mr. Kudo said that Home Federal Savings and Loan of California holds the first mortgage.

Mr. Kealoha asked who Kassler & Company was.

Mr. Kudo said that Kassler was the original mortgagees and had assigned it in 1974 to Home Federal.

Mr. Kealoha asked how come our records only show Kassler.

Mr. Detor said that as he understood it, the reason that they have listed it this way is because each transaction is a successive kind of thing so it's in series.

Mr. Ono said that Mr. Kealoha's question is, "did we miss one step along the way?"

Mr. Detor didn't think so. He felt that the steps listed in the submittals are the successive steps needed to bring this thing up-to-date.

Mr. Ono still felt that one step was missing.

Mr. Kudo said that what happened was that the first mortgage was originally entered into between Outrigger Maui and Kassler and Co. In 1974, Kassler & Co. assigned their interest to Home Federal Savings and Loan so it's a different bank but the same mortgage. What happened basically is that Home Federal bought the first mortgage from Kassler. Mr. Kudo said that the second mortgage is with Island Investment.

Mr. Kealoha asked that each item be considered in steps.

ACTION

Mr. Kealoha moved for:

1. Approval of Item F-1-m. Mr. Higashi seconded, motion carried unanimously.

Regarding F-1-n, Mr. Kealoha asked if we were dealing with the second mortgage.

Mr. Kudo said yes. This is basically to finance the buy out of Messrs. Witte's and Fagan's interest in Outrigger Maui.

Mr. Kealoha asked if this meant that they would no longer have any interest, which includes the Outrigger Maui.

Mr. Kudo said yes, because Dr. London will now own Outrigger Maui.

2. Approval of Item F-1-n. Mr. Higashi seconded, motion carried unanimously.

3. Approval of Item F-1-o. Mr. Higashi seconded, motion carried unanimously.

ITEM H-1

RESUBMITTAL - NARS COMMISSION RECOMMENDATION TO ESTABLISH THE PUUWAAWAA NATURAL AREA RESERVE, NO. KONA, HAWAII.

Pointing out the affected areas on the map, Mr. Bob Lee explained that the Land Board at its meeting of October 12, 1984 recommended to establish the Puuwaawaa Natural Area Reserve because of alleged lease violations in the lands of Puuwaawaa and Puuanahulu.

The area being recommended for a Natural Area Reserve set aside is approximately 3300 acres and is a portion of a pasture lease (G. L. S-3589) held by F. Newell Bohnett (Puuwaawaa Ranch). Mr. Lee said that the 3300-acre site is the smaller of two areas evaluated by the Commission. The other area consisted of 12,000 acres. Along with the 3300-acre recommendation, the Commission is requesting that consideration be given to extend the size of the reserve beyond the 3300 acres.

Mr. Higashi asked how the Commission proposed to get rid of the fountain grass.

Mr. Lee said that aside from a re-generation problem, the fountain grass is also a fire hazard and what they propose to do is bulldoze the perimeter of the reserve. This will provide a fuel break and also access to maintain the fence line. It will also provide access for spray equipment and personnel. NARS intends to increase the firebreak by spraying herbicide. By trying to control the fountain grass it will also give staff the same opportunity in the same area to see whether or not we will get regeneration by controlling the fountain grass.

Mr. Higashi asked if funds were available to undertake such a management plan.

Mr. Lee said that the last Legislature appropriated \$65,900.00 for management of non-native plants. Although the Puuwaawaa proposal was not considered in that budget proposal, because the objective was to control non-native plants, he felt that some of that money could be applied to the Puuwaawaa Reserve.

Mr. Higashi asked, "what is the carrying capacity for the area?"

Mr. Lee said that according Mr. Herbert Yanamura, Agriculture Specialist with DLNR, it is about 30 acres per animal unit for the makai side as compared to six or seven acres per animal unit on the mauka side.

Mr. Ono asked whether there was any correspondence from interested parties.

Mr. Lee said that aside from the formal review process which included different agencies within the department, the Big Island Planning Office, U.S. Fish and Wildlife Service, letters have been received supporting a 12,000-acre site from the the Conservation Council of Hawaii, the Sierra Club Chapter of the Big Island and various individuals.

Mr. Ono believed that there was also correspondence from Dr. Kaneshiro and asked that it be officially entered into the records. The board should at least know who has communicated with the department and what their position is.

Mr. Lee said that he did have Dr. Kaneshiro's letter.

Mr. Ono said that the last time this matter came before the board, the board had asked that you look at the Conservation Council letter and comment on the points raised. Mr. Ono asked Mr. Lee whether he had had a chance to do this.

Mr. Lee said that the letter was appended as requested.

Referring to an earlier question by Mr. Higashi, Mr. Ono asked Mr. Landgraf if his division would be able to manage certain pockets in the general area preserve, particularly plants or species that may be found within these areas. He asked if DOFAW would be able to manage these pockets which have been discussed.

Mr. Landgraf said yes. It would be tied in with their sanctuary program which is on-going now on the other islands.

Mr. Higashi said that in 1978 there was a hearing on the natural area reserve at Puuwaawaa and the board had asked that both the lessee and the State move ahead to fence off some areas. He asked, "how far ahead are we on this?"

Mr. Landgraf said that they had gotten together with the ranch management and attempted to re-establish or rebuild one of the exposures and build the other one which Mr. Lee talked about. That is the extent of what has been done so far.

Mr. Higashi said that he understood that Fish and Wildlife Service had done some extensive work in this area and asked Mr. Landgraf if he was aware of this.

Mr. Landgraf said that they have done plant surveys in that area for threatened endangered species and have put together a packet.

At Mr. Higashi's request, Mr. Landgraf said that he would request a copy of this packet from Fish and Wildlife Service.

Because the proposed action is so close to Mr. Bohnett's lease, Mr. Ono asked that Mr. Detor brief the board as to where we are insofar as the change in boundaries and previous actions taken by the board.

Mr. Detor said that previous action by the board was to approve the withdrawal of the alala sanctuary from the operation of the lease. They also approved the withdrawal of the public hunting area and the cooperative agreement area. The boundaries of that particular area to be settled with talks with the lessee. The area outlined in yellow is what Mr. Bohnett has asked to be withdrawn from the lease. Mr. Detor pointed out on the map the areas which actions of the board dealt with. Insofar as the NARS proposition, the board's action was to ask NARS to come in with a proposal which they are doing today. As far as the fines were concerned, they have been paid. The only thing still pending is the \$34,600.00 fine which was to be applied to fencing. Staff still has not gotten to that.

Mr. Ono said that this is not a public hearing but because of the interest expressed by community organizations and individuals, the Chair asked if there was any one person to represent the thoughts of the various groups and/or individuals that were present at today's meeting.

Mr. Rick Warshauer, representing the group, said that this area is geologically and biologically very diverse. There are at least eight major ages of lava flows ranging from 185 years old to 400,000 years, approximately and there is no where else in Hawaii that has such representation in the forest zones. As a result of this variety of ages, there

is a variety of forest types so that it is more than a lama forest. There is a lama dominated forest, wiliwili dominated, a kauwila dominated, several types of ohia dominated forests and then there are mixed species with no clear dominants. These all represent developmental stages of forest development in this climatic and elevational complex.

Mr. Higashi asked if he was talking about the 12,000 acres or the 3,000 acres.

Mr. Warshauer said 12,000. At 3000 acres they have only a partial representation. The result of this partial representation is that 40% of the species on the list presented to the board are not represented on the 3000-acre proposal.

Mr. Higashi asked Mr. Warshauer if this wasn't the same recommendation made to and denied by NARS.

Mr. Warshauer said that he did present this to NARS but that at that meeting there were very few biologists that could attend. Most of those in attendance were departmental representatives who were not biologists and geologists and probably did not have the same degree of understanding of the complex association. He said that the recommendation put out by the partial commission that met was that it would be the 3300 acre proposal with the hope that the board would enlarge it.

Mr. Ono asked Mr. Warshauer if he was saying that the votes of those NARS members present at the meeting did not carry the same weight as those who were not there.

Mr. Warshauer said that there was a partial assemblage and not the whole commission, but their vote did carry the same weight. What he was saying is that the scientists involved were of minimal representation.

Mr. Warshauer said that insofar as the 12,000-acre proposal, he had spent a lot of time going over old notebooks where he had made many trips into the area and also had aerial photographs and done some groundwork. This includes fences that are existing where needed, for almost the whole perimeter. The makai fence really isn't needed because there is no cattle down there. As far as cost of fencing he felt that it would be minimal or non-existent. The fencing is the most important part. He felt that the cattle in the area has been responsible for the demise of many of the plants in these eco-systems -- cattle and goats. Time and time again when these animals have been excluded, usually by fences or by shooting out, there has been spontaneous recovery of the vegetation. Mr. Warshauer went on to explain how and why this vegetation will take place.

As far as fire, Mr. Warshauer said that the cause of most fires is human access e.g. roads and trails. His main concern is the strip along the Belt Highway. Mr. Warshauer said that if we bulldoze firebreaks throughout the natural areas in addition to knocking down parts of the species you are trying to preserve you are encouraging fountain grass unless you get into a regime of poisoning because fountain grass grows better on bulldozed aa than it does on un-bulldozed.

Mr. Warshauer said that there is mention of exclosures to try and save certain species. He realizes that NARS is not intended to go after saving certain species. It is trying to save the whole eco-system. But where other attempts to put small exclosures around rare species have been tried, most of them have failed, including the ones at Puuwaawaa. He has never head of any regeneration in the exclosures. He said that small exclosures usually don't work in a dry and moist environment.

Mr. Ono asked if that wasn't better than doing nothing.

Mr. Warshauer said that if it doesn't work then it's a matter of opinion.

Mr. Philip Leas, attorney for Mr. Bohnett, said that from what he has heard from presentations by Messrs. Lee, Detor, Landgraf and Warshauer, Mr. Bohnett as the lessee of this area is trying to run a cattle ranch. At the present time the ranch is going through the stress of trying to adjust to the withdrawals that have already occurred. Some jobs have been sacrificed and they are very concerned about the loss of this 3300 acres. Mr. Leas said that he is impressed that Mr. Lee and the principal outside proponent of this recommendation don't seem to be on the same wave length. They are not talking about the same land areas. They don't agree on the firebreak procedure. They agree on the regeneration capacity of an ecosystem such as this. There are a lot of things about this that appear to be untested and for those reasons this proposal certainly seems premature if not ill-conceived altogether. But specifically, Mr. Lee mentioned that they are not sure if there will be regeneration if the fountain grass is eliminated. He felt that before a vast area of 3300 acres is taken that it might be appropriate for someone to take a smaller area and try to determine whether the regeneration would occur if you eliminated the fountain grass from an acre or five acres, whatever might be appropriate scientifically to perform a satisfactory test.

Mr. Leas said that it appears that this 3300 acres may not be the only area that could be applied to this preservation use. Mr. Lee mentioned that there are some areas similar on Bishop Estate land and it would seem appropriate to at least make some inquiry whether or not they would be in a position to make their resource available for preservation and perhaps that is a better resource. He felt also that some of the areas being talked about is outside of the ranch so if there is any way possible to preserve an area that is outside of the ranch, then you would think that the benefits that are desired to be achieved and the ranch would not be prejudiced.

Mr. Leas said that Mr. Corky Bryant, the ranch manager, was also present at the meeting in the event the board had any operating or practical type questions that they would like answered. Mr. Leas said that Mr. Bryant said that on the subject of fires that the last two fires they had out there was caused not by humans but by lightning. One was five miles from the road and one was about a mile from the road. Mr. Bryant mentioned to Mr. Leas that even if Mr. Lee spends his entire allocation of \$65,000 trying to stamp out the fire grass he is not even going to make a dent. He felt that further study would certainly be warranted as far as the cost of doing this. Mr. Lee pointed out also that this is the first time that they have received an appropriation. It would seem to neglect the other eighteen reserves that they already have to try and make some headway in an area as large as this.

Mr. Bryant said that Mr. Bohnett is sensitive to the department's concerns and has in the past cooperated by controlling grazing in this area and would be delighted to continue with the Forestry Division in setting aside pockets or areas and cooperating in whatever way he can to permit Forestry to maintain ecosystems of a reasonable size more consistent with budgetary constraints and also compatible with the ranch operation.

Mr. Higashi asked how many heads the ranch was presently carrying.

Mr. Bryant said that they have cut their herd by about 500 heads of cows. So they are looking at breeding about 1200 heads of cows this year rather than 2000 as they did last year. Prices have dropped about 25% to 30% lower than it was about two years ago.

Mr. Higashi asked what would happen if they went the full 12,000 acres.

Mr. Bryant said then the State just got themselves a ranch.

Mr. Ono said that they had mentioned in their letter that one of the problems is the withdrawal. He thought that part of the withdrawal was to benefit Mr. Bohnett.

As far as desolate or marginal areas, that might be true. However, Mr. Bryant did not feel that he was qualified to answer that question. However, the 4000 acre alala sanctuary was their best land.

Mr. Ono said that their letter seems to indicate that because of the withdrawal economic viability of the land is affected. Mr. Ono said that it works both ways. The ranch also had some advantages.

Mr. Bryant said they did. Their reduction of rent was \$5,000 a year.

Mr. Leas said that he did not mean to imply that the loss of 80,000 acres proportionately had that great an impact and appreciated Mr. Ono's observation.

Mr. Lee commented on Mr. Warshauer's remarks about the Commission's action on the 3300-acre recommendation. He said that only six members were present at that meeting, which was a quorum. However, three of those were scientists, appointed as scientist and the other three represented different departments, but one of those three had a degree in biology so at least four members had scientific backgrounds and the person who made the motion for 3300 acres with a possible increase in size was a scientific member.

ACTION:

Mr. Higashi moved:

1. Support NARS recommendation by considering only the 3300 acres.

Mr. Kealoha seconded.

Mr. Ono clarified that this is a preliminary step to the final decision.

Mr. Ono called for a vote. Motion carried unanimously.

Mr. Higashi wondered if we shouldn't be doing some test areas with DOFAW.

Mr. Lee did not feel that this would give NARS the necessary information as to whether or not we can manage a large area, and this is what needs to be done as far as a natural area program is concerned. Having success in the smaller areas still will not tell them that they can do the larger areas.

2. Disapprove the nomination for NARS but that DOFAW be instructed to go ahead to work with NARS to identify the critical areas and instruct the lessee to participate with us and give us his full cooperation in fencing areas. That DOFAW will report back to this board when it considers doing experimental work and also to incorporate with this motion that the Forestry Division go into the 12,000 acres and look at some of the native species or endangered species and also report back to this board what, how and what they would like to preserve within their fencing program.

Mr. Ono clarified Mr. Higashi's motion:

In the process of DOFAW doing the technical review and field work, was it your intention to include private organizations to at least advise or make comments on the plan that is developed? If we are going to work on such a plan then it would be good to have participation from the beginning instead of the tail end of the process.

Mr. Kealoha seconded.

Mr. Higashi added the point that this is sensitive to the economic operation of the ranch and if someday the ranching ceases, hopefully DOFAW will have gathered enough data to give us more information. If ranching is not successful and it becomes a gentlemen's ranch and not an economical unit, that this board may then re-evaluate what they have.

For clarification, Mr. Detor said that this motion does not include designation and withdrawal, right?

Mr. Ono said not yet. From Mr. Bohnett's standpoint, we would ask full cooperation as far as the study is concerned because without his full cooperation as a ranch there is not much staff can do. He thought that there were times when staff had problems getting access at the times that they wanted to be on the premises.

Mr. Leas said that he said in his letter that it was Mr. Bohnett's intent to cooperate with advanced notice.

Mr. Ono said that he would want more than intent -- he would like action on the field.

"You got it", said Mr. Leas.

Mr. Ono called for the vote. Motion carried unanimously.

ITEM H-5

AMENDMENT TO CDUA FOR RADIO REPEATER STATION AT KAPOHO, HAWAII (HAWAII COUNTY FIRE DEPARTMENT).

ACTION

Unanimously approved, subject to the conditions listed in the submittal. (Higashi/Kealoha)

ITEM H-4

AMENDMENT TO CDUA FOR ANIMAL POUND, KEALAKEHE, HAWAII (WEST HAWAII HUMANE SOCIETY).

ACTION

A representative of the Humane Society asked that the second sentence of the third paragraph under BACKGROUND of page 1 be changed from a "two" to "one" story building.

Unanimously approved as amended and subject to the conditions listed in the submittal. (Higashi/Kealoha)

ITEM F-6

STADIUM BOWL-O-DROME, INC. APPLICATION FOR LEASE COVERING BUILDING AT HONOLULU STADIUM STATE PARK, HONOLULU, OAHU.

Mr. Detor said that this a proposal to offer a lease at public auction covering the bowling facility at the old Honolulu Stadium which is now a State Park.

Mr. Detor said that when the State acquired the property they acquired the bowling facility as well subject to an existing lease which will run out at the end of the year. Staff's proposal is to offer a new lease which would commence at the expiration of the present one covering that facility. The present lessees have asked that this new lease be offered now. This way the lessee will know whether they will be able to continue or not.

Mr. Kealoha asked if this was a practice or the request of the present lessee.

Mr. Detor said that this is what staff has strived to do but they have not been successful in all instances -- this is staff's goal.

Mr. Kealoha asked if this would be by open or sealed bidding.

Mr. Detor said that this would be sold at public auction.

Mr. Kealoha asked how he arrived at this -- as opposed to sealed bid or proposals by interested parties?

Mr. Detor said that they could go on a concession basis, technically speaking. However, they feel that a public auction kind of set up is better.

Mr. Kealoha couldn't go along with this. He felt that the highest bidder could walk away after he bid and then the State would have to go through the whole process again.

Mr. Ono asked if we couldn't set up a criteria for the bidders as is done on the ag lots.

Mr. Detor felt that this could be done.

Mr. Kealoha asked if the parking lot would be a part of the lease.

Mr. Detor said no. They would have to go through a subdivision process. The area that is under permit right now for parking is part of the park.

Mr. Kealoha asked who the parking lot would be permitted to.

Mr. Detor said that they would like to keep it open. There is still some question as to whether we will trade this property, including the bowling alley, to the City. The exchange is still being discussed so it may be that if the lease is sold it may still be given to the City.

ACTION

Deferred for one month.

The board asked that staff take another look at this and come back with answers to questions posed by the board.

Mr. Ono asked that Mr. Detor also take a look at the parking area and see if there is any way that it can be included as a part of the Bowl-O-Drome operation.

ITEM E-4

REQUEST TO USE THE OLD KONA AIRPORT STATE PARK IN KAILUA-KONA, HAWAII FOR A FUND RAISING CARNIVAL.

ACTION

Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-14

PRINCEVILLE COMMUNICATION CO. APPLICATION TO LEASE PORTION OF THE KEALIA FOREST RESERVE, KAWAIHAU, KAUAI.

Mr. Detor said that the specific use of this area is for a television relay station site. Staff has checked with the A.G's office as to whether the application can be on a direct lease basis as a public utility and the opinion received said yes it is.

Mr. Higashi asked if rental is based on a percentage basis.

Mr. Detor said that rental is to be determined by appraisal and if it is feasible staff can incorporate a percentage rent. However, he was not sure at this point as to whether it would be feasible to do so but staff will certainly check it out.

Mr. Ono asked that we make sure the appraiser is instructed accordingly.

Mr. Kealoha felt that the board should have a chance to review the appraisal.

Mr. Detor said fine, they would bring it back to the board.

Mr. Ono said that in this case it might be better to bring the appraisal report back to the board. There will be other requests like this and there have been problems with similar request.

ACTION Unanimously approved subject to the conditions listed in the submittal and also that the appraisal report be brought back to the board for review. (Zalopany/Kealoha)

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 7-OM-17, LEASING CRAWLER TRACTOR KUAOKALA ACCESS ROAD, KAENA, OAHU.

ACTION Mr. Kealoha moved to award the contract for the basic bid plus additive alternate for the subject project to R.H.S. Lee, Inc. for their total bid of \$14,400.00. Mr. Zalopany seconded, motion carried unanimously.

ITEM E-1 FILLING OF TWO PARK CARETAKER II POSITIONS IN THE MAUI PARKS SECTION, POSITION NO. 19162, ASSIGNED TO IAO VALLEY STATE MONUMENT, AND POSITION NO. 35792, ASSIGNED TO MAKENA STATE PARK.

ITEM E-2 FILLING OF TWO PARK CARETAKER II POSITIONS FOR THE HAWAII PARKS SECTION.

ITEM E-3 FILLING OF POSITION NO. 22337, PARK CARETAKER II, WEST KAUAI UNIT, KAUAI PARKS SECTION.

ACTION Mr. Higashi moved for approval of Items E-1, 2 and 3 as submitted. Mr. Kealoha seconded, motion carried unanimously.

ITEM E-4 REQUEST TO USE OLD KONA AIRPORT STATE PARK IN KAILUA-KONA, HAWAII FOR A FUND RAISING CARNIVAL.

(See Page 14 for Action.)

ITEM E-5 RESUBMITTAL - REQUEST FOR A PERMIT TO USE TWO STATE PARKS ON OAHU BY THE HAWAII BICYCLING LEAGUE.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

Mr. Ono said that if this type of activity is intensified, that it be again reviewed by the board.

ITEM E-6 REQUEST TO USE A PORTION OF THE KALAPANA STATE WAYSIDE PARK ON HAWAII FOR FUND RAISING EVENT.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM E-7 ALLOCATION OF HISTORIC PRESERVATION GRANTS-IN-AID.

Mr. Higashi asked, "who is the Social Science Research Institute?"

Mr. Nagata said that it is a private entity run by University graduate students in anthropology. It is not a University of Hawaii project.

In answer to Mr. Higashi's question, Mr. Nagata said that they are a non-profit group and they do qualify for aid.

Mr. Higashi asked why we were hiring a private organization.

Mr. Nagata said that this group might be affiliated with the University but this is an area of interest to the researcher.

Mr. Higashi said that he would like to look at the Social Science's report when it is completed.

ACTION Mr. Higashi moved to authorize the Chairperson and another member of the Board to negotiate and execute contract agreements with the two proposed subgrantees, subject to the Attorney General's approval as to form.

ITEM E-8 REQUEST TO ALLOW FILMING ON GROUNDS OF IOLANI PALACE.

ACTION Mr. Kealoha moved to deny staff's recommendation to allow filming on the Iolani Palace grounds. Mr. Zalopany seconded, motion carried unanimously.

ITEM E-9 REQUEST TO USE KEAIIWA HEIAU STATE RECREATION AREA, OAHU, FOR A SUMMER EDUCATIONAL PROGRAM.

Mr. Nagata said that Kamehameha Schools is requesting a permit to use a portion of Keaiwa Heiau State Recreational Area for a summer exploration program.

Mr. Nagata said that his submittal says that they would like to use the lower end of the park near the heiau. However, this is an error. They would like to go into the loop-trail area.

ACTION Unanimously approved as amended. (Zalopany/Kealoha)

ITEM E-10 AWARD OF CONSTRUCTION CONTRACT, JOB NO. 36-MP-27, WAIANAPANAPA STATE PARK, MAUI.

ACTION Mr. Kealoha moved to award a construction contract to the low bidder Arisumi Brothers, Inc. to undertake the Basic work, Additive Alternate 1, and Additive Alternate 3 for a total bid sum of \$69,783 and also authorize portions of Additive Alternate 2 within available funds. Mr. Zalopany seconded, motion carried unanimously.

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-a (See Page 5 for Action.)

Item F-1-b RICHARD KAUI APPLICATION FOR REVOCABLE PERMIT, KAPAA HOMESTEADS, KAPAA, KAUAI, CONTAINING 2.45± ACRES FOR PASTURE PURPOSES. RENTAL: \$11.00 PER MO.

Item F-1-c BETTY M. CHING REQUEST FOR CONSENT TO ASSIGNMENT OF G. L. NO. S-3649 AND ASSUMPTION OF MORTGAGE TO MICHAEL M. AKI, LOT 28, LAWAI HOMESTEADS, LAWAI, KOLOA, KAUAI.

Item F-1-d KUALOA RANCH, INC. REQUEST FOR ISSUANCE OF PATENT IN CONFIRMATION OF LCA NO. 10361, APANA 5, KAAAWA, OAHU.

Item F-1-e TOM H. GENTRY APPLICATION FOR REVOCABLE PERMIT COVERING SUBMERGED LAND IN KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU FOR DREDGING AND CONSTRUCTION OF A BOAT DOCK AND RAMP COMMENCING JULY 1, 1985. RENTAL: \$11.00 PER MO.

Item F-1-f CORMAX CORP. REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (10/26/84, AGENDA ITEM F-3) CONSENT TO SUBLEASE OF A PORTION OF G. L. NO. S-4644, KALAWAO, EWA, OAHU TO VIDEO DISCOVERY, INC..

Item F-1-g ELIZABETH MARKS APPLICATION FOR REVOCABLE PERMIT COVERING SUBMERGED LAND AT WAIKANE, KANEOHE, OAHU TO CONSTRUCT EXISTING PIER AND CONSTRUCT FLOATING DOCKS FOR RECREATIONAL PURPOSES COMMENCING JULY 1, 1985. RENTAL: \$11.00 PER MO.

Item F-1-h THOMAS L. SMITH APPLICATION FOR REVOCABLE PERMIT, GOVERNMENT ROAD RESERVE AT WAIHOHULI-KEOKEA HOMESTEADS, KULA, MAKAWAO, MAUI FOR INSTALLATION AND MAINTENANCE OF WATERLINE. RENTAL: \$11.00 PER MO.

Item F-1-i INTERISLAND RESORTS AND FINANCE INVESTMENT CO., LTD. REQUEST FOR CONSENT TO MORTGAGE G. L. NOS. S-2480, S-2610, S-2481, S-3268, AND S-4253, WAIAKEA, SO. HILO, HAWAII.

Item F-1-j ROBERTS HAWAII APPLICATION FOR REVOCABLE PERMIT, KAAKAUKUKUI, HONOLULU, OAHU, FOR PARKING OF SCHOOL MINIBUSES COMMENCING JUNE 15, 1985. RENTAL: \$1,350.00 PER MO.

Mr. Ono asked Mr. Detor to remind Roberts Tours that this a permit so improvements are not allowed.

ACTION Mr. Kealoha moved for approval of Items F-1-b through F-1-j as submitted. Mr. Higashi seconded, motion carried unanimously.

Item F-1-k GENERAL PARTNERS OF OUTRIGGER MAUI HUI REQUEST FOR CONSENT TO ASSIGNMENT OF G. L. NO. S-4212 BY WAY OF AN AGREEMENT OF SALE, KAMAOLE, WAILUKU, MAUI.

ACTION Mr. Higashi moved for approval of Item F-1-k as submitted and that this item be placed before action taken on Items F-1-l, m, n, and o. Mr. Zalopany seconded, motion carried unanimously. (See Pages 6, 7 and 8.)

(See Pages 7 and 8 for Action on Items F-1-l through F-1-o.)

ITEM F-2 HAMAKUA SUGAR CO., INC. REQUEST FOR ACCEPTANCE OF SURETY BOND AND RELEASE OF DEEDS OF TRUST, HAMAKUA, HAWAII.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM F-3 DEPARTMENT OF TRANSPORTATION REQUEST FOR AUTHORIZATION TO DISPOSE OF SURPLUS HIGHWAY PARCELS AT HALAWA, OAHU AND NO. KONA, HAWAII.

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

ITEM F-4 DEPARTMENT OF EDUCATION REQUEST FOR APPROVAL OF EXTENSION OF LEASE FROM THE U. S. AIR FORCE COVERING MOKULELE ELEMENTARY SCHOOL, HICKAM AFB., OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM F-5 MAKANI KAI MARINE ASSOCIATION OF APARTMENT OWNERS APPLICATION FOR BREAKWATER EASEMENT, KANEOHE BAY, KANEOHE, OAHU.

Mr. Kealoha said that there is no condition stating that they are to maintain the wall.

Mr. Detor said that he would include this.

ACTION Mr. Kealoha moved for approval subject to the conditions listed in the submittal and also with the above amendment. Mr. Higashi seconded, motion carried unanimously.

ITEM F-6 STADIUM BOWL-O-DROME, INC. APPLICATION FOR LEASE COVERING BUILDING AT HONOLULU STADIUM STATE PARK, HONOLULU, OAHU.

(Deferred. See Pages 13 and 14.)

<u>ITEM F-7</u>	<p>VETERANS OF FOREIGN WARS (VFW) REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (5/10/85, AGENDA ITEM F-8) AUTHORIZING DIRECT AWARD OF LEASE, WAIKIKI, HONOLULU, OAHU.</p>
	<p>(See Page 2 for Action.)</p>
<u>ITEM F-8</u>	<p>JOSEPH RYAN REQUEST FOR EXTENSION OF LEASE TERM, G. L. NO. S-4133 COVERING LOT 49, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO, OAHU.</p>
	<p>Mr. Detor said that this request is conditioned on them borrowing money in order to make improvements to the property. Included in this is that no assignment of the lease is to be permitted for a period of five years following the effective date of the mortgage.</p>
	<p>Mr. Ono asked what would happen should this be approved and the money is used for something else either than for the purposes stated.</p>
	<p>Mr. Detor said that the extension would be called off. Staff has already knocked one off. If the loan is not approved then the extension request is off. Staff would police the area and an inspection would be made before and after.</p>
	<p>Mr. Ono asked that a condition be added that if they don't comply then the board's approval will be null and void.</p>
ACTION	<p>Mr. Kealoha moved for approval subject to the conditions listed in the submittal and also with the above amendment. Mr. Zalopany seconded, motion carried unanimously.</p>
<u>ITEM F-9</u>	<p>HUI ULU MEA AI REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION AUTHORIZING ISSUANCE OF REVOCABLE PERMIT COVERING LAND AT WAIHEE, KOOLAUPOKO, OAHU.</p>
ACTION	<p>Mr. Zalopany moved to amend the board's action of April 12, 1985 by changing the name of the permittee from Hui Mea Ai to Kualoa-Heeia Ecumenical Youth (KEY) Project. Mr. Higashi seconded, motion carried unanimously.</p>
<u>ITEM F-10</u>	<p>COUNTY OF KAUAI REQUEST FOR CONVEYANCE OF PORTIONS OF NIUMALU AND WAIPA ROADS AND ADJOINING REMNANTS, NAWILIWILI, KAUAI.</p>
ACTION	<p>Unanimously approved as submitted. (Zalopany/Higashi)</p>
<u>ITEM F-11</u>	<p>MARGARET MEDEIROS, ET AL, REQUESTS FOR RIGHT OF ENTRY TO PRODUCE SALT, HANAPEPE, KAUAI.</p>
	<p>Mr. Kealoha said that as the people move from there, the board should know who went out so that the board can visualize how many openings there are. Right now there are three people coming in but the board does not know how many are left.</p>
	<p>Mr. Detor said that he would send a list of the people there to the board members.</p>
	<p>Mr. Kealoha said that staff used to do that before.</p>

ACTION	Unanimously approved subject to the conditions listed in the submittal. (Zalopany/Kealoha)
ITEM F-12	COUNTY OF KAUAI, DEPARTMENT OF WATER, REQUEST FOR WITHDRAWAL OF LAND FROM NOUNOU FOREST RESERVE AND RESET ASIDE FOR WELL SITE PURPOSES, WAILUA, KAUAI.
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
ITEM F-13	USAF REQUEST FOR CONSENT TO SUPPLEMENTAL AGREEMENT FOR USE OF PORTION OF G. L. NO. S-4259, WAIMEA, KAUAI.
ACTION	Unanimously approved subject to the conditions listed in the submittal. (Kealoha/Zalopany)
ITEM F-14	PRINCEVILLE COMMUNICATION CO. APPLICATION TO LEASE PORTION OF THE KEALIA FOREST RESERVE, KAWAIHAU, KAUAI.
	Approved. (See Pages 14 and 15.)
ITEM F-15	STAFF RECOMMENDATION FOR CANCELLATION OF G. L. NO. S-4784 COVERING LOT 87, KOKEE CAMP SITE LOTS, WAIMEA, KAUAI.
	Mr. Detor said that the lessees have paid up and asked that this item be withdrawn.
ACTION	Withdrawn.
ITEM F-16	OFFICE OF THE PUBLIC DEFENDER REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (4/12/85, AGENDA ITEM F-26) AUTHORIZING ACQUISITION OF A LEASE COVERING OFFICE SPACE IN THE CENTURY BUILDING, HILO, HAWAII.
ITEM F-17	DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING PORTION OF LOT 490, NANAWALE ESTATES SUBDIVISION, PUNA, HAWAII.
ITEM F-18	DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING ROOMS 102 THROUGH 121 and ROOMS M-123 THROUGH M-145 OF THE J. WALKER CAMERON CENTER, WAILUKU, MAUI.
ITEM F-19	DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF LEASE COVERING ROOM 401 OF THE QUEEN EMMA BUILDING, HONOLULU, OAHU.
ITEM F-20	DEPARTMENT OF TRANSPORTATION REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE IN THE ONE KAPIOLANI BUILDING, HONOLULU, OAHU.
ACTION	Mr. Higashi moved to approve Items F-16 through F-20 as submitted. Mr. Kealoha seconded, motion carried unanimously.
ITEM H-1	RESUBMITTAL - NARS COMMISSION RECOMMENDATION TO ESTABLISH THE PUUWAAWAA NATURAL AREA RESERVE, NO.
	(See Pages 12 and 13 for Action.)
ITEM H-2	AMENDMENT TO DECLARATORY RULING FOR IMPROVEMENT OF SADDLE ROAD BETWEEN 9 and 11 MILE POST, HAWAII (HAWAII COUNTY, DEPT. OF PUBLIC WORKS).
	(See Page 2 for Action.)
ITEM H-3	TEMPORARY VARIANCE FOR EXPLORATORY DRILLING USE AT WAIMEA, HAWAII (DEPT. OF LAND AND NATURAL RESOURCES, DIVISION OF WATER AND LAND DEVELOPMENT).
ACTION	Unanimously approved subject to the conditions listed in the submittal. (Higashi/Kealoha)

ITEM H-4	AMENDMENT TO CDUA FOR ANIMAL POUND, KEALAKEHE, HAWAII (WEST HAWAII HUMANE SOCIETY).
	Approved. (See Page 13.)
ITEM H-5	AMENDMENT TO CDUA FOR RADIO REPEATER STATION AT KAPOHO, HAWAII (HAWAII COUNTY FIRE DEPARTMENT).
	Approved. (See Page 13 for Action.)
ITEM H-6	CDUA FOR QUARRY EXPANSION (PHASE II) AT KAPAA VALLEY, KANEOHE, HAWAII (AMERON H C AND D).
	(See Page 4 for Action.)
ITEM H-7	CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT KOKOKAHI, OAHU (WILLIAM PEEBLES).
	Approved. (See Page 2 for Action.)
ITEM H-8	AMENDMENT TO CDUA FOR RESIDENTIAL USE AT LANIKAI, OAHU (DIETER K. STADELMANN).
ACTION	Unanimously approved subject to the conditions listed in the submittal. (Kealoha/Zalopany)
ITEM H-9	CDUA FOR A STORM DRAIN CULVERT AT NAPILI, MAUI (MAUI COUNTY, DEPARTMENT OF PUBLIC WORKS).
ACTION	Unanimously approved subject to the conditions listed in the submittal. (Higashi/Kealoha)
ITEM H-10	AFTER-THE-FACT CDUA FOR 150 CABIN SITES AT KOKEE, KAUAI (DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISIONS OF LAND MANAGEMENT AND STATE PARKS).
ACTION	Deferred to the next meeting. Mr. Zalopany was excused from acting on this item so there was no quorum to vote on this matter.
ITEM H-11	CDUA FOR EXCAVATION, USE, AND MAINTENANCE OF AQUACULTURE PONDS AT HANAIEI, KAUAI (WILLIAM MOWRY).
	(See Page 5 for Action.)
ITEM H-12	CDUA FOR PIER EXTENSION AT KAHULUI HARBOR, MAUI, TMK: 3-7-10-6, 19 and 17 (DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION).
	Mr. Soh said that when this application was first brought to the Board on May 24, 1985, staff believed that the proposed use had no direct connection to sustained use of natural resources except as a means for transporting agricultural resources and that the only resource use is the use of the ocean itself ... for transport purposes. Staff has since learned from a meeting on May 28, 1985 with the Harbors Division and American Hawaii Cruises and from discussion with personnel of the Department of Health of the extent and continuation of pollution in Kahului Harbor. Inasmuch as the harbor is also used as a fisheries management area and for regattas, the pollution caused by ships calling at Pier 1 affects recreational uses of the marine resources. At the present time, the pollution problem is being monitored by the Department of Health for the Department of Transportation. Apart from a notice of violation, additional enforcement action does not appear to have progressed.

At the May 28, 1985 meeting, a representative of American Hawaii Cruises said that Royal Viking Lines was polluting Honolulu Harbor and did not feel American Hawaii Cruises should be singled out. It was also brought out that American Hawaii Cruises was polluting Nawiliwili Harbor.

Mr. Soh said that their Condition No. 5 asked that the harbor be closed to all fishing and to boat racing each time ships of American Hawaii Cruises are in port.

Mr. Soh said that the Maui Sanitarium called and suggested that the Pier 1 area be closed to fishing and boat racing and not the whole harbor. The Division of Aquatic Resources went along with that.

One of staff's recommendation was that DOCARE be directed to investigate American Hawaii Cruises and Royal Viking Lines for allegedly polluting harbor waters of the Conservation District.

Mr. Kealoha asked what would happen if they are found in violation.

Mr. Soh then it would have to be brought back to the board for action.

Mr. Kealoha said that if they find a violation, can they hold the ship in place or do we fine the DOT for issuing that permit, etc.? He felt that the ships were getting away with murder because they are not polluting only the island of Maui, but also Honolulu Piers 9 and 10 and outside of the old Kona Inn. It's just that they got caught on the island of Maui. He did not feel that DOCARE would be able to continuously monitor this. Either DOT or DLNR would have to come up with some other conditions.

Mr. Ono said that this CDUA was broadened to include the water pollution and couldn't understand why staff was using this vehicle to get into an area which goes beyond the CDUA. He also didn't feel that DOCARE should get involved with investigating pollution problems.

Mr. Soh said that up to about a month ago staff was not looking at the water column -- only what was going on at the bottom of the submerged lands.

Mr. Ono asked whether DOCARE would be expected from now on to investigate pollution.

Mr. Soh said that staff was not held responsible for what was in the water column before. That part they did not consider to be within the conservation district jurisdiction -- only what was on the bottom of the ocean. Apparently, we are responsible since the waters are part of the conservation district.

Mr. Kealoha felt that that question should be addressed to DOT.

Regarding Condition No. 5, Mr. Ono asked asked if the recommendation was to be effective only during the construction period or forever.

Mr. Soh said that there will be a need to close that area off for as long as the problem exists.

Again, Mr. Ono asked why we were using the CDUA for a construction project to close a portion of the harbor. He felt that we were deviating from the primary purpose of this particular application. He could see closing the harbor during the construction period but not forever.

Mr. Soh asked if it was the board's wish to delete Condition No. 5.

Mr. Ono felt that it should never have been included in the first place. The real problem needs to be addressed through some other means.

ACTION Mr. Higashi moved for approval with the following amendments:

1. Delete Condition No. 5. and Condition No. 6 then to become No. 5.
2. Delete Condition No. 1 shown under "Staff further recommends that:"

Mr. Kealoha seconded, motion carried unanimously.

ITEM F-13 REQUEST FOR APPROVAL TO ENTER INTO FOUR CONTRACTS DURING FISCAL 1985-86: THREE NEW CONTRACTS WITH UNIVERSITY OF HAWAII (UH); AND ONE NEW CONTRACT WITH RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) FOR CONTINUING THE HAWAIIAN BACKYARD AQUACULTURE PROGRAM.

ACTION The board voted unanimously to authorize the Chairperson to negotiate and subject to the Governor's approval, enter into the contracts listed in the submittal. (Higashi/Zalopany)

ADDED ITEM H-14 JERRY WEINTRAUB PRODUCTIONS AND COLUMBIA PICTURES OF BURBANK CALIFORNIA REQUEST OF TEMPORARY VARIANCE, MOVIE FILMING AT KAHALUU FISHPOND, OAHU.

Mr. Soh said that the fast land around the fishpond is all in the urban district. The fishpond itself and the wall is in the resource subzone of the conservation district.

Mr. Kealoha asked why the owner of the fishpond was not applying for a permit.

Mr. Soh said that the applicants have been in touch with the daughter of the landowner, who is Linda Wong.

Mr. Ono remarked also that Ms. Wong did discuss this with Mr. Hamasu.

Mr. Kealoha's concern was that the owner had not applied and sometimes they may just bypass the owner.

Mr. Soh assured Mr. Kealoha that the owner is very much involved.

ACTION Mr. Kealoha moved for approval subject to the conditions listed in the submittal. Mr. Higashi seconded, motion carried unanimously.

Mr. Ono told Mr. Soh to be sure to monitor this activity so that they don't deviate from the variance.

ITEM I-1 APPOINTMENT OF LICENSE AGENT - BUCK'S FIREARMS, ISLAND OF HAWAII.

ACTION Unanimously approved as submitted. (Higashi/Kealoha)

ITEM J-1 LEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (U. S. DRUG ENFORCEMENT ADMINISTRATION).

ACTION Unanimously approved as submitted. (Higashi/Zalopany)

ITEM J-2 AMENDMENT NO. 1 TO LEASE NO. DOT-A-81-29, KAHULUI AIRPORT, MAUI (GREETERS HAWAII, LTD.).

ACTION Unanimously approved as submitted. (Higashi/Zalopany)

ITEM J-3 AMENDMENT NO. 1 TO LEASE NO. DOT-A-81-21, KAHULUI AIRPORT, MAUI (MARRIOTT HOTEL).

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

- ITEM J-4 MODIFICATION NO. 2 TO LEASE NO. DOT-A-80-15, HONOLULU INTERNATIONAL AIRPORT, OAHU (WARDAIR CANADA, INC. (FORMERLY WARDAIR CANADA (1975), LTD.)).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-5 ADDENDUM NO. 1 TO LEASE NO. DOT-A-80-15, KEAHOLE AIRPORT, HAWAII (BUGET RENT A CAR SYSTEMS, INC.).
- ACTION Unanimously approved as submitted. (Higashi/Kealoha)
- ITEM J-6 APPROVAL OF CONSENT TO SUBLEASE, HONOKOHAU BOAT HARBOR, HAWAII (GENTRY PACIFIC, LTD.).
- ACTION Unanimously approved as submitted. (Higashi/Zalopany)
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 39 AND 40, HONOLULU HARBOR, OAHU (W&J, INC., DBA POLYGLYCOAT RUSTPROOFING.).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-8 USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINAL, OAHU (NSA - NICHIREN SHOSHU SOKA GAKKAI OF AMERICA).
- ACTION Mr. Garcia asked that the date shown in the submittal be changed from July 3, 1985 to July 5, 1985.
Unanimously approved as amended. (Kealoha/Higashi)
- ITEM J-9 USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, OAHU (NSA - NICHIREN SHOSHU SOKA GAKKAI OF AMERICA).
- ACTION Withdrawn.
Mr. Garcia said that the NSA will not be using Pier 9.
- ITEM J-10 REQUEST FOR APPROVAL OF NEW AIRSPACE PERMITS, HIGHWAYS DIVISION.
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ADJOURNMENT: The meeting was adjourned at 11:45 A.M.

Respectfully submitted,

LaVerne Tirrell
Mrs. LaVerne Tirrell
Secretary

APPROVED:

Susumu Ono
SUSUMU ONO
Chairperson

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