

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

DATE: July 11, 1985
TIME: 9:00 a.m.
PLACE: Kalanimoku Building
Rm. 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL CALL

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:05 a.m. The following were in attendance:

MEMBERS

Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Roland H. Higashi
Mr. Leonard H. Zalopany
Mr. John Y. Arisumi
Mr. Susumu Ono

STAFF

Mr. James Detor
Mr. Manabu Tagomori
Mr. Ralston Nagata
Mr. Gordon Soh
Mr. Henry Sakuda
Mr. Charles Neumann
Mr. John Corbin
Mrs. Anne Furuuchi
Mr. Edgar Hamasu
Mr. Mason Young
Mr. Maurice Matsuzaki
Mrs. Anne Lo-Shimazu
Ms. Dorothy Chun

OTHERS

Deputy Atty Gen. Dona Hanaïke
Mr. Kazu Hayashida, BWS
Mr. Adam Vincent, DOT
Mr. Elliot Chamizo, (Item E-4)
Mr. David Bettencourt, (Item F-11-15)
Mr. Clyde Aikau, (Item F-11-15)
Mrs. Jean Tybeuc, (Item F-16)
Mr. Hamilton Iida, (Item H-2)
Mr. Raymond Muskuez, (Item E-2)
Mr. David George (Item H-3)

MINUTES

The minutes of April 26, 1985, May 10, 1985 and May 24, 1985 were unanimously approved as circulated. (Kealoha/Higashi)

ADDED ITEMS

Motion was made by Mr. Higashi to add the following items to the agenda:

Election a of Vice Chairman, Board of Land and Natural Resources.

H-4 Filling of Position No. 9912, Accountant Clerk III, Administrative Services Office, Oahu.

H-5 Permission to Contract with the University of Hawaii to Develop a Marine Shrimp Aquaculture Research Program.

F-1e Roy K. MacMillan Request for Consent to Collateral Agreement, Lot 8, Waimea Heights Residential Subdivision, 1st Increment, Waimea, Kauai.

Motion was seconded by Mr. Kealoha and carried unanimously.

Chairperson Ono introduced and welcomed Mr. John Arisumi, newest Board Member representing the County of Maui to his first board meeting.

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

ITEM D-2

APPLICATIONS FOR PERMITS TO USE WATER IN THE PEARL HARBOR GROUND WATER CONTROL AREA, OAHU

Mr. Ono introduced Mr. Kazu Hayashida, Manager, Chief Engineer of the Board Water Supply, City and County of Honolulu who was invited to sit as a member of the Board on this particular item to participate in the discussion and deliberation.

Mr. Tagomori explained to the Board that this is an application for permits to withdraw water from the Pearl Harbor ground water control area. The applications received were from the Oahu Sugar Company, the Honolulu Board of Water Supply and the Church of the Nazarene, Hawaii Pacific District. They have been consolidated into one submittal for the ease and to show that the ground water management program based upon the sustainable yield of 225 mgd. He then gave a brief summarization of the submittal.

Mr. Zalopany asked if there is an anticipation of any water shortage this summer.

Mr. Tagomori said no, there is a balance available in the respective aquifers. In terms of domestic water shortage, the Honolulu Board of Water Supply has had some problems of water levels in their respective wells, but they do have management procedures where they ask for voluntary restrictions and mandatory restrictions.

Regarding the Oahu Sugar/Campbell Estate Study, Mr. Ono asked how long is it going to take? Mr. Tagomori said that they anticipate three months to complete, starting almost immediately. Mr. Tagomori also mentioned that the Honolulu Board of Water Supply has been participating in that study.

Mr. Kealoha asked when is the starting date for the 20 year period? Mr. Tagomori said when they issue the permit, within a week or so.

Mr. Ono asked if the applicants had a chance to look at the details of the submittal. Mr. Tagomori said yes, the applications were all hand carried to each.

Mr. Ono asked the representatives of Oahu Sugar, Campbell Estate and the Board of Water Supply who were present if they had a chance to look over the details and recommendations and if it were a workable approach.

There were no objections from the representatives of the three companies.

By his request, Mr. Ing was excused from participating on this matter.

ACTION

Mr. Kealoha moved for approval. Seconded by Mr. Higashi the motion carried unanimously.

ELECTION OF VICE CHAIRMAN FOR THE BOARD OF LAND AND NATURAL RESOURCES

ACTION

Mr. Zalopany moved to nominate Mr. Ing. Seconded by Mr. Higashi. Mr. Kealoha moved that the nominations be closed, seconded by Mr. Higashi. There being no other nominees, Mr. Ing was elected outright.

REQUEST TO USE THE STEPS AT IOLANI PALACE FOR A HIGH SCHOOL SENIOR CLASS PHOTO

Mr. Nagata presented the request of Maryknoll High School to photograph their senior class on the steps of Iolani Palace. Staff recommended that the request be denied.

Mr. Zalopany said he saw no problem of allowing the students to be photographed on the steps of the palace.

Mr. Ono explained that part of staff's direction came from the Board. The Board in the past have asked that past practice be reviewed and there may be a possibility of going to public hearing to let people have a say as to what kind of use the palace and palace grounds should be put to. The Board has been quite sensitive about use of the palace itself.

Mr. Higashi said that maybe consideration could be made for educational groups and not religious, educational groups not using a commercial photographer, not for sale on commercial basis.

Mr. Kealoha explained that the Board in the past has looked upon this type of use as a commercial use. They have discouraged previous requests by Magnum, Hawaii 5-0 and others for use on the steps, around the steps, in front of the steps and on the grounds for commercial purposes. The sensitivity of the building by itself is very fragile and when you have a group of 150 to 200 to 500 people on the steps at one given time, you create a problem as you're taking away the intent of the preservation of the palace. That is a very sensitive issue. He felt that this is a good recommendation until such time in the future, possibly by way of a public hearing where new sets of guidelines for the State Parks Division could be made.

Mr. Ing asked what has been the position of the Friends of the Palace.

Mr. Nagata said that he had not queried them about this request. In the past they were basically against this type of activity utilizing the steps for photographing purposes.

Mr. Ing asked if the recommendation would be the same if the school would erect staging on the paved portion in front of the steps so that they would have elevated sections to take the photo.

Mr. Nagata said that erecting a stage in front of the steps would probably not be good as this is where all the traffic is going through.

Mr. Zalopany asked if this request was made by the school or the photographer. He also mentioned that there's tourists taking pictures everyday on the grounds and felt that the kids (local students) would cherish a picture taken on the steps of Iolani Palace years later.

Mr. Nagata said this request was made by the school.

Mr. Ono said that at the previous board meeting there were two Board actions. At least one of them was to photograph the interior of the palace which the Board approved. There was some discussion as to whether that was commercial as the video tapes were going to be sold.

Mr. Nagata said that he couldn't recall for sure who the photographer was in this case but he believed that he had recommended to the Board that the request be denied. That particular kind of sales of items may have some mitigating circumstances by the fact that the quilt-making organization is a non-profit organization.

Mr. Arisumi asked if there would be a problem if an ordinary person took the picture.

Mr. Nagata said that two years ago, they had suggested that they could probably allow something like that, but he believed after some discussion with the board he was also led to believe that there was some serious concern about encouraging, whether it was commercial or non-commercial, large groups as Mr. Kealoha indicated, onto the palace steps itself. In regards to tourists taking pictures, the department has not particularly frowned against individuals taking pictures.

Mr. Elliot Chamizo, yearbook advisor, presented a copy of a yearbook to show the Board members so they could see what the photograph looked like. He said that this is all they asked, is a photo of 125 seniors on the steps of Iolani Palace. He said the students look forward to having their senior photo taken on the steps of Iolani Palace because it is part of Hawaiiana. The students take a vote every year and every year they pick the steps of the palace. This has been going on for about 8 years.

Mr. Higashi asked if the permit was issued two years ago or last year.

Mr. Nagata said for the last two years.

Mr. Ono asked Mr. Chamizo if there would be any problem if the Board imposed a condition that the photographer not use the negative for any other purpose except for the student yearbook and only for the students.

Mr. Chamizo said there would be no problem, they could add a clause on the contract.

ACTION

Mr. Ing moved to approve the request of Maryknoll High School to have their senior class photographed on the steps of Iolani Palace on the condition that no other use be made of the photograph or the negative other than to service Maryknoll School and its graduates. Seconded by Mr. Zalopany, the motion carried by a vote of 4 to 2.

ITEM F-16

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

Mr. Detor said this is an item that was deferred at a previous meeting so that staff could investigate the possibility of putting it out as a concession rather than a lease at public auction and concern insofar as the parking situation there is involved.

Mr. Detor said staff still would like to go with the public auction sale rather than concession. In view of the interest there is, staff feels this is the way to go.

Mr. Detor then went over the parking area with a map showing the number of spaces which are covered on a permit basis. Some of the additional space is part of the park itself.

Mr. Ono asked if the parking area for the park was adequate.

Mr. Nagata said that the parking lot is adequate.

Mr. Ing asked how many stalls were in the R.P. area. Mr. Detor said about 30.

Mr. Ing said that leaving the stall under the R.P. gives more flexibility to expand it to the park area in the future.

Mr. Detor explained if you go on the present configuration, you have the leeway of making the additional parking available on a permit basis if you need it for the park you can readily get it back. If it were included with the lease you could still withdraw it, but it would take longer and more cumbersome.

Mr. Detor said as the submittal is written now it confines the lease to the present lease area.

ACTION

Mr. Ing moved for approval as submitted. Seconded by Mr. Kealoha the motion carried unanimously.

ITEM H-2

ILLEGAL SEAWALL CONSTRUCTED AT 46-181 NAHIKU STREET, KANEOHE, HAWAII
TAX MAP KEY: 4-6-22:30

Mr. Soh presented to the Board the background, findings of staff and staff recommendations for the illegal seawall constructed by Mr. Hamilton Iida at 46-181 Nahiku Street, Kaneohe, Hawaii.

Mr. Kealoha asked, "You are recommending \$1500 in fines?"

Mr. Soh said yes.

Mr. Kealoha said in confirmation, the first fine is for the construction of the seawall; the second fine is for encroachment.

Mr. Soh replied yes.

Mr. Kealoha asked if the fine for encroachment was for a separate fine under the land use law or conservation law.

Mr. Soh said for State land law.

Mr. Kealoha questioned whether he could jump from one fine to the next fine, from one set of conservation fines to the land use law. He said the Board would not know whether this is a land use fine or how the second fine was derived for encroachment.

Mr. Soh said it was derived from Chapter 171 out of the State land chapter.

Mr. Kealoha questioned Recommendation No. 4, a fine of \$500 for non-payment, he asked if this was a form of interest, because he didn't pay the fine in July 1979, are you assessing him \$500 for not paying?

Mr. Soh said yes.

Mr. Kealoha asked if this were legal and how he based it on \$500.

Mr. Soh said he would prefer to defer this to the legal on that question.

Mr. Kealoha asked if the back rent was established yet.

Mr. Soh said no.

Mr. Kealoha asked then how does the applicant know what is a fair and reasonable back rent.

Mr. Kealoha asked if the applicant had ever expressed an oversight that he didn't pay the original fine established in 1979 or did he assume that the \$50 for application was a fine.

Mr. Soh said that the applicant, after receiving the notice, did ask for reconsideration of a fine and the order.

Mr. Kealoha asked if the applicant had ever received the Corps of Engineers permit.

Mr. Soh said yes he did.

Mr. Ing asked if the Department ever replied to the letter received from the applicant on August 21, 1979 requesting reconsideration of the order and reduction of fine.

Mr. Soh answered, no sir.

Mr. Ing asked why not.

Mr. Soh said as far as he could figure, we slipped up.

Mr. Ing said then that the applicant has an outstanding request for reconsideration of the reduction of the fine to which we have not replied.

Mr. Soh said yes, except with this action.

Mr. Ing said that with this action as he understands, it reimposes the fine, there's another fine for encroachment, and it says nothing about the wall, whether it should be authorized, unauthorized; whether it should be removed or not removed.

Mr. Ing then recalled a recent Board action handling a similar problem in Pupukea under a Land Management item. There was a dual problem of encroachment and violation of conservation violation, except in this case the person actually built the wall.

ACTION

Mr. Ing asked that this matter be deferred and reassessed in light of the way the encroachment and seawall problem on the Northshore was handled by the Board.

There being no objections by the Board this item was deferred so that the Planning Office could confer with Land Management to see if consolidated they could come back to the Board with a recommendation.

Mr. Ono asked Mr. Soh to clarify items No. 4 and 5 on the first page of the submittal when he returns to the Board. Also the specific response to item No. 4 under Recommendations the basis used to issued the fine.

Mr. Iida was asked to work with the staff with whatever information he may have to offer or questions he may have.

ITEMS F-11
TO F-15

STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE/S/ COVERING
BEACH SERVICES ON VARIOUS BEACHES IN WAIKIKI, HONOLULU, OAHU

Next on the agenda to be taken up as a group were items F-11 to F-15.

Mr. Detor reminded the Board that at a previous Land Board meeting a couple of months ago, a submittal was presented proposing two leases at public auction covering part of the beach in front of the Hawaiian Village Hotel, approximately in the same location that the present

permits are operating from. The Board deferred action on that proposal and gave instructions to staff to inspect all of Waikiki Beach and to report back with a proposal for several concession spots along the entire breadth of the beach running down to Kuhio Beach. Staff is now proposing in these five submittals covering six spots, the last covers two leases, to be offered at public auction under the terms and conditions that are listed in the various submittals.

Mr. Detor then called upon Mr. Mason Young to come up and point out the six locations on the maps that were posted.

Mr. Ing asked what were the differences in the types of aquatic activities that were being allowed and whether they were all the same.

Mr. Young said that they were not all the same. Those fronting Fort DeRussy and the Hilton Hawaiian Village are all similar in that they provide aqua bikes, outriggers, catamarans, surf boards and boogie boards, whereas the site by the Moana as well as Paoakalani they do not permit catamarans, aqua bikes, it's only for surf boards, boogie boards and back rests. The reason is the expanse of the beach, no jet skis or motorized vehicles of any sort are allowed.

Mr. Detor added that these are proposed for ten year leases with a reopening at the end of 5 years.

Motion was made by Mr. Arisumi to accept staff's recommendation on items F-11 to F-15. Motion was seconded by Mr. Zalopany.

Mr. Ono called for short comments from the audience who had direct interest on the matter before the vote is taken.

Mr. David Bettencourt, Attorney for C & K Beach Services and Fort DeRussy Beach Services said C & K is presently a permittee with the State of Hawaii. First of all they believed that the issue was improperly presented to the Board today as it involves contested case considerations and rule making considerations.

Mr. Bettencourt said the problems and performance of each concession in Waikiki Beach and other beaches in the area and soon in the other beaches in the remainder of the State is something that they feel that the Land Board has failed to do intensive planning or analysis of prior to this recommendation. C & K has been a permittee since 1977. There were other permittees at the time that failed to comply with the law and now have been evicted by the State. However, wildcatter beach operations have substantially reduced the income to lawful operations on Duke Kahanamoku Beach due to the inability of the lawful concessions or permittees and the enforcement staff, lack of funding for adequate funding staff to enforce these restrictions.

He continued that going through the proposal which has been made, they believe it constitutes rule-making in several areas and therefore is inappropriate to be handled by the Board without public hearings. He said it restricts the use of State lands in manners in which all of the hotel based beach concessions are not restricted as to the type of equipment and as to the use of that equipment. He claimed that all major hotels along the stretch of beach operates without a Conservation District Use Application (CDUA) and yet they all engage in identical operations including catamaran operations from sections of the beach in question.

Mr. Bettencourt said that the public auction is a highly inappropriate form for letting the beach concessions where there is a restricted amount of concessionaires or permittees, or in this case lessees, who

would be allowed. He said the effective rental as set by the proposal constitutes rule-making. He said that it is incomprehensible how the rent is going to be determined. He asked how does someone bid a percentage of the gross, not knowing what that gross is going to be. He claims the proposal is vague to be incapable of supporting the auction. He claimed there are no qualifications contained in the bid proposals.

Mr. Higashi asked Mr. Bettencourt, in regards to a fixed rate bid plus a percentage, is your client willing to show his books so that we can have some grasp at what people are grossing in certain areas.

Mr. Bettencourt said that they had no problem with that as long as all other hotels and beach concessionaires in the same area open up their books to public inspection.

Mr. Higashi said he was asking about his client since he was making this suggestion.

Mr. Bettencourt said they would offer them as long as everybody else is treated equally. They feel that the hotels, in particular, the Hilton which has demonstrated the highly critical view of any use of the beach other than by their own concession, has been attempting to modify these permits or have them leased out so that eventually they can be controlled by the hotels or eliminated entirely and it would not cost the hotel a substantial amount of money to bid by fixed rental to the State of Hawaii, pay that rental and yet never operate the concession. He said the Hilton Hawaiian Village has been particularly adept in developing complaints against the existing beach concessions and channelling them to the Department of Land and Natural Resources to the extent that they place a letter in their rooms telling people how to complain about the public beach concessions.

Mr. Bettencourt wanted to make one point, he said the great majority of people that are using these beaches are tourists and the great amount of tourist dollars goes back into the hotel concessions and his question, "Is the Board going to offer in a fair and reasonable manner local beach boys the opportunity to compete against the hotels to eliminate this monopoly?"

Mr. Bettencourt referred to page 5 of the proposal in which he felt contains the most serious problem he sees in this auction. The requirement which he says he does not find in any constitution, State rule or regulation of the Board for \$1,000,000.00 of insurance coverage per person, \$3,000,000.00 per incident and \$250,000.00 property damage. He felt only the major hotels with their blanket policy would satisfy this proposal. He also felt that the local beach boy, no matter how good his credit record, would not be able to obtain a million dollars per person coverage and if it is available it would not be available at any reasonable rates.

Mr. Bettencourt said their proposal is that the Board should seriously determine and develop a program to encourage individuals who have only the normal means of somebody growing up in the State of Hawaii as opposed to a multi-national corporation to set up their own operations and run their own operations. There's no restrictions on what a person needs in this lease proposal. He made the statement that someone can spin together a thousand dollar corporation two days before the auction, who may have had other corporations over the past years who owe the State tens of thousands of dollars in lease rent or taxes or penalties, and yet they will be perfectly allowed to bid.

Mr. Ono asked Mr. Bettencourt if he knew that for a fact and instructed him that he should not make such statements unless he knew they were correct.

Mr. Bettencourt continued regarding litigations citing different cases involving different beach concessions since 1972. He also mentioned cases where people conducted illegal beach concessions without a permit, making large sums of money during a busy weekend and getting their equipment out of there before the State could seize it.

He suggested that the Board send this back to engage in a comprehensive study, not just for Waikiki but for all areas in the State where beach concessions may be allowed or encouraged.

Mr. Detor wanted to clear one point about the rental that Mr. Bettencourt brought up. The intention is not to bid on the percentage. This would be like other leases that have percentage clauses. The bidding would be on the minimum, which is a flat rental, then there would be set percentage which is set by appraisal that will govern, should it exceed the bid minimum.

Mr. Ono asked Mr. Bettencourt since he suggested a comprehensive study be made, in the interim, does he suggest the State issue permits to anyone.

Mr. Bettencourt said he does not suggest revoking permits that exist in the meantime.

Mr. Ono asked if were suggesting that we limit the number of qualified people to get on the beach, be confined to residents.

Mr. Bettencourt said he didn't know if we could limit it to residents but to owner operators as opposed to major operations that would man or contract out with whom the State would have no control.

Mr. Bettencourt again mentioned to make sure that not anyone get special preference but that the small local beach boy or small operation can compete in a very hard economic condition.

Mr. Ono asked him for suggestions on how this could be done legally.

Mr. Bettencourt felt that there should be public hearings on the matter. Again he mentioned the massive insurance requirement, he felt was unreasonable and would totally eliminate any small businesses from competing for these leases.

Mr. Ono asked Mr. Aikau what was the premium for their insurance coverage.

Mr. Aikau said about \$9,000-\$10,000 a year or maybe even \$12,000.

Mr. Ing asked Mr. Detor if it were possible for someone to come in and bid all six leases, is there any limitation.

Mr. Detor said they had not included a limitation in that respect. So conceivably a person could do that unless the Board decides to limit one per person.

Mr. Higashi asked Mr. Detor if it were possible to make it a condition that each successful bidder will be part of an umbrella coverage for \$2 million dollars to cover any mishap, like major incidence. Then they can have their own liability insurance on a lower amount.

Mr. Deter said that they would have to check that out. There is a condition in the submittal that says the lessee or instructor shall be licensed or certified by the Department of Transportation.

Mr. Ono reminded the Board that there was a motion on the floor and a second.

Mr. Kealoha said there were some interesting points that were discussed earlier, one as to the method of acceptance of bids which was enunciated by Mr. Bettencourt. Aside from the section with respect addressing the liability insurance, the question he has is whether or not there would be a pre-qualification with respect to the bids on every concession. He said he assumed that there would be some method of pre-qualifying on any and all applicants.

Mr. Deter said that it is not part of the submittal, but in the past they have set up pre-qualification standards, for example on sugar leases.

Mr. Ono said the pre-qualification on two standpoints, 1) is financial capability or background and 2) experiences where they can provide the kind of services they expect on the beach.

ACTION

Mr. Kealoha asked that the motion by Mr. Arisumi and seconded by Mr. Zalopany be amended to accept the recommendation of going out to public auction on the six proposed beach service leases subject to the terms and conditions for the same being resubmitted back to the Board for its consideration after clarifying several questions with the Office of the Attorney General.

The motion as amended was put to a vote and was unanimously approved.

ITEM E-2

REQUEST TO USE SANS SOUCI STATE RECREATION AREA FOR A FUND RAISING EVENT

Mr. Nagata presented Item E-2 to the Board, a request to use Sans Souci State Recreation Area for a fund raising event. The Pacific Foundation for Cancer Research has requested permission to use the area for their fundraising event "Hawaii Marathon of Hope for Cancer Walk/Run" on Saturday, September 28, 1985 from 6:30 a.m. to 9:30 a.m.

Mr. Ing reminded Mr. Nagata that previously he has asked that conditions be included in the recommendation. If there are Standard Conditions, it should be listed as subject to Standard Conditions.

Mr. Raymond Muskuez, Race Director presented the route that the race would run. They will have security police working in key areas and will work with the police department. There is a clean-up group that will be cleaning up after the last group.

Mr. Kealoha asked whether permits have been obtained from the City, especially if they will be closing the road that goes into San Souci. The answer was in the affirmative.

ACTION

Mr. Ing moved for approval with the inclusion of the standard provisions regarding the insurance, clean-up, alcoholic beverages and hours of accurate use. Seconded by Mr. Arisumi, the motion was carried unanimously.

ITEM H-3

CDUA FOR AN AFTER-THE-FACT RECREATIONAL PIER AT KANEOHE BAY, OAHU, HAWAII ADJACENT TO TMK: 4-5-006:067

Mr. Soh informed the Board that this was a resubmittal. The reason for the resubmittal was because there was a piece of misleading information in the prior submittal which caused a great deal of confusion.

He said that Habilitat owns a piece of property on Kaneohe Bay and the person they bought the property from had built a pier there after 1967. The pier is used for recreational purposes.

After researching, staff finds that removal of the pier which was built about 20 years ago would probably cause more disturbance to the present ecological system than allowing the pier to remain.

Staff recommends that this application for an after-the-fact boat pier offshore in Kaneohe be approved subject to conditions listed.

ACTION

Mr. Ing moved for approval with the following amendment, that the fine be reduced to \$250.00. He would like to be consistent in cases where the party had built the pier himself or had purchased the property with the pier in existence where the fine was reduced. Thus he would like to amend and reduce the fine to \$250. Seconded by Mr. Arisumi.

The representative from Habilitat, Mr. David George asked why should they have to pay a fine when they did not build the pier. He was informed that if he did not want to pay the fine then he would have to tear down the pier. It was also pointed out to him that should he wish to have the pier remain he would have to work with Mr. James Detor of our Land Management Division as there may be rental charges involved.

Mr. George said they did not wish to tear down the pier.

There being no further discussion, the motion was put to a vote and motion carried unanimously.

ITEM B-1

FILLING OF A TEMPORARY FISHERY AID I POSITION NO. 32692 IN THE DIVISION OF AQUATIC RESOURCES (OAHU)

ACTION

Mr. Ing moved for the approval of the appointment of Mr. Keith Sakuma to a temporary Fishery Aid I, Position No. 32692, SR-7B. Seconded by Mr. Kealoha the motion carried unanimously.

ITEM D-1

SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION

Unanimously approved as submitted. (Ing/Higashi)

ITEM D-2

APPLICATIONS FOR PERMITS TO USE WATER IN THE PEARL HARBOR GROUND WATER CONTROL AREA, OAHU

ACTION

(See Page 2 for Action.)

ITEM E-1

REQUEST TO USE AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) AS A STARTING AREA FOR A FIRE PREVENTION WEEK PARADE (C&C FIRE DEPT)

ACTION

Mr. Ing moved for approval with the amendment that standard conditions regarding hours of operation, use of alcoholic beverages and insurance be included. Seconded by Mr. Arisumi the motion carried unanimously.

ITEM E-2

REQUEST TO USE SANS SOUCI STATE RECREATION AREA FOR A FUNDRAISING EVENT

ACTION

(See Page 10 for Action.)

ITEM E-3

REQUEST TO USE AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) FOR A SURFING MEET (HAWAII CONFERENCE OF NATIONAL SCHOLASTIC SURFING ASSN)

ACTION

Mr. Ing moved for approval with the amendment that standard conditions be regarding hours of operation, use of alcoholic beverages, insurance and clean-up be included. Seconded by Mr. Kealoha the motion carried unanimously.

ITEM E-4 REQUEST TO USE THE STEPS OF IOLANI PALACE FOR A HIGH SCHOOL CLASS PHOTO

ACTION (See Page 4 for Action.)

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

ITEM F-1a JOSEPH YOUNG APPLICATION FOR REVOCABLE PERMIT, PORTION OF GOVERNMENT LAND SITUATE AT WAILUA HOMESTEADS, KOOLAU, HANA, MAUI, HAWAII, TMK: 1-1-05:17, 25, 45 AND 54, CONTAINING 5.930 ACRES FOR INTENSIVE AGRICULTURE (TARO CULTIVATION) PURPOSES. RENTAL: \$15.00 PER. MO. COMMENCING JULY 20, 1985.

ITEM F-1b SOLOMON KAAUAMO, JR. AND HANNAH K. KAAUAMO APPLICATION FOR REVOCABLE PERMIT, PORTION OF GOVERNMENT LAND SITUATE AT WAILUA HOMESTEADS, KOOLAU, HANA, MAUI, HAWAII, TMK: 1-1-04:13 AND 30, CONTAINING 2.990 ACRES FOR INTENSIVE AGRICULTURE (TARO CULTIVATION) PURPOSES. RENTAL: \$11.00 PER MO. COMMENCING JULY 20, 1985.

ITEM F-1c DEPARTMENT OF HEALTH REQUEST CONSENT TO ISSUANCE OF REVOCABLE PERMIT TO RESEARCH CENTER OF HAWAII, R.P. NO. DOH 85-2, WAIMANO, EWA, OAHU, TMK: 9-7-25:POR. 01, CONTAINING APPROXIMATELY 4,150 SQ. FT., PURPOSE TO PROVIDE DAY ACTIVITY PROGRAM FOR THE MENTALLY RETARDED. RENTAL: \$830.00 PER MO. AND \$21.00 PER MO. FOR USE OF ELECTRICITY AND WATER COMMENCING JUNE 1, 1985.

ACTION Mr. Kealoha moved for the approval of Items F-1a, F-1b and F-1c as submitted. Seconded by Mr. Higashi, the motion carried unanimously.

ITEM F-1d KAI E HIKU CANOE CLUB APPLICATION FOR REVOCABLE PERMIT, FORMER FREIGHT TERMINAL BUILDING, OLD KONA AIRPORT STATE PARK, KAILUA-KONA, HAWAII, CONTAINING 3,200 SQ. FT. FOR STORAGE OF CANOES. RENTAL: \$11.00 PER MO.

Mr. Higashi expressed concern that the applicant should make improvements to the area according to County codes and regulations before a permit be issued. He felt that staff should survey others if they wish to use the building also and if so they should participate in the reconstruction.

ACTION Mr. Higashi moved for approval with conditions as amended.

The amendments are:

1. The construction right-of-entry be granted;
2. A revocable permit be issued after construction is certified as safe by the County.
3. Staff check with other canoe clubs if they wish to use the facility.
4. Delegate authority to the Chairperson to issue another revocable permit to another club if they want to use the facility.
5. Applicant must start work within three months.

Mr. Kealoha seconded and motion carried unanimously.

ADDED
ITEM F-1e APPLICATION BY AND BETWEEN STATE OF HAWAII, ROY KENNETH MACMILLAN, SERVO FINANCIAL CORPORATION AND BRUCE LAGARETA FOR A COLLATERAL AGREEMENT FOR SPECIAL SALE AGREEMENT NO. S-5572, LOT 8 AND IMPROVEMENTS THEREON, WAIMEA HTS RESIDENTIAL SUBDIVISION, AREA 12,136 SQ. FT. TO SECURE A LOAN TO COMPLETE BUILDING OF HOME.

ACTION Unanimously approved as submitted. (Kealoha/Higashi)

ITEM F-2	REQUEST FOR DUTY STATUS FOR JAMES J. DETOR WHILE ATTENDING WSLCA ANNUAL CONFERENCE
ACTION	Mr. Arisumi moved for approval for duty status for James J. Detor while he is attending the Western States Land Commissioners Association Conference scheduled to be held in Anchorage, Alaska during the period of August 18-23, 1985. Seconded by Mr. Kealoha, the motion carried unanimously.
ITEM F-3	CANCELLATION OF EXECUTIVE ORDER NO. 2827, HONOKAIA, HAMAKUA, HAWAII
ACTION	Motion was made by Mr. Higashi to approve and recommend to the Governor, issuance of an executive order cancelling Governor's Executive Order No. 2827, subject to Legislative disapproval pursuant to Sec. 171-11 HRS. Seconded by Mr. Kealoha, the motion carried unanimously.
ITEM F-4	REQUEST FOR WITHDRAWAL OF LAND FROM GENERAL LEASE NO. S-4673; MICROWAVE RADIO RELAY STATION SITE, HUMUULA, NORTH HILO, HAWAII
ACTION	Motion was made by Mr. Higashi to approve the withdrawal of the area (2,607 sq. ft.) from G. L. No. S-4673 and assign the withdrawn area to the Department of Land and Natural Resources, Division of Forestry and Wildlife for radio-communication-facility use. Seconded by Mr. Kealoha, the motion carried unanimously.
ITEM F-5	HAWAIIAN TELEPHONE COMPANY APPLICATION FOR DIRECT SALE OF EASEMENT AT KAHAKULOA, WAILUKU, MAUI
ACTION	Unanimously approved subject to conditions listed in the submittal. (Arisumi/Higashi)
ITEM F-6	MAUI ELECTRIC COMPANY, LTD. APPLICATION FOR DIRECT SALE OF EASEMENT AT KAHAKULOA, WAILUKU, MAUI
ACTION	Unanimously approved subject to conditions listed in the submittal. (Arisumi/Higashi)
ITEM F-7	A. D. FURTADO PROPERTIES, TRUST APPLICATION FOR DIRECT SALE EASEMENT COVERING PORTION OF THE UNDERWATER AREA, PAUNAU, LAHAINA, MAUI, HAWAII, TMK 4-6-01
ACTION	Unanimously approved subject to conditions listed in the submittal. (Arisumi/Higashi)
ITEM F-8	HAWAIIAN ELECTRIC COMPANY, INC. APPLICATION FOR UTILITY EASEMENT, KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU FOR UTILITY PURPOSES
ACTION	Unanimously approved subject to conditions listed in the submittal. (Ing/Higashi)
ITEM F-9	OAHU DEVELOPMENT CORP. REQUEST FOR WAIVER OF PERFORMANCE BOND PROVISION IN GENERAL LEASE NO. S-4125 COVERING LOT 18, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT I, MOANALUA, HONOLULU, OAHU
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM F-10	SHAFTER LAND CORP. REQUEST FOR WAIVER OF THE PERFORMANCE BOND PROVISION IN GENERAL LEASE NO. S-4117 COVERING LOT 10, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT I, MOANALUA, HONOLULU, OAHU
ACTION	Unanimously approved as submitted. (Ing/Kealoha)

<u>ITEM F-11</u>	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING BEACH SERVICES ON THE DIAMOND HEAD END OF THE BEACH FRONTING FORT DERUSSY, WAIKIKI, HONOLULU, OAHU
<u>ITEM F-12</u>	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING BEACH SERVICES ON THE EWA END OF THE BEACH FRONTING FORT DERUSSY, WAIKIKI, HONOLULU, OAHU
<u>ITEM F-13</u>	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING BEACH SERVICES ON THE BEACH FRONTING KUHIO BEACH PARK AND EWA OF KAPAHULU GROIN, WAIKIKI, HONOLULU, OAHU
<u>ITEM F-14</u>	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING BEACH SERVICES ON THE BEACH ADJOINING THE EWA END OF KUHIO BEACH PARK, WAIKIKI, HONOLULU, OAHU
<u>ITEM F-15</u>	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF TWO LEASES COVERING BEACH SERVICES ON DUKE KAHANAMOKU BEACH, WAIKIKI, HONOLULU, OAHU
ACTION	(See page 10 for action on Items F-11 to F-15.)
<u>ITEM F-16</u>	RESUBMITTAL OF STADIUM BOWL-O-DROME, INC. APPLICATION FOR LEASE COVERING BUILDING AT HONOLULU STADIUM STATE PARK, HONOLULU, OAHU
ACTION	(See Page 5 for action.)
<u>ITEM F-17</u>	REQUEST FOR LEASE OF STORAGE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AT 1812 KALANI STREET, HONOLULU, OAHU
ACTION	Unanimously approved, subject to review and approval of lease agreement by the Office of the Attorney General. (Ing/Kealoha)
<u>ITEM F-18</u>	REQUEST FOR LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF THE ATTORNEY GENERAL COVERING SUITES 902 AND 908, 1000 BISHOP ST., HONOLULU, OAHU
ACTION	Unanimously approved as submitted. (Ing/Higashi)
<u>ITEM G-1</u>	FILLING OF ABTRACTOR VI, POSITION NO. 143, HONOLULU, OAHU
ACTION	Mr. Higashi moved to approve the appointment of Ms. Yukiko Yamashiro to the position of Abtractor VI, Position No. 143 effective July 15, 1985. Seconded by Mr. Kealoha, the motion carried unanimously.
<u>ITEM H-1</u>	TEMPORARY VARIANCE FROM REGULATIONS FOR HELICOPTER TRANSPORT FROM HONOUE TO WAIMANU, HAWAII
ACTION	Mr. Higashi moved to approve a temporary variance to the Boy Scouts of America, Troop 108 from regulations for helicopter transport from Honopue Beach to Waimanu Beach. Seconded by Mr. Kealoha, the motion carried unanimously.
<u>ITEM H-2</u>	ILLEGAL SEAWALL CONSTRUCTED AT 46-181 NAHIKU STREET, KANEOHE, HAWAII TMK: 4-6-22:30 (HAMILTON IIDA)
ACTION	(See Page 6 for action.)
<u>ITEM H-3</u>	CDUA FOR AN AFTER-THE-FACT RECREATIONAL PIER AT KANEOHE BAY, OAHU, HAWAII, ADJACENT TO TMK: 4-5-006:067 (HABILITAT, INC.)
ACTION	(See Page 11 for action.)

ADDED ITEM H-4	FILLING OF POSITION NO. 9912, ACCOUNT CLERK III, ADMINISTRATIVE SERVICES OFFICE, OAHU
ACTION	Mr. Higashi moved to approve the appointment of Ms. Gaye R. Nakagawa to fill the Position No. 9912, Account Clerk III. Seconded by Mr. Kealoha, the motion carried unanimously.
ADDED ITEM H-5	PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII TO DEVELOP A MARINE SHRIMP AQUACULTURE RESEARCH PROGRAM
ACTION	Unanimously approved as submitted. (Kealoha/Ing)
ITEM J-1	CONSENTS TO MORTGAGE-LEASE NO. DOT-A-84-22, KAHULUI AIRPORT, AND LEASE NO. DOT-A-84-26, HAWAII DISTRICT (ALAMO RENT-A-CAR, INC.)
ACTION	Unanimously approved as submitted. (Higashi/Kealoha)
ITEM J-2	FLORIST CONCESSION, GENERAL LYMAN FIELD, HAWAII
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-3	ASSIGNMENT OF LEASE NO. DOT-A-79-2, HONOLULU INTERNATIONAL AIRPORT, OAHU (INTER-ISLAND RESORTS, LTD. GRAY LINE HAWAII, LTD.)
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-4	AGREEMENT-CONCESSION - HONOLULU INTERNATIONAL AIRPORT, OAHU (STEPHEN G. OTSUKI DBA SO ENTERPRISES)
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-5	RENEWAL OF REVOCABLE PERMITS 2367, ETC., CONFORMING USE, AIRPORTS DIVISION
ACTION	Unanimously approved as submitted. (Kealoha/Higashi)
ITEM J-6	USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINALS, HONOLULU, OAHU (MUSCULAR DYSTROPHY ASSOCIATION)
ACTION	Unanimously approved as submitted. (Ing/Higashi)
ITEM J-7	USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINALS, HONOLULU, OAHU (PACIFIC/HAWAII COMPUTER EXPOS, INC.)
ACTION	Item withdrawn by the Department of Transportation.
ITEM J-8	USE OF HARBORS DIVISION FACILITIES, PIER 9 PASSENGER TERMINAL, HONOLULU, OAHU (SERVCO PACIFIC INC.)
ACTION	Unanimously approved as submitted. By request, Mr. Kealoha was excused from voting on this item. (Ing/Higashi)
ITEM J-9	REQUEST FOR APPROVAL OF NEW AIRSPACE PERMITS, HIGHWAYS DIVISION
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ADJOURNMENT	There being no further business, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,

Dorothy C. Chun
Dorothy C. Chun
Secretary

APPROVED:

S. Ono
SUSUMU ONO, Chairperson