

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

DATE: July 26, 1985
TIME: 9:00 a.m.
PLACE: County Council Chambers
Kauai County Building
Lihue, Kauai

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

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

Absent and Excused
Mr. Roland H. Higashi

STAFF Mr. James J. Detor
Mr. Gordon Soh
Mr. Ralston Nagata
Mr. Sam Lee
Mr. Milton Ching
Mr. Nolan Rapoza
Ms. Dorothy Chun

OTHERS Mr. Johnson Wong, Deputy A.G.
Mr. Peter Garcia, DOT
Colonel Mel Ito, (Item E-2)
Mr. Larry Fushikoshi (Item H-1)
Capt. Kilgore (Item H-1)

MINUTES Mr. Ing moved for approval of the minutes of June 14, 1985 as circulated. Seconded by Mr. Zalopany, motion carried unanimously.

ADDED ITEMS Upon motion by Mr. Ing and a second by Mr. Kealoha, the board voted unanimously to add the following items to the agenda:

Item E-3 Filling of three Groundskeeper I positions for the Oahu Parks Section.

Item E-4 Filling of Archaeologist I, Position No. 21540E, Historic Sites Program, Oahu.

Item E-5 Filling of Position No. 10115, Groundskeeper I, Washington Place, Oahu Parks Section.

Item H-7 Filling of Natural Area Biologist III, Position No. 5957E, and Natural Area Biologist IV, Position No. 5958E.

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

ITEM E-2 HAWAII ARMY NATIONAL GUARD REQUEST FOR PERMIT TO HOST "ORGANIZATION DAY"
DIAMOND HEAD CRATER, HONOLULU, OAHU

Mr. Nagata presented the request of the Hawaii Army National Guard to the Board recommending issuance of a Special Use Permit.

Concerns of the public's access to the crater while the activities were being held, use of firearms, serving of alcoholic beverages and clean up were expressed by the Board.

Col. Mel Ito of the Hawaii National Guard informed the Board that they will be cleaning up after the activities. They plan to have the military competition and the family activities on the park side and at the start of the competitions they plan to shoot off a 105 blank. He said he was told that it's like the sound of a 12 gauge shotgun. They wanted to get the feeling of the olympic style events and will be releasing balloons and pigeons also at the start. No other firearms will be discharged.

Responding to Mr. Ono's question, Col. Ito said they had reviewed all the conditions and will be able to comply with all the conditions. They will not be serving alcoholic beverages.

ACTION

Mr. Ing moved for approval with the amendment that there will be no discharge of firearms or explosives of any nature with the exception of the one 105 Howitzer blank at the start of the games. Seconded by Mr. Kealoha, the motion carried unanimously.

ITEM J-1

CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (DUTY FREE SHOPPERS, LTD., AIRPORT ELECTRONCS, INC.)

Mr. Garcia said the Department of Transportation is requesting approval of the consent to sublease, lessee is Duty Free Shoppers, Limited and the sublessee is Airport Electronics, Inc. He made a correction of the area listed in the submittal. Space No. 239 should be Space No. 239B in Building 342, containing 750 sq. ft.

Under REMARKS: in the 2nd sentence he wished to amend by inserting a date, sentence to read: Pursuant to the Settlement Agreement between the United States Department of Transportation and the State Department of Transportation, *dated March 27, 1985, the Lessee agreed to modify the subject lease to provide for a sublease to a qualified Minority Business Enterprise selected by the Lessee. *(Underscore for emphasis.)

ACTION

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

ITEM F-1-1

UNIVERSITY OF HAWAII APPLICATION FOR REVOCABLE PERMIT, HALE POHAKU, MAUNA KEA, HAMAKUA, HAWAII, TMK 4-4-15:1 PORTION, APPROX. 4 ACRES. PURPOSE: USE OF LAND AND EXISTING FACILITIES--UH DORMITORY, MESS HALL AND STONE CABINS--FOR TEMPORARY HOUSING FOR WORKERS.

ACTION

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

ITEM H-1

REQUEST FOR TEMPORARY VARIANCE FOR MILITARY TRAINING EXERCISE "THERMAL GALE '85" KAUAI, OAHU, MOLOKAI AND HAWAII

Mr. Soh presented the request from the U.S. Army Real Estate Division to use various parcels of land to conduct military exercises.

There was a correction under Recommendation A. It should read: It is recommended that the Board grant the applicant right-of-entry to the State-owned parcels listed on Attachment I and Attachment II subject to the conditions cited for Recommendation B below.

With respect to standard condition No. 2 the applicant has requested substitution of the following language, "The State shall not be responsible or liable for injuries or death to persons or damage to

property when such injuries, death or damage are caused by or a result of the government's use of the premises under the terms of this agreement and are not due to the negligence of the State. The government shall be responsible for any claims, damages or injuries caused by or resulting from any act or emission of the government in connection with the government's use of the premises described herein as provided in the Federal Courts Claims Act." Mr. Soh said he has been advised that this language has previously been discussed with the counsel for the Board.

Mr. Ono had a question on granting the right-of-entry and also the use of public lands itself.

Mr. Soh said that in 1982 no charge was made, however, a fine of \$500 was levied against the government, because it was after-the-fact. In subsequent use of lands by the government, charges have been made and in at least one instance, charge of \$250 was made for use of State lands. Staff suggests that normal practice be exercised.

Mr. Ono asked what was Land Management's recommendation. Mr. Soh said that in the comments received from Land Management there was no mention of a charge and they did not consider it in preparing this submittal.

Mr. Ono asked, "Why not?"

Mr. Soh said that staff was unaware of the practice.

Mr. Ono then asked Mr. Detor if he were aware of the Board's position.

Mr. Detor said that perhaps in commenting on it they may have neglected to mention it but he didn't recall the exact comments. It has been their practice to charge \$250 for administrative processing fee.

Mr. Ono asked what about the use of the land. You're talking about processing charge when he's talking about use of public lands.

Mr. Detor said that they have taken into consideration what they've been using in the past without reference to amount of land used. They had some difficulty with some branches of the federal government being able to pay due to technicalities.

Mr. Ono pointed out that was a federal problem and we should adhere to our policy.

Mr. Kealoha asked Mr. Soh if he knew where the exercises will occur in in respect to the endangered species, of various types of birds, trees, and flowers. Mr. Soh said the list of properties specifically excludes natural areas. The list of areas on the prescribed attachment dealing with prescribed areas also are sensitive areas, one on the conflict with recreational uses and the other on the rare and endangered species. There are two attachments that treat that question.

Mr. Ono asked if any Hawaiian Home Lands were involved. Mr. Soh said that there were none involved in the exercise within the Conservation District.

Mr. Soh said that the applicant has seen the conditions and it is the applicant's suggestion that condition B. 2 be amended by substituting the language. There was also some concern whether there would be any restriction on firing of blanks but the matter has been resolved.

Mr. Ono queried, should there be a fire who would be responsible for the cost of putting out the fire as well as the damage caused to the environment.

Mr. Soh said that is the reason that conditions 4, 5 and 7 were included. He said the question of who pays has not been addressed.

Mr. Ing was concerned regarding the areas of Waipio Valley and Ulupo Point, especially around Mookini Heiau.

Mr. Soh said that Mookini Heiau was not included in the areas to be used and he had checked this out because of State Parks' concern. He said they did request use of Waipio Valley.

Captain Kilgore explained the type of maneuvers they would be conducting and the equipment they would be using. All targets with the exception of one will be on federal lands.

Mr. Ing and other board members expressed concern for the use of Waipio Valley.

Captain Kilgore said they would spend about two days in Waipio Valley, that is transit through and out, complete time. There's a downed plane there that will be used as a target, the mission is to go in and rescue a downed pilot. It simulates an airplane crash, the team goes in, picks up an individual that will be waiting in the area and takes him out. It is not an assault type of operation. There's no opposition on the target area and they can arrange that there will not be any there.

Mr. Zalopany asked if this were a new type of training.

Captain Kilgore explained that this is under the Australian/New Zealand/United States Treaty that Congress signed in 1978, where the United States was sponsoring exercises every three years. This exercise was held here in 1982. This is the second time it has been changed slightly because of the present administration's restriction on exercises with New Zealand. The exercise itself is programmed on United States territory every three years and this is the second time it's here in Hawaii.

Mr. Ono asked if there would be any new weapon to be tested or chemicals to be used.

Captain Kilgore answered in the negative to both questions. He said the only things that are programmed to be used are smoke grenades, grenade simulators and blank ammunition. The majority of the pyrotechnics will be used on federal lands and at this time do not foresee using any on state lands.

Mr. Ono asked, "Assuming there's a fire, who pays for the damages?" Captain Kilgore said they have a fire fighting plan that the Army has put together for this type of exercise. They have fire fighters on standby that will go in and assist with whatever has to be done. They have airplanes available to move in and all this paid by the federal government. He did not have the answer to the question on who pays for the environmental damage and if local or state resources have to be called in.

Mr. Fushikoshi said the reason for them changing the 'Hold harmless clause' was that Congress passed the tort claims act which is the procedure in which citizens can file claim against the United States. Congress has to approve the suit before any payment is made.

Mr. Fushikoshi also wished to clarify the number of days requested. He said that the exercise from the 1st to the 15th is merely preparation, so the troops will actually be running around up on the hills during the period between the 15th and 30th, couple of days more or less.

For preparation purposes they will want to do a reconnaissance on the drop zones to put their people out there to be sure that the drop zones areas in the beach landings sites are safe. In the first two weeks of the exercises, a training phase for the soldiers on federal property will be in the Schofield Barracks area. Starting on the 15th, they get a mission briefing and begin planning their missions. The infiltrations begin on actually on the 17th and the longest duration of the missions is a 7 day mission.

Mr. Ono asked if they had a chance to review the conditions and other than the suggested change, did they have any other comments.

Yes, they had looked at the conditions and Mr. Fushikoshi said they had clarified the two things like the hold harmless clause and the firing of the blanks. Otherwise it is acceptable, they can live with it.

Mr. Kealoha again mention B. 2 which is the hold harmless clause. He asked if he knew which counsel was consulted.

Mr. Fushikoshi said they have a letter that they wrote to the Chairman and because of that, the board had approved and subsequently the suggested language was incorporated into the agreement that they finally agreed to. He assumed that the State's legal staff has approved it. He said they explained in their letter why they couldn't accept the standard hold harmless clause. He said that, in essence, what it amounts to is that they cannot commit funds that are not appropriated.

Mr. Kealoha asked, "Do you know what you're saying is our counsel accepted the language that was proposed by you?"

Mr. Fushikoshi said he assumed they did because that language was incorporated in the agreement that they subsequently entered into with the department.

Mr. Kealoha asked if he had a copy of the agreement. Reply was in the negative.

Mr. Ono asked Mr. Fushikoshi if he were referring to a previous agreement that was entered into. If such he could not make reference to that. Mr. Fushikoshi seemed to understand.

Mr. Fushikoshi says there is a reason why they can't enter into a condition (hold harmless condition) like that. All the federal agencies are in the same boat and every agreement with a federal agency will inform you that they will have the same language. He felt that it was clarified with the State attorneys and every so often it comes up but it is always resolved.

Mr. Kealoha asked if he knew who the attorney was.

Mr. Fushikoshi said no, if they had the same attorney there would be no problem as he would be aware of it. He said in a letter to the department that he explained why and cited the Comptroller General's opinion.

Mr. Fushikoshi had a copy of a previous agreement that had the approval as to form by a Deputy Attorney General. The copy was presented to Chairman Ono and Mr. Johnson Wong, the deputy attorney general present at the meeting.

Mr. Wong said that the revised language before him really does not provide any assurance to the State of Hawaii. All it does is state that Federal government will be responsible for its own negligence. He was not sure whether the Federal's position, an internal position that is something that the Board will decide whether they want to accept that position. He felt if they want to use State land they would have to accept any conditions that the Board wants to impose. The hold harmless clause is far more comprehensive than what is presented here. Your letter merely states that there is no legal basis to commit funds. We are just saying that if there's a law suit against the State of Hawaii as a result of your exercise, the federal government should protect the State of Hawaii, where and when you get the money that will be your problem.

Mr. Fushikoshi said that this is the same position you will see in any agreement with the 'hold harmless language'. He said they have gone over with the counties on their agreements and they have gotten approval from the different counties and their attorneys have approved it.

Mr. Ing recommended that this item be deferred to have a clarification of the actual areas that will be used with the concern of endangered species and the State's policy with regard to whether we accept the Federal's language for use of our lands or whether we continue to use our standard provisions with regard to liability for the use of State lands. Suggest that these matters be reviewed and readdressed at the next meeting.

Mr. Kealoha also voiced the same concerns of Mr. Ing.

ACTION

Motion was made by Mr. Arisumi to defer this item to the next regular Land Board meeting. Seconded by Mr. Ing, motion carried unanimously.

Mr. Ono instructed staff to address the disposition question also and be ready with recommendations.

ITEM F-1-d

FORT ASSOCIATES, LTD. PARTNERSHIP REQUEST FOR CONSENT TO ASSIGNMENT OF GENERAL LEASES NOS. S-4878 AND S-4740 AND GRANTS OF EASEMENT NOS. S-4645, S-4244, AND LAND OFFICE DEED NO. S-27442, WAILUA, KAUAI

ITEM F-11

FORT ASSOCIATES, LTD. PARTNERSHIP REQUEST FOR CANCELLATION AND REISSUANCE OF REVOCABLE PERMITS NOS. S-4250 AND S-5958, WAILUA, KAUAI

Mr. Detor requested that items F-1-d and F-11 be taken up together as they are related and same parcels.

He said that F-1-d is an arrangement whereby the Coco Palms Hotel has several leases and easements as well as couple of permits being taken over. Fort Associates Ltd. the present holder of those leases, easements and permits will be transferred in effect to Wailua Associates who will be taking the place of Fort Associates Ltd. Partnership. Coco Palms Hotel which is situated on private land will be sold. The package price of the whole arrangement is \$24,000,000.00. What's involved here insofar as F-1-d is concerned will be two general leases and three easements. In the submittal only three easements are listed but there is a fourth which he would like to add to the submittal, a grant of easement for road purposes dated June 13, 1955. This easement was issued in 1955 and in the meantime one of the leases listed was superimposed on the easement. Being a peculiar arrangement, the easement was not listed in the submittal because it was overlooked.

The whole arrangement here deals with transfer of the Coco Palms Hotel to a new group and along with it is a request that these particular leases and easements go along with it.

Item F-11 deals with two month-to-month revocable permits. Following established practice of not transferring permits, the submittal is asking that those two permits be cancelled and new ones be issued in their place under the same terms and conditions to Wailua Associates.

Mr. Ono asked if this would complete the transaction. The answer was in the affirmative.

Mr. Zalopany asked where was the ingress and egress located.

Mr. Detor said in the coconut grove but wasn't sure exactly where.

Mr. Zalopany asked if there was any problem with Raymond Aki's land. Mr. Detor said Raymond Aki's land is not involved in this particular area and not related to this arrangement.

Mr. Wong questioned the 4th sentence in the 3rd paragraph under Remarks of the second page of F-1-d which read: In this connection, it is anticipated that one or both lenders will use the lands demised by the aforementioned leases, easements and revocable permits as security for such loan(s).

Mr. Detor said that remark is only under the remarks section and does not follow in the recommendation. At the request of Mr. Kealoha he said that sentence will be struck out or deleted.

ACTION

Motion was made by Mr. Kealoha to approve the submittal F-1-d as submitted. Seconded by Mr. Arisumi.

Mr. Ing was excused from participation on item F-1-d.

Brought to a vote, three ayes, one nay. Motion did not carry.

Mr. Kealoha asked the dissenting voter for what reason he voted against.

Mr. Zalopany said he was still not clear on the easement and would like an explanation.

Mr. Sam Lee, Kauai Land Agent was called upon to clarify that there is no connection between Mr. Aki's concerns and the present matter here.

Mr. Zalopany then moved for approval of F-1-d; seconded by Mr. Arisumi the motion carried unanimously.

Motion was entertained by Mr. Kealoha to approve item F-11 as submitted. Seconded by Mr. Arisumi, the motion carried unanimously.

Mr. Ing was excused from participation on item F-11.

ITEM H-6

UNAUTHORIZED HELICOPTER LANDINGS IN CONSERVATION DISTRICT

Mr. Ono said that material for item H-6 was supposed to be distributed at the board meeting, but the material is not ready for distribution. He also had a request from the representative from Papillon to have the item deferred because of an injury that person sustained over the weekend.

Mr. Ono did have some comments to make on this item. Based on staff work that has been done so far, there are indications that illegal helicopter landings have been taking place. Our records go back to 1980-81. Many of the reported citations at this point in time cannot be substantiated as staff will not be able to contact many of the witnesses as it has been a long time since these alleged violations have occurred.

Mr. Ono said that we can't really take formal action on this because the public and the helicopter operators have not had a chance to see the staff's submission. All we can do is discuss it and take formal action on it some other time.

Mr. Ing in response to the Chairman's comments said he would like to see what the staff has in way of its investigations, particularly if it involves Papillon and Kenai. We've had other violations to handle on the island of Maui involving those two operators.

Mr. Ono said he would like to have staff indicate what we have on file and what conditions each one is in as far as trying to prove actual violations and come out with the recommendation.

Mr. Kealoha said if staff comes up with any violations noted after the effective date of violations where we cited Papillon and Kenai (the Maui case), if there are any cited violations that occurred previous to that date, then therefore the statute should not include it as we've already taken action on those people effective on certain dates. They were warned, they were satisfied, they have complied with the conditions that the board has set to the present day, but wherein they have violations that may have occurred to those same two organizations after the date, then I think we should review it. To the other operators, then we can consider the original date of violations up to the present time.

Mr. Ono said the message that he would like to get across to the helicopter operators is that, henceforth, if there are any violations, we will really throw the books at them.

ACTION Mr. Arisumi moved that this item be deferred pending full report and recommendation from staff. The report to include the full background. Motion was seconded by Mr. Zalopany and carried unanimously.

ITEM C-1 FILLING OF POSITION NO. 27082, GENERAL LABORER I, ISLAND OF HAWAII

ACTION Motion was made by Mr. Kealoha to approve the appointment of Mr. William E. Downs to fill Position No. 27082, General Laborer I, on the island of Hawaii. Seconded by Mr. Zalopany, motion carried unanimously.

ADDED ITEM C-2 FILLING OF NEW HALF-TIME CLERK-TYPIST II, POSITION NO. 35712, ISLAND OF MAUI

ACTION Motion was made by Mr. Arisumi to approve the appointment of Ms. Amy Higa to fill Position No. 35712, Clerk-Typist II on the island of Maui. Seconded by Mr. Ing, motion carried unanimously.

ITEM E-1 FILLING OF POSITION NO. 12050, PARK CARETAKER II, MANUKA STATE WAYSIDE, HAWAII PARK SECTION

ACTION Mr. Kealoha moved to approve the appointment of Mr. Robert Enos to fill Position No. 12050, Park Caretaker II, Manuka State Wayside Park, Hawaii. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM E-2 HAWAII ARMY NATIONAL GUARD REQUEST FOR PERMIT TO HOST "ORGANIZATION DAY", DIAMOND HEAD CRATER, HONOLULU, HAWAII

ACTION (See Page 2 for action.)

ADDED ITEM E-3 FILLING OF THREE (3) GROUNDSKEEPER I POSITIONS FOR OAHU PARKS SECTION

ACTION Mr. Ing moved to approve the appointment of Mr. Richard Himeda to fill Position No. 36085, Groundskeeper I, Rainbow Bay State Recreation Area and appointments of Ms. Dolores Camanse and Ms. Eleanor Asibal to fill Positions No. 27453 and 28261, Groundskeeper I, Sand Island State Park.

ADDED ITEM E-4 FILLING OF ARCHAEOLOGIST I, POSITION NO. 21540E, HISTORIC SITES PROGRAM, HONOLULU, OAHU

ACTION Mr. Arisumi moved to approve the appointment of Ms. Agnes Griffin to fill Position No. 21540E, Archaeologist I, Limited Term, assigned to the Historic Sites Program, Oahu. Seconded by Mr. Kealoha, motion carried unanimously.

ADDED ITEM E-5 FILLING OF POSITION NO. 10115, GROUNDSKEEPER I, WASHINGTON PLACE, OAHU PARKS SECTION

ACTION Motion was made by Mr. Arisumi to approve the appointment of Mr. Thomas A. Ortogero, Sr. to fill Position No. 10115, Groundskeeper I, Washington Place, Oahu Park Section. The appointment to be subject to physical examination and security clearances. Seconded by Mr. Kealoha, the motion carried unanimously.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

Item F-1-a BEVERLY FARM APPLICATION REQUEST FOR REVOCABLE PERMIT, WAIMANALO, OAHU, TMK 4-1-13:12, 19 AND 20, CONTAINING AREA OF 11.274± ACRES, FOR PASTURE PURPOSES. RENTAL: \$92.00 PER MO. COMMENCING AUGUST 1, 1985.

Item F-1-b MELSAN, LTD. REQUEST FOR CONSENT TO SECOND MORTGAGE (AFTER THE FACT), GENERAL LEASE NO. S-3961, HOTEL-RESORT PURPOSES, WAIAKEA, SOUTH HILO, HAWAII.

Item F-1-c UNIVERSITY OF HAWAII APPLICATION REQUEST FOR REVOCABLE PERMIT, PORTION OF FORMER OR&L DEPOT AND IWILEI PRODUCE CENTER SITE, TMK 1-5-07:POR. OF 14, AREA CONTAINING 2,000 SQ. FT. ±, FOR MOTOR VEHICLE MECHANIC CERTIFICATION CENTER PURPOSE. RENTAL: GRATIS, COMMENCEMENT DATE AUGUST 1, 1985.

Item F-1-d FORT ASSOCIATES, LTD. PARTNERSHIP REQUEST FOR CONSENT TO ASSIGNMENT OF G.L. NOS. S-4878 AND S-4740 AND GRANTS OF EASEMENT NOS. S-4645, S-4244, AND L.O.D. NO. S-27442, WAILUA, KAUAI.

ACTION (See Page 7 for action.)

Item F-1-e STEPHEN PERREIRA APPLICATION REQUEST FOR REVOCABLE PERMIT, POR. OF GOVT. LAND SITUATE AT UKUMEHAME, LAHAINA, MAUI, HAWAII, TMK 3-6-01:14 AND 4-8-01:01 CONTAINING 4,802.427 ACRES± FOR PASTURE PURPOSE. RENTAL: \$826.00 PER MO. COMMENCING AUGUST 1, 1985.

Item F-1-f MAEDA FISH MARKET, LTD. REQUEST FOR CONSENT TO ASSIGN SUBLEASE COVERING PORTION OF G.L. NO. 2-4405, KAAKAUKUKUI, HONOLULU, OAHU.

McCAW CABLEVISION LTD PARTNERSHIP APPLICATION REQUEST FOR REVOCABLE PERMIT, POR. OF GOVT. LAND SITUATE AT POR. HONOMAELE AND KAELEKU, HANA, MAUI, TMK 1-3-03:33, 225 SQ. FT.±, USE AND MAINTENANCE OF A MICROWAVE ANTENNA FOR CABLE TV. RENTAL: \$27.00 PER MO. COMMENCING AUGUST 1, 1985.

Item F-1-g

ROBERT YUKITOMO, TRUSTEE FOR THE ESTATE OF DONALD R. HILLIS, REQUEST FOR CONSENT TO ASSIGN LEASE G.L. NO. S-4298 COVERING LOT 20, WAIMANALO AG SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU, HAWAII, TMK 4-1-10:3, AREA OF 15.587 ACRES±. RENTAL: \$3,600.00 PER ANNUM.

Item F-1-h

JAMES R. JONES APPLICATION REQUEST FOR REVOCABLE PERMIT, WAIANAE VALLEY, OAHU, TMK 8-5-29:02, 8.264 ACRES±, FOR DIVERSIFIED AGRICULTURE PURPOSES. RENTAL: \$100.00 PER MO. COMMENCING AUGUST 1, 1985.

Item F-1-i

TIKI FARMS, INC. REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4848 TO HOWARD R. BRADLEY AND LINDA E. BRADLEY COVERING LOT 35, KEAHOLE AG PARK, PHASE II, NO. KONA, HAWAII.

Item F-1-j

AVIS RENT A CAR SYSTEM, INC. APPLICATION REQUEST FOR REVOCABLE PERMIT COVERING GOVT LAND TRACT D-2, PALAAU AND HOOLEHUA, MOLOKAI, HAWAII, TMK 5-2-04:51, 3.90 ACRES±, FOR BASEYARD FOR U-DRIVE AND GROUND TRANSPORTATION PURPOSE. RENTAL: \$343.00 PER MO. COMMENCING AUGUST 1, 1985.

Item F-1-k

ACTION

Mr. Arisumi moved for the approval of F-1-a to F-1-c and F-1-e to F-1-k. Seconded by Mr. Ing, motion carried unanimously.

UNIVERSITY OF HAWAII APPLICATION REQUEST FOR REVOCABLE PERMIT COVERING PORTION OF GOVT LAND AT HALE POHAKU, MAUNA KEA, HAMAKUA, HAWAII, TMK 4-4-15:1 POR, APPROX. 4 ACRES, USE OF LAND AND EXISTING FACILITIES--UH DORMITORY, MESS HALL AND STONE CABINS--FOR TEMPORARY HOUSING FOR WORKERS PURPOSE. RENTAL: TO BE DETERMINED BY CHAIRPERSON.

Item F-1-l

ACTION

(See page 2 for action.)

REQUEST TO WITHDRAW PORTION OF LAND FROM OPERATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2311 COVERING LAND SET ASIDE TO DOE FOR ADDITION TO LAHAINALUNA HIGH SCHOOL, POR. OF LOT 2-A AS SHOWN ON MAP 7 OF LD CT APPLICATION 403 (TCT #44733), TMK 4-6-18:POR. 5, LAHAINA, MAUI.

ITEM F-2

ACTION

Motion made by Mr. Zalopany for approval. Seconded by Mr. Arisumi, motion carried unanimously.

FREDERICK PACHECO APPLICATION TO LEASE LAND AT HAMAKUALOA, MAKAWAO, MAUI, TMK 2-9-03:50, 5± ACRES FOR GENERAL AGRICULTURE

ITEM F-3

Mr. Detor explained that this land would go to public auction and it is basically pasture land but they are recommending that it be put up for general agriculture.

Mr. Kealoha asked if Mr. Pacheco is the same Frederick Pacheco from the Big Island of Hawaii and if so, he would not be eligible to lease this land in Maui.

ACTION

Mr. Kealoha moved for approval as amended, on the condition that the Department check on the eligibility of the applicant. Seconded by Mr. Ing, the motion carried unanimously.

ITEM F-4	REQUEST TO SET ASIDE PIPELINE EASEMENT TO DIVISION OF WATER AND LAND DEVELOPMENT FOR MOLOKAI IRRIGATION SYSTEM PROJECT, HOOLEHUA, MOLOKAI, TMK 5-2-01
ACTION	Mr. Arisumi moved for approval. Seconded by Mr. Kealoha, the motion carried unanimously.
ITEM F-5	MRS. DICKSON HARTWELL REQUEST FOR AMENDMENT TO PREVIOUS BOARD ACTION OF OCTOBER 22, 1982 AUTHORIZING SALE OF RECLAIMED (FILLED) LAND AT KANEOHE, OAHU
ACTION	Mr. Ing moved for approval as recommended. Seconded by Mr. Zalopany, the motion carried unanimously.
ITEM F-6	COUNTY OF KAUAI APPLICATION FOR ACCESS AND UTILITY EASEMENT FOR WATERLINE PURPOSES, LIHUE, KAUAI
ACTION	Mr. Zalopany moved for approval subject to the conditions in the submittal. Seconded by Mr. Kealoha, the motion carried unanimously.
ITEM F-7	COUNTY OF KAUAI REQUEST FOR NON-EXCLUSIVE EASEMENT FOR ROADWAY AND UTILITY PURPOSES, KAPAA, KAUAI
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
ITEM F-8	MARY ANN AKI APPLICATION TO PURCHASE LOT 34, ANAHOLA LOTS, KOOLAU, KAUAI-DIRECT SALE COVERED UNDER HOMESTEAD LEASE NO. 52
ACTION	Mr. Zalopany moved for approval subject to check if applicant is purchasing the entire lot. Seconded by Mr. Kealoha, motion carried unanimously.
ITEM F-9	STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4653 WAILUA, KAUAI (KAUAI HYDROSEEDING & LANDSCAPING)
ACTION	Mr. Deter requested to amend the submittal by correcting the date of default to June 15, 1985.
ACTION	Mr. Zalopany moved for approval as amended. Mr. Kealoha seconded and the motion carried unanimously.
ITEM F-10	STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4498, LOT 84, PUU KA PELE PARK LOTS, WAIMEA, KAUAI
ACTION	Mr. Deter said this was an existing lease that they are recommending cancellation. The lease does not run till the end of the year. This lease was just recently sold and the new lessee will be taking over the first of the year.
ACTION	Mr. Deter wanted to make one change under no. 5 of Recommendation. They would like to amend it to give the current lessee the right to dispose of the improvements within 90 days, commencing August 1, 1985.
ACTION	Discussion followed to clarify the termination date as related to extension of time be granted to allow the lessee to dispose of the improvement structure.
ACTION	Mr. Ing moved for approval with the amendment that the lessee be allowed the 90 days from the time of termination and additional time up till October 31, 1985 to remove the structure. Seconded by Mr. Kealoha, the motion carried unanimously.

FORT ASSOCIATES, LTD. PARTNERSHIP REQUEST FOR CANCELLATION AND REISSUANCE REISSUANCE OF REVOCABLE PERMITS NOS. S-4250 AND S-5958 WAILUA, KAWAIHAU, KAUAI

ITEM F-11

ACTION

(See Page 7 for action.)

PRINCEVILLE COMMUNICATIONS CO. REQUEST FOR CONSTRUCTION RIGHT OF ENTRY, MOUNT WEKIU, KAWAIHAU, KAUAI

ITEM F-12

Mr. Detor said that applicant had secured prior approvals from the Board in the form of a Conservation District Use Application and a direct award of a lease (Item F-14 dated June 14, 1985) for television relay station purposes at Mt. Wekiu, Kawaihau, Kauai.

Due to severe time constraints, the applicant is requesting an immediate right of entry to commence with construction of the improvements.

ACTION

Mr. Zalopany moved for approval. Seconded by Mr. Ing, motion carried unanimously.

Mr. Ono asked Mr. Detor if the appraisal had been done. Mr. Detor said he does not believe that it's completed as yet. After completion it will be brought back to the Board.

COUNTY OF KAUAI REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND FOR COUNTY PARK PURPOSES, WAIMEA (KONA), KAUAI

ITEM F-13

ACTION

Mr. Zalopany moved for approval as recommended. Seconded by Mr. Ing, the motion carried unanimously.

DEPARTMENT OF HEALTH REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING UNIT #3 OFFICE SPACE OF THE BASQUE BLDG., KEALAKEKUA, KONA, HAWAII

ITEM F-14

ACTION

Unanimously approved as submitted. (Ing/Zalopany)

DEPARTMENT OF HEALTH REQUEST FOR APPROVAL OF AMENDMENT OF LEASE COVERING OFFICE SPACE AT 600 KAPIOLANI BOULEVARD, HONOLULU, OAHU

ITEM F-15

DOH is requesting an amendment to the lease as they are adding office space to the present lease, increasing the floor area by 715 square feet. The total monthly payment of \$4,770.84 is approximately \$1.52 per square foot cost.

ACTION

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

REPORTS

RESULTS OF PUBLIC AUCTION OF GOVERNMENT HOUSELOTS ON THE ISLAND OF KAUAI HELD ON JULY 3, 1985

ITEM Z-1

Mr. Detor noted that only two houselots were sold of the seven, Lot 4, Blk. K, Kapaa Town Lots and Lot 5, Blk K. Kapaa Town Lots.

RESULTS OF PUBLIC AUCTION OF GOVERNMENT LEASE ON THE ISLAND OF KAUAI HELD ON JULY 3, 1985

ITEM Z-2

The successful bidder of the one item sale covering Lot 21 (Revised) and improvements thereon, Wailua Rice and Kula Lots, Wailua, Lihue (Puna) Kauai at the upset rental of \$10,800.00 per annum was Smith's Motor Boat Service, Inc.

Mr. Kealoha moved to add to the agenda, Item Z-3 to acknowledge DLNR's personnel for their conduct in the auction of the Kokee leases which were held on July 23, 24, and 25, 1985 in Lihue, Kauai. Mr. Zalopany seconded and motion carried unanimously.

ADDED
ITEM Z-3

ACKNOWLEDGEMENT OF DEPARTMENT OF LAND AND NATURAL RESOURCES' STAFF FOR THEIR CONDUCT IN THE AUCTION OF THE RECENT KOKEE LEASES

Mr. Kealoha recommended that the following personnel be commended in the form of a Resolution or letter for an outstanding job during the auction:

Mr. James Detor	Mr. Sam Lee	Mrs. Ichie Kawamoto
Mr. Leonard Bautista	Miss Mitzi Yamane	Mr. Edwin Watson
Mrs. Yvonne Dias	Mr. Tony Nakamura	Mrs. Joan Moriyama
Mrs. Jean Fujiwara	Mr. Richard Koerte	
Miss Leanne Nakano	Mr. Ed Schimmelfennig	Mr. Ralph Daehler
Mr. Roy Hattori	Mr. Manuel Andrade	Mr. Galen Kawakami
Ms. Sue Hirakawa	Mr. Milton Ching	Miss Julie Ako
Mr. George Niitani	Mr. Nolan Rapoza	Miss Iris Koga
Ms. Healani Reynolds	Mr. Don Heacock	

ACTION

Mr. Ing moved to accept Mr. Kealoha's recommendation on item Z-3, that letters of recognition be sent. Mr. Arisumi seconded, and motion carried unanimously.

ITEM H-1

REQUEST TEMPORARY VARIANCE FOR MILITARY TRAINING EXERCISE "THERMAL GALE '85" KAUAI, OAHU, MOLOKAI AND HAWAII

ACTION

(See page 6 for action.)

ITEM H-2

AMENDMENT TO CONSERVATION DISTRICT USE APPLICATION FOR ROOF FOR FIRING LINE OF RIFLE RANGE AT KOKO HEAD, HAWAII

ACTION

Unanimously approved as submitted subject to conditions in submittal. (Ing/Zalopany)

ITEM H-3

CONSERVATION DISTRICT USE APPLICATION FOR A SINGLE-FAMILY RESIDENCE AT MAUNALANI HEIGHTS, OAHU, TMK: 3-3-20:36

Mr. Soh said this was an application by Mr. Frank Fistes. The area in Maunalani Heights is in the General subzone of the Conservation District.

Mr. Ing asked if applicant had submitted any drawings or site plans.

Mr. Soh said yes he did.

Mr. Ono asked if he had a chance to look at the site. Mr. Ono said he indicated to Mr. Soh that he did not want to see another Lanikai type situation where during the construction it may create more problems than the construction of the house itself.

Mr. Soh said he had some photos of the area to present to the board.

Mr. Ono asked Mr. Soh if this property was similar to the Lanikai property and did it pose the dangers to the people down below.

Mr. Soh said there were important differences. At Lanikai the boulders were lying there or sitting on the ground. The rocks at Maunalani are imbedded in the ground. At Lanikai the boulders were in eroded channels, where all the vegetation around it had disappeared. Here the

lot had been cleared enough for the surveyors to go in and take some measurements where they planned to build. Thick vegetation has grown back and that will have an affect as far as holding the soil. As long as that soil is held, he didn't think there would be the same problem like the soil getting loose and rocks rolling down the hill.

The other difference is in the plans. In the Lanikai situation, the plans call for building an extensive access to the property and using a great deal of earth moving.

Mr. Fistes plans a short driveway from Nihipali Place and this driveway is going to be held up at a retaining wall. In addition, he plans to build on a concrete foundation.

ACTION

Mr. Ing moved for approval with the amendment that during the period of construction, the applicant be required to obtain liability insurance extending throughout the entire time of construction, which would include the state as insured. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-4

AMENDMENT TO CONSERVATION DISTRICT USE APPLICATION FOR A WATERLINE FOR A SINGLE-FAMILY DWELLING

Mr. Soh said the Land Board at its meeting of May 11, 1984 had approved an application for a single-family dwelling at Waiakahiula in Puna, Hawaii, TMK: 1-5-88:07. The applicants were Phyllis L. and Annetta C. Mitchell.

Mr. Gerald Wright purchased the lot from Phyllis Mitchell and he is asking permission to run a waterline along the County beach road from the property southward for a distance of about 400 feet to a private shoreline park.

Mr. Soh said that staff is recommending approval subject to conditions.

Mr. Ono questioned condition no. 9.

Mr. Soh said he has been informed since that the waterline will be a 2" waterline, so condition no. 9 can be changed or deleted.

ACTION

Mr. Arisumi moved for approval as amended, subject to conditions in the submittal. Seconded by Mr. Zalopany, the motion carried unanimously.

ITEM H-5

CONSERVATION DISTRICT USE APPLICATION FOR A SINGLE-FAMILY RESIDENTIAL USE WITH TARO FARMING AT WAILAU VALLEY, MOLOKAI, HAWAII

Mr. Soh said the applicant is Mr. John Rodrigues of Hulu Estate, Kaunakakai, Molokai. Staff is recommending approval subject to the listed conditions.

Numerous questions were raised by the board relating to comments from the various divisions and departments. Some of the concerns were the sanitary conditions and the helicopter landings requested.

ACTION

Mr. Zalopany moved that this item be deferred so that the applicant may be able to appear at the next meeting to respond to specific questions that the board may have. Seconded by Mr. Arisumi, motion carried unanimously.

ADDED ITEM H-7	FILLING OF NATURAL AREA BIOLOGIST III, POSITION NO. 5957E, AND NATURAL AREA BIOLOGIST IV, POSITION NO. 5958E
ACTION	Mr. Kealoha moved for approval of the appointment of Gary Buelow for Position No. 5957E, Natural Area Biologist III, and Winona Char for Position No. 5958E, Natural Area Biologist IV.
<u>OTHER STATE DEPARTMENTS</u>	
ITEM J-1	CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (DUTY FREE SHOPPERS, LTD., AIRPORT ELECTRONICS, INC.)
ACTION	(See page 2 for action.)
ITEM J-2	AMENDMENT NO. 13 TO LEASE NO. A-62-32, HONOLULU INTERNATIONAL AIRPORT (HAWAIIAN AIRLINES, INC.)
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM J-3	ASSIGNMENT OF LEASE NO. DOT-A-77-30, HONOLULU INTERNATIONAL AIRPORT, OAHU (TAYLOR TRANSPORTATION CO., LTD. DBA NATIONAL CAR RENTAL-PACIFIC INTERNATIONAL SERVICES CORP. DBA DOLLAR RENT-A-CAR)
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM J-4	TAXICAB SERVICES LICENSE AND AGREEMENT, GENERAL LYMAN FIELD, HILO, HAWAII (BIG ISLAND AIRPORT TAXI, INC. DBA ACE TAXI (ACE))
ACTION	Unanimously approved as submitted. (Zalopany/Ing)
ITEM J-5	APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 4042, GENERAL LYMAN FIELD, HILO, HAWAII (APRIL ROMERO & KEN YAMAMOTO)
ACTION	Mr. Garcia said although the submittal states that it's issued to a tenant in conformity, it should read that the permit is being issued to a tenant not in conformity with the uses of the airport property. The applicant is April Romero and Ken Yamamoto and the use is fishing processing and shipping and fishing supplies.
ACTION	Unanimously approved as submitted. (Arisumi/Zalopany)
ITEM J-6	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4040, ETC., AIRPORTS DIVISION
ACTION	Unanimously approved as submitted. (Zalopany/Arisumi)
ITEM J-7	CONSENT TO ASSIGNMENT OF LEASE NO. H-68-2, KAWAIHAE HARBOR, SO. KOHALA, HAWAII (KAISER CEMENT CORP.)
ITEM J-8	CONSENT TO ASSIGNMENT OF LICENSE NO. 150, KUHIO WHARF, PIER 1, HILO, HAWAII (KAISER CEMENT CORP.)
ITEM J-9	CONSENT TO ASSIGNMENT OF INDENTURE OF LEASE, KAHULUI HARBOR, MAUI, (KAISER CEMENT CORP.)
ITEM J-10	CONSENT TO ASSIGNMENT OF LICENSE NO. 165, NAWILIWILI, KAUAI (KAISER CEMENT CORP.)
ACTION	Motion was made by Mr. Arisumi to approve Items J-7, J-8, J-9 and J-10. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM J-11 CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, BARBERS POINT HARBOR, OAHU (U. S. ARMY CORPS OF ENGINEERS)

ACTION Unanimously approved as submitted. (Ing/Zalopany)

ITEM J-12 CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, MANELE HARBOR, LANAI (U. S. ARMY CORPS OF ENGINEERS)

ACTION Unanimously approved as submitted. (Zalopany/Kealoha)

REPORTS

ITEM Z-1 RESULTS OF PUBLIC AUCTION OF GOVERNMENT HOUSELOTS ON THE ISLAND OF KAUAI HELD ON JULY 3, 1985

ITEM Z-2 RESULTS OF PUBLIC AUCTION OF GOVERNMENT LEASE ON THE ISLAND OF KAUAI HELD ON JULY 3, 1985.

ADDED
ITEM Z-3 ACKNOWLEDGEMENT OF DEPARTMENT OF LAND AND NATURAL RESOURCES' STAFF FOR THEIR CONDUCT IN THE AUCTION OF THE RECENT KOKEE LEASES.

ACTION (See pages 12 and 13 for action on Z-1, Z-2 and Z-3.)

There being no further business, the meeting adjourned at 12:15 p.m.

Respectfully submitted,

Dorothy C. Chun
Dorothy C. Chun
Secretary

APPROVED:

S. Ono
SUSUMU ONO
Chairperson

dcc