

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

DATE: September 13, 1985
TIME: 9:00 A.M.
PLACE: 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 9:00 a.m. the following were in attendance:

MEMBERS Mr. Moses W. Kealoha
Mr. Roland Higashi
Mr. Leonard H. Zalopany
Mr. John Y. Arisumi
Mr. Susumu Ono

ABSENT AND EXCUSED Mr. J. Douglas Ing

STAFF Mr. James Detor
Mr. Roger Evans
Mr. Ralston Nagata
Mr. Maurice Matsuzaki
Mr. Sam Lee
Ms. Dorothy Chun
Mr. Manuel Andrade
Mr. Edward Schimmelfennig

OTHERS Mr. Johnson Wong, Dep. Atty Gen.
Mr. Peter Garcia, DOT
Mr. Joe Vierra, (F-10)
Mr. James Miyagi, (F-16)
Ms. Penny Ono, (E-3)
Mr. Thomas Matsuda, (F-32 & F-33)
Mr. Eddie Tangen (H-6)
Mr. Raymond Duvachelle (H-1)

Mr. Leonard Zalopany was called upon to make the presentation of the Department's nominee for State Employee of the Year to Mr. Sam Lee, Land Agent for the island of Kauai.

Mr. Higashi moved that the minutes of July 11, 1985 be approved as distributed. Seconded by Mr. Zalopany, motion carried unanimously.

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

Item C-2 Out-of-State Travel Request for Libert K. Landgraf, Administrator, Division of Forestry and Wildlife, to attend the 1985 National Association of State Foresters Meeting.

Item J-9 Use of Harbors Division facilities at Pier 9, Honolulu (NSA-Nichiren Shoshu Sokagakkai of America).

ILLEGAL HELICOPTER LANDINGS IN CONSERVATION DISTRICT
ON THE ISLAND OF KAUAI

Mr. Evans presented the details of the submittal to the members of the Board. He said the question of helicopter landings in the Conservation District as opposed to helicopter noise by over flights is the topic for discussion this morning. Staff also feels that it's reasonable that the Chairman be authorized to notify the helicopter companies and the related individuals as well, that the helicopter landings in the Conservation District are in violation and that they would be subject to financial penalty in accordance with our existing statute. Also that the Chairman be authorized to develop appropriate procedures for the verification of the landings. Staff also would like the Chairman to be authorized to explore and take necessary steps to implement Act 222, which is the act that provides for seizure as a method to curb or prevent unauthorized helicopter landings on Conservation District lands on the island of Kauai.

Mr. Higashi noted that in the submittal it shows only one complaint in 1983, indicating that the operators may be taking a more serious look at the violations.

Mr. Evans said that subsequent to that action, there have been no complaints with one exception. They did receive a singular complaint on Monday or Friday of last week (of a landing).

Mr. Higashi asked how many helicopter companies were operating in 1980, generally speaking.

Mr. Evans said there were about 4-6 companies operating then and the number has more than doubled today, checking the yellow pages of the Kauai phone book.

Mr. Ono had a question for Mr. Wong on the act that was passed for seizure. There were some questions raised as to whether the Land Board would be authorized to go ahead and implement that portion of that act on seizure. He asked Mr. Wong for a general explanation as to the legality of the Land Board acting, assuming they go through the necessary steps, protecting the individual rights, etc.

Mr. Wong said the statutes seems to be clear in authorizing the Board to seize any vehicle, aircraft or other articles which are used in violation of Title 12 in the regulations. Title 12 involves CDUA in Chapter 183, so any violation of Conservation District rules or statutes would be subject to seizure of equipment used. Details will have to be worked out as to how they implement the statutes.

Mr. Ono asked if helicopters will be covered under that portion.

Mr. Wong said it mentions aircraft and a helicopter is an aircraft.

Under Recommendation No. 3, Mr. Higashi questioned whether the procedures were necessary because there were procedures used in the Maui case.

Mr. Evans said there are some basic procedures but with new factors, they need to be updated. For instance, during the Maui case we did not have Act 222 which just came about during the last legislature.

ACTION

Mr. Arisumi moved to accept the recommendations with the amendment on recommendation no. 3 to change the word develop to update. Mr. Higashi seconded the motion.

For discussion, Mr. Zalopany questioned Mr. Evans on a most recent helicopter violation on the island of Kauai in the month of August.

Mr. Evans said he did not recall it. Again stating that staff using all available reports, expressed only one violation that came in last week. Staff is recommending with the exception of the one that they were made aware of, that the outstanding violations be dropped.

Mr. Arisumi said he felt that the particular cost factor in trying to investigate the whole matter would be too great and would also take a lot of time; also the behavior of the helicopter companies has been great during 1984-85, thus he felt that the Board should accept the recommendations.

Mr. Ono continued the discussion saying that action here today is being confined to the island of Kauai. The topic of discussion could be applied statewide, whether it be appropriate to broaden the scope of the motion he was not sure of as the agenda item does say island of Kauai only.

Mr. Ono also commented that the State would rather work together with the operators, the County, and the community and if that doesn't work then we would have to approach it differently. If we go through with this motion, everybody should be given an advisory saying that henceforth we will be taking these kinds of actions.

There being no further discussion, Chairman Ono called for the vote on the motion entertained by Mr. Arisumi to accept item H-6 as amended with the understanding that the Board will consider making this applicable statewide through another motion at another time. Motion carried unanimously.

CHARLES FORMAN, TRUSTEE AND CATHEDRAL CITY INVESTMENTS, INC.
APPLICATION FOR DIRECT SALE OF EASEMENT AND REQUEST FOR
RIGHT-OF-ENTRY COVERING PORTION OF GOVERNMENT SUBMERGED
LAND, KAOHAI, LANAI, HAWAII

ITEM F-10

Mr. Detor said this is actually a follow-up to a CDUA action that the Board took at a March 8, 1985 meeting when they approved a CDUA for channel clearing, buoy placement, pier construction and conducting of commercial activities on government submerged lands. At the time the applicant was Mr. Allan Stark who has since then disposed of his interest to Charles Forman, Trustee and Cathedral City Investments, Inc. who are the present applicants.

Since the time of the CDUA action there is a legal matter that has come up, that is the statutes do not allow the leasing of government submerged lands without the prior approval of the governor and prior approval of the legislature by adoption of a concurrent resolution. The statutes talk about lease and this is an easement. The Attorney General's opinion was requested and an opinion was received in May which stated any lease would be subject to legislative approval. Clarification was asked if this applied to an easement and revocable permit. (Mr. Detor then handed out copies of the findings.) The clarification read that the Board must seek prior approval of the Governor and authorization of the legislature for the leasing or granting of easements of submerged lands. While the Board does not have to seek prior approval for the issuance of revocable permits, staff recommends that the Board seek approval because of the sensitivity in which submerged lands are regarded. The situation here is where work has already started and they were stopped because they had not submitted their plans as yet.

Mr. Kealoha asked if he were amending the subject matter on the item and the recommendation or is this to amend the recommendation.

Mr. Detor said we would have to amend the recommendation to the extent, that if we are going with an easement then we go to the governor and legislature to secure their approval. Under recommendation no. 1 it is listed if necessary and now we know that it is necessary, thus he requested that it be amended to delete the words "if deemed necessary".

Mr. Kealoha said his next question was, "Do we change the subject matter from direct sale of an easement to an issuance of a permit?"

As far as the title is concerned, Mr. Detor felt we should stay with the easement. Even if we go to a permit, he said we should still pursue the easement course in the long haul so that they will have permanent coverage. We could issue a permit at the same time but we should go ahead with the easement proposal.

Mr. Higashi said in the element of risk, anything can happen and we should have a document that is very specific that the applicants accept the risk and the State makes no guarantee.

Mr. Detor said it would have to be clearly understood and documented that the State takes no responsibility if the legislature or the Governor turns it down.

Mr. Higashi commented that the original development plan that was proposed by the previous owner, the pier was to be installed at a later date and they implied that they would make do with the moorings. His question is has the game plan changed, as they made representation that the pier may not be needed for another 2 to 5 years.

Mr. Vierra was called upon to respond. He said that Mr. Higashi was essentially correct. Initially that was one of the things that could have happened, the moorings would be sufficient and the pier may not be necessary. When they actually got into doing some of the work required by the Board, i.e. aquatic work, divers that were out there recognized that if the pier were extended a modest amount, that essentially they would not have to do the dredging work. Initially they were going to talk about dredging out the channel and putting in the moorings. By extending the pier a modest amount and making it a little narrower when they got into deeper water the dredging activity would not be required and therefore the savings from that put on the pier, made the pier economical. As a result of that they came back to the Board requesting permission to blast a small portion of what the original plan was, put in both the moorings and an extended pier, that was done by their contractor and under guidance of aquatic resources. The plan has changed as a result of the more extensive work. Now the actual proposal before the Board and the Corps of Army Engineers is that the dredging is not necessary because of the extension of the pier. They can now put in both the pier and the moorings without having to clear out the harbor.

Mr. Higashi said the question of the pier being public or private in other words, is contingent on you providing an easement. Is the easement going to be provided?

Mr. Vierra said yes it is. They will turn the easement over to the Bureau of Land Management for two things, both the granting of the easement on private property to the State per the conditions in the CDUA in exchange for the easement on the pier out to the ocean for private use. One of the conditions that has come out is that the State wants them to give it to the County but nonetheless they presented it to the State per the conditions.

Mr. Higashi said the thing that was not clarified in the disposition of the easement was, is the applicant going to do the improvements on the easement satisfactorily to the County of Maui or to the State.

Mr. Vierra said they could do it satisfactorily to the State if the Board desires.

Mr. Detor pointed out in the Remarks on page 5, in regards to the dedication of public access easement to the State, they believe that the easement should be granted to the County of Maui instead since such beach rights-of-way are normally the responsibility of the respective County governments. Also dedication of the access easement should be on terms and conditions acceptable to the County.

Mr. Higashi asked who would do the maintenance of the easement.

Mr. Vierra said right now they are in the position of willing to give it and nobody seems to want to take it, so they will maintain it. He said if the County does not want to take it with the problem of the maintenance, then they would have to maintain it.

Mr. Detor pointed out in Recommendation No. 6, Dedication of a public access easement to the County of Maui instead to the State and upon terms and conditions acceptable to the County.

Mr Higashi said the problem of the easement is a sensitive issue and he would like to amend his recommendation to make it very specific that if all else fails, that applicant will be responsible in perpetuity as long as you maintain the private pier, that you must maintain the easement.

Mr. Vierra said this was acceptable, what they really want to do is finish the construction and the permit is fine, they understand the risk.

Mr. Higashi asked Mr. Detor if he is asking on the granting of an easement of perpetuity or fixed period of time or...

Mr. Detor said the easement is for 20 years. So it would be a lease of an easement, fixed rate for 20 years.

Mr. Wong asked who would be entitled to the improvements after 20 years.

Mr Vierra said according to the terms of the CDUA, if the project is not successful, they are required to take out the pier.

Much discussion continued on the clarification of leasing of the easement, number of years allowed, reopening schedule, the risk of going to the legislature, etc.

Mr. Arisumi moved to issue a revocable permit, month-to-month basis and also authorize the issuance of the subject easement so that they can pursue the easement but in the interim issue the revocable permit. Amend the term of 20 years to 40 years. The reason is because it has to go to the legislature and the terms and conditions have to be spelled out otherwise the legislators will question it, and they have the right to disapprove.

Mr. Ono said the question coming up relates to the agenda item itself and the motion. He felt that two separate actions will be required. One is the issuance of the permit and the second is the easement, let the process start moving toward the sale of the easement.

ACTION

Mr. Arisumi amended his motion to approve issuing a revocable permit with the proviso that they accept the responsibility of liability holding the State harmless if they pursue their ground. Chairman was also delegated to sign off on the permit subject to being satisfied with the liability factor. Motion also amended to include the right-of-entry to applicant for construction. Staff to return to the Board with the easement sale itself with the details, especially the terms worked out. Seconded by Mr. Zalopany, motion carried unanimously.

Mr. Ono instructed Mr. Vierra that today's action will not waive any of the previous conditions of the CDUA, otherwise his client will be subject to a fine.

ITEM F-23

ACCEPTANCE OF EASEMENT FOR DITCH PURPOSES ACROSS PRIVATE
LAND AT KAPAA, KAWAIHAU, KAUAI

ACTION

Unanimously approved as submitted. (Zalopany/Higashi)

ITEM F-16

CITY AND COUNTY OF HONOLULU APPLICATION TO LEASE LAND
AT KUWILI, IWILEI, HONOLULU, OAHU

Mr. Detor said that this is an application from the City and County of Honolulu for issuance of a lease covering a portion of a lot that the State owns at Iwilei, Honolulu which is currently under permit to the Salvation Army, they use it for parking vehicles.

The City would like to lease about 15,000 sq. ft. for a community facility for the urban homeless "street people". The morgue is adjacent to this parcel, it is not right next to the morgue. Sometime back the City briefed us on the morgue expansion. Right now they would like half of the lot approximately, to go ahead with housing for the "street people." It will be necessary to subdivide the lot and the City would take care of the procedure that is required. As far as the balance of the lot is concerned, they will be coming in as soon as they have completed their plans for the morgue expansion.

Mr. Ono asked Mr. Detor if we had anything in writing from the City that they will infact upgrade the morgue. That was the original intent and he would hate to see the secondary purpose become the primary purpose and the morgue gets left by the wayside.

Mr. Detor said that they have correspondence from the City but they did not have an up-to-date letter saying, "Yes, we will definitely go ahead..."; up to now it's been right-of-entry so that they could study it and do a feasibility study. The managing director has indicated that the planning should be finished in two to three weeks and they'll be ready to go ahead.

Mr. Ono asked the City and County representative present if the City or he on behalf of the City can make a definite commitment and say, "Yes, the morgue will be upgraded along with the construction with facility for the homeless."

Mr. Miyagi said he could not give a definite commitment, but the understanding he has is that the morgue must be expanded and renovated from its present condition. They have already commissioned the design of the facility for the morgue.

Mr. Ono said the problem he is having is that initially this expanded area was for the upgrading of the morgue and now it seems that the facility for the homeless is getting more immediate attention. Unless the City can say that the morgue will be or shall be upgraded, he really can't move ahead in issuing a lease for the homeless.

Mr. Detor said that he's had that confirmation from the managing director but it is not in writing.

Mr. Ono commented that this item has been on the agenda for several years and that's the reason for his concern.

Mr. Zalopany asked Mr. Miyagi if they were moving the street people in there now.

Mr. Miyagi said no, not yet. They propose to build the facility there on the Iwilei site.

Mr. Kealoha asked him when are the design plans scheduled for completion for the morgue.

Mr. Miyagi said that he was given the preliminary plans by Mr. Matsutake and Mr. Nunokawa, but he did not know when they were scheduled for completion.

Mr. Ono asked if he knew if funds were or have been appropriated.

Mr. Miyagi asked permission if he could be deferred to the end of today's agenda so that he could call Honolulu to the City's Managing Director and get the authority to inform the Board of the City's commitment.

Mr. Ono said that he is not against the facility for the homeless but again the morgue seems to be given lower priority and they've been working on this for many years.

There being no objections, this item was placed on the end of today's calendar to give Mr. Miyagi a chance to see what information he can obtain from the Mayor's or Managing Director's office and report back on availability of funds and a time schedule for the plans.

ITEM E-3

PERMISSION TO NEGOTIATE WITH A CONSULTANT TO ADMINISTER THE MAIN STREET PROGRAM

Mr. Higashi asked how many townships have applied for main street programs.

Mr. Nagata said currently the department has been working with Historic Hawaii Foundation and various counties and particularly there are certain communities within counties such as on Kauai, the Waimea Community and on Hawaii, the Hawaii Redevelopment Agency in Hilo. They are trying to get something going on all the county levels but some are coming in line a little slower than others.

Mr. Higashi asked if the federal grants, administratively were coming through this department.

Mr. Nagata said yes. These monies are for State appropriations. Earlier funds were provided to the Historic Hawaii Foundation to get this thing going.

Mr. Higashi questioned the line of funding which will go from the Federal, to State Parks, to Historic Hawaii Foundation.

Mr. Nagata said for federal funding it goes to this department, it is Federal Historic Preservation Funds and the Board actually allows them to negotiate those funds as well. In this particular program, Mr. Ono, as the State Historic Preservation Officer, has convened a task force to get this going to help revitalize small town communities throughout the State. It is part of a national effort that is going on right now, started by the National Trust for Historic Preservation.

Mr. Higashi asked if he anticipated continued funds over a period of years from the federal government.

Mr. Nagata replied that the federal fund has continued to provide what we call planning type funds. Thus far they have been able, at the Board's discretion allocate certain amount of those funds for this type of program.

Mr. Ono said there's no specific federal appropriation for main street, it has to come from the general historic preservation fund.

Mr. Nagata said that was correct. The last two years when the general federal appropriation was made available, they had provided funds.

Mr. Higashi's question was because the monies come from the preservation historic type monies, is the program geared for restoration.

Mr. Nagata said that the National Trust probably felt that rather than sticking to the redevelopment or restoration of individual buildings, what's really going to help the preservation of towns and others of that nature is to have a program that would help the entire commercial community in the small towns rather than focusing on just one building that might be considered historic there and try to concentrate their efforts on that. He thinks that it's more of a marriage, the historic preservation interest and the valid economic activities.

Mr. Ono invited Miss Penny Ono, the Executive Director for the Kauai, Waimea Project, to give a brief description of the kinds of activities that they are currently involved in.

Miss Ono said that she started with the program in August and she is the project manager. The territory covered is from Kamakani to Mana which covers a lot of communities. She has been working with the businesses in the Waimea area, Kamakani and will be working the Kekaha group. She said it is very difficult because of the area being so spread out and having to take into consideration the way of life out in that area.

She said they have established four different subcommittees and these would all be in line with the main street approach, organization, promotion, design and economic restructuring. They hope to have a design development plan by the end of the first quarter of next year.

They're also finding that it's not only the businesses but also dealing with the people in the community and it is a marriage. The thing that will help is that they all work together and thus far she has not met any opposition. The people out there are all for it so far.

Mr. Higashi asked if the Kauai Main Street is a separate program administered by whom?

Miss Ono said that the West Kauai Business and Professional Association has a hundred members. It is like a mini chamber of commerce. She works under their direction.

ACTION

Mr. Zalopany moved for approval and would like to recommend that Mr. Moses Kealoha be a member of the committee to negotiate and execute a contract agreement with Historic Hawaii Foundation. Seconded by Mr. Arisumi, motion carried unanimously.

REQUEST FOR WAIVER OF CONDITIONS FOR AN APPROVED CONSERVATION DISTRICT USE APPLICATION FOR CONSOLIDATION AND RESUBDIVISION FOR A LAND EXCHANGE AND ACCESS EASEMENT AT TANTALUS, OAHU
TMK: 2-5-12:1 AND 15

ITEM H-1

Mr. Evans said staff received a telephone call yesterday from Mr. Ayling, one of the principals involved, and he requested a deferral to an Oahu meeting. Part of the reason for the request was he sensed he did not have a copy of the agenda item and staff wanted to respect his concern. He did have staff look into see exactly what the potential problem was and staff informs that about September 6, 1985, we did send a copy of the submittal to his agent, his legal counsel. He felt it was essential that we bring this to the attention of the Board before beginning the presentation this morning. He understands his agent is here this morning.

Mr. Ono asked who was the agent.

Mr. Evans said he believes it to be the law firm of Kinji Kanazawa.

Mr. Ono asked if he were still requesting deferment of this item.

Mr. Raymond Duvachelle, representing Mr. Eubank said that Mr. Kanazawa is also Mr. Eubank's attorney. He said he talked to Mr. Kanazawa yesterday and there was no deferral discussed. He said he was asked to appear today and to represent that they had no objections to the recommendations of the staff.

Mr. Ono had a question of Mr. Evans to clarify the phone call he received yesterday.

Mr. Evans said he received a call from Mr. Ayling yesterday. As he understood, there was a singular agent for both applicants, but that is not correct. Each applicant has their own agent. Mr. Ayling to represent himself and Mr. Eubank to be represented.

Mr. Higashi asked Mr. Duvachelle if he would have a problem if the item were deferred.

Mr. Duvachelle said talking to his clients and Mr. Kanazawa, they wanted the Board to get on with submittal as this has been going since 1983 and they had no objections to the standards. (conditions?)

Mr. Kealoha asked if he read the recommendations by the staff to deny the request by the applicant.

Mr. Duvachelle said that Mr. Ayling had put in the request to waiver sections 4 and 5. The Eubanks don't have any objection to the tearing down of the garage and as far as the recommendation be granted they agree with that.

Mr. Kealoha said by making that statement you are representing both Eubanks and Ayling?

Mr. Duvachelle said, "No," he is representing the Eubanks.

Mr. Kealoha said, but Ayling wants to defer this matter.

Mr. Evans said, "He specifically asked that I present the Board this morning with the request for deferral to an Oahu meeting such that he could elaborate on his concern and then go to the Board."

Mr. Higashi said, "The misunderstanding stems from you mailing this recommendation to the wrong party so, Mr. Ayling does not have a copy of the recommendation." Is this his basis for his request for denial?

Mr. Evans said that they mailed the recommendation to one of the necessary parties but failed to mail it to another party who is also involved.

ACTION

Mr. Kealoha moved that Item H-1 be deferred to the next Honolulu meeting. Motion was seconded by Mr. Higashi.

Mrs. Eubanks expressed her concern to the Board. She would like this problem solved as it has been going on since 1982. She said her husband is in the hospital and she has spent quite a bit of money to attend this meeting.

Mr. Zalopany asked why has this dragged on since 1982.

Mr. Evans said that action was taken in approving a CDUA for consolidation and resubdivision and the reason it would have dragged on would have been because there is a garage, a very old structure and it seems like there was effort made on behalf of at least one of the applicants to retain that structure as long as possible without having to tear it down which was one of our conditions of our board approval. What we are at now is culminating that process, does it stand or should it be torn down.

It was explained that originally both parties were represented by one agent and now only one of the parties is represented by that agent. Now one party is acting on his own and is not at this meeting to represent himself because he was not notified. Staff was proceeding on the basis that both parties were still represented by the same agent.

There being no further discussion, Chairman Ono called for the vote on the motion to defer this item to the next Oahu meeting. Four ayes and one nay, motion carries.

ITEM F-17

STAFF RECOMMENDATION FOR ASSIGNMENT OF GENERAL LEASES, MAUNALAHA HOMESITES, HONOLULU, OAHU, HAWAII

Mr. Detor said this submittal had come up at a previous meeting but was deferred because there was not a complete listing. This is a request on the part of thirteen different people who hold leases at Maunaloa. These were the leases that were awarded pursuant to action by the legislature to permit direct issuance of leases at Makiki, Maunaloa Valley. Request is being made here this morning for the Board's consent to the assignment of these 13 leases. In some cases, they are named from the present lessee to a combination of husband and wife. In other cases, you have a parent and child being combined as the lessee and spouse and parent, child.

Mr. Kealoha questioned the relationship of the lessee/assignee under G.L. No. S-4908.

Mr. Thomas Matsuda said that Francis Beirne and Dannielle Von Hiram are the son and daughter of the original lessee, Mrs. Mary Lopez Palomo. Mrs. Palomo died after this was submitted to the Board for action. She died in 1984.

Mr. Kealoha had a question as to whether Dannielle Von Hiram had another holding and isn't there some ruling that says you should not have two holdings?

Mr. Kealoha suggested that this particular lease G. L. S-4908 be deferred until more information could be obtained.

Mr. Matsuda had no objections. He wanted to be informed by staff as to the specific questions that needed to be answered to come back to the board.

ACTION

There being no objections, lease #10, G.L. No. S-4908 was deferred.

Mr. Kealoha moved for approval of item F-17, except on lease no. G.L. S-4908. Seconded by Mr. Higashi, motion carried unanimously.

ITEM F-32

STAFF RECOMMENDATION FOR CANCELLATION OF GENERAL LEASE NO. S-4895, LOT 12, MAUNALAHA HOMESITES, MAKIKI, HONOLULU, OAHU

Mr. Detor said this is a staff recommendation to cancel general lease S-4895 held by Mr. Arthur K. Kaleikini. He was served a notice of default, he has been contacted personally but he hasn't paid the delinquent amount.

Mr. Detor said he contacted Mr. Matsuda to see if he could help and he in turn contacted OHA but he did not receive a final answer as to whether they would help. Mr. Detor said he also called OHA but they never called him back.

Mr. Kealoha asked where does OHA come into this.

Mr. Detor said in previous cases, OHA had indicated they would help like lending the money to bring the accounts up to current status. Whether they'll do it in this case, he didn't know.

Mr. Matsuda said he does not represent Mr. Kaleikini individually, but he does represent the entire association. The information he has is that Mr. Kaleikini has had trouble with his employment in the past few years and he's been moving around a lot. That's all the information he has.

Mr. Matsuda said he did contact the president of the association and she is presently trying to contact Mr. Kaleikini to work something out. It's also their position if it looks like someone is going to default on their payments they would like the property to be assigned to someone else who is eligible within that family and they would also work on that alternative. He said he couldn't say that is being done as he doesn't know.

Mr. Detor said that he would like to defer this item to the next Honolulu meeting to give him another chance to bring his account current.

ACTION Mr. Arisumi moved to defer this matter to the next Oahu meeting. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-33 STAFF RECOMMENDATION TO CANCEL GENERAL LEASE NO. S-4909 LOT 26, MAUNALAHA HOMESITES, MAKIKI, HONOLULU, OAHU

Mr. Detor asked to withdraw this submittal as the rent has been paid up-to-date by Mr. James Perry.

ITEM F-20 SAIVA SIDDHANTA CHURCH REQUEST FOR DIRECT LEASE-WAILUA, KAUAI

Mr. Detor said staff recommends issuance of a direct lease to the applicant subject to the terms and conditions mentioned. The Saiva Siddhanta Church, current occupants have done an exemplary job in the use of the premises.

ACTION Mr. Zalopany moved for approval as submitted. Seconded by Mr. Higashi, motion carried unanimously.

ITEM C-1 PERMISSION TO RENEW CONTRACT FOR FIELD ASSISTANT FOR NENE PREDATOR CONTROL PROJECT, ISLAND OF HAWAII

ACTION Mr. Higashi moved to approved the renewal of Mr. Dan Espy's contract as the Nene field assistant for the Nene predator control project on the island of Hawaii. Seconded by Mr. Zalopany, motion carried unanimously.

ADDED ITEM C-2 OUT-OF-STATE TRAVEL REQUEST FOR LIBERT K. LANDGRAF, ADMINISTRATOR, DIVISION OF FORESTRY AND WILDLIFE, TO ATTEND THE 1985 NATIONAL ASSOCIATION OF STATE FORESTERS MEETING

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

Before moving on, Mr. Ono said that he had been approached yesterday and informed of another request for Mr. Ronald Walker, Division of Forestry and Wildlife to attend a meeting in Portland to meet with federal officials. It's not in writing and he was not sure of the exact date but it may be right up against the next meeting. He wanted to inform the Board members and if he could add the possibility of authorizing Mr. Walker's trip subject to the details being reviewed. If the Board is willing to consider that, it will be added to the next meeting.

Mr. Higashi asked what type of meeting was this.

Mr. Ono said this was a meeting with the federal officials on funding and planning for the next upcoming fiscal year. The one question he had was since Mr. Landgraf was also scheduled to pass through Portland, either have Mr. Landgraf cover that or leave Mr. Landgraf's Portland leg of the trip instead of both of them going for essentially the same purpose. Mr. Ono recommendation to the Board is to knock off Mr. Landgraf's side trip to Portland and let Mr. Walker sit down with the federal officials to attend the funding workshop.

ADDED

ITEM C-3

REQUEST FOR OUT-OF-STATE TRAVEL FOR RONALD WALKER

ACTION

Mr. Higashi moved to add on item C-3, Out-of-state Travel Request for Mr. Ronald Walker, Wildlife Biology Program Manager. Seconded by Mr. Arisumi, motion carried unanimously.

Mr. Higashi moved that the Board delegate to the Chairman the authority to authorize travel request for Mr. Walker subject to details being worked out in the best interests of the department. Seconded by Zalopany, motion carried unanimously.

ITEM D-1

PERMISSION TO ADVERTISE FOR BIDS--JOB NO. 13-KW-14, DRILLING LAWAI EXPLORATORY WELL (5530-04), LAWAI, KAUAI, HAWAII

ACTION

Unanimously approved as submitted. (Zalopany/Kealoha)

ITEM D-2

PERMISSION TO ADVERTISE FOR BIDS--JOB NO. 4-OW-F, MAUNAWILI DITCH IMPROVEMENT, MAUNAWILI, KOOLAUPOKO, OAHU, HAWAII

ACTION

Mr. Kealoha moved for approval as submitted. Mr. Arisumi seconded the motion.

Mr. Ono asked Mr. Detor to give the board a brief description on where we are with the property owners.

Mr. Detor said that we have an appropriation from the legislature to acquire the land at Maunawili and the water that goes with it. The water would be used for the Waimanalo area. In connection with that, the Division of Water and Land Development will be improving the ditch system that brings the water to Waimanalo.

As far as the acquisition is concerned, they've had the appraisal made, they've made the offer and Hawaiian Trust is handling the estate. They thought it was simply the Castle Estate but apparently they've split into two estates. Now

they will have to allocate out the appraisal so that part of it goes to one trust and part to the other. As soon as they're able to do that, they will make the offer again to Hawaiian Trust and whether they will accept it or not, he really doesn't know. He understands that they are having their own appraisal. We have asked them for a right-of-entry so that we can go ahead with this work and let the negotiation continue insofar as buying the property is concerned. As yet they haven't given us the right-of-entry but they would like to get the Board's approval to advertise for bids to start right away as soon as this thing is settled.

Mr. Ono clarified that this project cannot start until the right-of-entry is approved.

Mr. Detor said if they refuse to give us the right-of-entry, which he doesn't anticipate, they will probably have to go to condemnation.

No further discussion, Chairman Ono called for the vote. Motion carried unanimously.

ITEM E-1

REQUEST FOR PERMISSION TO USE THE AREA FRONTING IOLANI PALACE STEPS FOR ALOHA WEEK OPENING DAY CEREMONIES

ACTION

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

ITEM E-2

PERMISSION TO AMEND STATE OF HAWAII CONTRACT NO. 12689 WITH HAROLD MIYAMOTO AND ASSOCIATES, INC. CONCERNING THE PREPARATION OF DESIGNS AND PLANS FOR THE RECONSTRUCTION OF HANAIEI PIER, HANAIEI, KAUAI

Mr. Zalopany asked what mainly is this extra work that is to be done.

Mr. Nagata said they would like to change the design drawings to reflect the deletion of the proposed temporary walkway and substitute a stainless steel hand railing in lieu of a wooden railing. They would like to make sure if the need should arise that they are able to have a boat landing at the far end of the pier.

Mr. Zalopany asked if they had the funds.

Mr. Nagata said they don't have all the money, that's one of the problems. They had hoped to get this project on the way sooner and they had hoped to use federal land and water conservation fund monies for this project but they ran across some concerns raised by the National Park Service which is an agency that looks over historic preservation concerns along with their office. Presently they have some State funds and they're still hoping to use Federal funds but they have to wait for the next federal fiscal year.

ACTION

Mr. Zalopany moved for approval of the submittal as submitted. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-3 PERMISSION TO NEGOTIATE WITH A CONSULTANT TO ADMINISTER
THE MAIN STREET PROGRAM

(See page 10 for Action.)

ITEM E-4 ADOPTION OF POLICY TO RECORD IN THE BUREAU OF CONVEYANCES
ALL REGISTERED HISTORIC PROPERTIES

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM E-5 ALLOCATION OF HISTORIC PRESERVATION GRANTS--IN-AID

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

(Cont'd)
ITEM F-16 CITY AND COUNTY OF HONOLULU APPLICATION TO LEASE LAND AT
KUWILI, IWILEI, HONOLULU, OAHU

Mr. Miyagi said he was able to talk to the Managing Director, Mr. Andy Anderson, and Mr. Anderson assured him to assure the Board that he will have a letter sent to the Board with the time schedule by next week.

Mr. Kealoha asked committing to the morgue in what year.

Mr. Miyagi said he did not know. But the managing director will commit that the morgue will go forward with a time schedule. The morgue also has the full support of the City Council.

Mr. Kealoha asked when did the City plan to work on the facility for the street people.

Mr. Miyagi said he was instructed to ask for a right-of-entry by October 15, to start the street people portion.

Mr. Kealoha again asked that the letter would be in our possession by next week, no later than September 20, 1985.

Mr. Miyagi said yes, no later than September 20, the letter.

ACTION Mr. Kealoha moved for approval with the added provision that the right-of-entry be granted provided the Board gets the letter of commitment to develop the morgue.

Mr. Detor injected that the Salvation Army has the permit so they would have to serve notice. His division has already written to them of the possibility but they would have to formally give them notice as they are entitled to thirty days. It is in the recommendation under "B." authorizing the withdrawal of the portion of land from the permit, effective October 31, 1985.

Mr. Arisumi seconded the motion. Motion carried unanimously.

ITEM F-1 DOCUMENTS FOR CONSIDERATION

MARTHA R. MCALLISTER APPLICATION FOR REVOCABLE PERMIT, PORTION OF WAIOHONU GOVT REMAINDER SITUATE AT WAIOHONU-KAKIO, HANA, MAUI, HAWAII, TMK 1-4-12:03, CONTAINING AN AREA OF 1.85 ACRES FOR PASTURE PURPOSES. RENTAL: \$30.00 PER MO COMMENCING OCTOBER 1, 1985.

Item F-1-a

Discussion followed as to the use of the land, re-evaluating the rental based on ag or urban use.

ACTION

Mr. Arisumi moved for approval, with the amendment that the monthly rental be subject to review. Seconded by Mr. Higashi, motion carried unanimously.

KILAUEA IRRIGATION COMPANY, INC. APPLICATION FOR REVOCABLE PERMIT, (WATER) PORTION OF THE MOLOAA FOREST RESERVE AT PAPAA, HANAIEI, KAUAI, TMK 5-1-01:02, CONTAINING AN AREA OF 7.12 ACRES FOR PURPOSE TO DEVELOP AND UTILIZE GOVERNMENT WATERS FROM GOVT LAND AT PAPAA AND CONSTRUCT, OPERATE, REPAIR AND MAINTAIN A WATER TRANSPORTATION SYSTEM. RENTAL: \$4.00 PER MILLION GALLONS OF WATER TAKEN, USED AND/OR DEVELOPED OR \$22.00, WHICHEVER IS HIGHER.

Item F-1-b

Mr. Detor said that this is a water license. He also wanted the Board to be aware that there is another party that has asked for this permit.

Mr. Ono asked if within a year's time when this particular permit is in effect and the two parties cannot get together, what happens.

Mr. Detor said that it could be put up for bid, that's one possibility.

Mr. Ono said his question is what if the permit has to be continued, what happens, because two parties are interested, do we switch back and forth between the two parties.

Mr. Detor said we should find out which is the right way to go.

THERESA B. LAU REQUEST FOR FOR CONSENT TO ASSIGN G.L. NO. S-4471, KAOHE, HAMAKUA, HAWAII TO ALFRED NOBRIGA.

Item F-1-c

WALTER WITTE AND JOHN FAGAN REQUEST FOR CONSENT TO CANCELLATION OF SUBLEASE COVERING PORTION OF G.L. NO. S-4212, KAMAOLE, WAILUKU, MAUI.

Item F-1-d

THE NATURE CONSERVANCY OF HAWAII APPLICATION FOR REVOCABLE PERMIT COVERING A PORTION OF PRIVATE LAND (MOLOKAI RANCH, LTD.) SURRENDERED TO STATE UNDER SURRENDER AGREEMENT FOR FOREST RESERVATION PURPOSES, KAUNAKAKAI, MOLOKAI, TMK 5-3-03:POR. 5.

Item F-1-e

Mr. Detor said this actually is private land which was surrendered to the Forest Reserve. The Boys Scouts have moved out and now the Nature Conservancy of Hawaii wants to take it over. As far as rent is concerned, we could probably assess a nominal amount as the State would still be obligated to monitor the occupants towards administrative costs.

Mr. Detor suggested instead of listing Gratis under Monthly Rental, put in nominal, subject to legal review, \$11.00 per month.

Item F-1-f CORMAX CORPORATION REQUEST FOR CONSENT TO AMENDMENT OF SUBLEASE, KALAUAO, EWA, OAHU (G.L. No. S-4644).

ACTION Mr. Kealoha moved approve Items F-1-b, F-1-c, F-1-d, F-1-e as amended, and F-1-f. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM F-2 LANIHAU CORPORATION REQUEST FOR RIGHT-OF-ENTRY, OLOLI (OLD HONOKOHAU) ROAD, LANIHAU 1ST, NORTH KONA, HAWAII

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

ITEM F-3 STAFF RECOMMENDATION FOR SALE OF LEASE AT PUBLIC AUCTION, TMK 9-6-09:4, KAILIULA AND AHULILI, KAU, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Zalopany)

ITEM F-4 STAFF RECOMMENDATION FOR SALE OF LEASE AT PUBLIC AUCTION, LOT 5, PAPA HOMESTEADS, SO. KONA, HAWAII, TMK 8-8-04:4

ACTION Unanimously approved as submitted. (Higashi/Zalopany)

ITEM F-5 IRWIN MILLER APPLICATION TO PURCHASE ROAD REMNANT, NO. KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Zalopany)

ITEM F-6 ACQUISITION OF ADDITIONAL LANDS FOR THE KONA MARSHALLING YARD AT HONALO, NO. KONA, HAWAII

ACTION Unanimously approved as submitted. (Higashi/Zalopany)

ITEM F-7 MOSES MAKUAKANE REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO SATISFY CULTIVATION REQUIREMENT, GENERAL LEASE NO. S-4424, PAHOA AG. PARK, PUNA, HAWAII

Mr. Detor said that lessee, Mr. Moses Makuakane is asking for more time to satisfy the cultivation requirement of the lease. Staff is recommending extension of one year. If he hasn't complied after one year then recommendation would be for cancellation.

Mr. Higashi said there is a big problem there as many of the farmers cannot comply because of market conditions. He suggested a review of the whole ag park, the 1st phase and look at the time schedule instead of saying they're in violation and recommend cancellation. He felt that would not be in the best interest of the State or agriculture. He preferred that this item be deferred.

On the other side, Mr. Ono said that we are getting criticized by the legislature. The other possibility is having all of the farmers anticipating difficulty come in with some kind of a plan and if they want to relinquish a portion of it, may be we should take some back.

Mr. Higashi said maybe in this case someone could be assigned to meet with the farmers and come up with some kind of plan and maybe even take that to the legislature to understand the problem of the farmers.

Mr. Ono also suggested that this item be deferred with the understanding that staff will contact the farmers, the farm bureau and appropriate people and come back with an overall plan.

There being no objection, this item was deferred with the understanding that staff will come up with a draft of a plan by the end of November so that the Board can set a policy.

ITEM F-8

HAWAII ELECTRIC LIGHT CO., INC. REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION GRANTING TRANSMISSION LINE EASEMENT IN KILAUEA, NO. HILO, HAWAII

ACTION

Unanimously approved as submitted. (Higashi/Zalopany)

ITEM F-9

THE BAYOU CORPORATION, INC. APPLICATION FOR DIRECT SALE OF EASEMENT, HILO, HAWAII

Mr. Higashi moved for approval as submitted. Seconded by Mr. Kealoha, motion carried unanimously.

Mr. Ono asked if the same approach was going to be used as was discussed in the Lanai Harbor, the terms and duration.

Mr. Detor said yes.

(See Below for Action)

ITEM F-10

CHARLES FORMAN, TRUSTEE AND CATHEDRAL CITY INVESTMENTS, INC. APPLICATION FOR EASEMENT COVERING SUBMERGED LAND AT KAOHAI, LANAI

(See Page 6 for Action.)

ITEM F-11

MAUI ELECTRIC COMPANY, LTD. AND HAWAIIAN TELEPHONE COMPANY APPLICATION FOR TRANSMISSION LINE EASEMENT, KAHAKULOA, WAILUKU, MAUI

Mr. Detor wished to amend the submittal by adding under Recommendation, No. 5, where it reads, "...allowed to assign the easement to Bishop Trust Company, Ltd., and Hawaiian Trust Company,...".

ACTION

Mr. Arisumi moved for approval as amended. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-9

THE BAYOU CORP., INC. APPLICATION FOR EASEMENT, HILO, HAWAII

Mr. Ono requested to go back to Item F-9. He questioned the reopening dates.

Mr. Kealoha moved to recall Item F-9 on the agenda to reconsider previous action. Seconded by Mr. Higashi, motion carried unanimously.

ACTION

Mr. Higashi moved to amend the previous action on item F-9 by having the reopening date set at every ten (10) years. If the determination is going to cost more to reopen by having an updated appraisal, more than the annual lease and will be a net loss to the State, staff not to reopen. Seconded by Mr. Kealoha, motion carried unanimously.

Mr. Ono requested Mr. Detor to have staff draft a policy statement about reopeners. If staff assessment indicates that it will cost more to go through the reopening process and cause a net loss to the State, not to proceed. This draft policy to be presented to the Board for consideration.

- ITEM F-12 CITY AND COUNTY OF HONOLULU REQUEST FOR CONVEYANCE OF LAND AND SEWER EASEMENT, HALAWA, EWA, OAHU
ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-13 CORMAX CORPORATION REQUEST FOR CONSENT TO SUBLEASE PORTION OF GENERAL LEASE NO. 2-4644, KALAUAO, EWA, OAHU
ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- ITEM F-14 HAWAIIAN ELECTRIC COMPANY, INC. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR TRANSMISSION LINE EASEMENT, WAIMANALO, OAHU
ACTION Unanimously approved as submitted. (Kealoha/Arisumi)
- ITEM F-15 HOWARD KARR APPLICATION TO PURCHASE REMNANT PARCEL AT KAPAHULU, HONOLULU, OAHU
ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- ITEM F-16 CITY AND COUNTY OF HONOLULU APPLICATION TO LEASE LAND AT KUWILI, IWILEI, HONOLULU, OAHU
(See Page 16 for Action.)
- ITEM F-17 STAFF RECOMMENDATION FOR ASSIGNMENT OF GENERAL LEASES, MAUNALAHA HOMESITES, HONOLULU, OAHU
(See Page 12 for Action.)
- ITEM F-18 C&C OF HONOLULU REQUEST FOR APPROVAL FOR EXTENSION ON THEIR CURRENT LEASE TO HAWAIIAN HUMANE SOCIETY, KAMOILILILI, HONOLULU, OAHU
ACTION Unanimously approved as submitted. (Kealoha/Higashi)
- ITEM F-19 DEPT. OF TRANSPORTATION FOR EASEMENT COVERING ACCESS STAIRWAY AT NAWILIWILI HARBOR, NAWILIWILI, KAUAI
ACTION Unanimously approved as submitted. (Zalopany/Higashi)
- ITEM F-20 SAIVA SIDDHANTA CHURCH APPLICATION TO LEASE LAND AT WAILUA, KAUAI
(See Page 13 for Action.)
- ITEM F-21 CITIZENS UTILITIES CO. AND HAWAIIAN TELEPHONE CO. APPLICATION FOR TRANSMISSION LINE EASEMENTS, WAIMEA, KAUAI
ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM F-22 JOHN B. RAPOZO, JR. REQUEST FOR RIGHT OF ENTRY, HANAPEPE, KAUAI
ACTION Unanimously approved as submitted. (Zalopany/Kealoha)

- ITEM F-23 ACCEPTANCE OF EASEMENT FOR DITCH PURPOSES ACROSS PRIVATE LAND AT KAPAA, KAWAIHAU, KAUAI
- (See Page 7 for Action.)
- ITEM F-24 RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING, NANAKULI, OAHU
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-25 SUBLEASE OF OFFICE SPACE FOR THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-26 RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, KAUNAKAKAI, MOLOKAI
- ACTION Unanimously approved as submitted. (Arisumi/Kealoha)
- ITEM F-27 DOT REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE, ONE KAPIOLANI BUILDING, HONOLULU, OAHU
- ACTION Unanimously approved as submitted. (Kealoha/Arisumi)
- ITEM F-28 DSSH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE, LOFT SPACE NO. 4, ASHIKAWA BLDG. II, KEALAKEKUA, SO. KONA, HI
- ACTION Mr. Higashi moved that item F-28 be deferred to have staff check out why the rent is so high, also the loft space should be checked out if improvement is needed there. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-29 DEPARTMENT OF AGRICULTURE REQUEST FOR EXTENSION OF LEASE COVERING LAND AT KAKAUKUKUI, HONOLULU, OAHU
- ACTION Mr. Kealoha moved for approval as submitted. Seconded by Mr. Higashi, motion carried unanimously.
- Mr. Ono asked that staff alert the Department of Agriculture or whoever is the lead agency that they should reactivate the project as originally planned.
- ITEM F-30 CHEVRON U.S.A. INC. REQUEST FOR AMENDMENT OF GENERAL LEASE NO. S-4692 (EASEMENT ALIGNMENT) HONOULIULI, EWA, OAHU
- ACTION Mr. Kealoha moved for approval. Mr. Zalopany seconded the motion. Mr. Ono amended the motion to have this checked for legal review to see if this needs to go to the Governor and the legislature. Calling for the vote, motion carried unanimously.
- ITEM F-31 SHIGETO MIYASHITA, ET AL, APPLICATION TO PURCHASE ABANDONED DITCH RIGHT-OF-WAY, WAIMANALO, OAHU
- Mr. Kealoha presented several questions as to the description of area.
- There being no objections, Item F-31 was deferred so that staff could obtain a more accurate description of the area.

ITEM F-32 STAFF RECOMMENDATION FOR CANCELLATION OF G.L. NO. S-4895,
LOT 12, MAUNALAHA HOMESITES, MAKIKI, HONOLULU, OAHU

(See Page 13 for Action.)

ITEM F-33 STAFF RECOMMENDATION FOR CANCELLATION OF G. L. NO. S-4909,
LOT 26, MAUNALAHA HOMESITES, MAKIKI, HONOLULU, OAHU

(See Page 13 for Action.)

ITEM H-1 REQUEST FOR WAIVER OF CONDITIONS FOR AN APPROVED CDUA FOR
CONSOLIDATION AND RESUBDIVISION FOR A LAND EXCHANGE AND
ACCESS EASEMENT AT TANTALUS, OAHU

(See Page 11 and 12 for Action.)

ITEM H-2 REQUEST FOR A TIME EXTENSION ON A PREVIOUSLY APPROVED CDUA
FOR A FLOATING DOCK ADJACENT TO TMK: 3-9-35:16 AND 17,
KUAPA POND, HAWAII KAI, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM H-3 EXTENSION OF TIME FOR CDUA FOR THE DEVELOPMENT OF MANOA II
AT MANOA VALLEY, OAHU, HAWAII

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM H-4 CDUA FOR A COMMERCIAL TOUR OPERATION INCLUDING JET SKIING,
CANOE PADDLING, WIND SURFING, AQUA CYCLING, AND PICNICKING
AT HARRIS ISLAND, KEEHI LAGOON, OAHU, HAWAII

Mr. Evans said this item was previously deferred at a previous meeting because staff indicated to the Board that of all the commercial operations out there we had gotten together with Department of Transportation (DOT) and on a tentative basis they felt that a total of 100 persons on the island would be the carrying capacity. Mr. Kealoha at that time indicated an added concern as specifically related to each individual operation.

Staff has in Condition No. 5, where they can specify that this particular operation be 33 visitors or less as determined by DOT's lease agreement. Considering that staff feels that whether they eventually have three operators or ten operators, the total maximum carrying capacity appropriate for the island, at least during the upstart period is 100.

Should the Board approve this application, staff would add another condition, Condition No. 20, that DOT insure that the Department of Health standards are followed regarding all user waste disposal. Staff feels that sanitary facilities are an important aspect and they do want to remain consistent.

The second aspect, should the Board entertain an approval, staff has gotten together with DOT and are trying to insure that all the conditions from each of the three permits that they've now acted on would be consistent in the terms of the wording.

Mr. Kealoha asked, "You say the carrying capacity for the island is a 100 people?"

Mr. Evans said they are recommending that, as they recommended that in the first and second application and now this one. This number was arrived at a consultation between Conservation and DOT in terms of an estimate to provide a basis or foundation from which staff can then make a better evaluation.

Mr. Kealoha asked if the number 100 people includes the general public use.

Mr. Evans said it only incorporates those on a commercial basis.

Mr. Kealoha asked what are you establishing as the carrying capacity of Harris Island.

Mr. Evans said they are stating it would be 100 on a commercial basis plus whatever is there on a daily or weekend basis. They don't have any long-term data on what has transpired by the general public, except to suggest to the board that observations have indicated that the weekend use is somewhat higher in terms of local fishermen being on the island and then daily use.

Mr. Zalopany asked why can't we restrict the weekends for the local people only.

Mr. Evans said you could do that but were you to do that, you would be doing it only applying it to this application and not to the previous applications which were approved. This consideration however, could be a valid consideration when the DOT comes back in after a year and evaluates the situation at that time.

Mr. Ono asked staff if we could ask DOT to consider the weekend and holiday crowd and if need be, lower the carrying capacity of the commercial visitors so that the local residents will have freer access to the island itself or if the local demand is very heavy, possibly eliminate commercial use on weekends and holidays. These are just options for DOT to consider.

Mr. Evans answered yes to both counts. He pointed out that when staff comes to the Board they are asking the Board to pass on the land use only. There's a follow-up disposition process, and in this case it would mean working together with DOT to pose stricter conditions.

Mr. Kealoha instructed staff that they must make it very clear to DOT that they correspond to the applicant, the users and your division. If for any reason they go beyond the limits, the commercial users will have to cut back on the number of users so that the public has a greater access.

Mr. Garcia said they will have before the board this morning in one of the J items, a permit for Dan's Dive Shop. In

this particular permit, the old permit is being terminated to be replaced by this new permit. The numbers that we're talking about is being changed. The number is 33 and the total is no more than 100 on the island at one time. They have agreed to that.

Mr. Zalopany asked about the weekends and holidays.

Mr. Garcia said right now as far as weekends and holidays are concerned, it is no more than 100 but it does not address the concern of local residents, but that can be changed.

ACTION Mr. Kealoha moved for approval as amended. The amendment includes the additional condition No. 20. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-5 CDUA FOR A BOAT LAUNCH RAMP AT KALAUPAPA, MOLOKAI (DEPARTMENT OF HEALTH)

Mr. Evans said the current ramp has deteriorated to the point where it's declared off limits to the residents.

Staff is recommending approval of this application as stated but they would like to add another condition should the board entertain approval. The reason for this is because the request of one of our divisions was not incorporated into the submittal.

Condition 8 would read, "That a copy of the Marine Resources Study be submitted to our department upon completion." This specifically is for our Division of Aquatic Resources.

Mr. Ono asked what happens after they submit that report.

Mr. Evans said the Division of Aquatic Resources indicated that Planning should take a look at the study once it's done. What they intend to do with was not presented.

Mr. Ono asked what if they find something in there that requires corrective actions.

Mr. Evans said he sensed that they would communicate that to the Department of Health.

Mr. Kealoha asked if this would require an SMA.

Mr. Evans said that they have received SMA clearance.

ACTION Mr. Kealoha moved for approval as amended. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM H-6 ILLEGAL HELICOPTER LANDINGS IN CONSERVATION DISTRICT ON THE ISLAND OF KAUAI

(See page 3 for Action.)

ITEM I-1 APPLICATION FOR APPOINTMENT OF LICENSE AGENT-GO GO BIKES HAWAII, ISLAND OF MAUI

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-1 LEASE OF LAND-DILLINGHAM AIRFIELD, HONOLULU, OAHU
NORTH SHORE AVIATION SERVICES CORP.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-2 GIFT AND APPAREL CONCESSION, GENERAL LYMAN FIELD, HILO, HI

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-3 AMENDMENT NO. 12. TO LEASE NO. A-62-13, HONOLULU INTER-
NATIONAL AIRPORT, OAHU (CANADIAN PACIFIC AIRLINES, LTD.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4054, 4068,
4077, 4064-4067, AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM J-5 APPLICATION FOR ISSUANCE OF A REVOCABLE PERMIT 4102, NON-
CONFORMING USE, AIRPORTS DIVISION (DAN'S DIVE SHOP)

ACTION Mr. Kealoha moved for approval with the condition that DOT specifically inform the commercial users that should there be more than the limited number of people on the island that they would cut down the commercial users number first. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT NO. 85-1298, HARBORS DIVISION
(AMERICAN HAWAII CRUISES)

ACTION Mr. Kealoha moved for approval with the amendment to revise the rental from \$2,002.00 to \$2,182.00 per month. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT NO. 85-1293, HARBORS DIVISION
(RONS CONSTRUCTION CORP.)

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT NO. H-1289, HARBORS DIVISION
(K.T. MATAELE, DBA K. T. MATAELE CONTRACTORS)

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ADDED
ITEM J-9 USE OF HARBORS DIVISION FACILITIES (NSA-NICHIREN SHOSHU
SOKA GAKKAI OF AMERICA

Mr. Garcia presented this added item for the Board's approval. NSA is a nonprofit organization and they wished to use Pier 9, Passenger Terminal for preparation of a polynesian show.

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

The Board adopted a Resolution commending Mr. Stanley Iwao Shima, Aquatic Biologist VI of the Division of Aquatic Resources who has served in the Territory of Hawaii and the State of Hawaii faithfully and conscientiously for more than thirty-two years. Mr. Shima plans to retire on the 30th day of September.

ADJOURNMENT There being no further business, the meeting was adjourned at 12:35 p.m.

Respectfully submitted,

Dorothy C. Chun

Dorothy C. Chun
Secretary

APPROVED:

S. Ono
SUSUMU ONO,
Chairperson

dcc