

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

DATE: October 11, 1985
TIME: 9:00 A.M.
PLACE: Kalanimoku Building
Room 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

Chairman Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:05 A.M. The following were in attendance:

MEMBERS

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

Absent & Excused

Mr. Leonard Zalopany

STAFF

Mr. Nobu Honda
Mr. Ralston Nagata
Mr. Manabu Tagomori
Mr. James Detor
Mr. Roger Evans
Mr. Richard Fassler
Mrs. LaVerne Tirrell

OTHERS

Mr. Edwin Watson, Deputy A. G.
Mr. Peter Garcia, DOT
Mr. Fujioka (Item D-3)
Ms. Eloise Squires (Item E-1)
Mr. Roland Zella (Item F-1-a)
Mr. Ry Barbin (Item F-4)
Mr. Rick Gaffney (Item H-4)
Mr. James Ayling (Item H-6)

MINUTES

Mr. Ing moved for approval of the June 28, 1985 and July 26, 1985 minutes as circulated. Motion carried unanimously with a second by Mr. Higashi.

ADDED
ITEMS

Upon motion by Mr. Ing and second by Mr. Higashi, the board voted unanimously to add the following items to the Agenda:

Division of State Parks

Item E-4 -- Filling of Position No. 11185, General Laborer I, Oahu Park Section.

Division of Land Management

Item F-17 -- Consultant Contract Regarding the Archipelagic Status of the State of Hawaii (Verbal)

Items on the Agenda were considered as follows to accommodate those applicants present at the meeting:

ITEM E-1

REQUEST FOR PERMISSION TO INSTALL LIGHTING FOR THE PARKING AREA AND DRIVEWAY AT QUEEN EMMA SUMMER PLACE, HONOLULU, OAHU.

ACTION

Unanimously approved as requested subject to the condition that when light fixtures are selected, product literature illustrating such fixtures be submitted to the Division of State Parks for review and approval to ensure aesthetic and historical compatibility with the Palace. (Ing/Kealoa)

ITEM F-4

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

Mr. Detor explained that this request is a follow-up of a previous board action. Spelled out in this submittal are the terms and conditions that would be applicable to the easement. Also included in the submittal are the terms and conditions that were approved by the board in connection with the CDUA.

Mr. Ono asked whether the applicant had a chance to look at the conditions.

Mr. Detor said yes and that the applicant was also present at the meeting.

Mr. Ry Barbin, attorney for the applicant, addressed the board's attention to Condition No. 8, page 6, which requires that the mooring and docking fees be subject to the review and approval of the Chairperson. He asked that the word "approval" be deleted. Because of the term of the lease, which is forty years with five-year incremental renegotiation subject to appraisal, if that would be an appropriate time to review and approve the fees that the applicant is charging. They also feel that in a sense what is happening by giving the board the authority to approve that in effect the board is becoming a regulatory or rate making agency and he's not sure if that is really what the board intends to do. So, because of the short five-year increments that that would be an appropriate time and it should not be necessary for them to have to come back everytime there is an increase or decrease in the rates that they charge for usage.

Mr. Ono asked if that was the only objection they had.

Mr. Barbin said yes.

Mr. Higashi asked whether we have the option to do the appraisal by income approach or straight easement land value.

Mr. Detor said that he wasn't sure in this case which one would be applicable but he would think that in staff's instructions to the appraiser they could ask him to take into consideration the fee structure which would be related to the income approach.

Mr. Ing asked Mr. Barbin if the approval process itself was the problem or was it the State's right to increase the rent based upon what they charge for use of the facilities?

Mr. Barbin said that they have no objection to the State, at the five-year period, looking at the income that is derived to determine what the new rental should be. At that time the State could adjust their rental requirements as to how much they are charging. But if they were in a position to have to come back every time they wanted to renegotiate a new landing or docking fee, they felt that to be unnecessary or unreasonable. Particularly since they are on a short term five-year interval.

Mr. Ono asked Mr. Barbin if he would object to having a new Condition No. 8 describing the process which he just mentioned that at the next reopening the State shall take into consideration the revenue.

Mr. Barbin said that he had no objection to this.

Mr. Ono said that if we take this approach he wanted to make sure that whoever is going to manage this lease would take this into consideration.

Mr. Ing said that Condition No. 8 could be amended by deleting the words "and approval".

Mr. Detor said that what he has done is specify that the income approach may be considered in rental reopenings. He did not want to nail it down just to the income approach because there may be no income -- but that it be one of the factors to be considered.

For clarification, Mr. Ing asked if this would be subject to disapproval by the legislature.

Mr. Detor said yes. The applicants will be on a permit basis. But staff will post this to the legislature in the form of a concurrent resolution. If the resolution is adopted then they can go into the easement.

ACTION

Mr. Arisumi moved for approval with an amendment to Condition No. 8 as stated above by Mr. Detor. Seconded by Mr. Higashi, motion carried unanimously.

ITEM H-4

CDUA FOR MOORING OF A FISHING PLATFORM FOR COMMERCIAL AND RESEARCH USE OFFSHORE OF KAILUA, KONA (FISHING ISLAND, INC.).

Mr. Evans said that what is proposed is use of submerged lands approximately 100 sq. ft. to be used as a mooring site between the 500 and 1000 fathom isobath off Kailua-Kona coastline. If approved, this mooring would be located about four miles from the nearest State Fish Aggregation Device (FAD).

Referring to Condition No. 16, Mr. Evans said that the applicant did not ask that the mooring be placed at a minimum of four miles from the nearest Fish Aggregation Device. This was staff's recommendation based upon the input received.

Mr. Ono asked how the distance would be measured.

Basically, said Mr. Evans, from ocean floor to ocean floor -- one location to the other.

So it's possible that they may run into each other, said Mr. Ono?

Mr. Evans said that he was not aware that they had a two mile swing.

Mr. Evans said that all of the conditions were discussed with the applicant. The applicant did express concern regarding Condition No. 17. They are concerned with the last line of the condition where it says that because the use is experimental, we are allowing them to go for one mooring life and then any re-mooring will require prior approval from the department. However, the applicant says that we use the term "approval". The reason that the applicant expresses his concern is that there is a feeling that if we recommend approval and the staff sustains it, that he is going to have a much more difficult time attaining the financing for the project

from the private sector. The reason they feel that they will have difficulty in obtaining financing is that the condition as it would read would mean that, if for example in two months by some act of God that the mooring were to be lost that the applicant would have to come back into the department and the department could conceivably say no, you cannot re-moor and as such it would make the risk of investment far beyond the marginal return. They feel that the bank just would not provide the money under those conditions.

The applicant has suggested that rather than use the word "approval" that the department use the word "review." Mr. Evans said that this suggestion was sent to staff to find out what their feelings were. Staff said that the reason they put it in there is because they did not want it to have an intent that we would stop the project or that we would not allow the applicant to re-moor in the future. The reason they felt that they had to have that in there was that basically they did expend State funds on a FAD close by and they don't have a lot of data about this one. What happens if this guy puts in his mooring device and it winds up drawing the fish away from what the State has already done. So staff felt that was not really something that we could live with.

In answer to Mr. Ing's question, Mr. Evans said that staff expects the mooring life to run from two to 2-1/2 years.

Mr. Ing suggested we just say "any re-mooring" or "two years", whichever is less.

Mr. Evans said that staff has some language which they feel that they could work with. Where they say "require approval" then they could add the words "as to re-mooring or request to move the location based on detrimental effects of the project". What staff is saying is that they feel that this way if something happens they can legitimately require him to come in and they can require him to relocate because of the legitimate detrimental effects. But that is very different in his mind from coming in with a possibility of us saying no, you cannot re-moor. Staff is acceptable to this.

Mr. Kealoha asked what the difference was between mooring and anchoring.

Mr. Evans said that when one has an anchor, an anchor can be weighed on a daily basis. Under these circumstances, staff has not recommended to the board that we require a CDUA.

Mooring is an anchor type system which cannot be weighed. In other words it cannot be chosen to be brought up and taken home at night.

Mr. Kealoha did not understand the point "chosen not to be brought up." It appeared to him that staff is giving this guy a permanent mooring site.

Mr. Evans said yes.

Mr. Kealoha said, "then doesn't that shift the whole submerged water application differently?" He felt that if you give him a permanent mooring site then he cannot move. If this is between shore, four miles or whatever, it would already be aligned. He did not feel that this was what staff was saying. It appeared that what staff is saying is that this guy has temporary anchoring privileges but that the anchoring is too cumbersome for him to lift it up everyday.

Mr. Evans told Mr. Kealoha that he was correct. What staff is saying here is that they are giving him a use. The follow up to the use, should the board approve this, is for him to interact with the Division of Land Management and obtain some form of disposition. When he gets that form of disposition, generally there will be a 100-foot square area such as staff did with Chevron off Barbers Point. If in the future that's where he wants to re-moor then that is where he basically has to go back to.

Mr. Kealoha said that the next person may interpret the mooring to be a permanent mooring so therefore they may install a permanent mooring and that is the problem he is having with the language that appears in the submittal with reference to mooring. He would be more comfortable with the word anchoring.

Mr. Evans said that if they use the word anchoring as he interprets it to be, then they do not feel that they could require a CDUA. But that is not what is proposed here. What is proposed here is for something to be moored to the submerged land.

Mr. Ing asked Mr. Gaffney, "you're seeking permission to moore between the 3-1/2 and 4-12 miles, are you seeking permission to have open license to move anywhere within this or are you going to find a spot and set down.

Mr. Gaffney said, "that is correct." The only reason that the numbers were open-ended from the beginning is because of the continuing question about how far we should be from the FADS. They have left their requests open-ended to the point where they can get permission from the State. They are perfectly happy with a 100 sq. ft. piece at the bottom. They just need a place where they can put that mooring structure and lock them up. Their main interest is to be closest to the point of egress for their passengers, which is the Kailua Pier. If it proves that they ought to be four miles from the closest FAD, they can move and will be more than comfortable with the secondary chosen spot. They are fairly convinced that as long as they are in the general neighborhood of 800-1000 fathoms they will have fish.

"How about the four mile radius", asked Mr. Ing?

Mr. Gaffney said that they have what is known as a 3000 ft. watch circle. The engineers have determined that they will probably have a diameter of swing of approximately 3000 feet, which is less than a mile. So that means that if the current was at its absolute maximum pushing south, they would be 1500 feet south of their point on that 100 sq. ft. of bottom. If the current were pushing north, they would be 1500 feet north. They feel that whatever current is pushing them would be moving the FAD so the likelihood of them coming close together is extremely remote.

Mr. Ing asked, "from the proposed location, what is the distance of the closest FAD?"

Mr. Gaffney could not answer for sure inasmuch as he did not know the location of the bottom FAD. He would say approximately three miles.

Mr. Higashi asked Mr. Gaffney to elaborate his concerns regarding Condition No. 17.

Mr. Gaffney said that the concern expressed by staff is that there is potential for this deleterious affect on the FAD system. This condition as is imposed is much broader than that. He said that Mr. Evans had suggested that he talk to some of the financial communities that they were working with to see what their reaction would be and in every case this particular condition raised a red flag on their part. It appeared to be very open-ended. It appeared to allow the department an opportunity to question their re-mooring

at points outside of their control. Mr. Gaffney said that one of their problems is that the Coast Guard will require them to go to dry dock every twelve months. When they come back to the mooring -- is that re-mooring? -- and at the point that they are in dry dock are they going to be required to come back for staff approval. In the Financier's mind if they go to dry dock and the staff changes their mind and say no, you can't be re-moored, they have had no chance to recoup their investment. But if the only concern of the staff is whether or not they will have a deleterious affect on the rest of the system, then he felt that that should be stated in the condition that by review of the department, should deleterious affects be determined -- or something like that. In other words, make it specific instead of keeping it very general.

Mr. Higashi said that if they move their mooring from the 100 sq. ft. area then they would have to come back to the board.

Mr. Gaffney said that they have no problem with that. If they choose to move it then they will come back and request it as the law requires. If the State requires them to move it they would assume that they would have to come back again.

Mr. Higashi suggested an amendment to protect the applicant's rights as to re-mooring within that same 100 sq. ft. block.

Mr. Ono said that there might be other reasons to have them move such as safety, etc.

Mr. Kealoha said that when we address the transfer of possible removal, or changing of sites, we should include under Condition No. 16 that, if for some reason the FAD should collide with the barge, the applicant is to hold the State harmless from any damages.

Mr. Evans said that he could incorporate that in the original hold harmless clause.

Mr. Ono called to Mr. Gaffney's attention that he still has to apply with the Division of Land Management for access to the 100 sq. ft. area. In this light, Mr. Ono asked Roger to have Land Management consider a percentage of gross approach. This is a different approach, but then this is also a unique request.

Mr. Ono questioned Condition No. 5 regarding remains of historic or prehistoric interest.

Mr. Evans said that this was an error. That condition was relating to a standard condition that they would put in on historic sites.

Mr. Ono thought that this condition could still remain, but modified to apply to this request.

Mr. Evans said that they could modify said condition so it relates to the ocean.

Mr. Gaffney questioned staff's intent of Condition No. 15 which says that the applicant should not be allowed to release into the ocean chemicals to control fouling organisms. His concern is that this condition would not apply to bottom paint which is a standard use of any vessel in the ocean.

As to the technical aspect, Mr. Evans said that this condition was drawn from the Division of Aquatic Resources and he did not know what their intent was.

Mr. Henry Sakuda said that the intent was to prevent "at sea" cleaning of the bottom of the ship. Not necessarily the barge, but any accompanying ships. They do have bags that they place under vessels now days where you can clean a boat right at sea if you're tied up to a large barge.

Mr. Ono asked about the affects of bottom paint.

Mr. Sakuda said that use of bottom paint posed no problems.

Mr. Ono felt that there may be new paints coming on the market that may create some problems so he didn't want to give a blanket approval saying that any kind of bottom paint would be o.k.

Mr. Gaffney said that their present intent is not even to use bottom paint because they want those fouling organisms because they will attract more sealife. But if it should turn out that they have so much drag from the fouling organisms they may choose to use bottom paint in the future.

Mr. Evans asked to make a change on page 8, no. 3 under ANALYSIS. The last line says that "SMA requirements has not been obtained." It should read that "SMA requirements has been obtained."

ACTION

Mr. Higashi moved for approval as amended by staff. Mr. Arisumi seconded, motion carried unanimously.

ITEM D-3

CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

ACTION

Mr. Ing moved to approve the issuance of a Water Use Permit to the City and County of Honolulu, Department of Public Works to use 2.26 mgd average annual of brackish caprock water from two wells for industrial use, subject to any special conditions and applicable laws, rules and ordinances. Seconded by Mr. Higashi, motion carried unanimously.

ITEM F-1-a

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS APPLICATION FOR REVOCABLE PERMIT COVERING THE FORMER KUNIA ELEMENTARY SCHOOL SITE, HONOULIULI, EWA, OAHU.

Mr. Detor said that this facility would be used by the Headstart Program and listed in the submittal are the services that would be provided at this site.

Mr. Detor said that this site was obtained from Campbell Estate in 1938 and there is a reverter in the deed covering the property which says that it has to be used for educational purposes. The site of the school has been closed for some time so it is now available.

Mr. Ono asked who would be attending this Headstart School.

Mr. Roland Zella of the Headstart Program said that basically the children from that area -- Wahiawa, Waipahu, Ewa, Kunia, etc. This is a Federal Program for low income children so whoever in the vicinity qualifies will attend.

Mr. Ing asked, "what ages?"

Mr. Zella replied, three to five.

Mr. Ono asked how many children would be serviced.

Mr. Zella said that their original intent was for forty children. However, after talking to Del Monte Corporation to find out about water availability, they are thinking about expanding to another forty children the following year. Ten percent of their program must be for handicapped children.

Mr. Zella said that parents have to participate in this program and part of their proposal is to also open up a parent training center.

Mr. Ono asked if they would need the entire school.

Mr. Zella said as far as their final plans, yes.

Mr. Ono said that we have requests from other agencies for use of this school so if possible if they could share it with other non-profit organizations, so much the better.

Mr. Ono asked Mr. Detor if he knew what the enrollment at Kunia Elementary used to be.

Mr. Young said that it used to be between 100-120.

ACTION

Mr. Ing moved to approve subject to approval by Campbell Estate of the legal questions raised at today's meeting. Seconded by Mr. Higashi, motion carried unanimously.

Mr. Ono was not sure if the motion allowed putting other non-profit organizations in here provided approval is received from Campbell Estate and there is no legal problem. If this is not a part of the motion then Mr. Ono asked that staff explore this possibility. It is not the intent to have an agency in there that would be disruptive, but by having another agency that's compatible, they can share some of the cost.

ITEM D-4

HAWAIIAN INDEPENDENT REFINERY, INC. WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

Mr. Ing asked how use of this water would be monitored.

Mr. Tagomori said that on a normal water well, staff requires monthly data to be submitted so they monitor the usage on a continuing basis.

ACTION

The board unanimously approved the issuance of a Water Use Permit to Hawaiian Independent Refinery, Inc. to pump up to 2.16 mgd of brackish caprock water for emergency fire fighting, subject to any special conditions and applicable laws, rules and ordinances. (Ing/Kealoha)

ITEM H-6

CDUA FOR LAND EXCHANGE AND ACCESS AT TANTALUS, OAHU (AYLING AND EUBANK).

The board on December 3, 1982, approved the consolidation and resubdivision for two property owners at Tantalus and granted an access easement to one of the property owners. The purpose was at the time to provide one of the co-applicants to build a new garage. One of the conditions of the board's approval required one of the landowners to remove an old drive-through structure because the structure encroached on State land. Based on that condition a request was received to waive this condition. The applicant asked to retain this structure. His reason is that the removal would create an unsightly and probably unsafe precipice. As such they ask that the condition be waived and as a remedy they be allowed to purchase the State land on which the structure stands.

Mr. Evans said that staff's recommendation is to deny the request to waive Condition 5.

Mr. Ing asked, "when was the encroachment discovered?"

Mr. Evans said that it was discovered as a part of the processing of the original application back in 1982.

Mr. Ing asked if any charge was made.

Mr. Evans said not at the time.

Mr. Ono asked whether the applicant had made any effort to satisfy the condition.

Mr. Evans said to the best of his knowledge, no.

Mr. James Ayling said that he considers the garage his since he purchased in 1971 he has paid taxes on the property. The garage was probably built in the 1930's. The tax records indicated back in 1942 that there were improvements on the property but what the improvements were was not spelled out. Mr. Ayling said that he doesn't want much with the structure except to just keep it intact.

Mr. Ayling said that some years back the neighbors became desirous of building a new entry way to their property mainly because they presently have to build on the streets and they have frequent break-ins. At that time he agreed to tear down the old garage and they proceeded with their plans to improve the street look of that area. Since that time the gentleman of the family is in a care home and he assumes that this is draining a good deal of the family funds which means that their project which he agrees with in principal is on hold and he does not know how long that might be and what he would really like to have is enough time for that situation to change where they can proceed with their project.

Mr. Ayling said that if the garage is torn down now, you're going to have a hole at the front of his and the neighbor's property which is now protected, at least on one side, by the wall of the garage. He does not know why the State became concerned over this old garage after 40-50 years of its existence and not hurting anything. But since the State did, he offered to buy the property or rent or be granted use of the property until the neighbor's situation becomes such that they can proceed with their plans.

"Are you saying that the tax maps say that that is your property", asked Mr. Ing?

Mr. Ayling said no.

Mr. Ing asked this question inasmuch as Mr. Ayling had said that he paid taxes on the property.

Mr. Ayling said that the tax office indicated improvements on the property. But when he bought the property in 1971 the only improvement on the property was the garage.

Mr. Kealoha said that originally Messrs. Eubank and Ayling had come in to consolidate and resubdivide the property. He asked if that had been done.

Mr. Ayling said that this could not be done inasmuch as the conditions are such that he tear the old garage down.

Mr. Kealoha asked if he still intended to consolidate and resubdivide.

Mr. Ayling said that he still has full intention.

Mr. Kealoha said then that until the garage goes down he cannot finish the subdivision. He also could not see where someone else's health could hold up this application. It's been going on since 1982.

Mr. Ayling said that if the condition were removed then he could proceed with the transfer of the property.

Mr. Ono said that he thought Mr. Ayling had indicated that the process did not go through because the other party was incapacitated. But now he seems to be saying that if he is allowed to keep the garage intact he can go ahead with the process regardless of whether or not the other party is hospitalized or not. So the process did not go forward primarily because of the fact that he wanted to retain the garage.

Mr. Ayling said that he was confused. He said that there is no way that he can submit for a subdivision until conditions of this board are met. One of the conditions is to tear down the old garage. If he had torn the garage down all of the conditions would have been met and he would have gone ahead with the subdivision.

ACTION Mr. Ing moved for approval of staff's recommendation that this structure be removed within 120 days, subject also to those conditions listed in the submittal. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM C-1 FILLING OF TWO GENERAL LABORER I POSITIONS, ISLAND OF KAUAI.

ACTION The board unanimously approved the selection of Duwayne B. Camat and William Victorino to fill the General Laborer I positions, Positions No. 27064 and No. 21433. (Ing/Higashi)

ITEM C-2 FILLING OF POSITION NO. 15015, WILDLIFE BIOLOGIST V, ISLAND OF OAHU.

ACTION The board unanimously approved the appointment of Timothy Sutterfield to fill Position No. 15015. (Ing/Kealoha)

ITEM D-1 LAND PROCESS SERVICE CORP. WATER USE PERMIT APPLICATION, HONOLULU GROUND WATER CONTROL AREA, OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM D-2 DEL MONTE CORPORATION WATER USE PERMIT APPLICATION, WAIALUA GROUND WATER CONTROL AREA, OAHU.

ACTION Unanimously approved as submitted. (Arisumi/Ing)

ITEM D-3 CITY AND COUNTY OF HONOLULU, DEPARTMENT OF PUBLIC WORKS WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

(See Page 7 for Action.)

ITEM D-4 HAWAIIAN INDEPENDENT REFINERY, INC. WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

(See Page 8 for Action.)

ITEM D-5 PERMISSION TO OBTAIN CONSULTING SERVICES FOR THE DESIGN OF A DEMONSTRATION DESALTING PLANT ON OAHU.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM D-6 APPROVAL FOR ADDING OF A PORTION OF WAINIHA LANDS TO WEST KAUAI SOIL AND WATER CONSERVATION DISTRICT, KAUAI.

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM D-7

USGS GEOLOGIC DIVISION CLUSTER MEETING, OCTOBER 15-19, 1985, LAKE TAHOE, CALIFORNIA.

ACTION

Unanimously approved as submitted. (Arisumi/Ing)

VERBAL

NATIONAL WATER RESOURCES ASSOCIATION (NWRA).

Mr. Ono asked Mr. Tagomori to brief the board on what the NWRA is inasmuch as the department will be hosting the conference in November and the board should know what they are hosting.

Mr. Tagomori explained that the NWRA is a national lobby group made up of Western State water officials and private water organizations that have headquarters in Washington, D. C. Their function is basically for the reclamation projects for the Western States. In Hawaii, the Molokai Irrigation project has been supported by this particular group through the Bureau of Reclamation.

In the 1970's the conference was held here and attended by over 1000 people. This year, Hawaii is again hosting this conference to be held at the Sheraton Waikiki during the first week in November. About 1000 people are expected. Although not yet printed, they do have a tentative program.

Mr. Ono asked if State funds were available for this activity and if so how much?

Mr. Tagomori said that \$3500 has been budgeted for this event.

Mr. Ono asked what our annual dues were.

Mr. Tagomori said that he would get this information to Mr. Ono.

Mr. Ing asked if their only function was lobbying.

Mr. Tagomori said maybe the word lobbying is not indicative of their activities. They also take a lot of positions on national issues such as contamination, water allocations, etc. in the Western States in particular.

ITEM E-1

REQUEST FOR PERMISSION TO INSTALL LIGHTING FOR THE PARKING AREA AND DRIVEWAY AT QUEEN EMMA SUMMER PLACE, HONOLULU, OAHU.

(See Page 2 for Action.)

ITEM E-2

HAWAII YOUTH FOR CHRIST REQUEST TO USE DIAMOND HEAD FOR A YOUTH ACTIVITY HONOLULU, OAHU.

Mr. Ing asked if we charged any fee.

Mr. Nagata said no.

Mr. Ing felt that we should at least charge for administrative costs, inasmuch as more and more of these kinds of request have been coming in.

Mr. Nagata said that we have never charged in the past for such activities.

Mr. Ono asked also that the condition not to permit participants to possess, display or consume alcoholic beverages be expanded to include illegal drugs.

ACTION

Mr. Ing moved to approve with the amendment that the condition not permit alcoholic beverages be expanded to include illegal drugs. Motion carried with a second by Mr. Higashi.

Mr. Kealoha voted no.

AUTHORIZATION TO ISSUE SPECIAL USE PERMIT TO THE COUNTY OF HAWAII, DEPARTMENT OF PARKS AND RECREATION, FOR USE OF A PORTION OF WAILOA RIVER STATE RECREATION AREA, ISLAND OF HAWAII.

ITEM E-3

ACTION

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

ADDED
ITEM E-4

FILLING OF POSITION NO. 11185, GENERAL LABORER I, OAHU PARK SECTION.

ACTION

The board unanimously approved the appointment of Wesley Y. Fujimoto to Position No. 11185. (Ing/Higashi)

ITEM F-1

DOCUMENTS FOR CONSIDERATION.

Item F-1-a

(See Page 8 for Action.)

Item F-1-b

JOHN H. KERR, JR. REQUEST FOR ISSUANCE OF LAND PATENT IN CONFIRMATION OF L.C.A. NO. 10474, HAMAKUALOA, MAKAWAO, MAUI.

Mr. Detor asked that the Tax Map Key be amended to 2-8-10:22 instead of 2-8-18:22.

Item F-1-c

NED NAKOA APPLICATION FOR REVOCABLE PERMIT FOR AGRICULTURE PURPOSES CONTAINING 1.117 ACRES COMMENCING NOVEMBER 1, 1985. RENTAL: \$11.00 PER MO.

Item F-1-d

EDWIN KEKAHUNA APPLICATION FOR REVOCABLE PERMIT FOR AGRICULTURE PURPOSES, CONTAINING 1.654 ACRES COMMENCING NOVEMBER 1, 1985. RENTAL: \$11.00 PER MO.

Item F-1-e

CORMAX CORP. REQUEST FOR CONSENT TO SUBLEASE TO PACIFIC OLDSMOBILE-GMC, INC. AND NEVADA BOB'S GOLF, INC., G. L. NO. S-4644, KALAUAO, EWA, OAHU.

Item F-1-f

RICHARD CORR REQUEST FOR REDUCTION IN RENT, R. P. NO. S-6016, LOT 9-A, FOR AGRICULTURE PURPOSES, CONTAINING 7.23± ACRES COMMENCING JUNE 1, 1985. RENTAL: \$85.00 PER MO.

(See also page 14 for further discussion on this item.)

Item F-1-g

JOSEPH DEMAURO APPLICATION FOR REVOCABLE PERMIT FOR CULTIVATION OF BANANA PURPOSES, CONTAINING 18,000 SQ. FT. COMMENCING NOVEMBER 1, 1985. RENTAL: \$11.00 PER MO.

ACTION

Mr. Kealoha moved for approval of Item F-1-b as amended and Items F-1-c through F-1-g as recommended. Seconded by Mr. Higashi, motion carried unanimously.

ITEM F-2

HILO BAPTIST CHAPEL APPLICATION TO LEASE PORTION OF THE GOVERNMENT LAND OF WAIAKEA (WAIAKEA CANE LOTS), WAIAKEA, SO. HILO, HAWAII.

Mr. Detor explained that this is a procedure which was underway quite some time ago.

With reference to the improvements, Mr. Higashi asked if they could be allowed, like it is on a public auction, to waive the two years rental.

Mr. Detor didn't think so. We can forgive rental for two years if it is ag and for commercial purposes, one year. But he wasn't sure if a church qualifies but he would check it out.

Mr. Higashi asked that the condition be amended, if it is permitted, that it be credited against the improvements.

ACTION

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

| | |
|------------------|---|
| <u>ITEM F-3</u> | <u>MRS. CATHERINE W. LOWREY REQUEST FOR ACCEPTANCE OF SURRENDER OF WATERLINE EASEMENT, LALAMILO, SO. KOHALA, HAWAII.</u> |
| ACTION | Unanimously approved as submitted. (Higashi/Kealoha) |
| <u>ITEM F-4</u> | <u>RESUBMITTAL - CHARLES M. FORMAN, TRUSTEE AND CATHEDRAL CITY INVESTMENTS, INC. APPLICATION FOR EASEMENT COVERING SUBMERGED LAND AT KAOHAI, LANAI.</u> |
| | (See Page 3 for Action.) |
| <u>ITEM F-5</u> | <u>DEPARTMENT OF HEALTH REQUEST FOR EXECUTIVE ORDER SETTING ASIDE THE HANA MEDICAL CENTER, HANA, MAUI.</u> |
| ACTION | Unanimously approved as submitted. (Arisumi/Higashi) |
| <u>ITEM F-6</u> | <u>RESUBMITTAL - STAFF RECOMMENDATION FOR CANCELLATION OF G. L. S-4895, LOT 12, MAUNALAHA HOMESITES, MAKIKI, HONOLULU, OAHU.</u> |
| | Mr. Detor asked that this item be withdrawn inasmuch as the parties concerned paid up their rental this morning. |
| ACTION | Withdrawn. |
| <u>ITEM F-7</u> | <u>STAFF RECOMMENDATION FOR ACCEPTANCE OF ASSIGNMENT OF LEASE AND AGREEMENT OF SALE COVERING PROPERTY ESCHEATED TO THE STATE OF HAWAII, KALIA, WAIKIKI, HONOLULU, OAHU.</u> |
| ACTION | Unanimously approved as submitted. (Ing/Higashi) |
| <u>ITEM F-8</u> | <u>STAFF RECOMMENDATION FOR AMENDMENT OF TERMS AND CONDITIONS OF REVOCABLE PERMIT NO. S-6074, HELD BY KAUAI MOUNTAIN TOURS, INC., WAIMEA, KAUAI.</u> |
| ACTION | The board, upon motion by Mr. Kealoha and a second by Mr. Higashi, voted unanimously to amend, as appropriate, the terms and conditions of R. P. S-6074. |
| <u>ITEM F-9</u> | <u>STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION AUTHORIZING GRANT OF EASEMENT TO CITIZENS UTILITIES CO., KEKAHA, KAUAI.</u> |
| ACTION | Unanimously approved as submitted. (Ing/Kealoha) |
| <u>ITEM F-10</u> | <u>WILLIAM H. RICE, LTD. APPLICATION TO PURCHASE REMNANT PARCEL AT KALAPAKI, LIHUE, KAUAI.</u> |
| ACTION | Unanimously approved as submitted. (Ing/Higashi) |
| <u>ITEM F-11</u> | <u>ANTONE ARRUDA APPLICATION FOR ACCESS EASEMENT, WAILUA, KAUAI.</u> |
| ACTION | Unanimously approved subject to the conditions listed in the submittal. (Ing/Higashi) |
| <u>ITEM F-12</u> | <u>STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOT 9-A OF THE HANAPEPE RICE & KULA LOTS, HANAPEPE, KAUAI.</u> |
| | Mr. Detor asked that the following condition be added: |
| | 9. The term, fifteen year (15) years, to commence as of the date of sale but subject to the rights of the encumbent occupant to mature and harvest any taro crop in place at the time of sale for a period not to exceed fourteen months. |

Mr. Detor said with the addition of the above condition, if Mr. Corr is not the successful bidder, then he would at least be able to harvest his taro crop.

ACTION Mr. Arisumi moved for approval with the above amendment. Seconded by Mr. Higashi, motion carried unanimously.

ITEM F-13 COUNTY OF KAUAI, DEPARTMENT OF WATER, REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND FOR WATER STORAGE TANK PURPOSES, PAUA VALLEY, KEKAHA, KAUAI.

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

ITEM F-1-f Mr. Ono asked to go back to Item F-1-f.

Mr. Ono asked what would happen if the successful bidder does not turn out to be Mr. Corr and they would like to pay for the crop damage rather than wait for fourteen months.

Mr. Detor said that would be alright.

Mr. Ono said that the motion does not allow for this.

Mr. Detor said this could be incorporated into the motion if the board so desires.

Mr. Detor asked Mr. Watson if the language should be incorporated into the lease itself or the notice of sale.

Mr. Watson said that many times the successful bidder negotiates directly with the incumbent.

(See Page 12 for Action.)

ITEM F-14 ICHIMI MATSUMURA & DALE MATSUMURA REQUESTS FOR CONSENT TO ASSIGN (BY AGREEMENT OF SALE) G. L. NOS. S-3832 AND S-4648, RESPECTIVELY, KAPAA, KAUAI.

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

ITEM F-15 DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS FOR ACQUISITION OF LEASE COVERING OFFICE SPACE ON THE 4TH FLOOR OF THE WATUMULL BUILDING, HONOLULU, OAHU.

ACTION Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Kealoha)

ITEM F-16 DEPARTMENT OF HEALTH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE AT 54-010 KUKUNA ROAD, HAUULA, OAHU.

ACTION Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Kealoha)

ITEM F-17
(Verbal) CONSULTANT CONTRACT REGARDING THE ARCHIPELAGIC STATUS OF THE STATE OF HAWAII.

Mr. Detor distributed copies of a memorandum from the Attorney General's Office with attached material covering the above study.

Mr. Detor said that the last legislature appropriated \$100,000.00 for the study to examine ramifications of federal/state relationships insofar as this problem is concerned.

The State's position is that you take all the islands and you take a circle all around the island including the inland waters, which would comprise the state. The Federal government, however, is of the opinion that you go around each island individually and the water in-between is not a part of the State.

The Attorney General's Office is handling the study and what they are proposing here is a \$15,000 contract with retired Admiral Bruce Harlow, who is supposed to be an expert on this particular subject.

Attached to Johnson Wong's memo is a submittal by the Admiral, "Resource Archipelago for Hawaii" and it kind of outlines what he has in mind for this study.

What staff would like today is for the board to approve a contract with the Admiral to the tune of \$15,000 so that he can get started.

- ACTION Mr. Higashi moved to approve. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM H-1 PERMISSION TO FILL THE POSITION OF INFORMATION SPECIALIST III, IN THE AQUACULTURE DEVELOPMENT PROGRAM OFFICE.
- ACTION The board unanimously approved the appointment of Ms. Elaine Dung to Position No. 18173E. (Higashi/Kealoha)
- ITEM H-2 CDUA FOR TWO-CAR GARAGE AND PAVEMENT AT HAENA, KAUAI (CHARLES WICHMAN, JR.)
- ACTION Unanimously approved, subject to the conditions listed in the submittal. (Higashi/Kealoha)
- ITEM H-3 CDUA FOR A SINGLE-FAMILY RESIDENCE TO REPLACE ONE BURNED IN MAY 1985 (PAIGE VITOUSEK).
- ACTION Unanimously approved, subject to the conditions listed in the submittal. (Kealoha/Ing)
- ITEM H-4 CDUA FOR MOORING OF A FISHING PLATFORM FOR COMMERCIAL AND RESEARCH USE OFFSHORE OF KAILUA, KONA (FISHING ISLAND, INC.).
- (See Page 7 for Action.)
- ITEM H-5 CDUA FOR PICNIC SHELTERS AND STORAGE SHED USE AT PALOLO, OAHU (T.E. BONDS).
- ACTION Unanimously approved, subject to the conditions listed in the submittal. (Ing/Kealoha)
- ITEM H-6 CDUA FOR LAND EXCHANGE AND ACCESS AT TANTALUS, OAHU (AYLING AND EUBANK).
- (See Page 10 for Action.)
- ITEM J-1 LEASE, GENERAL LYMAN FIELD, HILO, HAWAII (FEDERAL AVIATION ADMINISTRATION (FAA)).
- ACTION Unanimously approved as submitted. (Higashi/Ing)
- ITEM J-2 RESUBMITTAL - REVOCABLE PERMIT, AIRPORTS DIVISION, HONOLULU INTERNATIONAL AIRPORT, HONOLULU, OAHU (GREETERS OF HAWAII, LTD.).
- Mr. Garcia asked to amend the rental from \$4,734.00 to \$4,629.00. The reason being that they had been charged for finished office space when it was actually loft space, which calls for a cheaper rental.
- ACTION Unanimously approved as amended. (Ing/Kealoha)

| | |
|------------------|--|
| <u>ITEM J-3</u> | <u>CONSENT TO ASSIGNMENT OF INDENTURE OF LEASE, PIERS 31-34, HONOLULU HARBOR, OAHU.</u> |
| <u>ITEM J-4</u> | <u>CONSENT TO ASSIGNMENT OF LEASE NO. H-73-13, KAWAIHAE HARBOR, HAWAII.</u> |
| <u>ITEM J-5</u> | <u>CONSENT TO ASSIGNMENT OF LEASE, KAHULUI, MAUI.</u> |
| <u>ITEM J-6</u> | <u>CONSENT TO ASSIGNMENT OF LEASE NO. H-81-12, NAWILIWILI HARBOR, KAUAI.</u> |
| | Mr. Garcia asked that Items J-3 through J-6 be considered together inasmuch as they all concern the same applicant. |
| | These are assignments of leases that presently exist on Harbor's property on the islands of Oahu, Hawaii, Maui and Kauai. |
| | On Oahu, the present lessee is Kaiser Cement Corp. and on the other islands the lessee is now Lone Star Corporation but the name of the new applicant is going to be changed. Accordingly, he asked to amend the fourth paragraph, last line where it says Lone Star Hawaii, a Hawaii general partnership. He asked that it be changed to Hawaiian Cement, a Hawaii general partnership. |
| ACTION | Mr. Ing moved for approval of Items J-3 through J-6 as amended. Mr. Kealoha seconded, motion carried unanimously. |
| <u>ITEM J-7</u> | <u>APPROVAL OF CONSENT TO MORTGAGE AND CONSENT TO SHORT FORM OF LEASE, HONOKOHAU BOAT HARBOR, KONA, HAWAII (KONA FUEL AND MARINE, INC.).</u> |
| ACTION | Unanimously approved as submitted. (Higashi/Kealoha) |
| <u>ITEM J-8</u> | <u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, KAHULUI HARBOR, MAUI.</u> |
| | Again, Mr. Garcia asked that the applicant be changed from Lone Star Hawaii to Hawaiian Cement, a registered Hawaii general partnership. |
| ACTION | Unanimously approved as amended. (Arisumi/Kealoha) |
| <u>ITEM J-9</u> | <u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 19 AND 20, HONOLULU HARBOR, OAHU (SAUSE BROS. OCEAN TOWING CO., INC.).</u> |
| ACTION | Unanimously approved as submitted. (Ing/Kealoha) |
| <u>ITEM J-10</u> | <u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 40, HONOLULU HARBOR, (HOLO LANI, INC.).</u> |
| ACTION | Unanimously approved as submitted. (Ing/Kealoha) |
| <u>ITEM J-11</u> | <u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 40, HONOLULU HARBOR, OAHU (HAWAII-PACIFIC MARITIME, INC.).</u> |
| ACTION | Unanimously approved as submitted. (Ing/Kealoha) |
| <u>ITEM J-12</u> | <u>USE OF HARBORS DIVISION FACILITIES, PIER 9, PASSENGER TERMINAL, OAHU (DEPT. OF TREASURY, U. S. CUSTOMS SERVICE).</u> |
| ACTION | Unanimously approved as submitted. (Ing/Kealoha) |
| <u>ITEM J-13</u> | <u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL SUBDIVISION, HONOLULU, OAHU (KUMU CORP.).</u> |
| ACTION | Unanimously approved as submitted. (Ing/Kealoha) |

ITEM J-14

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL
SUBDIVISION, HONOLULU, OAHU (GEORGE POYSKY).

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-15

CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.

ACTION

Mr. Arisumi moved to approve as submitted. Motion carried with a second
by Mr. Higashi.

Mr. Ing was excused from voting on this item.

ADJOURNMENT

The meeting was adjourned at 11:55 A.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

lt