

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

DATE: October 25, 1985  
TIME: 9:00 A.M.  
PLACE: Kahului Library  
Conference Room  
Kamehameha and School Streets  
Kahului, Maui

ROLL  
CALL

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

MEMBERS

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

STAFF

Mr. James Detor  
Mr. Akio Serizawa  
Mr. Ralston Nagata  
Mr. Manabu Tagomori  
Mr. Ronald Walker  
Mr. Skippy Hau  
Mr. Allan Tokunaga  
Mrs. LaVerne Tirrell

OTHERS

Mr. Bill Tam, Deputy A. G.  
Mr. Peter Garcia, DOT  
Messrs. Keala and Kea (Item D-2)  
Mr. McDonald (Item C-4)  
Mr. Allan Kawada (Item H-8)  
Mr. Henry Alves (Item H-1)

MINUTES

Mr. Kealoha moved to approve the minutes of September 27, 1985 as circulated. Seconded by Mr. Zalopany, motion carried unanimously.

ADDED  
ITEM

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

Item C-5 -- Approval of Memorandum of Agreement Between U. S. Army Western Command and the State of Hawaii, Department of Land and Natural Resources for Alala facility at Olinda, Maui.

Item G-1 -- Filling of Secretary III, Position No. 14953.

Item E-9 -- Award of Construction Contract - Job No. 36-MP-29, Revetment and Guard Rail, Launiupoko State Wayside, Lahaina, Maui, Hawaii.

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

ITEM C-4

ADOPTION OF EMERGENCY RULE UNDER CHAPTER 91, ADMINISTRATIVE PROCEDURE.

Mr. Ron Walker said that the present law specifically prohibits the issuance of permits to destroy indigenous wildlife, which includes the Black-crowned night heron. The Hawaiian Prawn Producers Association has asked for assistance in resolving their economic losses due to these birds feeding on prawns.

Mr. Walker cited Chapter 91, Section 91-3(b) which states that if an agency finds that an imminent peril to the public health, safety, or morals or to livestock and poultry health requires adoption, amendment, or repeal of a rule upon less than twenty days' notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule to be effective for a period of not longer than one hundred twenty days without renewal.

Adoption of this emergency rule would provide the aquaculture industry a temporary (120 days) means to control populations of Black-crowned night heron on their farms to reduce their prawn losses.

Mr. Kealoha asked if this would prohibit people from going into the area.

Mr. Walker said no.

Mr. Ono stated that this matter has been under discussion for some time. Especially so with Amorient of Kahuku and the problem has not subsided. If anything, the problem has gotten worse. Staff's recommendation is the result of several meetings. He stated also that Mr. McDonald, the owner, was present at the meeting to answer any questions insofar as their Kahuku operation is concerned.

Mr. Ing's only concern was the kind of control we would have over the issuance of permits.

Mr. Walker said that these permits would be issued on a case-by-case basis. They would review the problem areas and then make a recommendation to the Chairman.

"What methods of control have been authorized in the past for these birds," asked Mr. Ing?

"After verifying that there is a problem, a permit is issued to the applicant," said Mr. Walker. The only condition is that the birds be killed in a legal manner. However, in the case of indigenous birds, he would say that there would have to be several conditions in the permit.

Mr. Ing asked Mr. Walker what method he would recommend.

Mr. Walker said that they are testing many methods e.g. redesign of the ponds, firecrackers and scare tactics of one type or another. Their tests have not been completed yet. But it seems that shooting would be the most effective. Trapping them would be enormously expensive.

Mr. Kealoha asked if the problem areas had been mutually agreed upon.

Mr. Walker said yes. The birds are actually in the trees and they feed on the ponds and then go back to nest in the trees.

ACTION

Mr. Arisumi moved to adopt the emergency rule authorizing the Board or its representative to issue permits to control indigenous species causing aquacultural economic losses. Mr. Higashi seconded, motion carried unanimously.

ITEM H-3

CDUA FOR LOADING AND UNLOADING OF COMMERCIAL TOUR BOAT PASSENGERS AT HANAIEI BAY, KAUAI (DONALD L. MOSES).

This item was presented by Mr. Akio Serizawa. The applicant proposes to take commercial cruise groups on sea excursions from Hanalei Bay to the Na Pali Coast and back.

The applicant, Lady Ann Cruises, Inc., had filed for and received a revocable permit on July 29, 1985 and is currently operating their commercial venture at Hanalei Bay. Issuance of any long-term permit at this time is inappropriate and premature in view of the Department's current efforts at obtaining sufficient data through the temporary revocable permit system, to develop a method to ensure orderly use of the area.

Mr. Ing said that they presently have in effect a temporary variance in order to allow a period of time to assess a persons use in Hanalei Bay. The permits are issued by Land Management but prior to the CDUA case the board issued a temporary variance under CDUA regulations.

Mr. Serizawa did not recall any CDUA case where a temporary variance was issued.

Mr. Ing stated that he did not think Mr. Serizawa was at the particular meeting when the board voted to effect a temporary variance, but this would be applied to Lady Ann Cruises, Inc.

Mr. Zalopany asked whether any violations were committed by Mr. Moses.

Mr. Serizawa said none, as far as he knew.

Following up on Mr. Ing's question, Mr. Ono said that he was trying to get clarification on the use versus the disposition. One of the reasons for the recommendation for denial is because the applicant already has a permit. However that does not relate to the use of the conservation lands. It is just a method of disposing of public lands. The other question is if the board follows staff's recommendation to deny at this time, he asked if there would be a possibility that the case could be re-activated at a future date without having the applicant file again and pay another fee and go through another board hearing.

Mr. Serizawa said that as far as he understands, when the 180 days expires, this application becomes null and void and a new application would have to be submitted. But there is a provision within the Title 13 law that says that once a public hearing has been held on the matter, another public hearing is not necessary.

Mr. Ono said that a decision would have to be made by the 27th of this month and asked Mr. Serizawa if he had any discussions with Mr. Moses on this.

Mr. Serizawa said that he had spoken to Mr. Moses over the phone.

Mr. Kealoha remarked, "you said that the application was with respect to the use -- loading, unloading and mooring?" He asked, "do you mean temporary anchoring or mooring?" He assumes that it is for temporary anchoring, but he does not recall the application being for mooring. He needed to know whether those people have mooring or anchoring rights from the Department of Transportation. He said that it makes a big difference. A mooring would require a CDUA.

Mr. Donald Moses of Lady Ann Cruises, Inc. asked to clarify the last question. He said that they are not applying for mooring but for temporary anchoring. He did not believe that there were any permanent moorings in Hanalei Bay.

Mr. Moses said that their main goal is to obtain a permit to unload passengers at Hanalei. He realized that landing on the Na Pali Coast in some cases may be in conflict with the Management Plan. In these cases he would see fit for the board to deny such landings if it does not cause complete denial of the application. As Mr. Serizawa stated, they do have a temporary permit at this time. They applied for this CDUA application prior to the issuing of this temporary permit. Since they applied for this CDUA, in regards to the two special use permits issued to Na Pali Zodiac and also to Tom Haggarty, which are the only two companies allowed to land on the Na Pali Coast, Tom Haggarty's company has not used their permit this year for landings at Nualolo. He did not know whether he had dropped off any campers. The reason being is that he has not acquired the proper permit and insurance of that permit. Therefore, that permit was not used all year which did two things: 1) the State did not make any revenue from that permit; and 2) it kept other companies from using that area. Mr. Moses said that they would like to be considered for that permit.

Mr. Moses replied also to Mr. Ono's question which was, "would they like to form an association on the North Shore to self-regulate?" Moses said that since their last meeting they have formed such an organization and they have implemented quite a number of self-regulations to lessen the impact of the commercial operators in Hanalei Bay.

Mr. Ing asked Mr. Moses if he could give him an example of some of those regulations.

Mr. Moses said that what they have done is agreed to traffic patterns. Stay out of areas that are not designated, but are used as swimming areas. To stay away from certain areas where there is a lot of snorkeling going on. They have self-regulated as far as traffic on the coast as well as sea caves.

Mr. Ing said that one of the complaints is that the boats were getting too close to the shore.

Mr. Moses said that there is a lagoon area out behind the outer reef and there is also a channel in that lagoon so a lot of the boats when they were coming back from the Na Pali Coast would go into the tunnels and then come out the back door. This would alleviate the problem of having to walk out along the point into rougher waters so they kind of sneak through there. But they have agreed not to do that since it is a very popular swimming area. The only way they would ever use the area is if there is an emergency.

Mr. Ing asked about use of the Nualolo and Honopu areas.

Insofar as Honopu, Mr. Moses said that to his knowledge it has always been off limits. He has not seen it used for commercial purposes.

Mr. Ing asked if he had ever seen any boats anchor at Honopu.

Mr. Moses said no. He said that at Honopu the beauty is on the land so if they went there they would go ashore.

Mr. Ing asked about Nualolo.

Mr. Moses said that there are two permits for Nualolo. Zodiac has it for the afternoon and Tom Haggarty, who has not used the area for one year, has it for the morning.

Should this particular permit be denied, Mr. Ing asked Mr. Moses if he would still be able to operate under the temporary variance through December.

Mr. Moses said yes. The thing that they would not be able to do is make any landings. He realizes that some of the things which they have asked for, such as the landings, are in direct conflict.

Mr. Ing was trying to distinguish the aspect of their application that deals with Hanalei Bay where they have had a temporary variance and the other end along the Na Pali Coast where they have some request in for items that are in conflict with the State Park's Master Plan. He asked what he was requesting on the State Park's side which he felt that he should get in now that is not in conflict with the State Park's Master Plan?

Mr. Moses said that the only thing which he would like to have now which he believed not to be in conflict is the landing at Nualolo because Mr. Haggarty is not using his permit and it is being revoked at this time. They would like to get that landing and/or landings at Milolii.

Mr. Higashi said that as he has read the application there is no direct request for landings.

Mr. Moses said that it was explained to them that a landing is not necessarily putting the boat on the beach. A landing is landing with passengers on the beach. So with their vessels they would land it offshore and people would be allowed to go ashore which would be in the interpretation of the law, a landing.

Mr. Ing said that he would also check with Mr. Nagata regarding the park side of the request. For CDUA purposes, the landing use at Nualolo has already been authorized through action of the park master plan, is that correct?

Mr. Moses said yes.

With regards to Mr. Haggarty's permit, Mr. Nagata said that he did not think that formal action had been taken to revoke said permit.

Mr. Ing said that what Mr. Moses needs to land at Nualolo is a permit from State Parks, is that right?

Mr. Nagata said yes.

"But for CDUA purposes," asked Mr. Ing, "has the use already been established through the Park's Master Plan?"

Mr. Nagata said yes.

Mr. Ing said that where he might run into trouble is that the number of people he may want to put in that area exceeds the number authorized in the Master Plan. For CDUA purposes, which is what this application is for, he did not feel that they had to act on the permit inasmuch as the use is already in effect. The only thing is whether he would be one of those users allowed under the State Park's system -- that would require a permit from the Division of State Parks.

For clarification, Mr. Moses asked if any of the landings that he proposes for the Na Pali Coast would have to go through the land board instead of the CDUA process. He asked if what the CDUA process is doing is saying that it is possible to do that. Is that correct?

Mr. Ing said that such activity is allowed in the conservation area. If it is accepted by the land board, you then have to get a permit from State Parks which controls the number and times people will be allowed to land.

Mr. Moses said that he had asked Mr. George Niitani the reason they could not land at Honopu Beach. He had two reasons:

1. There were no facilities in the area so they did not want any impact there.

I explained to him that with our operation we would have no impact because we do have those facilities on the boat.

2. Because of the plant life.

My remark was that what we would like to do is just be able to go ashore on weather permitting days, walk up the beach where there are no plants, to take pictures, etc. They would not take anything to the beach so they would have virtually no impact to the beach.

Mr. Ing said that the landings there are prohibited by the Master Plan.

Mr. Nagata said that it is. In order for anyone to land the Master Plan would have to be amended.

Mr Ing asked how things were going at Hanalei Bay.

Mr. Moses said that they were going quite well. The permit process has set some pretty stringent requirements. There are numerous violations of the restrictions but as far as their company they have not violated any.

Mr. Ono asked Mr. Moses if he had any sound systems on his boat.

Mr. Moses said yes.

Mr. Ono asked whether there were any complaints.

Mr. Moses said that he did get a complaint from one of the councilmen. He said that he had received a complaint from one of the beach goers who had said that his P.A. system could be heard from the beach. Since that phone conversation he has stopped using the P.A. system when he passes those beaches. He did not realize that their sound was so loud.

Mr. Ono said that he would like to split this into two parts as suggested by Mr. Ing.

1. The CDUA aspect.
2. Whether to permit Mr. Moses to use the areas for the activities that have been approved.

Mr. Ono felt that staff's recommendation mixed both use and disposition.

Mr. Ono stated that he did not know how the board would vote. But even if the board did say that the use was o.k., the permit to carry on these kinds of activities is another step.

**ACTION 1.**

Mr. Higashi moved to approve use of the beach parks within the State Parks with the qualification of the Master Plan to override this approval.

Mr. Zalopany seconded, motion carried unanimously.

Mr. Ono clarified that if there is any conflict of the use question the provisions of the Na Pali Management Plan will prevail.

Mr. Ing said that from his understanding of the analysis done by the Planning Office and from Mr. Moses statement, that with regard to his request, there are no conflicts at Honopu, Milolii and Kalalau. One that he feels, at least as far as the use is concerned, is Nualolo.

The reason he feels that they are in conflict, said Mr. Moses, is because the Management Plan has designated that there is a certain number of people that can be brought there and there are two companies that are doing that now. What he is now proposing is that if one of those companies is not operating there that they be considered to operate there. He realizes that this would have to go back to the land board.

Mr. Ono asked about the use of the Hanalei Bay side.

Although Mr. Moses had made his application before the board issued the temporary variance, Mr. Ing felt that the temporary variance should still prevail. He said that this should wait until they have gathered the usage information, during the period it is in effect, before they specifically authorize any usage. He realized that it may work some hardships on Mr. Moses but, in order to give that process validity, he did not want to allow specific uses until they have the full benefit of the experience from this operating period. Mr. Ing accordingly moved that the use be denied for the above reason and for the reason that they have already issued the temporary variance so, to some extent, that issue is moot.

Mr. Zalopany seconded.

Mr. Higashi asked if the temporary variance deadline could be extended if at that time they cannot come to some proper disposition.

Mr. Ono said yes, with board action. One other possibility, to eliminate some steps from the applicant's standpoint and the board's standpoint, is assuming that there is no disagreement as to use, approve the use but with the understanding that no provision of this approval can be implemented until the review is final. Results of the review that's going on now contradict what has been approved through this motion and the other one prevails so that we don't have to come back and process another CDUA. Mr. Ono said that this is just a suggestion.

Mr. Ing said that this particular request involves specific times and number of people so the use is rather specific. Under what the Chairman is offering as an alternative, if after we have acted on a Master Use of the Bay, if regulations come forward as a result of that conflict with this particular use, then they would automatically be modified by the Master regs.

Mr. Ono said that this is just another way to approach the problem at hand. They can do it either way.

Mr. Kealoha was not sure what this meant. "You say you can extend the variance beyond December?"

Mr. Ono said yes.

Mr. Kealoha said, "then what we are doing is endorsing the application?"

Mr. Ono said that if the second alternative is taken as suggested, then the method is to approve it subject to the completion of the management review of Hanalei Bay and should there be any conflict, the conditions

contained in the management plan would prevail over any other specifics Mr. Moses has requested. If you do it the way the original motion stands, you would have to come in for another CDUA. So we are denying the application for the Hanalei side based on the motion on the floor.

Mr. Ing said that he had another discussion on the alternative suggested by the Chairman. "In your present request," he asked Mr. Moses, "is there anything in there that differs from how you are actually operating under the temporary system."

"It's exactly the same as what we are doing right now," said Mr. Moses.

Mr. Ing said, "and we are only talking about the Hanalei end."

Mr. Ing said that he would withdraw his original motion and consider the alternative.

**ACTION 2.**

Mr. Ing withdrew his original motion, Mr. Zalopany his second and moved instead to approve the use at the Hanalei Bay end on the condition that the use authorized be in conformance with the temporary uses now in effect at Hanalei Bay and that in the event ultimate regulations are adopted with regard to usage in Hanalei Bay that this authorization be amended to conform to those regulations and subject to standard conditions that accompany all CDUAs.

Mr. Kealoha said that all that is being said is that you can reapply without having to go through the hearing process.

Mr. Higashi seconded, motion carried unanimously.

Mr. Serizawa questioned the board's first approval of the use of conservation lands at Na Pali. He asked whether this meant that the board was approving Mr. Moses use of conservation land at Na Pali.

Mr. Ono said yes, as long as it is consistent with the Management Plan.

Mr. Serizawa said right, but the management plan does not allow any more landings or people so the Master Plan would have to be amended.

Mr. Ono said that the board was aware of this and asked therefore that Mr. Serizawa work with the State Park's division and Mr. Moses on this.

Mr. Ing said that one of Mr. Moses main concerns is that one of the permittees is not using his permit.

**ITEM D-2**

**WEST BEACH ESTATES WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.**

Mr. Ing thought that under the total area plan they were going to attempt to use brackish water to irrigate.

Mr. Tagomori said that the applicant has requested to utilize the aquifer water there and the aquifer water there is of a quality of 600 parts per million (ppm) chloride water so it is brackish. However, because of the depth of drilling they will puncture through the caprock which is about 70 feet thick in that area.

Mr. Ing asked how we would know whether they are drawing brackish water or good water.



Mr. Tagomori said that if it is brackish, basil water, they will know by the depth of the well and a subsequent drilling permit will be submitted to staff detailing the size of casings, etc.

Mr. Ing said that there was also discussion earlier that irrigation water would use a separate pipeline system. He asked if this would be hooked up to the dual system.

Mr. Tagomori said no this would be a separate irrigation system to be operated by the private developers simply to irrigate the golf course.

Mr. Ing asked if this would be a new well.

Mr. Tagomori said yes.

Mr. Kealoha asked why the application was for a certain average per day. He said that he doesn't recall earlier applications requesting an average per day.

Mr. Tagomori said that this is for management control.

Mr. Ono said that 600 ppm chloride was mentioned, he asked Mr. Tagomori if this was an estimate or was it based on something.

Mr. Tagomori said that it was based on samplings from surrounding wells. They have the Oahu Sugar well in the vicinity and they have knowledge of all the water chlorides in that particular area. Based upon those they estimated what the chloride would be.

Mr. Ono asked, "what if after the wells are drilled they come in at 200 ppm chloride?"

Mr. Tagomori said that if they come in at 200 ppm chloride then that would be authorized.

Mr. Ono said, "then you are using good water for irrigating the golf course?" 200 ppm chloride qualifies for domestic use."

Mr. Ono said, "assuming that one or maybe two wells come in below 250, is there an alternate plan so that you can use this water for domestic purposes and use water of a lesser quality for the golf course?"

Mr. Tagomori said that has not been worked out yet with the applicant but can be worked out. Their best estimate is that the water will not be of better quality than about 600 ppm.

Mr. Ono said that is an estimate. But after the wells are drilled you can have a definite count. His question was, "what happens if the wells come in with domestic quality water?" He requested of Mr. Tagomori that in the future when they have the Pearl Harbor area covered for water permits he would like to have a chloride count, even if its an estimate, included as part of the basic information. He did have concerns about wells coming in with good quality water and used for golf courses.

Mr. Ing asked Mr. Keala if he was at the meeting for this item.

Mr. Keala said yes and also that they have a consultant present, Mr. Kea, who could answer any questions the board may have. Also present was their consultant from Belt Collins who were involved with the overall water master plan for Ewa.

Mr. Ono directed the same question asked of Mr. Tagomori to the applicant and his consultants. "Should the wells come in below 250, what do we do?"

Mr. Keala said that they would talk to the developer and see if they can relocate to a lesser quality of water. But in discussing this matter with their consultant from Belt Collins he mentioned that possibility of anything lower than 600 pots per million is rather hard.

Mr. Ono said then they wouldn't object to the board adding a condition saying that if it does come under 250 all operations stop.

Mr. Keala said that he would like to have the board give them the opportunity to look at another area within the perimeter of West Beach to allow them to test wells to see if they can get water of another quality.

"So the answer is yes", said Mr. Ono?

Mr. Keala said yes, no problem, but with the condition that they can cap this and move some place else.

ACTION

Mr. Ing moved for approval with the following amendment that in the event the chloride content is less than 250 ppm chloride that the well water not be used for irrigation purposes and that the applicant seek another source. Seconded by Mr. Kealoha, motion carried unanimously.

Mr. Tagomori said that they would like to review where the new location would be because they may be drilling close to another well.

Mr. Keala said that their experience with the Board of Water Supply is that 250 is not acceptable. Makakilo well is at 259 and they require us to blend with the existing Board of Water Supply water to the extent that above 160 is not a potable system so we would have to either buy water from the Board of Water Supply or dig another well.

ITEM H-5

AMENDMENT TO THE BOARD'S 12/28/84 DECISION AND ORDER ON THE PROPOSED KILAUEA UPPER RIFT ZONE (KAHAUALEA), ISLAND OF HAWAII.

Mr. Detor said that Item H-5 is the first of a five part series of submittals, all dealing with the proposed exchange with Campbell Estate.

Mr. Detor said that after the contested case hearings last year in December the board rendered a decision and order on the proposed geothermal subzone and, as part of that decision and order asked the Campbell Estate to propose an exchange of lands whereby the State lands that are closer to the National Parks would be exchanged for similar state lands. The Board opted to exclude "Tract 22" in the land exchange to allow the National Park Service to acquire "Tract 22" from Campbell Estate. However, Campbell Estate has asked that "Tract 22" be included in the exchange.

ACTION

Mr. Higashi moved for approval with the amendment that 1) this be subject to other terms and conditions as prescribed by the Chairman; and 2) all standard conditions with regard to land dispositions also to be included.

For clarification, Mr. Ing asked if the amendment was that this is to be reviewed by the Chairman and the Attorney General's Office for consistency.

Mr. Ono said yes.

Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-6

PROPOSAL FOR EXCHANGE OF LANDS BETWEEN THE STATE OF HAWAII AND THE ESTATE OF JAMES F. CAMPBELL, PUNA, HAWAII.

Mr. Detor said that under this proposed exchange the Campbell Estate would be conveying some 25,461.311 acres to the State and the State would convey to the Estate some 27,644.166 acres.

In answer to Mr. Higashi's question, Mr. Detor said that they did not do the appraisal in-house but got an independent appraiser. The appraisal has been completed but has not yet been reviewed and accepted. Staff is in the process of doing that.

Mr. Detor said that the exchange is subject to disapproval of the Legislature. Also, if the value of the Campbell lands exceed that of the State by law they will have to waive the difference, up to 120%. If the State lands exceed the value of the Campbell lands, then they will have to pay the difference.

ACTION

Mr. Higashi moved for approval with the same amendments listed under "ACTION" of Item H-5. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-7

REQUEST TO AUTHORIZE PUBLIC HEARING FOR PROPOSED WITHDRAWAL OF LAND FROM PUNA FOREST RESERVE, PUNA, HAWAII.

In connection with this process, because some 8,890.275 acres of State land are presently in forest reserve it will be necessary to withdraw these lands. In connection with this, statutes require a public hearing so this particular submittal is a recommendation that the board recommend to the Governor that he authorize a public hearing and at the same time appoint State Forester, Libert Landgraf, as the Master for the hearing.

Mr. Detor asked to amend the submittal to add Ron Walker's name in the event Mr. Landgraf is not available.

Because the Governor had already approved the appointment of Mr. Landgraf, Mr. Walker's name could not be included without again having to get the Governor's approval.

ACTION

Mr. Higashi moved for approval with the same amendments listed under "ACTION" of Item H-5. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-8

ISSUANCE OF EXECUTIVE ORDER SETTING ASIDE LAND ACQUIRED FOR NATURAL AREA RESERVE, KAHUALEA, PUNA, HAWAII.

Mr. Detor said that this item deals with the Natural Area Reserve that is within the present State lands which are to be conveyed. The first thing is that when we acquire the Campbell lands we set up a natural area reserve within the lands to be acquired from Campbell. We will not be able to do this until the exchange is final and the Legislature adjourns, assuming that the exchange is not disapproved.

Mr. Kealoha asked Mr. Detor if he was saying that all the lands to be acquired through the exchange are to be set aside for a natural area reserve.

Mr. Detor said that it would exclude Tract 22 and some agricultural lands. Approximately 16,293 acres of the 25,461 acres are to be set aside for the Natural Area Reserve.

Mr. Kealoha felt that to be a generous amount of land and asked what would be preserved at Kahaualea.

Mr. Ing asked if it would be necessary for people to have to go to NARS for permission if they wanted to go into the area for study purposes.

Mr. Tagomori said that all NARS rules would prevail.

Mr. Ing said that would be "humbug".

Being that NARS makes it very hard to get into some of their areas, Mr. Kealoha wondered whether some of the sites within the exchange area that the public uses could be set aside from NARS.

Mr. Detor said that the set aside cannot take place until after the Legislative session so assuming that this is approved, staff has a couple of months to insert special conditions if necessary.

Mr. Ing asked if the 16,293 acres could be amended later.

Mr. Detor said that staff could come back to the board with an amendment to the board's action which will not have been finalized until after the session anyway.

Mr. Higashi asked if it was necessary to take action on Items H-8 and H-9 at this time.

Mr. Tam said that the designation of Kahaualea is critical at this point insofar as the withdrawal is concerned. It may be that the board could add an amendment specifically saying that they want certain rights retained such as the rights of the public and the right of research in order to go into the area and that this transfer is approved subject to these rights.

Mr. Kealoha was agreeable to the above suggestion by Mr. Tam.

Mr. Ono said that the board intends to act on Item H-9 but making reference to the substance of H-9 with some clarifying language as to why H-8 needs to be looked at further.

Mr. Tam asked what specifically was the board interested in doing with regards to H-8.

Mr. Ing said, "access for research and testing in the Puu O'o eruption area and hiking through the area."

Mr. Tam said, "then you want these rights retained in this particular NARS area?"

Mr. Ono said that he would like a statement in there saying that it is the board's intent is to adopt a new NARS area. Just putting in reservations may lead people to think that we may not establish a new natural area reserve.

Mr. Allan Kawada, representing one of the developers in Kahaualea, said that as he understands it from talking to Mr. Stender there may be an existing agreement with the National Park Service, although he doesn't know whether this agreement is in writing, to allow NPS people onto Kahaualea to monitor and watch the volcano and part of that involves the package. Although Puu O'o is on federal land the size of it now requires the volcanologists to stay off the main vent.

Mr. Tam asked whether the NARS designation would be subject to any existing agreements with the National Parks Service.

Mr. Ono said that we do not know what the existing agreements are so we cannot pass judgment. Personally, he did not want to commit the board.

**ACTION**

Mr. Higashi moved for approval with the same amendments as listed under "ACTION" of Item H-5 and also more specifically with regards to this item, that the Attorney General's Office work out the wording on the uses not covered by NARS. Seconded by Mr. Kealoha, motion carried unanimously.

CANCELLATION OF EXECUTIVE ORDER NO. 3103, WAO KELE O PUNA NATURAL AREA RESERVE, PUNA, HAWAII.

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Mr. Detor said that H-9 is the final action in this series and this particular submittal is to cancel the existing executive order covering the the present natural area reserve. This, again, will not take place until the whole process, including Legislative inaction, occurs.

Mr. Kawada said that the Campbell Estate had applied for a CDUA back in 1982 and the CDUA decision from the land board gave them some development and some exploration rights. If the board were to act and designate the areas at Kahaualea as a natural area reserve or a forest reserve before the faith of the permittee at the Puna Forest Reserve and the Ookele natural area reserve is prudent, then they have a question as to whether it would extinguish the rights that Campbell Estate has to develop Kahaualea before it has any rights to develop the new areas that were exchanged. They would like to retain their rights at Kahaualea until there is a specific decision by the land board to grant rights to develop the new area.

Mr. Ono asked Mr. Tam if he had any comments to make to the above question.

Mr. Tam felt that we were in some kind of a double bind in that the land exchange has to be signed and submitted to the legislature as a complete act subject only to legislative disapproval by December 27th and to add further conditions to that would mean that the exchange would not be complete only to their disapproval. The problem the board is going to have to face is that they are going to have to actually execute the document for exchange by December 27, 1985. He understood also that presently there is a schedule to consider a CDUA application as expeditiously as possible on the approval of a subzone but he didn't know if it would be illegal but it would be very difficult to have a land exchange subject to a subsequent CDUA application the nature of which we don't even know yet. It would leave everything contingent upon a whole series of events so he would be reluctant to advise the board to condition the land exchange on some unknown subsequent event. The Legislature might have trouble understanding what those conditions might be.

Mr. Ono asked Mr. Kawada, "based on what Mr. Tam has indicated what would be your clients and Campbells preference -- put conditions on with the possibility of endangering the package from being considered as intended or let it go through as another CDUA, making it a separate process without any strings attached to the land exchange subzone designation package?"

Mr. Kawada said that the question he has on behalf of himself and he would assume also Campbell Estate and Mid Pacific Geothermal has been that the CDUA process wouldn't take place until the Legislature has taken final action. He wasn't sure about the process insofar as having the final land exchange concluded, but he would assume that the final action of the land exchange would not be concluded until the last day of the session and perhaps the Land Board would be able to take final action on the CDUA before that time so that if there is no CDUA granted or no subzone granted for the exchange areas then perhaps the package can be withdrawn from the Legislature before that time. Mr. Kawada stated that this is merely his suggestion.

Mr. Detor said to bear in mind that the exchange documents are executed before they are posted to the Legislature. The only proviso, is that should the Legislature veto it, then the whole deal is off.

Mr. Higashi said that it is recommended that once the land exchange takes place then the designation would take place.

Mr. Tam said that one of the problems that might arise as to the scope of the nature of the CDUA that might be approved on new lands and if there is not a final decision by the board or if there are two or three of the segments that are not final but approved by the Legislature then we have an unknown condition to be satisfied, and the Legislature won't know what is final and what is not. His concern is that there may not be a final resolution by the conclusion of the Legislature.

Mr. Detor said that this set-aside would not be concluded until the end of the 1987 session. If the Legislature takes no action in 1986, then it is approved. The way the submittal is worded, we then ask the Governor to issue an executive order to set this area aside as a natural area reserve. That set-aside itself is subject to Legislative disapproval and could not be submitted until the 1987 session.

Mr. Tam said that he was under the impression that those documents would actually be executed with the condition that they would be subject to the land exchange not being disapproved so they would come into effect this session.

Mr. Detor said no. Their recommendation is that the board approve and recommend to the Governor issuance of an executive order cancelling the present one subsequent to the consummation of the proposed land exchange with Campbell Estate, including legislative consideration.

Mr. Ono said then that the language would have to be modified.

Mr. Tam recommended that the board approve these actions not subject to the consummation but only subject to the disapproval of the legislature.

In other words, said Mr. Detor, strike "upon completion of the acquisition" as far as H-8 is concerned and strike "subsequent to the consummation of the proposed land exchange" as far as H-9 is concerned?

Mr. Tam said yes. So each of the actions would be conditioned upon legislative disapproval. This would apply to both H-8 and H-9.

ACTION

Mr. Higashi moved to approve with the same amendments listed under "ACTION" of Item H-5. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-1

CDUA FOR A SUBDIVISION, PRIVATE PARK, AND PASSIVE RECREATIONAL USES AT KALAUAO, OAHU (HENRY ALVES).

Mr. Kealoha asked if the applicant had a chance to review the submittal.

Mr. Alves said that he had reviewed the conditions and had no questions.

Mr. Ing asked Mr. Alves if he realized that construction plans would have to be submitted for review and approval before construction begins.

Mr. Alves said he was aware of this.

ACTION

Mr. Ing moved for approval with the added condition that this approval be recorded in the Bureau of Conveyances. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM B-1

OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA AND MEMBER OF THE BOARD TO ATTEND THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING IN AMERICAN SAMOA.

ACTION

Mr. Ing moved to approve the out-of-state travel to American Samoa by Henry Sakuda and a member of the Board. Seconded by Mr. Kealoha, motion carried unanimously.

- ITEM B-2 OUT-OF-STATE TRAVEL REQUEST FOR ERIC ONIZUKA TO ATTEND FEDERAL AID IN SPORT FISHERIES RESTORATION WORKSHOP ON NOVEMBER 6-7, 1985, IN PORTLAND, OREGON.
- ACTION Mr. Ing moved to approve the out-of-state travel request for Eric Onizuka to attend the Federal Aid workshop in Portland, Oregon and transportation and per diem expenses for four days. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM C-1 MUTUAL AID AGREEMENT BETWEEN THE DIVISION OF FORESTRY AND WILDLIFE AND THE U. S. ARMY.
- ACTION Mr. Arisumi moved to approve this mutual aid agreement with the U. S. Army and authorize the Chairperson and a member of the Board to sign the document. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM C-2 PERMISSION TO PROCEED - HAWAII ENDANGERED SPECIES FACILITY, OLINDA, MAUI.
- ACTION Mr. Arisumi moved to approve this project and authorize the department to take whatever steps are necessary, e.g., Memorandum of Agreement, advertise bids, etc., to see it through completion. Seconded by Mr. Higashi, motion carried unanimously.
- ITEM C-3 FILLING OF POSITION NO. 27072, WILDLIFE BIOLOGIST II (GAME WILDLIFE STAFF), OAHU (INTRADEPARTMENTAL).
- ACTION Mr. Kealoha moved to approve the appointment of Tod Lum to fill Position No. 27072 on the island of Oahu. Seconded by Mr. Higashi, motion carried unanimously.
- ITEM C-4 ADOPTION OF EMERGENCY RULE UNDER CHAPTER 91, ADMINISTRATIVE PROCEDURE.
- (See Page 3 for Action)
- ADDED ITEM C-5 APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN U. S. ARMY WESTERN COMMAND AND THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES FOR ALALA FACILITY AT OLINDA, MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Higashi)
- ITEM D-1 PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 67-KW-7 IMPROVEMENTS TO EAST IRRIGATION SYSTEM, WAIOLI, KAUAI.
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM D-2 WEST BEACH ESTATES WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.
- (See Page 10 for Action.)
- ITEM D-3 APPLICATION FOR STREAM CHANNEL ALTERATION PERMIT, WAIHOLE STREAM, WAIHOLE, KOOLAUPOKO, OAHU.
- ACTION Unanimously approved subject to the conditions listed in the submittal. (Kealoha/Zalopany)
- ITEM E-1 REQUEST TO USE A PORTION OF THE AINA MOANA STATE RECREATION AREA FOR ANNUAL EASTER SUNRISE SERVICES.
- Mr. Nagata asked to incorporate into the submittal the same conditions as listed in Item E-4, which are:

Permittee shall:

- . be responsible for clean-up of the area used;
- . be liable for repair, replacement or payment for any damages;
- . provide a certificate of liability insurance naming the State of Hawaii as additional insured for minimum coverages of \$300,000 bodily injury and \$50,000 property damage; the certificate must be delivered to the State Parks Office prior to the event, otherwise, the permit shall not be valid;
- . not collect money or engage in the sale of any item on the park premises;
- . not permit participants to possess, display or consume alcoholic beverages;
- . not permit commercial activity including advertising of commercial products to be conducted in conjunction with the permitted activity;
- . not obstruct or unreasonably interfere with the general public in their normal use of the park;
- . obtain all required permits from other government agencies as may be required;
- . waive any and all claims he may have against the State of Hawaii and its respective officers, agents and employees, and agrees to defend, hold harmless and indemnify the State of Hawaii and its respective officers, agents and employees from any suits, actions and claims arising out of or in any way connected with the activities permitted under the permit.

ACTION

Mr. Kealoha moved to approve the issuance of a permit to the Calvary Chapel of Hawaii to hold their Easter Sunrise Services at Aina Moana State Recreation Area on March 30, 1986 subject to the above conditions. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM E-2

REQUEST TO USE THE IOLANI PALACE COMPLEX FOR "KING KALAKAUA'S JUBILEE CELEBRATION.

Mr. Nagata said that this will be a one-time only celebration to commemorate the 100th anniversary of King Kalakaua's gala 50th birthday festivities in 1886.

Mr. Kealoha asked if the public would be able to go in free.

Mr. Nagata said that the Friends have requested for the week of the celebration that the board waive the fees for tours. Staff, however is recommending that the fees not be waived because of prior commitments to maximize the income or revenues for the State.

Mr. Kealoha asked who had requested that the fees be waived.

Mr. Nagata said that this request was from the Friends.

Mr. Kealoha felt that condition no. 3 which states: " although requested, fees not be waived" should be included as a part of no. 2 which says: "Monday and Tuesday be open for tours." Mr. Kealoha said that the way no. 3 reads, he is assuming that the tours have to pay.

Mr. Nagata explained that the request to waive was not only for Monday and Tuesday, but for the entire week.

Mr. Kealoha asked if that meant that the public has to pay.



Mr. Nagata said yes, for touring the Palace itself, but he would have to discuss this a little further. He said that he had heard that some of the events being planned included a gala ball type of affair, a tent on the grounds, etc.

Mr. Kealoha said that as he understands Condition No. 3, everybody will have to pay.

Mr. Nagata said, "only fees for tours of the Palace."

Mr. Kealoha asked if Condition No. 3 would be amended saying that everybody is to pay.

Mr. Kealoha asked, if this is a weekday, whether the school children still get their free day through the Palace.

Mr. Nagata said that this was really intended to hold the current fee provisions.

Mr. Kealoha suggested deferring this item until staff could come up with some more clear-cut provisions. His concern is whether the school children can still tour the Palace for free and everybody else pay. In the meantime all activities planned for the grounds will be more clearly defined in the submittal.

ACTION

Deferred.

Mr. Ono asked that this item be resubmitted as soon as possible.

Mr. Nagata said that it may take a while to bring this back to the board inasmuch as they are still developing plans. But he will inform them to get back more information to him as soon as possible.

Mr. Ono said that if that's the case it might be good to let them know now that the board would prescribe some limits.

ITEM E-3

REQUEST PERMISSION TO USE PORTION OF THE AINA MOANA STATE RECREATION AREA FOR THE 3RD ANNUAL 2K TURKEY SWIM, ON MONDAY, NOVEMBER 11, 1985.

Mr. Nagata said that at the last meeting the board asked him to include the provision not to permit or display alcoholic beverages. However, this submittal was prepared before receiving instructions from the board. He, therefore asked that this submittal be amended by adding to the second statement shown on the second page "and illegal drugs".

ACTION

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

ITEM E-4

REQUEST PERMISSION TO USE A PORTION OF THE AINA MOANA STATE RECREATION AREA FOR A RUN-SWIM BIATHLON ON DECEMBER 14, 1985.

Mr. Nagata asked that this submittal also be amended by adding "and illegal drugs" in the second statement shown on page 2.

ACTION

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

ITEM E-5

REQUEST PERMIT FOR THE USE OF AINA MOANA STATE RECREATION AREA TO HOLD THE PATTY SMITH MEMORIAL FUN RUN.

ACTION

Unanimously approved as submitted. (Kealoha/Zalopany)

- ITEM E-6 FILLING OF POSITION NO. 36113, GROUNDSKEEPER I, WEST KAUAI UNIT, KAUAI PARKS SECTION.
- ACTION Mr. Zalopany moved to approve the appointment of Mr. Matthew Reis to fill Position No. 36113, Kauai. Seconded by Mr. Arisumi, motion carried unanimously.
- ITEM E-7 FILLING OF POSITION NO. 30241, GROUNDSKEEPER I, WAIANAPANAPA STATE PARK, MAUI PARKS SECTION.
- ACTION Mr. Arisumi moved to approve the appointment of Mr. Van K. Kanoa to fill Position No. 30241, Maui. Seconded by Mr. Higashi, motion carried unanimously.
- ITEM E-8 FILLING OF POSITION NO. 30228, PARK CARETAKER II, OLD KONA AIRPORT STATE RECREATION AREA, HAWAII PARKS SECTION.
- ACTION Mr. Higashi moved to appoint Mrs. Luvonne Riveira to fill Position No. 30228. Mr. Arisumi seconded, motion carried unanimously.
- ITEM E-9 AWARDED CONSTRUCTION CONTRACT - JOB NO. 36-MP-39, REVETMENT AND GUARD RAIL, LAUNIUPOKO STATE WAYSIDE, LAHAINA, MAUI, HAWAII.
- ACTION The board voted unanimously to award the Basic Bid for Job No. 36-MP-29, revetment and guard rail, Launiupoko State Wayside to Ideal Construction, Inc. for a bid amount of \$42,036.25. (Arisumi/Higashi)
- ITEM F-1 DOCUMENTS FOR CONSIDERATION.
- ITEM F-1-a COUNTY OF MAUI REQUEST FOR CONSENT TO SUBDIVISION OF PORTION OF G. L. NO. S-4433 AND CONSTRUCTION OF COOLING PLANT, PALAAU AND HOOLEHUA, MOLOKAI.
- ITEM F-1-b K. K. RANCH, INC. REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4475 TO MICHAEL O. BRUMLow, HAMAKUA, HAWAII.
- ITEM F-1-c ERIC KAMA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4807 TO ELSTON T. TAKAYAMA, LOT 16, PAHOA AG. PARK, PHASE II, KEONEPOKO IKI, PUNA, HAWAII.
- ITEM F-1-d ROBERT K. MATSUMOTO, TRUSTEE FOR THE ESTATE OF DONALD R. HILLIS, REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4298 TO S & S PLANTS, INC., LOT 20, WAIMANALO AG. SUBDIVISION, WAIMANALO, OAHU.
- ITEM F-1-e PAUL A. LYNCH REQUEST FOR CONSENT TO ASSIGN GRANT OF EASEMENT NO. S-4876 TO AMERICAN LAND TRUST CO. OF HAWAII, INC., OOMA 2ND, NO. KOHALA, HAWAII.
- Mr. Higashi said that we have a right to move this easement and asked that Mr. Detor make sure that we incorporate this with the High Tech Coast Park Plan.
- ITEM F-1-f RANDY ROBERTS APPLICATION FOR REVOCABLE PERMIT FOR PARKING FOR ADJACENT COMMERCIAL PROPERTY, COMMENCING DECEMBER 1, 1985, KAWAIHAE, HAWAII, BEING TMK 6-1-02:66, CONTAINING 10,789 SQ. FT. RENTAL: \$95.00 PER MO.
- ITEM F-1-g LAWRENCE WELLISCH APPLICATION FOR REVOCABLE PERMIT FOR ELECTRICAL UTILITY PURPOSES, COMMENCEMENT DATE TO BE DETERMINED BY CHAIRMAN, MALAEKAHANA STATE PARK, KOOLAULO, OAHU, BEING TMK 5-6-1:61 AND ROADWAY. RENTAL: TO BE DETERMINED BY CHAIRPERSON.
- ITEM F-1-h JANICE PARROTT REQUEST FOR CONSENT TO ASSIGN GRANT OF EASEMENT NO. S-27020, WAIALEE, KOOLAULO, OAHU.

GILBERT UYEDA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4804 TO DENNIS M. KAPURAS AND MARION KAPURAS, LOT 13, PAHOA AG. PARK, PHASE II, KEONEPOKO IKI, PUNA, HAWAII.

ITEM F-1-i

Mr. Ono asked if their rental was current.

Mr. Detor said that they were delinquent at one time but thought that they had paid. However, he said just to make sure, that approval of this submittal should be subject to all delinquent payments being made.

ACTION Mr. Kealoha moved to approve Items F-1-a through F-1-h and Item F-1-i as amended. Mr. Higashi seconded, motion carried unanimously.

ITEM F-2 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOTS 3 & 4, WAIAKEA HOUSELOTS EXTENSION, WAIAKEA, SO. HILO, HAWAII.

Mr. Higashi said that it seemed like the people wanted to make a junkyard on the property.

Mr. Detor said that a condition of the submittal is that it be for general industrial purposes and any operation of an open scrap metal yard, junkyard and/or similar type operation shall be prohibited.

Mr. Higashi asked what would happen should his work flow out of the warehouse area.

Mr. Detor said it would then become an enforcement problem.

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

ITEM F-3 STAFF RECOMMENDATION FOR AMENDMENT OF CONDITIONS, REVOCABLE PERMIT NO. S-6045, PUNA, HAWAII.

Mr. Detor said that he needed to get more information and asked that this item be deferred.

ACTION Deferred.

ITEM F-4 PACIFIC EDUCATIONAL FOUNDATION, INC. REQUEST FOR ACCEPTANCE OF SURRENDER OF G. L. NO. S-4656, PANAWEA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII.

ACTION Unanimously approved as submitted. (Higashi/Ing)

ITEM F-5 STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION AUTHORIZING SALE OF WATERLINE EASEMENT AT HONOKOWAI, LAHAINA, MAUI.

ACTION Unanimously approved as submitted. (Arisumi/Higashi)

ITEM F-6 COUNTY OF MAUI REQUEST FOR QUITCLAIM OF PORTION OF MAKENA-KEONEOIO GOVT. ROAD, MOOLOA, HONUULA, MAKAWAO, MAUI.

Mr. Arisumi moved for approval as submitted.

Mr. Ono asked if this matter was in court.

Mr. Tam said that was his understanding.

Mr. Ono wondered if there would be any problem with the land board acting on this matter.

Mr. Tam said that he did not know what the nature of the challenge was so he did not know how the board action would affect the disposition.

Mr. Kealoha asked to be excused from taking any action on this matter since there is a possibility he may be in conflict.

Because of the questions on this matter, Mr. Arisumi withdrew his motion to approve.

Mr. Ono said that if there was no urgency to this matter, he wanted Mr. Tam to make a quick assessment, talking to staff, and bring this information back at the next meeting of the board.

ACTION Deferred to the next meeting of the board.

ITEM F-7 MAKANI KAI MARINA ASSOCIATION OF APARTMENT OWNERS REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTION (6/14/85, AGENDA ITEM F-5) AUTHORIZING SALE OF A BREAKWATER EASEMENT AT KANEOHE BAY, KANEOHE, OAHU.

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Mr. Detor said that one of the conditions of the board's action of 6/14/85 was that "the public shall at all times have full and unrestricted use of the easement area."

The Association has asked that the board waive the condition for the various reasons listed in the submittal.

Mr. Ono said that he had a few concerns:

1. If we do what they ask, then what do we do with other similar situations pertaining to easements.
2. This is such a major part of the original decision made by the board so he would like to reconsider the whole thing. Not only amend this. If what they are now requesting had been a part of the original request then he might have voted differently.

Mr. Ono asked that this item be considered at the next Oahu meeting and that someone from the Association be present to answer any questions the board might have.

ACTION Deferred.

ITEM F-8 STAFF RECOMMENDATION FOR QUITCLAIM OF STATE'S INTEREST IN A ROADWAY EASEMENT, LUNALILO FREEWAY PROJECT, HONOLULU, OAHU.

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ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-9 DEPARTMENT OF TRANSPORTATION REQUEST FOR AMENDMENT OF PREVIOUS BOARD ACTIONS APPROVING AND RECOMMENDING WITHDRAWALS AND RESET ASIDES OF LANDS AT FORT ARMSTRONG, HONOLULU, OAHU.

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ACTION Mr. Ing moved for approval as submitted. Motion carried with a second by Mr. Arisumi.

Mr. Kealoha voted no.

ITEM F-10 RESUBMITTAL - STAFF RECOMMENDATION FOR WITHDRAWAL OF DITCHES FROM G. L. NO. S-3827, KAPAA AND WAILUA, KAUAI.

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Mr. Detor said that he had asked that this item be withdrawn at the last meeting and was asking that it be withdrawn again and taken up at the second meeting in November at which time Mr. Norito Kawakami, Attorney will be able to attend.

ACTION Deferred to the second meeting in November.

<u>ITEM F-11</u>	CITIZENS UTILITIES CO. APPLICATION FOR EASEMENTS, PORT ALLEN, HANAPEPE, WAIMEA, KAUAI.
ACTION	Unanimously approved subject to the conditions listed in the submittal. (Kealoha/Higashi)
<u>ITEM F-12</u>	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS REQUEST FOR APPROVAL OF AMENDMENT AND EXTENSION OF LEASE COVERING OFFICE SPACE AT 45-1141 KAMEHAMEHA HIGHWAY, KANEOHE, OAHU.
ACTION	Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Higashi)
<u>ITEM F-13</u>	DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR ACQUISITION OF SUB-SUBLEASE PORTIONS OF THE 2ND FLOOR OF THE KALIHI-PALAMA MULTI-SERVICE COMMUNITY CENTER, HONOLULU, OAHU.
ACTION	Unanimously approved subject to the review and approval of the sub-sublease agreement by the Office of the Attorney General. (Ing/Kealoha)
<u>ITEM G-1</u>	<u>FILLING OF SECRETARY III, POSITION NO. 14953.</u>
ACTION	Mr. Higashi moved to approve the appointment of Helen Muramoto to Position No. 14953. Seconded by Mr. Kealoha, motion carried unanimously.
<u>ITEM H-1</u>	<u>CDUIA FOR A SUBDIVISION, PRIVATE PARK, AND PASSIVE RECREATIONAL USES AT KALAUAO, OAHU (HENRY ALVES).</u>
	(See Page 14 for Action.)
<u>ITEM H-2</u>	<u>CDUA FOR THE DEVELOPMENT OF A WATER SYSTEM AND CONSTRUCTION OF ROADWAY IMPROVEMENTS FOR THE WAIAHOLE AGRICULTURAL PARK AT WAIAHOLE, OAHU (HARVEY HIDA).</u>
	Mr. Ono asked Mr. Tagomori if what is requested and what is being recommended is consistent with some of the activities the Division of Water and Land Development is involved with.
	Mr Tagomori said that in terms of the water use in the ag park, the water situation for the proposed Waiahole Ag park has been worked on and they will also be working with Land Management.
	Mr. Ono asked Mr. Detor if he had any comments from the Land Management standpoint.
	Mr. Detor said that he really didn't have a chance to go over the submittal so it would be kind of hard for him to comment.
	Mr. Tagomori said that discussions have been held with Hawaii Housing and the Waiahole Ag park is proposed to be developed under the new law that was passed this past session to allow for a special fund with revenue to be generated from the farmers and that fund will be used to maintain all utilities including roadways, drainageways, and water. As far as the CDUA for the development of the water system and construction of roadways, that's going to be open anyway as long as the necessary conditions are met.
	Referring to DPED's comments as shown on page 6 wherein they say that the effect is intended to be mitigated through a "lease reapportionment" with Waiahole Water Company, by ceasing pumpage at 1.1 mgd, Mr. Ing asked whether this had already been accomplished. His concern is that the development not affect stream flow.

Mr. Detor said that he understood that there would be no changes and he did not quite understand DPED's comments.

Mr. Ing said that what he thought they were implying is that you are pumping 1.1 mgd and if they draw out more it may affect the stream.

Mr. Serizawa said that at one time the system ran the water from Koolau. The system right now is not in operation. This proposal for two wells is in ground water sources. So the ground water wells are to be used for domestic and agricultural uses.

Mr. Tagomori said that the existing lease allows for the 1.1 mgd.

Mr. Ing said, "suppose there is a drought in the future, under the lease they still have a right to take that water, right?"

Mr. Tagomori said that work is being done to amend that lease.

"Yes, but right now", said Mr. Ing, "they still have the right to draw the 1.1 water and transport it."

Mr. Tagomori said that the lease allows it but they are not doing it.

Mr. Ono said that the last couple of Honolulu Board of Water Supply requests on the Windward side that this board approved included a condition that if you are going to drill a well and you start drawing from that well and it lessens the flow of the stream then they are going to stop pumping. This is kind of a standard condition and those conditions have been inserted into all Board of Water Supply requests so that we don't run into situations like the Reppun case.

Mr. Ing said that what makes him nervous is that we have not gone through a public hearing on this so they have not heard from people in the valley.

Mr. Ono said that if we are going to act on this he would at least like to see some consistency with this action and that of the Board of Water Supply.

Mr. Ing said that he would rather not act on this item on Maui. He said that he would rather act on Oahu and at least notify some of the people at Waiahole that this is on the Agenda. Water in the Valley is such a sensitive thing.

**ACTION**

Deferred.

Mr. Ono asked that staff notify the people in the Valley, Hawaii Housing, etc. Mr. Ono told Mr. Serizawa that Mr. Tagomori would know who are to be notified. Maybe even someone from the Board of Water Supply.

ITEM H-3

CDUA FOR LOADING AND UNLOADING OF COMMERCIAL TOUR BOAT PASSENGERS AT HANAIEI BAY, KAUAI (DONALD L. MOSES).

(See Pages 6, 7 & 8 for Action.)

ITEM H-4

CDUA FOR LOADING AND UNLOADING OF SCUBA CHARTER BOAT PASSENGERS AND TYING-UP OF A BOAT ON THE BEACH NORTH OF HANAIEI PIER IN HANAIEI BAY, KAUAI (KEN BAIL).

Mr. Serizawa said that the Kauai County has refused to issue the applicants an SMA Permit and, by statutes, if no SMA Permit is issued then staff is not allowed to proceed with the application. Staff, accordingly, is recommending denial of this request.

Mr. Ing asked whether Lady Ann Cruises had received an SMA Permit.

Mr. Serizawa said yes.

Mr. Ing thought something to be wrong with this.

From Land Management's standpoint re temporary permits which were issued, Mr. Ono asked if the applicant would be eligible to get a permit without an SMA Permit.

Mr. Detor said no. He said that they have an SMA to them from the County but their position has been that the permits have been issued already and they are not issuing any more. So even if the SMA was approved they would not issue any more temporary permits since they have only two more months to go. They do not want to bring in any more new people.

Mr. Ono asked if we could assume that the Bail's are not currently operating at all.

Mr. Detor was not sure.

Mr. Ono said that if they are operating, then they are doing it illegally.

ACTION

Mr. Higashi moved to approve staff's recommendation to deny. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-5

AMENDMENT TO THE BOARD'S 12/28/84 DECISION AND ORDER ON THE PROPOSED KILAUEA UPPER RIFT ZONE (KAHAUALEA), ISLAND OF HAWAII.

(See Page 10 for Action.)

ITEM H-6

PROPOSAL FOR EXCHANGE OF LANDS BETWEEN THE STATE OF HAWAII AND THE ESTATE OF JAMES F. CAMPBELL, PUNA, HAWAII.

(See Page 11 for Action.)

ITEM H-7

REQUEST TO AUTHORIZE PUBLIC HEARING FOR PROPOSED WITHDRAWAL OF LAND FROM THE PUNA FOREST RESERVE, PUNA, HAWAII.

(See Page 11 for Action.)

ITEM H-8

ISSUANCE OF EXECUTIVE ORDER SETTING ASIDE LAND ACQUIRED FOR NATURAL AREA RESERVE, KAHAUALEA, PUNA, HAWAII.

(See Page 12 for Action.)

ITEM H-9

CANCELLATION OF EXECUTIVE ORDER NO. 3103, WAO KELE O PUNA NATURAL AREA RESERVE, PUNA, HAWAII.

(See Page 14 for Action.)

ITEM J-1

OPERATION OF THE AUTOMOBILE PARKING FACILITIES, KAHULUI AIRPORT, MAUI.

ACTION

Unanimously approved as submitted. (Arisumi/Higashi)

ITEM J-2

NEGOTIATION OF RENT-A-CAR CONCESSION, MOLOKAI AIRPORT, MOLOKAI (AVIS RENT-A-CAR SYSTEM, INC.).

ACTION

Mr. Arisumi moved for approval as submitted. Motion carried with a second by Mr. Higashi.

Mr. Ing was excused from voting on this item.

ITEM J-3

APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4111, ETC., AIRPORTS DIVISION.

ACTION

Unanimously approved as submitted. (Kealoha/Higashi)

<u>ITEM J-4</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4103 and 4109, AIRPORTS DIVISION.</u>
ACTION	Unanimously approved as submitted. (Kealoha/Higashi)
<u>ITEM J-5</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 4114, AIRPORTS DIVISION.</u>
ACTION	Unanimously approved as submitted. (Kealoha/Higashi)
<u>ITEM J-6</u>	<u>AMENDMENT NO. 1 TO LEASE NO. DOT-A-85-10, KAHULUI AIRPORT, MAUI (FAA).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Higashi)
<u>ITEM J-7</u>	<u>RENEWAL OF REVOCABLE PERMITS 3477, ETC., CONFORMING USE, AIRPORTS DIVISION.</u>
	Mr. Garcia asked that the following four permits be withdrawn inasmuch as they are delinquent in their rental:
	. R.P. No. 3879, listed on page 2
	. R.P. No. 3278, listed on the last page
	. R.P. No. 3764, listed on the last page
	. R.P. No. 3275, listed on the last page
ACTION	Mr. Higashi moved for approval as amended. Mr. Kealoha seconded, motion carried unanimously.
<u>ITEM J-8</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HEEIA-KEA SMALL BOAT HARBOR, OAHU (KANEHOE OUTRIGGER CANOE CLUB).</u>
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
<u>ITEM J-9</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PORT ALLEN, KAUAI (RICK MARVIN).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-10</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL SUBDIVISION, HONOLULU, OAHU (ALOHA AGRICULTURAL CONSULTANTS, INC.).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-11</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL SUBDIVISION, HONOLULU, OAHU (WAYNE &amp; FRANK G. VILLARMIA DBA SEA BREEZE SERVICES).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-12</u>	<u>USE OF HARBORS DIVISION FACILITIES, PIER 9 &amp; 10, PASSENGER TERMINALS, OAHU (CITIZENS FOR HEFTEL FOR GOVERNOR).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-13</u>	<u>USE OF HARBORS DIVISION FACILITIES, PIERS 9 &amp; 10, PASSENGER TERMINALS, OAHU (CITIZENS FOR WAIHEE).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-14</u>	<u>USE OF HARBORS DIVISION FACILITIES, PIERS 9 &amp; 10, PASSENGER TERMINALS, OAHU (HONOLULU MARATHON ASSOCIATION).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)



ITEM J-15

CONTINUANCE OF REVOCABLE PERMITS H-82-1048, ETC., HARBORS DIVISION.

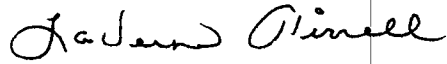
ACTION

Mr. Kealoha moved for approval 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 12:30 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell  
Secretary

APPROVED:



SUSUMU ONO  
Chairperson